

"IF YOU CAN HANDLE THE TRUTH, READ THIS BOOK."

– Governor Jesse Ventura



THE ASSASSINATIONS

Probe Magazine on JFK, MLK, RFK and Malcolm X



Edited by James DiEugenio and Lisa Pease

Introduction by Judge Joe Brown

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FERAL HOUSE

Table of Contents

[Title Page](#)
[Introduction](#)
[Preface](#)
[GLOSSARY](#)
[Acronyms](#)
[People](#)
[Miscellaneous](#)

[JFK](#)

[SECTION 1 - PAST INVESTIGATIONS DECLASSIFIED](#)

[Introduction](#)
[The Creation of the “Warren Commission”](#)
[The Obstruction of Garrison](#)

[SECTION 2 - WHO OR WHAT WAS LEE HARVEY OSWALD?](#)

[Introduction](#)
[Harvey and Lee: The Case for Two Oswalds, Part I](#)
[Harvey and Lee: The Case for Two Oswalds, Part II](#)
[James Angleton](#)
[James Angleton Part II](#)

[SECTION 3 - CONSPIRACY AND COVER-UP PROVEN](#)

[Introduction](#)
[License and Registration, Please](#)
[The Odio Incident & The Truth: A Long Time Coming](#)
[Oswald, the CIA and Mexico City: Fingerprints of](#)
[Conspiracy](#)
[Rose Cheramie: How She Predicted the JFK Assassination](#)
[The Paines’ Participation in the Minox Camera Charade,](#)
[Part 1](#)
[Minox Camera Part 2: Strange Photographs & Stranger FBI](#)
[Moves](#)

[Paradoxes of the JFK Assassination: The Brain Enigma](#)
[The Magical Bullet of the Kennedy Assassination](#)
[SECTION 4 - THE FAILURE OF THE FOURTH ESTATE](#)
[Introduction](#)
[The Media and the Assassination](#)
[Jim Phelan: Final Exposure](#)
[Case Distorted: Posner, Connick, and the New York Times](#)
[The Posthumous Assassination of John F. Kennedy](#)

[MALCOLM X](#)

[The Murder and Martyrdom of Malcolm X](#)
[The Confessions of Talmadge Hayer](#)

[MLK](#)

[SECTION 1 - THE STRUGGLE FOR A NEW TRIAL](#)

[Introduction](#)
[James Earl Ray Did Not Kill MLK](#)
[Memphis vs. Joe Brown: The Struggle for a New Trial](#)
[Murder In Memphis Again](#)
[Fatal Justice: The Death of James Earl Ray](#)

[SECTION 2 - THE TRUTH WINS OUT](#)

[Introduction](#)
[Interview With Donald Wilson](#)
[The King Conspiracy Exposed in Memphis](#)
[The DOJ's Strange MLK Report](#)

[RFK](#)

[Introduction](#)
[Sirhan Says "I Am Innocent"](#)
[The RFK Plot Part I: The Grand Illusion](#)
[The RFK Plot Part II: Rubik's Cube](#)

[The Curious Case of Dan Moldea](#)

[AFTERWORD](#)

[INDEX](#)

[Copyright Page](#)

“A rich collection of compelling and intriguing revelations about the undemocratic and sinister doings of the ‘national insecurity state.’ As both investigative reporters and as editors, Jim DiEugenio and Lisa Pease are to be highly commended for providing us an eye-opening volume on governmental lawlessness, conspiracy, and murder: an excellent book for specialists and general readers alike.”

—Dr. Michael Parenti, author of *Dirty Truths*, *Democracy for a Few*, and *The Terrorism Trap: September 11th and Beyond*

“Jim DiEugenio and Lisa Pease have kept alive the search for facts, information, and truth in the assassinations of the ‘60s. Through their own research and through the enlistment of new and fine writers they showed that these cases still live and reverberate today. *Probe* magazine was the outlet for this rare and valuable gaze into the Looking Glass. And beyond.”

—Dr. John Newman, Professor, University of Maryland, author of *JFK and Vietnam*

“No one in the last decade has done more to promote serious interest in the politics of assassination than the editors of *Probe*. Jim DiEugenio and Lisa Pease instigate people all over the country to think about and to do research on the JFK assassination and the other major political murders that followed.”

—Donald Gibson, Professor of Sociology, University of Pittsburgh, author of *Battling Wall Street*

“In the wake of the failures of the Warren Commission, we are fortunate that independent scholars like Jim DiEugenio and

Lisa Pease have displayed a desire to pursue the truth in regards to the assassinations of President Kennedy and those that occurred thereafter. The American people will be well served by closely reading their work on these important events.”

—Robert Tanenbaum, Deputy Counsel, House Select Committee on Assassinations and Assistant Chief of Homicide, New York District Attorney’s Office

“Combative, insightful and always surprising, *Probe* was for many years a barricade on the front lines of the culture war ignited by the Warren Commission’s alarming cover-up of the John F. Kennedy assassination. For their parts, Lisa Pease and James DiEugenio deserve medals for providing a venue in which some of the case’s most important investigative leads—the de facto secret history of Amerika—could be documented, explored and made public. Bravo.”

—Jim Hougan, author, *Spooks: The Haunting of America*, *Secret Agenda: Watergate, Deep Throat and the CIA*, and *Kingdom Come*

“*Probe* magazine probed realities other journals dared not even mention. From the Rose Cheramie case to showing Clay Shaw’s connection to Freeport Sulphur, it opened vital new areas of historical inquiry. The essays on the House Select Committee on Assassinations were astonishing. It was daring, outrageous and indispensable.”

—Joan Mellen, author of *Hellman and Hammett*, and biographer of Jim Garrison

“There have been numerous analyses of the tragic political

assassinations of the 1960s—MLK, JFK, RFK and Malcolm X. No publication has reviewed these cataclysmic sociopolitical events more thoroughly and incisively than *Probe* magazine. Jim DiEugenio and Lisa Pease, the co-editors of this excellent journal, repeatedly captured the essence of those momentous historical events over the past decade. The conspiratorial murders of these great leaders undoubtedly altered the destiny and shaped the history of the world. The thorough research, objective journalism, and personal courage of DiEugenio and Pease in delving deeply into the background of these cases have helped to shed light and expose long-buried, salient facts that official governmental agencies have deliberately chosen to ignore.”

—Dr. Cyril Wecht, Coroner of Allegheny County, PA, and author
of *Cause of Death*

INTRODUCTION

By Judge Joe Brown

One of the reasons why we study history is to avoid repeating the mistakes of the past. We are now in a period that roughly parallels the time of the events reviewed in this book. By the mid-'70s, we turned our collective ire into a series of legislative fiats to rein in the excesses that we had discovered once we became aware of the CIA, discovered the “real” J. Edgar Hoover and his FBI, heard about “dirty tricks” and Watergate. This was a time when we found utility in citizen review boards for local police agencies. We learned the hard way about excesses, outright crimes and wrongdoing that had developed over decades and arose from our complacency and trust in apparent lawful authority. This book investigates some of those hard learning experiences.

What are we doing now? After 9/11, we are rushing to impose upon ourselves a panoply of statutes, under the guise of something called the Homeland Security Act. We, in our fear, are prepared to impose, in one legislative orgy, repressive anachronisms, unfit for existence in a free society. Yes, four decades ago, the impetus was different—fear flowed from inner turmoil and unrest. Now, incomprehensible and violent clashes, cultural and religious, create that fear. Both four decades ago and today, fear is depended upon to condone the existence of agencies antithetical to a free society. Our collective mindset allows us to be held in thrall to whims of these agencies, as long as these whims purport to protect us. History reveals that we most need protection from our statute-mad protectors, who need a strong gate to hold them to the task of upholding our constitution, rather than going outside it to protect us from ourselves, or anything else, for that matter.

Before becoming the subject of my own TV show, where I do binding arbitration for the entertainment and enlightenment of

the viewing audience, I was elected and then re-elected by the people of my county as Judge of Division IX, of the 30th Judicial District for the State of Tennessee sitting in Memphis, Shelby County. During my decade-long career as a criminal court judge, I was exposed to one particular case that glaringly revealed the consequences of allowing official power to be accumulated without proper and effective safeguards.

I was the judge who heard and studied the evidence in the matter of James Earl Ray vs. the State of Tennessee relative to the question of whether or not his alleged rifle was in fact the weapon that murdered Dr. Martin Luther King, Jr. My conclusion was and remains that it was not the murder weapon. This conclusion was not at all popular with the "powers that be," and ultimately, I was removed from the case by an appellate court for, paraphrasing their words, being too committed to conducting an objective fact-finding rather than an adversarial proceeding. Unfortunately, Mr. Ray became gravely ill and died before the matter could be appealed to the Tennessee Supreme Court. As long as the case against Mr. Ray stands as it does, a very convenient story has been appended to the story of what was done to the late Dr. King, and the cause he stood for.

In case the connection is difficult to understand, let me say it clearly: We were all transgressed upon when the FBI clouded the events in which they had a strong hand. There is nothing less than governmental complicity in what happened to Dr. King.

In reaching my conclusion that the rifle was not the murder weapon, and in the intervening years since doing so, I have personally observed, heard and reviewed evidence that revealed an egregious abuse and misuse of power and authority by individuals and institutions that had entrenched themselves in unassailable positions and considered themselves to be above and beyond the control of law. They sought to enforce their vision of order by going outside the law of the society they presumed to be protecting. To supposedly protect the interests of the certain people they thought

mattered, they set out to destroy the late Dr. King and what he represented. He was to be defeated—to use a cliché—by any means necessary, inside or outside the law. Our constitutional republic was created and defined by law that prevents ad hoc resorts to “by any means necessary,” as defined by someone with official power. We must be vigilant.

I travel by air a lot these days. I have always enjoyed flying; I love airplanes. It is a shame, but I do not like it much any more. Boarding a commercial flight has become tedious, aggravating and demeaning. Make no mistake, the threat of terrorist action is serious and needs to be strongly and effectively addressed. However, it is not the threat of terrorists skyjacking an aircraft that worries me most; it is the erosion of freedom and liberty that our government says is justified as a necessary part of its post-9/11 policy.

Allowing for the different factual particulars, the rhetoric I hear now is disturbingly reminiscent of what I recall from our officials in the 1960s as justification for violating the rights of activists and others who sought change that went against the status quo. Then, as now, these officials claimed that they were protecting us from a threat to the nation and the “American way.” While these “officials” justified an erosion of individual rights in the name of security, their primary objects of attention were, for the most part, attempting to expand, exercise and/or actualize individual rights. In the case of Dr. King, an assassination was committed against one of the three men in U.S. history to have a national holiday named after him. In light of the comprehensive remedies that were enacted to correct the repressive abuses of the 1960s and early '70s, I am unimpressed by the character and intellect of those who strongly support the latest episode of totalitarian regression as a proper way to achieve security.

The simple erosion of the airport experience is bad, but the Homeland Security Act is far worse. Powerful government agencies will be freed of “cumbersome” burdens that citizens’ legal rights impose on their capacity to “efficiently” protect them from “terrorists.” The Beltway spin tells us that we should

willingly sacrifice a portion of our personal liberty in the name of safety.

The sanctimonious and pompous pontification we hear to justify a yielding to base fear and turning a blind eye to the concept of courage is insulting to our heritage of being the people of “the land of the free and the home of the brave.” We are asked to swallow this pabulum and accept the loss of rights protecting us from the abuse of governmental power, and blindly “trust” that we will never individually or collectively need protection from governmental agencies and officials responsible for anti-terrorism.

This book attempts to enlighten us to the consequences of being complacent and blind to our responsibility to keep power in the hands of the people and to hold ourselves and our institutions to the control of law and our constitution.

—Judge Joseph B. Brown
August 20, 2002

PREFACE

*During times of universal deceit, telling the truth
becomes a revolutionary act.*

—George Orwell

This is a book about Perception and History; how four assassinations, and the way they've been presented to us, affected the fate of a decade, a century and a country.

Most of the essays within were originally written for the journal *Probe*, which began in the wake of reaction to Oliver Stone's film *JFK*. In Los Angeles, in the summer of 1993, interested parties met to discuss launching a journal/newsletter that would connect past crimes with present revelations. Citizens for Truth about the Kennedy Assassination (CTKA) and its journal, *Probe*, were born.

Remarkable evidence about the assassinations of President John Kennedy, Robert Kennedy, Martin Luther King and Malcolm X has become available in recent years. But so little of this crucial material has been reported by the American media. Unveiling government malfeasance has become a risky act for all members of the mainstream press. Kristina Borjesson, a former producer for CBS News, provides in her book *Into the Buzzsaw* (Prometheus Books, 2002) personal accounts demonstrating how reporters are really only free to parrot government pronouncements or sacrifice their careers. *Probe* contributors, all professionals uncompromised by drawing their paychecks from the media machine, worked tirelessly as criminal investigators because they believe truth does matter and our lives are better served by its revelation.

Aside from its hometown base, Los Angeles, *Probe* was not sold on newsstands. Only three public libraries carried it (by donation from our more fervent subscribers). *Probe's*

subscription base never reached great size, yet its effect was both potent and indelible.

Longtime researcher and archivist Dennis Effle, assisted by James DiEugenio, published *Probe* for two years until professional obligations caused Dennis to pass the collaborative torch to Lisa Pease. Originally formed to focus on the murder of JFK, *Probe* began covering other political assassinations and even latter-day scandals that could be better understood by contextualizing them with revelations about the “Killing of the King” in decades past.

A card at the end of Stone’s film *JFK* told audiences that records were still sealed regarding the Kennedy assassination. A groundswell of public interest caused Congress to create the Assassination Records Review Board (ARRB); charged with declassifying withheld files. In its short lifetime, the Board released millions of new pages of data regarding the Kennedy assassination. *Probe* writers worked tirelessly to digest and report on these new releases. The result was a serious and sustained focus on the assassinations of the ’60s. Word got out. *The New York Review of Books* and *The Village Voice* asked for copies. The late Jerry Neuberger took out a full-page ad in the *Dallas Morning News* encouraging people to support us. We were both praised and attacked, even in the new territory of cyberspace, as we went after sacred cows of the left and right.

The Assassinations is an effort to reach beyond *Probe*’s small audience of subscribers. We hesitate to call this book a “Best Of” *Probe*, since many of its essays are both updated or never before published. Space limitations prevent us from releasing some tremendous articles. We hope that by placing all four assassinations in the same volume, readers may be able to more clearly see the threads unifying all four capital crimes.

Who really killed these four leaders? Why were they killed and the true motives suppressed? Why did the media overlook these terrible crimes? What was the net impact on our country because of their loss? By investigating questions poorly answered by the government and the press, our little journal attempted to tunnel out of a Platonic cave of stupendous

dimension, to correct a false sense of history imposed on all of us.

If the press' conceit of being a government watchdog was actually being fulfilled, we wouldn't have had to work so hard. Conspiracies and cover-ups could not have been sustained for decades. The sorry performance of the American media was not simply a matter of lacking investigative insight and resources. Articles in *Probe* revealed how the press actively but clandestinely cooperates with the intelligence community, and then conceals the truth about that cooperation.

Fundamentally, we were digging into a collective unconscious that denies its reality. Every once in a while, a chasm opened up. During the Oklahoma City bombing tragedy, when Bill Clinton and his wife arrived to pay their respects, CNN reporter Bernard Shaw announced, "And now Mr. and Mrs. Kennedy—I mean Mr. and Mrs. Clinton—are arriving on Air Force One." As writer Donald Freed observed, that Freudian slip reveals a psychic fissure that goes back to Dallas and 1963. We felt that one of our functions was to reveal it and try to heal it with the truth.

James DiEugenio
Lisa Pease

GLOSSARY

Investigations

Assassination Records Review Board (ARRB), also called the JFK Review Board or the Review Board (1994-1998)—a five-member board formed by the passage of the President John F. Kennedy Assassination Records Collection Act of 1992 (called the JFK Act). George Bush did not appoint members to the board before he left office; the task fell instead to President Bill Clinton. The board was given power to release classified documents still being withheld from public view regarding the assassination. The five board members were John R. Tunheim (chairman of the ARRB), Anna K. Nelson, Kermit L. Hall, William L. Joyce, and Henry Graff. The board released nearly two million new pages to the public.

Church Committee (1975-1976)—officially the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, but informally named for its Chairman Senator Frank Church. The Church Committee was formed to investigate the same information that led to the formation of the Rockefeller Commission. The Senate was not convinced the Rockefeller Commission would do the job properly, hence the formation of this committee. The Church Committee devoted one book, Book V, to a discussion of alleged assassination plots and included in its final report a section on how the CIA and FBI did not tell the Warren Commission all it knew about Oswald and other pertinent facts about the JFK assassination.

Clark Panel (1968)—Panel convened under the auspices of Attorney General Ramsey Clark to reinvestigate the autopsy evidence. The report from this panel, which claimed there was no evidence of multiple gunmen or evidence tampering, was

withheld for nearly a year and released on the eve of the Clay Shaw trial in 1969.

Garrison Investigation (1967-1969)—New Orleans District Attorney Jim Garrison's investigation which led to the arrest and unsuccessful prosecution of New Orleans resident Clay Shaw for participation in the conspiracy to assassinate President Kennedy. Garrison arrested Clay Shaw in 1967, but it took another two years for the case to come to trial.

House Select Committee on Assassinations (HSCA) (1976-1979)—a panel formed by legislative action to review the evidence in both the assassination of President John F. Kennedy and the assassination Dr. Martin Luther, Jr. This committee was formed in part due to revelations from the Rockefeller Commission and the Pike and Church Committees.

Justice Department investigation of the MLK case (1998-2000)—Under Barry Kowalski, the U.S. Justice Department conducted its own probe into the MLK assassination after Loyd Jowers went public with his confession to having been involved in a conspiracy to kill Martin Luther King.

Pike Committee (1975-1976)—officially the House Select Committee on Intelligence, but informally named for the committee's chairman Representative Otis Pike. The Pike Committee was formed to investigate the same information that caused the formation of the Rockefeller Commission.

Rockefeller Commission (1975)—Officially the Commission on CIA Activities within the United States, but known more commonly as the Rockefeller Commission after its chairman, Vice President Nelson Rockefeller. The Commission was formed by President Gerald Ford, the former Warren Commissioner, in response to an exposé by Sy Hersh in the *New York Times* of illegal domestic CIA activities. Because the

composition of the commission involved former Warren Commission members (David Belin) and establishment people unlikely to look too critically at the CIA (Rockefeller, Ronald Reagan, Douglas Dillon) Congress voted in both a House and Senate select committee to do their own separate investigation of the charges. The final report from this commission is called the Rockefeller Report.

Ward Hearings (1974)—Los Angeles County Supervisor Baxter Ward held open, public hearings on evidence in the RFK assassination after Ted Charach presented his film *The Second Gun* and respected LAPD criminalist Bill Harper had filed an affidavit claiming there was evidence that at least two different guns had been fired in the pantry. The evidence uncovered at the Ward Hearings led to the formation of the Wenke Panel.

Warren Commission (1963-1964)—a panel appointed by President Lyndon B. Johnson to investigate the assassination of President Kennedy. The Commission was headed by Chief Justice Earl Warren, and included the following Commission members: Allen W. Dulles, John J. McCloy, Senator Richard B. Russell, Senator John Sherman Cooper, Representative Hale Boggs, and then Representative and future President Gerald Ford. Additional staff members included Arlen Specter, David Belin, J. Lee Rankin, Wesley Liebeler, and others. The Commission conducted hearings and published both a 26-volume set of evidence, and an additional summary volume known as “The Warren Report.” Throughout the book, you may see abbreviations in footnotes in the form 3H231, indicating the reference can be found in the third volume from the 26 volumes of evidence, page 231. You may also see this abbreviated WC III, p. 231, or 3 WC 231. All are common forms of notation. Commission Exhibits are designated by “CE”. The so-called “magic bullet” is notated as CE 399, indicating the bullet recorded into evidence as Commission Exhibit #399.

Wenke Panel (1975)—The panel formed in the wake of the

Ward Hearings to formally examine the ballistics evidence in the RFK case. The panel was named for the presiding Judge Robert A. Wenke. Technically, this panel was convened in response to Paul Schrade's civil suit to discover who besides Sirhan may have been responsible for his injury during the shooting. CBS had joined in this suit. Although Ward and others had pushed strongly for this panel to be comprised of truly independent experts, the panel included such people as Cortland Cunningham of the FBI, who had also been involved in the JFK assassination investigation.

Acronyms

AG—Attorney General.

AID—Agency for International Development. AID was revealed in the 1970s to be a front for CIA activities in Latin America.

ARRB—Assassination Records Review Board

BOSSI—Bureau of Special Service and Investigation. BOSSI was a special intelligence unit run in conjunction with the New York Police Department.

CI—Counterintelligence, the unit within the CIA designed to run operations to determine what enemy intelligence agencies and personnel were doing toward America.

CI/SIG—Counterintelligence, Special Investigations Group, a small, elite unit within CIA Counterintelligence charged with looking for moles inside the Agency.

CIA—Central Intelligence Agency.

COINTELPRO—An acronym for the FBI's counterintelligence programs to infiltrate and destroy dissident groups and to neutralize targeted individuals. COINTELPRO was exposed when activists broke into and raided documents from the FBI office in Media, Pennsylvania in 1971.

CORE—Congress On Racial Equality.

CRC—Cuban Revolutionary Council. The CRC was formed from the FRD, another anti-Castro group formed and funded by the CIA.

DA—District Attorney.

DCI—Director of Central Intelligence (the top position within the CIA).

DCS—Domestic Contacts Service. The DCS is CIA's branch dealing with Americans who traveled to foreign countries. Americans were in some cases debriefed after their travels, and in others pre-briefed as to what to look for or whom to talk to before they went abroad.

DIA—Defense Intelligence Agency. President Kennedy formed the DIA as a means to move covert activities and operations out

of the CIA and into the military branch. The CIA saw the DIA as a competitor agency.

DIU—Domestic Intelligence Unit of the Memphis Police Department.

DOJ—Department of Justice.

DOS—Department of State (State Department).

DUI—Driving Under the Influence. A DUI refers to the charge of driving while under the influence of alcohol or drugs or any substance that impairs a person's ability to drive.

FBI—Federal Bureau of Investigation.

FOIA—Freedom of Information Act. The FOIA was designed to give the public greater access to government documents. In reality, however, it is time-consuming and difficult to get a new document released from the government via FOIA.

FRD—The Cuban Democratic Revolutionary Front, known in Spanish as the Frente Revolucionario Democrático. The FRD was formed by the CIA for the purpose of organizing anti-Castro activists.

HQ—Headquarters.

I.G. Report—the CIA's Inspector General's Report, specifically, the 1967 report on the Castro Assassination plots.

LAPD—Los Angeles Police Department.

MIG—Military Intelligence Group.

MPD—Memphis Police Department.

NODA—New Orleans District Attorney.

NOI—Nation of Islam. NOI was founded by Elijah Muhammad in the 1930s. The religion practiced was based largely, but not exclusively, on Islam.

NSA—National Security Agency. The NSA was created by President Harry Truman in 1952 and was tasked with intercepting and decrypting communications.

NYPD—New York Police Department.

OAAU—Organization of Afro-American Unity, a political organization formed by Malcolm X and patterned after the Organization of Afro-American Unity (OAU) established by African leaders in 1963.

OPC—Office of Policy Coordination. A covert operations outfit

created after WWII from OSS members.

OSO—Office of Special Operations. An espionage outfit created after WWII from OSS members. The OSO and OPC merged to form the Central Intelligence Group (CIG) which later became the CIA.

OSS—Office of Strategic Services, formed during World War II to ferret out intelligence and to conduct propaganda and covert operations. The OSS was the forerunner of the CIA.

SA—Special Agent, when used with the name of an FBI employee.

SCLC—The Southern Christian Leadership Conference, a non-violent, direct action, social change organization founded in 1957 by Dr. Martin Luther King, Jr.

SNCC—Student Nonviolent Coordinating Committee. The SNCC was formed in 1960 and took the Gandhian form of nonviolent protest as its model. In 1964, the SNCC teamed up with CORE, and the National Association for the Advancement of Colored People (NAACP) to focus on registering black citizens for the vote in outhern states.

SUS—Special Unit Senator, the group within the LAPD formed to investigate the assassination of Robert F. Kennedy.

SWAT team—Special Weapons and Tactics team.

UN—United Nations.

USAINTC—U.S. Army Intelligence Command.

USIA—United States Information Agency.

WFO—Washington Field Office of the FBI.

WH—Western Hemisphere Division of the CIA. The Western Hemisphere division encompassed all of Canada, the United States, Central and Latin America, and Cuba and the Caribbean as well.

X2—Special counterintelligence unit that did joint American-British operations during WWII.

People

Ali, John X—A former FBI agent working within the Nation of Islam. In 1958 he was Malcolm X's close friend and housemate. But in the last years of Malcolm X's life, his actions raised the suspicion that he was an infiltrator in Malcolm's camp.

Alsop, Joseph—Former OSS man. Alsop was a columnist whom the Soviets attempted to blackmail after getting photos of him in a homosexual act. But Alsop refused to be intimidated and continued publishing anti-Communist columns. Alsop was one of CIA officer Frank Wisner's media assets. Alsop was one of the first to attempt to persuade President Lyndon Johnson to appoint what became known as the Warren Commission.

Alsop, Stewart—Former OSS, columnist, brother of Joseph Alsop.

Angleton, James Jesus—Counterintelligence Chief within the CIA for 25 years. His CI/SIG group had a pre-assassination file on Oswald.

Aynesworth, Hugh—The Science-Aviation reporter for the *Dallas Morning News* who was willing to offer his services to the CIA in October of 1963. In November of 1963, Aynesworth wrote several of the early stories regarding the Kennedy assassination. During Garrison's investigation, Aynesworth served as an FBI informant, a writer for *Newsweek*, and as an informal but helpful member of Clay Shaw's defense team.

Baden, Michael—Famous forensic pathologist from New York City who headed up the HSCA Medical panel.

Banister, Guy—Former ONI and FBI man who ran anti-Castro operations from his New Orleans office. Oswald was seen by several people in Banister's office. David Phillips, the CIA's propaganda master, was also seen in Banister's office.

Battle, Judge Preston—The Judge who heard James Earl Ray's "confession" and then died with Ray's appeal on his desk before him. In Tennessee, this should have meant a new trial for James because if a request is filed and the judge dies, the

request, by law, is automatically granted. This never happened, however.

Belmont, Allen—Assistant Director of the FBI.

Billings, Richard—Co-author of the HSCA's Final Report, along with G. Robert Blakey.

Blahut, Regis—CIA officer assigned to the HSCA to guard the CIA records. Blahut was caught red-handed looking at the JFK autopsy photos supposedly under his protection.

Blakey, G. Robert—HSCA Chief Counsel after the original chief, Dick Sprague, was ousted in an orchestrated media campaign. Prior to the HSCA, Blakey was a law professor at Cornell University and an expert on organized crime.

Boswell, J. Thornton—One of the three autopsists for President Kennedy.

Boxley, Bill—See William Wood.

Bugliosi, Vincent—The famous DA who prosecuted Charlie Manson's "Family" for murder in Los Angeles. Bugliosi became involved in the RFK case and tracked down witnesses to the holes in the doorframe which prove at least two guns were involved in the shooting at the Ambassador Hotel that night.

Bustos, Charlotte—See Elsie Scaleti.

Canipe, Guy—The owner of the amusement company store at which James Earl Ray allegedly dropped a bundle that included the MLK murder weapon. However, Canipe saw the bundle dropped at his doorfront about 10 minutes *before* the assassination took place.

Cesar, Thane Eugene—The Ace Security guard who was positioned at Kennedy's right elbow when the shooting transpired. Since the shot that killed Kennedy was made from behind his right ear at a distance of an inch or less, Cesar has been a key suspect for the actual shooter. Sirhan was not close enough to RFK to have made that shot.

Cheremie, Rose—Woman who told several people before the JFK assassination about a plot to kill Kennedy in Dallas. She was injured in a car accident and taken to a hospital, where she told doctors and nurses there that Kennedy was to be killed in Dallas.

Clark, Earl—MPD member accused by Loyd Jowers of participating in the planning of the plot to kill Dr. Martin Luther King, Jr.

Clark, Ramsey—Attorney General during the mid-'60s. Clark convened a panel of medical experts who reviewed the autopsy evidence in 1968 (see Clark Panel, above). In the '90s, Clark argued that James Earl Ray should not get a new trial, but that another government panel should be convened to examine the evidence in the MLK case.

Cobb, Lloyd—Served as a member of the CIA's "Cleared Attorney's Panel." Cobb was a senior partner in the law firm of Cobb and Wright in New Orleans. He helped Clay Shaw run the International Trademart in the '60s.

de Mohrenschildt, George—The White Russian member of the Dallas community who befriended Lee Harvey Oswald and his wife. Died of a supposed suicide-by-shotgun(!) the day he was subpoenaed by a member of the HSCA.

De Torres, Bernardo—Anti-Castro Cuban who worked for the CIA. De Torres infiltrated Jim Garrison's investigation of Clay Shaw.

Dulles, Allen—OSS operative who became the head of the CIA from 1953 to 1961. Dulles was fired by President Kennedy after the CIA's failed Bay of Pigs operation.

Dymond, F. Irvin—One of Clay Shaw's attorneys during the Garrison investigation.

Egarter, Ann—Member of CI/SIG who opened the 201 file on Lee "Henry" (*sic*) Oswald.

Enyart, Scott—A student photographer at the Ambassador Hotel whose pantry photographs were confiscated by the LAPD immediately after the shooting of RFK.

Epstein, Edward—An early writer on the JFK case who became a protégé of James Angleton's. Epstein interviewed George de Mohrenschildt on the day of his strange death.

Fauntroy, Walter—Chairman of the HSCA subcommittee investigating the shooting of Dr. King.

Ferrie, David—CIA pilot and anti-Castro activist who led the Civil Air Patrol (CAP) unit in which Oswald spent a portion of

his teenage years. Several witnesses placed Oswald and Ferrie together the summer before the assassination of President Kennedy. After the assassination, Ferrie was brought in for questioning by New Orleans District Attorney Jim Garrison. When Garrison offered to turn Ferrie over to the FBI for more questioning, the FBI was curiously uninterested in talking to Ferrie.

Finck, Pierre—One of the three autopsists of JFK.

Fisher, Russell—Headed the Clark Panel. Russell Fisher is notorious for having pronounced a bound and gagged drowned body of a CIA employee the result of a “suicide.”

Fonzi, Gaeton—Investigator for the HSCA. Fonzi wrote *The Final Investigation*, a memoir of his experiences and findings during the HSCA.

Foreman, Percy—The lawyer who took over James Earl Ray’s case after his arrest. Foreman convinced Ray that he should plead guilty, saying if he didn’t, he would surely be put to death. Ray did plead guilty, under this coercion, but wanted to recant a few days later, and appealed to Judge Battle for a new trial.

Fortas, Abe—President Lyndon Johnson’s friend and advisor.

Galt, Eric S.—See James Earl Ray.

Garrison, Jim—New Orleans District Attorney who attempted to prosecute Clay Shaw as a conspirator in the assassination of President Kennedy. Garrison wrote the story of his investigation in *On The Trail of the Assassins*, which later became the basis for the plot of Oliver Stone’s film *JFK*.

Garrison, Lewis—Attorney for Loyd Jowers when the King family filed suit against Jowers for his participation in the conspiracy to murder Dr. Martin Luther King, Jr.

Gertz, Elmer—Attorney for Jack Ruby and later, Gordon Novel.

Graham, Katherine (Kay, Kate)—owner of the *Washington Post*.

Groden, Robert—Photographic analyst for the HSCA.

Hagan, Thomas—See Hayer, Talmadge.

Hanes, Arthur—James Earl Ray’s original attorney. Hanes was

joined in his defense of Ray by his son Arthur Hanes, Jr.

Harper, William H.—Pasadena criminalist who independently investigated the ballistics evidence in the RFK assassination and realized that at least two guns had to have been fired in the pantry. Harper filed an affidavit of his findings, which were used in the Ward Hearings to bolster the case for reexamining the ballistics evidence in that case.

Hart, Gary—Co-author of the Schweiker-Hart report, a small report within the Church Committee that focused on the intelligence agencies' failure to properly report to the Warren Commission relevant information regarding the assassination of president Kennedy. Hart was the 1988 presidential candidate whose fate was sealed when he was caught at sea with Donna Rice.

Harvey, Bill—Former FBI man who joined the CIA. Harvey was very involved with the plots to kill Castro, and set up ZRRIFLE, the CIA's "executive action" program.

Hayer, Talmadge—The only confessed assassin of Malcolm X. Hayer used aliases, including Thomas Hagan.

Helms, Richard—A lifelong intelligence operative who rose through the ranks from the OSS to the CIA to become Deputy Director of Plans after the Bay of Pigs and ultimately, the Deputy Director of the CIA.

Hoover, J. Edgar—FBI Director from 1924 until his death on May 2, 1972.

Houston, Lawrence—The CIA's General Counsel for many years and throughout the '60s.

Humes, Captain James J.—The head of the three-man autopsy team in Bethesda for JFK.

Hunt, E. Howard—The lifelong CIA operative who was involved in the Watergate episode in 1972. Hunt has been accused by Marita Lorenz of being the paymaster for the JFK assassination.

Johnson, Lyndon B. (LBJ)—Vice President under JFK. President of the United States after Kennedy was killed, and re-elected in 1964. Johnson opted not to run in 1968, although he was eligible since he hadn't served two full terms.

Johnson, Priscilla—See Priscilla Johnson McMillan.

Jowers, Loyd—Claimed on TV that he had paid an assassin \$100,000 to kill Dr. Martin Luther King, Jr. The King family filed a civil suit against Loyd Jowers for unspecified damages for participating in a conspiracy to kill Dr. Martin Luther King, Jr. In 1999, the jury found Jowers guilty.

Katzenbach, Nicholas—Deputy Attorney General under Robert Kennedy during the John Kennedy administration. Katzenbach was one of the early voices calling for a commission to investigate the assassination of President Kennedy.

King, Martin Luther—MLK, the civil rights and anti-war activist shot at the Lorraine Motel in Memphis, Tennessee on April 4, 1968.

Kennedy, John F.—JFK, the President of the United States shot down in Dealey Plaza on November 22, 1963.

Kennedy, Robert F.—RFK, the Senator from New York who was shot at the Ambassador Hotel in Los Angeles just after midnight on June 5th, 1968.

Lane, Mark—Attorney who wrote *Rush to Judgment* about the actions of the Warren Commission. Lane also wrote *Plausible Denial*, which details his role in the E. Howard Hunt v. Spotlight case that brought to light many salient facts about the Kennedy assassination. Mark Lane also served for a time as the attorney for James Earl Ray, and cowrote a book with Dick Gregory about that case as well.

Lardner, George—*Washington Post* journalist. Lardner was the last person to see David Ferrie alive.

Leake, Hunter—CIA officer in the New Orleans branch office.

Liebeler, Wesley—Attorney who served as a staff member of the Warren Commission.

Little, Malcolm—Took the name Malcolm X because he felt that “Little” was a slave name and chose X to represent his lost tribal heritage.

Loquvam, George S.—Director of the Institute of Forensic Sciences, Oakland. Dr. Loquvam served on the medical panel of the HSCA.

Maheu, Robert—Former FBI man who worked with the CIA on the Castro assassination plots. Maheu hired Johnny Roselli in connection with those plots. Maheu was also a good friend of journalist James Phelan. During the '60s, Maheu ran the empire of Howard Hughes, which provided cover and funds to the CIA.

Marchetti, Victor—CIA officer who had worked closely with Richard Helms. Marchetti left the Agency in the wake of the Watergate episode and wrote one of the first highly critical books about the CIA, *The CIA and the Cult of Intelligence*.

Marcus, Ray—Researcher and author. Marcus once took the Kennedy assassination evidence to Noam Chomsky and spent several hours with a very interested Chomsky. Chomsky was one of the signatories to the call to create the HSCA.

McCullough, Marrell—Was with Dr. Martin Luther King, Jr. when he was shot in Memphis. McCullough worked as an undercover cop in Memphis at the time of the shooting and later joined the CIA. He also served as an FBI informant. According to Loyd Jowers, McCullough was involved in the plotting of Dr. King's assassination.

McMillan, George—Husband of Priscilla Johnson McMillan and author of a book on the Martin Luther King case. He had been in Dallas shortly after the JFK assassination and had interviewed George de Mohrenschildt.

McMillan, Priscilla Johnson—Wife of George McMillan. Priscilla interviewed Oswald during his stay in the Soviet Union, and later went on to write about both the JFK case and the MLK case. Priscilla applied to work at the CIA in the 1950s and was deemed by the CIA as someone who could be encouraged to write articles favorable to the CIA's wishes. In her CIA file she is listed as a "witting collaborator" with the Agency.

Miller, Herbert "Jack"—Washington attorney who worked for Gordon Novel, was Walter Sheridan's personal lawyer, and who was chief of the Criminal Division of the Justice Department at the time of John Kennedy's assassination. Miller flew to Dallas immediately after the assassination to investigate for the

Justice Department.

Moore, J. Walton—Chief of the Dallas CIA Domestic Contacts Service in the '60s. Moore submitted a name check on Hugh Aynesworth when Aynesworth applied to work for the CIA in October of 1963.

Moran, Alfred—Saw Clay Shaw in the Eastern Airlines VIP lounge where Shaw appeared to have signed in as “Clay Bertrand.” Moran changed his story after the New Orleans CIA office contacted him.

Moyers, Bill—Aide to LBJ who went on to become a major TV commentator.

Muhammad, Elijah—Founder of the Nation of Islam and an early patron of Malcolm X.

Murphy—Warren and Murphy are fictitious aliases William Pepper gave to two Special Forces operatives who told Pepper about their alleged involvement in the plot to kill Dr. Martin Luther King.

Noguchi, Thomas—Coroner in LA when RFK was killed. He determined due to the stippling patterns on RFK that he had been shot from a distance of no more than 1-2 inches. Sirhan was consistently placed by witnesses so that his gun muzzle was at least 1-3 feet from RFK.

Novel, Gordon—Hired by Garrison to prevent electronic eavesdropping in his office. However, Novel installed taps instead and fed the information to Walter Sheridan and the FBI.

Oswald, Lee Harvey—Accused assassin of President Kennedy. Oswald was killed by Jack Ruby in the Dallas Police Department basement while being transferred to another facility.

Oswald, Marguerite—Lee Harvey Oswald's mother.

Oswald, Marina—Lee Harvey Oswald's wife.

Pepper, William F.—James Earl Ray's last attorney.

Perry, Dr. Malcolm—One of the doctors at Parkland Hospital who examined Kennedy after he was shot. Perry initially reported Kennedy's throat wound was one of entrance. For a stark example of how uninterested the Warren Commission was

in seeking out the truth of this case, read Arlen Specter's questioning of Dr. Perry in Volume 6 of the Warren Commission Hearings.

Phelan, James—Reporter and FBI informant who was also a friend of CIA assassination plotter Robert Maheu. Phelan stepped beyond the role of journalist in Clay Shaw case. Phelan attempted to bribe witnesses and even became one himself.

Phillips, David Atlee—Propaganda master and coup plotter for the CIA. Participated heavily in the Guatemalan coup operation against President Jacobo Arbenz, as well as against Chilean President Salvador Allende. Was seen with Oswald a month before the assassination and was placed in Guy Banister's office, along with Sergio Arcacha Smith, by Gordon Novel. Phillips became head of the Western Hemisphere operations before his retirement in the '70s. Upon his retirement, Phillips formed the Association of Former Intelligence Officers and gave speeches defending the Agency across the country.

Posner, Gerald—Author of *Case Closed*, an Oswald-Did-It-Alone book on the JFK case, and *Killing the Dream*, a Ray-Did-It-Alone book on the MLK case. Posner has also written several other books that deal with government and intelligence issues.

Pratt, Donovan—Worked under Ray Rocca in James Angleton's CI unit. Pratt suggested ways the CIA should frame Garrison's case against Clay Shaw in the media to discredit Garrison's investigation.

Raul or Raoul—The first name of the mystery man who apparently handled or manipulated James Earl Ray prior to the assassination of Dr. Martin Luther King, Jr. William Pepper believes he has learned the true identity of Raul.

Ray, James Earl—Accused assassin of Martin Luther King. Ray used the aliases Eric S. Galt and Raymond G. Sneyd, among others.

Ray, Jerry—James Earl Ray's brother.

Ray, Lloyd—CIA officer working out of the New Orleans branch office in the '60s.

Rocca, Raymond G.—One of James Jesus Angleton's longest

and closest associates. The two served together in X2 in Italy and throughout their joint careers in the CIA. Rocca left the CIA when Angleton was ousted in the wake of the exposure of illegal domestic activities performed by the CIA.

Romero, Juan—The busboy photographed kneeling over RFK after he was shot.

Rostow, Eugene—Dean of the Yale Law School and brother of Walt Rostow. Eugene Rostow was one of the first to propose to President Johnson the idea of a Presidential commission to investigate President Kennedy's assassination.

Rostow, Walt—Presidential advisor and OSS operative; brother of Eugene Rostow.

Rowley, James—Chief of the Secret Service at the time Kennedy was shot.

Ruby, Jack—The man who shot Oswald. Ruby owned a strip club, was friends with the police, did some gun running, had been in Cuba although he denied this to the Warren Commission (but the records proved otherwise), and was seen by many different witnesses with Oswald prior to the assassination.

Sahl, Mort—Stand-up comic who influenced Lenny Bruce, Woody Allen and others. Sahl used to read aloud from the Warren Commission volumes in his act, making fun of the verdict. He went to New Orleans to assist Jim Garrison during his investigation.

Scaletti, Elsie—AKA Charlotte Bustos—the Mexico City Desk Officer at CIA HQ.

Scelso, John—See John Whitten.

Schweiker, Richard—Co-author of the Schweiker-Hart report (see Gary Hart) and the Republican senator from Pennsylvania.

Scott, Win—Chief of the CIA's Mexico City station during the time of Oswald's alleged visit there in October, 1963.

Serrano, Sandy—One of the people who witnessed a girl in a polka-dot dress fleeing the scene of the RFK assassination and yelling, "We shot Kennedy!"

Shabazz, Betty—Wife of Malcolm X.

Shaw, Clay—New Orleans businessman and CIA asset charged

with but acquitted of participating in the JFK assassination conspiracy.

Sheridan, Walter—Former NSA official who worked closely with Robert Kennedy on the Jimmy Hoffa prosecution. Sheridan produced an NBC special which was so one-sided against Garrison that Garrison was granted rebuttal on-air time by the network. Sheridan was also paying Gordon Novel for inside information on Garrison's case against Clay Shaw.

Sirhan, Sirhan Bishara—Alleged assassin of Senator Robert F. Kennedy. Sirhan was seen firing a gun in front of Kennedy in the pantry of the Ambassador Hotel. However, RFK was shot from point-blank range behind his right ear.

Sneyd, Ramon George—See James Earl Ray.

Specter, Arlen—The counsel on the Warren Commission who formulated the infamous "single bullet theory."

Sprague, Richard A.—The original Chief Counsel of the HSCA, who was ousted through a vigorous media campaign when he claimed he was going to seriously investigate the case, and especially the possibility of intelligence agency involvement.

Sprague, Richard E.—JFK assassination researcher, photographic analyst and computer technician who had the largest private collection of photographs relating to the JFK assassination. Gave a presentation to the HSCA at Richard A. Sprague's request.

Sturgis, Frank—Anti-Castro activist who worked for the CIA during the Bay of Pigs and in the Congo. Sturgis was a close associate of E. Howard Hunt, as well as of famed columnist Jack Anderson, and was one of the Watergate burglars.

Tague, James—The man in Dealey Plaza who was hit by a bullet fragment during the shooting of JFK.

Tanenbaum, Bob—Former assistant District Attorney in New York City. Tanenbaum was asked by Richard (A.) Sprague to join the HSCA. He quit the HSCA after Sprague had been ousted when it became clear to him the new direction of the HSCA was to continue the cover-up, and not to reveal the facts of the case. Tanenbaum later became Mayor of Beverly Hills,

and is famous for a series of novels featuring the character Butch Karp. He wrote a fictionalized version of his experiences with the HSCA in the novel *Corruption of Blood*.

Tippit, J.D.—Police officer who was shot, supposedly by Oswald, shortly after Kennedy was killed. Witness descriptions of his assailant vary.

Tolson, Clyde—Hoover's close working associate, and, apparently, lover.

Tomlinson, Darrell—Finder of the so-called "magic bullet" in Parkland Memorial Hospital.

Trafficante, Santo—Mob asset of the CIA who was involved in anti-Castro plots and who was questioned by the HSCA about the assassination of President Kennedy.

Ulasewicz, Tony—An NYPD detective who did uncover work on Malcolm X's organization. Ulasewicz, known as "Tony U," later worked for Nixon and became embroiled in the Watergate affair. After Ted Kennedy's incident at Chappaquiddick, the White House sent Ulasewicz to the island to see what dirt he could dig up on Kennedy.

Warren—See Murphy.

Wayne, Michael—Michael Wayne was apprehended at the Ambassador Hotel after the shooting of RFK. Some witnesses thought he may have had a gun in the rolled-up poster he was carrying. His real name, according to LAPD records, is Michael Wien.

Wecht, Cyril—The famous forensic pathologist and Allegheny County coroner who has both M.D. and J.D. credentials. Wecht was often the lone dissenter on the nine-person pathology panel of the HSCA. Wecht has been a vocal opponent of the Single Bullet Theory.

Wegmann, Bill—Brother of Ed Wegmann. Bill was one of Shaw's attorneys during the Garrison investigation.

Wegmann, Edward—Brother of Bill Wegmann. Ed was the longtime attorney for Clay Shaw who, along with his brother Bill, attorney Sal Panzeca, and Irvin Dymond, represented Shaw during the Garrison investigation.

Weisberg, Harold—One of the early researchers into the JFK

assassination.

Whitten, John—Head of the Mexico City desk at CIA headquarters during the JFK assassination and aftermath.

Wilson, Donald G.—The FBI agent who found an envelope inside a white Mustang that allegedly belonged to James Earl Ray.

Wolfer, DeWayne—The LAPD criminalist who put together the ballistics evidence in the RFK case.

Wood, William—AKA Bill Boxley. Wood was a “former” CIA man who worked for Jim Garrison in the early days of his probe. He had previously worked as a recruiter out of the New Orleans CIA office in 1963.

X, Malcolm—The outspoken civil rights activist who was gunned down by Talmadge Hayer and several other gunmen at the Audubon Ballroom in New York on February 21, 1965.

Zapruder, Abraham—The man who filmed the assassination of President Kennedy as it happened in Dealey Plaza.

Miscellaneous

Ambassador Hotel—The Los Angeles hotel where Robert F. Kennedy was killed.

Asset—Anyone whom an intelligence agency uses, with (“witting”) or without (“unwitting”) the person’s knowledge and consent.

Audubon Ballroom—The Manhattan location where Malcolm X was killed.

Bethesda, Maryland—The place where JFK’s autopsy was performed.

Cut-out—A person who serves as an intermediary between an official Agency employee and someone without a direct relationship to the Agency.

Dealey Plaza—The Dallas location where President John F. Kennedy was killed.

Executive Action—A euphemism for assassination of top government figures.

Girl in the Polka-Dot Dress—The woman seen by several with Sirhan the night RFK was killed. Some believe she may have acted as a hypnotic trigger in the same way that the girl wearing the Queen of Diamonds outfit was a hypnotic trigger for the character in the film *The Manchurian Candidate*.

H18602—A gun belonging to a Jake Williams that was used by DeWayne Wolfer for some test firings related to the RFK case.

H53725—The “Sirhan” gun, the gun allegedly used by Sirhan in the shooting of RFK.

JAMA—The *Journal of the American Medical Association*.

Jim’s Grill—The bar under the rooming house from which James Earl Ray allegedly shot Dr. Martin Luther King, Jr.

Lorraine Motel—The motel where Dr. Martin Luther King, Jr. was killed.

Mannlicher-Carcano—The type of rifle found in the Texas School Book Depository.

Mole—A member of one organization who is secretly working

for a competing organization.

Parkland Memorial Hospital—the Dallas hospital where President Kennedy was taken immediately following the shooting.

Single Bullet Theory—The theory that one bullet created the seven wounds in John Kennedy and John Connally, wounds which do not line up in a straight line.

JFK



SECTION 1

PAST INVESTIGATIONS DECLASSIFIED

Introduction

This opening section consists of entirely new looks at the three major investigations of President Kennedy's assassination: the Warren Commission, the Garrison inquiry, and the House Select Committee on Assassinations. In the first, Professor Donald Gibson writes the definitive account of why and how the Warren Commission was actually formed. Incredibly, this had not been done by any official or unofficial body in over three decades. Gibson shows us the actual pressures and influences on President Johnson in the tumultuous days after Kennedy's murder. He reveals that the Commission was not actually Johnson's idea, but rather that it was foisted on him by three people not even in the administration at the time: Eugene Rostow, Dean Acheson, and Joseph Alsop. In the second essay, Jim DiEugenio examines the heretofore-secret forces working to undermine New Orleans DA Jim Garrison's probe of the assassination. Working from a multitude of new sources, DiEugenio shows the multi-leveled apparatus bent on thwarting Garrison's investigation. In retrospect, it is amazing that Garrison was able to get as far as he did. Finally, Jim examines the declassified record of the so-called "last investigation" i.e., the one launched by the House of Representatives from 1976-1979. We can now see that this inquest should clearly be marked in two segments: the early Richard Sprague probe, and the later and concluding Robert Blakey inquiry. In the light of the new documents, they are as distinct as day and night. Amazingly, no author had ever attempted to chronicle this saga before. Now that the record is fuller, we can see that there is

an enormous amount to expose. The conclusions and methodology of that body are now as open to question as the Warren Report.

The editors would like to add here that the three reconsiderations above, as most of the essays in part one of this volume, were made possible by the Assassination Records Review Board. Congress created this body in 1992 because of the furor surrounding Oliver Stone's 1991 film *JFK*. The Board's function was to find and declassify all private and public documents it could find related to the murder of President Kennedy. Because of delays in getting started, the Board did not get to work until 1994. It continued until 1998. Due to its efforts, over 60,000 new documents were placed in the National Archives. The actual page count of this new record is estimated at about two million. The Board also had other areas that it targeted for its own investigation. Two that should be mentioned are the medical examinations of President Kennedy, in both Dallas and Bethesda, Maryland. In addition, the Board encouraged Congress to purchase the Zapruder film, the famous short home movie of Kennedy's murder, which was used so effectively by Stone. It had been in private hands for all the intervening years. The film itself is now owned by the government.

Did the Board make the record of this cataclysmic homicide complete? Probably not. The editors, though their close work with the Board, found out that some records had been permanently lost or destroyed. Also, some agencies of government were not completely forthcoming. Moreover, the Board agreed to delay releases of certain documents into the future due to ongoing secret operations by the intelligence community. However, there can be no doubt that what the Board did accomplish was unprecedented in the history of the declassification process. Their efforts contributed mightily to the pursuit of two aims: 1.) the achievement of an open government, and 2.) the pursuit of truth in the case of the murder of President Kennedy. The astonishing new evidence in part one of this book could not have been presented without

their considerable efforts.

The Creation of the “Warren Commission”

By Donald Gibson

Most of the people who have done research on or are knowledgeable about the performance of the so-called Warren Commission are convinced that a number of its members and counsel played an important role in the post-assassination cover-up. Those seriously interested in its work, including the author, are convinced that the commission’s oversights, distortions, and other shortcomings represent something that is explainable only in terms of the intentions of people such as Allen Dulles, John J. McCloy, J. Lee Rankin, and Gerald Ford.

Although a massive amount of work has been done on the Commission’s performance, the story of how the Commission was created has remained incomplete. This story needs to be completed because both reason and the facts indicate that the formation of the Commission, like the performance of elements of the FBI and the media, was as much a part of the cover-up process as was its Report.

We can get closer to that complete story now because of the release in 1993 of the White House telephone transcripts for the period immediately following the assassination. In combination with material already in the public domain, those transcripts allow us to clearly identify the people who were directly responsible for the establishment of the President’s Commission on the Assassination of President Kennedy, later dubbed the “Warren Commission.”

These transcripts demonstrate that the people who have been “credited” with the creation of the Commission had little to do with it—like LBJ’s longtime friend and advisor Abe Fortas. Or they were following the lead of others, as with President Johnson and Deputy Attorney General Nicholas Katzenbach.

The transcripts show that the idea of a commission was pushed on LBJ by people who were outside of the government at that time and that this effort began within minutes of Lee Harvey Oswald's death. Until Oswald was dead, there was no way that such an effort could be undertaken.

The first extensive and official description of the events leading to the creation of the Warren Commission appears in the 1979 account from the Select Committee on Assassinations of the House of Representatives (HSCA). Two stories emerge from their hearings. One is the Committee's description of the events; the other is in the testimony of Nicholas Katzenbach, Deputy Attorney General at the time of the assassination. The two accounts are not identical even though the first is ostensibly dependent on the second.

The Select Committee's Report contains a section entitled "Creation of the Warren Commission." It begins by saying that on November 22nd, "President Johnson was immediately faced with the problem of investigating the assassination." This is misleading. As long as Oswald was alive, there wasn't any real question about the investigation; it would be conducted in Dallas during a trial of Oswald. Second, as the evidence will show, President Johnson "was faced" with a problem after Oswald was killed, not "immediately" after the assassination. The problem for LBJ was not just one of investigating the assassination. There was also a problem presented to him by people trying to shape the investigatory process.

The Committee's rendition of events goes on to say that on November 23, 1963, J. Edgar Hoover "forwarded the results of the FBI's preliminary investigation to him [LBJ]. This report detailed the evidence that indicated Lee Harvey Oswald's guilt." In fact, Hoover told LBJ on the morning of the 23rd that the case against Oswald was not then very good. The Committee's account goes on to say that on the 24th, Hoover called LBJ aide Walter Jenkins and said that Katzenbach had told him that the President might appoint a commission. (As the record will show, Katzenbach was not speaking for the President, who on the 24th opposed the idea of a commission.)

Hoover expressed his opposition to the creation of a commission, suggesting that the FBI handle the investigation and submit a report to the Attorney General. Hoover makes a vague reference to problems a commission might cause for U.S. foreign relations. He also mentions that he and Katzenbach are anxious to have "something issued so we can convince the public that Oswald is the real assassin."

The Committee's report then summarizes parts of Katzenbach's testimony to the Committee, stating that Katzenbach was very concerned about the multitude of conspiracy theories which had already emerged. Consequently, he wrote a memo on November 25th to LBJ aide Bill Moyers which emphasized the need to quiet these rumors. The Katzenbach memo recommends that a statement be issued immediately indicating that the evidence shows Oswald did it and that there were no conspirators. The memo suggests furthermore that the FBI would be the primary investigating body and that a Presidential commission would "review and examine the evidence and announce its conclusions." The memo went on to say that there is a need for "something to head off public speculations or Congressional hearings of the wrong sort." Katzenbach did also say in his testimony that he always wanted to know the truth, including the facts concerning possible conspiracy.

The HSCA continues, stating that on November 25th President Johnson ordered the FBI and the Department of Justice (run at this time by Katzenbach instead of the distraught RFK) to investigate the assassination and the murder of Oswald. By November 27th, Senator Everett M. Dirksen had proposed a Senate Judiciary Committee investigation and Representative Charles E. Goodell had proposed a joint Senate-House investigation. Also, Texas Attorney General Waggoner Carr had announced that a state court of inquiry would be established. The Committee cited a statement by Leon Jaworski, who worked for the offices of both the Texas Attorney General and the U.S. Attorney General, indicating that LBJ told him on November 25th that he (LBJ)

was encouraging Carr to proceed with the Texas Court of Inquiry.

The Select Committee account then skips to a November 29th memo from Walter Jenkins to LBJ, which stated that:

Abe [Fortas] has talked with Katzenbach and Katzenbach has talked with the Attorney General. They recommend a seven man commission—two Senators, two Congressmen, the Chief Justice, Allen Dulles, and a retired military man (general or admiral). Katzenbach is preparing a description of how the Commission would function.

This memo and some of Katzenbach's statements before the committee imply that Katzenbach and perhaps Abe Fortas, and even Robert Kennedy, were the source of the idea for the Commission. Also, there is an implication the memo of the 29th was critical in LBJ's decision making. It was not. LBJ had agreed to the Commission idea not later than November 28th.

The 1979 Robert Blakey-HSCA version is certainly more elaborate than the official story circulated in 1964. The problem is that it substitutes one misleading story for another. The original story suggested that LBJ initiated the process. The latter one implies that Katzenbach is the most important figure.

Katzenbach's own 1978 testimony before the Select Committee was part of the basis for the Committee's account of the creation of the Warren Commission. Much of his testimony and deposition is consistent with that account. But some of it is not. And there were times when Katzenbach hinted at important undisclosed facts that the Committee staff did not bother to pursue. Katzenbach did imply that there was more to the story. The 1993 release of the White House telephone transcripts makes clear what Katzenbach hinted at.

The HSCA first asked Katzenbach to explain why he was "exerting tremendous pressure right after the assassination to get the FBI report out and to get a report in front of the American people." A November 25, 1963 memo from Katzenbach to Bill Moyers is referenced as evidence of Katzenbach's activities. Katzenbach explains that his concern

was to quiet rumors and speculation about conspiracy. Katzenbach then added that his activities were related to the idea of creating a commission "such as the Warren Commission" and that he did not view the FBI investigation as the final or only investigation.

In his testimony Katzenbach represents the commission idea as his own several times. He also says, "I was never opposed to it." This, of course, suggests that it was not his idea.

Later in the questioning, Katzenbach mentions that by November 25th he was aware of Oswald's stay in Russia and his visit to Mexico. He says he was also then aware that the FBI had concluded that there was no conspiracy. It is beyond any doubt that such a conclusion was completely unfounded just three days after the assassination and one day after the murder of Oswald. There is no possibility that the FBI could have eliminated the possibility that Oswald, even if guilty, could have had assistance or direction from others.

A memo from Alan Belmont, an assistant director and number three man in the FBI, to Hoover's assistant, William Sullivan, dated November 25th, refers to conversations between Katzenbach and Hoover about the assassination. The memo emphasizes that the FBI's report should cover all the areas that might cause concern with the press and the public. Belmont wrote:

In other words, this report is to settle the dust, insofar as Oswald and his activities are concerned, both from the standpoint that he is the man who assassinated the President, and relative to Oswald himself and his activities and background, et cetera.

This and other information (provided here), establish Belmont as one of the primary forces in the FBI pressing for an immediate conclusion about the assassination.

The intertwining of Katzenbach's actions and those of Belmont are indicated in a comment by Katzenbach in his oral deposition. A 12/9/63 letter to Chief Justice Warren suggested that either the Commission or the Justice Department release a

statement saying that the FBI had established “beyond a reasonable doubt” that Oswald killed Kennedy and that the investigation had so far uncovered no information suggesting a conspiracy. Katzenbach had signed this letter, but in his deposition he said that the letter was probably drafted by the FBI. The fact that the Deputy Attorney General is signing his name to something this important that he didn’t write suggests how closely interconnected his actions were with those of Belmont and, perhaps, others in the Bureau. In this oral deposition Katzenbach also reveals, in contradiction to his testimony, that he was *not* acting on his own when he proposed a commission to investigate the assassination.

Katzenbach told the Committee that Hoover opposed the creation of a Commission and that President Johnson “neither rejected nor accepted the idea. He did not embrace it. I thought there was a period of time when he thought that it might be unnecessary.” As we shall see, this understates Johnson’s initial opposition.

We now come to what was an important set of statements, which *should* have been followed by specific questions from the House staff. Katzenbach was asked who (other than presumably the President and Hoover) he talked to during the time he was arriving at the idea of a commission. Katzenbach said that he believed he “recommended it to Bill Moyers” and raised the issue with Walter Jenkins and President Johnson. Katzenbach was then asked about “people outside the President’s immediate circle” and he responded that he *did* talk to such people. He mentioned Dean Rusk and Alexis Johnson as two people he may have talked to. Katzenbach then said:

I am sure I talked about it with people outside the government entirely who called me and suggested old friends or former colleagues.

Katzenbach does not identify—and is not asked to identify—those people “outside the government entirely.” There is no naming of the “old friends” and “former colleagues.” Instead, the questioning shifted to the views of Rusk and others already

mentioned by Katzenbach. Given an opportunity to actually find out how the Warren Commission came into being, the HSCA's staff decided to go on to other things. Because of the release of the White House telephone transcripts, we will now be able to identify some or most of those people who were "outside the government entirely."

It appears that the idea of a Presidential commission to report on the assassination of President Kennedy was first suggested by Eugene Rostow, Dean of the Yale Law School, in a telephone call to LBJ aide Bill Moyers during the afternoon of November 24th. Although the time of this call is missing from the White House daily diary, it is possible to identify the period during which the call was made. Rostow refers to the killing of Oswald, so the call had to be after 2:07 p.m. EST, the time Oswald was pronounced dead. The call appears in the White House daily diary prior to a conversation at 4:40 p.m. between President Johnson and Governor Pat Brown of California. Rostow tells Moyers that he is calling to make a suggestion that a "Presidential commission be appointed of very distinguished citizens in the very near future." Rostow recommends that such a commission be:

Bipartisan and above politics—no Supreme Court justices but people like Tom Dewey and Bill Story from Texas and so on. A commission of seven or nine people, maybe Nixon, I don't know, to look into the whole affair of the murder of the President because world opinion and American opinion is just now so shaken by the behavior of the Dallas Police that they're not believing anything.

Rostow does not explain how he has determined the nature of world or American opinion within minutes of after the murder of Oswald. Rostow also says that he had already spoken "about three times" that day to Nick Katzenbach but he was making his suggestion directly to Moyers because of his uncertainty that Katzenbach would pass it on. Rostow explains that Katzenbach "sounded too groggy so I thought I'd pass this thought along to you."

As noted above, this call took place before 4:40 p.m. Rostow indicates that he had already talked to Katzenbach about a commission. He says that he discussed this with him probably three times. Whether it is once or three times, it is clear that Rostow became active very soon after Oswald's death. It is highly probable that it was Rostow's call(s) that Katzenbach was referring to in his 1978 testimony when he said that he was "sure" that he had talked to "people outside the government entirely who called me." Apparently Rostow was making his suggestion in the context of discussions with at least one other person. He said to Moyers:

Now, I've got a party here. I've [or We've] been pursuing the policy, you know, that people need to come together at this time.

Rostow does not identify the individual or individuals with whom he has been talking. Moyers briefly interrupts this line of discussion by stating his concern that recent events are undermining the credibility of U.S. institutions. He then returns to Rostow's suggestion, saying:

All right. Now, your suggestion is that he [President Johnson] appoint a Special Commission of distinguished Americans, primarily in the field of law, I presume to look into the whole question of the assassination.

Rostow says, "That's right and a report on it"—and then the conversation ends with Moyers assuring Rostow that he will discuss this with President Johnson.

Some questions need to be raised about this phone call. Why is Eugene Rostow injecting himself into this situation? He is not a government official nor is he a close associate of or advisor to Lyndon Johnson. Why is he doing it so quickly? The statements made by Rostow, and the time frame that can be established, indicates that in less than two and a half hours following Oswald's death, Rostow has thought about and discussed with at least one other person the idea of a commission. It also states that he has had one or more phone conversations with

Katzenbach about this. Didn't Rostow want to reflect on this for a day or two? Didn't he want to discuss the idea with others and give some consideration to the pros and cons of a commission? Didn't he want to see if other people would support such a proposal before he went directly to the White House with it?

The time frame for all this ratiocination was apparently even quicker than the two and a half hours we have been using as a frame up to this point. For in Volume III of the *Hearings of the House Select Committee on Assassinations*, there is a copy of a memo written by LBJ aide Walter Jenkins to the President, which reports a phone conversation that Jenkins apparently had with J. Edgar Hoover. According to the memo, Hoover said over the phone that:

The thing I am concerned about, and so is Mr. Katzenbach, is having something issued so we can convince the public that Oswald is the real assassin. Mr. Katzenbach thinks that the President might appoint a Presidential Commission of three outstanding citizens to make a determination.

Did Rostow discuss this with the "groggy" and insufficiently active Katzenbach? The timing of this memo is of immediate interest. The time on the memo is 4 p.m., November 24. Hoover has already spoken with Katzenbach and received from him information concerning the idea of a commission. Apparently, Hoover spoke with Katzenbach prior to 4 p.m. We now have a considerably shorter time frame. Oswald died at 2:07 p.m. Eastern Standard Time. Before 4 p.m., Katzenbach had spoken with Hoover about a commission. Katzenbach was acting as a result of his conversation(s) with Rostow. We are now down to something well under one hour and 53 minutes for Rostow to hear of Oswald's death, consider all the factors, discuss it with at least one other person, and begin to act. The entire time span for Rostow's actions is almost certainly less than 90 minutes, allowing only 20 or so minutes for him to talk to Katzenbach and for Katzenbach to talk to Hoover.

There is one last question. We don't know who Rostow was

with at the time of Oswald's death. Did Rostow act as an individual or was he representing a collective decision when he moved so rapidly to have a Presidential commission established? This probably cannot be answered in a definite way without a candid statement from Rostow and, perhaps, others. There are, however, indications in the events of November 25th to 29th that Rostow and then Katzenbach were acting on behalf of a group of people.

As we have seen, the idea of a commission was suggested to at least two people close to LBJ, Bill Moyers and Walter Jenkins, on the afternoon of the 24th. The suggestion was relayed to LBJ (by someone) before 10:30 a.m. the next day, November 25th. This is clear from the transcript of Johnson's phone conversation with J. Edgar Hoover at 10:30. Johnson immediately mentions the idea of a commission and states his opposition to it:

(Two things) Apparently some lawyer in Justice is lobbying with the *Post* because that's where the suggestion came from for this Presidential Commission which we think would be very bad and put it right in the White House. Now we can't be checking up on every shooting scrape in the country, but they've gone to the *Post* now to get them an editorial, and the *Post* is calling up and saying they're going to run an editorial if we don't do things.

Johnson's account is a little vague. When he refers to "some lawyer in Justice," does he mean Deputy AG Katzenbach? Perhaps he is poorly informed and the reference is to Rostow. Whatever the case may be, it is clear that LBJ is against the creation of a Presidential commission. LBJ goes on to say that he favors an FBI report which would be provided to the Attorney General of the United States. And he expresses support for a Texas court of inquiry, suggesting to Hoover that the FBI and Texas inquiries be coordinated.

Immediately after LBJ's conversation with Hoover, wherein LBJ expressed definite opposition to a Presidential commission, the President received a phone call from Joseph Alsop. This call

is made at 10:40 a.m. on the 25th, still less than 24 hours since Oswald was killed. Alsop was one of the country's best known columnists and one of the most important promoters of Establishment policies.

After opening pleasantries, LBJ immediately informs Alsop that there is going to be a state court of inquiry in Texas headed by the Attorney General and will also include one or two outstanding jurists, naming Leon Jaworski and Dean Story as possible participants. Alsop asks if there will be "somebody from outside Texas." The following exchange then transpires:

LBJ: No, they're going to have FBI from outside Texas, but this is under Texas law and they take all the involvements and we don't send in a bunch of carpetbaggers ... that's the worst thing he could do right now...

JA: You think so ...

LBJ: I know ... well, we've got the FBI doing anything that ... if there's any question about Texas operations they've got an FBI that's going to the bottom of it and direct with the Attorney General ... but paralleling that is the blue ribbon state board of inquiry headed by the brilliant Attorney General and associated with him somebody like John Garwood, Will Clayton's son-in-law, who was a brilliant Supreme Court Justice that's retired ... somebody like Roberts did at Pearl Harbor ... and that's what the Attorney General is doing ... now, if we have another Commission, hell, you're gonna have people running over each other and everybody agreed ... now I know that some of the lawyers ... they thought of the blue ribbon commission first, the Justice, and we just can't have them lobbying them against the President, when he makes these decisions. We decided that the best thing to do, number one to put the FBI in full force, number two to put the State in full force...

JA: Nobody ... nobody ... Mr. President, is lobbying me, I lay awake all night...

LBJ: They're not lobbying you, they're lobbying me ... last night. I spent the day on it ... I had to leave Mrs. Kennedy's side at the White House and call and ask the Secret Service and FBI to proceed immediately ... I spent most of my day on

this thing, yesterday. I had the Attorney General from Texas fly in here ... I spent an hour and a half with him yesterday evening ... I talked to the Justice Department lawyers and to the FBI and the FBI is of the opinion that the wisest, quickest, ablest, most effective way to go about it is for them to thoroughly study it and bring in a written report to the Attorney General at the earliest possible date which they've been working on since 12:30 yesterday. Number one ... and they have information that is available to no one ... that has not been presented thus far and so forth ... Number two ... to parallel that, we're having a blue ribbon court of inquiry ...

JA: In Texas?

LBJ: In Texas ... where this thing occurred ...

JA: Mr. President, just let me give you my political judgment on the thing. I think you've done everything that could probably be done ...

LBJ: We just don't want to be in a position ... I'll make this one more statement and then I'm through ... I want to hear you ... we don't want to be in the position of saying that we have come into a state other than the FBI ... that they pretty well accept ... but some outsiders have told them that their integrity is no good and that we're going to have some carpetbag trials ... we can't haul off people from New York and try them in Jackson, Mississippi ... and we can't haul off people from Dallas and try them in New York.

JA: I see that, Mr. President ... but let me ...

LBJ: It is their constitutional right ... go ahead ... now ...

JA: Let me make one suggestion because I think this covers ... I think this bridges the gap which I believe and Dean Acheson believes still exists ... being ... and Bill Moyers is the only person I've talked to about it ... and Friendly is going to come out tomorrow morning with a big thing about a ... a blue ribbon commission which he thought of independently ... it isn't Justice Department lawyers who are carrying on this ... it's just things happened thought of by a lot of people and you thought of more than ... more details than anyone else ... and I'm sure you're right except there's one missing piece ... I suggest that

you announce that as you do not want the Attorney General to have the clean, full, responsibility of reporting on his own brother's assassination, that you have authorized the three jurists and I would suggest the Texas jurists and two non-Texas jurists to review all the evidence by the FBI and produce a report to the nation for the nation ... and after the investigation is completed ... so that the country will have the story judicially reviewed, outside Texas and if you tell Bill Moyers to call up Friendly and if you'll get out a special announcement this afternoon, you're going to make a marvelous ... well, you've already made a marvelous start ... you haven't put a damned foot one-quarter of an inch wrong—and I've never seen anything like it, you've been simply marvelous in the most painful circumstances but I do feel that there is that much of a gap and I'm sure that if Moyers calls Friendly, you have a terrific support from the *Washington Post* and from the whole of the rest of the press instantly ...

LBJ: I'll ruin both procedures we've got, though ...

JA: No you won't ... no you won't ... just use the procedures you've got and add to those procedures a statement saying that when the FBI has completed its work, when it has completed its work ... as you do not wish to inflict on the Attorney General, the painful task of reviewing the evidence concerning his own brother's assassination ... you have asked two or three, including I would include the best judge on the Texas bench ... American jurists beyond, or individuals, Dean Acheson, for example, two or three individuals beyond any possible suspicion as to their independence and impartiality, to draw up a written report giving to the public everything of the FBI that is relevant and then you will have this written report ... not Texas, which tells the whole story which is based on the FBI evidence ... it doesn't need to use the things that the FBI says can't be used ... and yet will carry absolute conviction and will just be that little extra added to the admirable machinery that you've already got that will carry complete conviction ...

LBJ: My lawyers, though, Joe, tell me that the White House must not ... the President ... must not inject himself into local

killings ... and ...

JA: I agree with that ... but in this case it does happen to be the killing of the President ... and the thing is ... I am not suggesting issue ...

LBJ: I know that ...

JA: Mind you, mind you, Mr. President, I'm not talking about an investigative body, I am talking about a body which will take all the evidence the FBI has amassed when they have completed their inquiry and produce a public report on the death of the President. That, I think, you see, that is not an interference in Texas ...

LBJ: No, but it's ...

JA: Wait a second, now ... that is a way to transmit to the public, without breach of confidence ... and in a way that will carry absolute conviction of what the FBI has turned up ...

LBJ: Why can't the FBI transmit it?

JA: Because no one ... again ... on the left they won't believe the FBI ... and the FBI doesn't write well ...

LBJ: You mean Nick Katzenbach?

JA: Well, I just wouldn't put it on Bobby and Nick Katzenbach ... I'd have it outside ... I think it's unfair to put it on Bobby ... it is his own brother's death ...

LBJ: Not going to touch it on Bobby ...we're putting it on the finest jurists in the land ... former head of the American Bar Association ... that's number one that we're putting it on ... then we're putting it on the top investigative agency and asking them to write a report ...

JA: I'm not ... I'm not suggesting that you appoint an additional investigating commission ... I'm just suggesting that if you want to carry absolute convictions ... this very small addition to the admirable machinery that you already have ... will help you and I believe that it will ... the imagination of the country and be a very useful, happy thing ... and the man asks if you have two seconds ... this afternoon for example ... ask Dean Acheson ... he's the man to ask ... I see all the arguments you make and you're dead right and I'm not ... my conception is completely wrong ... but I do think that this additional feature is needed ...

LBJ: I talked to ... I guess, after midnight last night ...

JA: Well, I know how you must have been concerned ...

LBJ: ... the ablest, the trust civil liberties lawyer in this town in my judgment ... the man that's made the best arguments before the Supreme Court and it was his judgment the worst mistake we could make ... getting trapped ...

JA: And, I now see exactly how right you are and how wrong I was about this idea of a blue ribbon commission ...

LBJ: Now, you see, Katzenbach suggested that and that provoked it ... the lawyers and the council just hit the ceiling ... said, my God almighty ...

JA: I see ... I see ... I see that you're right and he was wrong ... what I do...

LBJ: Then I called back to Katzenbach and I thought he accepted ...

JA: Well, I don't know anything about Katzenbach ... I haven't talked to him for three weeks ... but what I am suggesting is not at all what Katzenbach suggested ... I am suggesting simply a device...

LBJ: Well, let me talk to Acheson and ...

JA: ... for summing up the result of the FBI inquiry in a way that will be completely coherent, detailed, and will carry unchallengeable convictions and this carrying conviction is just as important as carrying on the investigation ... in the right way ... and I worry about this *Post* editorial ... I'd like you to get ahead of them ...

LBJ: And I worry about the *Post*, period, ... but ...

JA: Well, I do too ... but I'd like you to get ahead of them and if you have ... if you make this decision and have Moyers call Friendly or Kay instead of being ... well, you know ... this is what we ought to do ... this is what ought to be done and then what you do being denounced as inadequate, they'll be put so hard and will do you a tremendous piece and I'm sure you will have the strongest possible support ... it will be thought that everything has been done that needs doing and ... but I do think ... my own judgment is that there is that little missing piece ... and, Dean, may disagree and you talk to him ...

LBJ: I'll talk to him and ...

JA: And, I hate to interfere, sir ... I only dare to do so because I care so much about you ...

LBJ: I know that, Joe ...

JA: And I have the deepest faith in you and I think you've been right and I've been wrong ... as to the general conception ...

LBJ: It's not a question ... it's not really my thinking ... I'm not enough experienced ...

JA: I'm really ... what I'm really honestly giving you is public relation advice and not legal advice ...

LBJ: Well ... I'm not bounded ... I don't have a definite civil liberties picture that some of the folks that have worked on this with me ... I had a lawyer left my house around midnight ... and spent, I guess, three or four hours going over this thing from A to Z ... after the Attorney General was called in here yesterday afternoon ... and after the FBI was put on it ... after we told Secret Service to make available everything they had ... and, we thought, that this was the best way to handle it ...

JA: Well, Mr. President ... I repeat ... I must not keep you because you'll be late getting into your trousers ... but I repeat ... I think your decisions have been 200% right and I was wrong ... from the public relations standpoint and from the standpoint of carrying conviction ... there is that missing key which is easy to supply without infringing upon Texas feelings or sovereignty ...

LBJ: Thank you, my friend, Bye ...

JA: Goodbye ...

At the outset of this conversation, LBJ emphatically asserts that the investigation will be the responsibility of Texas authorities, but with a significant role played by the FBI. LBJ refers to efforts of unidentified lawyers, implying they are in the Justice Department, to get a commission established and he states that this will not happen. He is probably referring here to Katzenbach, perhaps only Katzenbach, who says the investigation will be handled by the FBI and the state of Texas.

Also then launches an effort to change LBJ's mind, employing a mixture of tactics, including self-deprecation,

praise for LBJ, giving advice, argumentation, and manipulation. He also employs the names of other people to buttress his position and to convince Johnson that the commission idea is going to have support from significant people. Along the way he tells Johnson that "it isn't Justice Department lawyers who are carrying on this." That observation is consistent with Katzenbach's 1978 testimony that the idea for a commission came from people outside the government. Alsop's assertion also fits with what we have already seen in the intercession by Eugene Rostow.

Alsop indicates that one of the people he has discussed this with is former Secretary of State Dean Acheson. He does not say when he talked with Acheson. It had to be less than 22 hours after Oswald's death. Was Acheson's involvement independent of Rostow's? Alsop's use of Acheson's name seems to be a way of impressing upon Johnson that this idea comes from or with the endorsement of heavy-hitters. Alsop also tells LBJ that Alfred Friendly of the *Washington Post* has come to the same idea on his own and that the *Post* will promote the idea.

Significantly, Alsop assures LBJ that such a commission would cooperate with the FBI in not using "the things that the FBI says can't be used." This is being said less than 72 hours after the assassination, less than 24 hours after the killing of Oswald. What is Alsop referring to here? How does he know at this time that there are things the FBI will prefer to keep out of the record? LBJ, for whatever reason, does not even ask Alsop what he is talking about. Perhaps LBJ does not really hear this. Perhaps he already is getting the feeling that he should not ask.

Alsop suggests that the FBI will gather information and the commission will then produce the report. This is close to what will eventually occur. When LBJ asks why the FBI can't issue the report, Alsop tells him that people on the left won't believe the FBI and that the FBI doesn't write well. The first will be an *effect* of the Commission on more than just the left. The second is beneath comment and suggests that Alsop had an agenda.

Alsop engages in some double talk to the effect that he is and is not proposing something new. He again introduces Acheson's name, saying "ask Dean Acheson ... he's the man to ask." He also tries to distance himself from the Katzenbach proposal, but does not specify any differences between his proposal and the one made by Katzenbach.

Alsop recommends that LBJ get out in front of the *Washington Post* and have Moyers discuss things with Friendly or Kay [Katherine Meyer Graham who owns the *Post*]. For the fourth time, Acheson is mentioned as Alsop again pressures LBJ to talk to him. LBJ says that he will do so.

The columnist ends by saying that LBJ's decisions are 200 percent correct, but that LBJ still needs to change his mind on the commission. LBJ seems unconvinced, but no longer as certain about his own judgment. Alsop has been partially successful.

Within three days, LBJ will reverse himself and support a commission, legally becoming its creator. It is clear that a number of people acted to bring about this change. Eugene Rostow brought up the idea initially, to both Bill Moyers and Katzenbach. Rostow discussed this with at least one unidentified person in the minutes immediately following Oswald's death. Joseph Alsop applied pressure to LBJ less than 24 hours later. If Alsop is to be believed, and there is no reason to doubt this, Dean Acheson was also involved in developing and promoting the idea. Other immediate supporters appear to include Alfred Friendly, Katherine Graham, and, based on other sources, James Wiggins of the *Washington Post*. By the 29th, Secretary of State Dean Rusk was also a supporter.

During the afternoon of the 28th, at 3:21 p.m., LBJ called Senator James O. Eastland, a Mississippi Democrat, to get his cooperation in shutting down a proposal for a Senate committee hearing which would produce a record of the facts surrounding the assassination. LBJ, now an active proponent of a commission, would succeed, perhaps with assistance from others, in shutting down all of the initiatives in the House and

Senate.

The idea of a presidential commission did not come from President Johnson or from Abe Fortas. Katzenbach was involved in this in a significant way, but at the behest of others and not always with enthusiasm. Eugene Rostow is either the originator of the idea, the first active promoter, or both. We don't know the identity of the individual or individuals with whom he was discussing this on the afternoon of the 24th. Joseph Alsop is an important figure in these developments. This judgment is based on both his extensive jaw-boning with LBJ and the fact that he is one of the few people informed ahead of time by LBJ about the President's announcement that a Commission is being created. Dean Acheson almost certainly played a significant but undefined role in this.

Some potentially important gaps remain. Perhaps most important is the identification of the person or persons with whom Rostow was conversing on the 24th. Relative to Acheson's role, Alsop appears to have been acting on behalf of Acheson, just as Katzenbach acted at the behest of Rostow. Douglas Brinkley, author of the book *Dean Acheson* and the Director of the Eisenhower Center at the University of New Orleans, has additional information concerning Acheson's involvement. This information is apparently based on interviews with William Bundy. In telephone conversations with this author, Brinkley initially offered to provide copies of this interview. He subsequently changed his mind. This material may be of great significance.

In 1971 Lyndon Johnson himself provided important parts of the truth. His statement was closer to an accurate account than what was provided by the HSCA six years later. The Committee totally ignored LBJ's account and, as far as the author is aware, so did everyone else for over 20 years. In his book *The Vantage Point*, Johnson said that Eugene Rostow called the White House on November 24th and suggested a commission, and that Joe Alsop and Dean Rusk also recommended a commission. This account, although brief and incomplete, was closer to the truth than anything said about this between 1963 and 1993. Perhaps

it is a tribute to LBJ's lack of credibility that no one paid any attention to this for over 20 years (including the author). The commission idea comes from Rostow, Alsop, and Acheson. It has immediate support from individuals at the *Washington Post* (James Wiggins) and the *New York Times* (James Reston). The idea is then supported by Secretary of State, Dean Rusk. Once again, with the declassification process, we can dispose of what was partly fiction and replace it with fact.

The Obstruction of Garrison

By James DiEugenio

In preparing his book *Case Closed*, Gerald Posner secured access to the files of the late Edward Wegmann. He gained access through Wegmann's daughter Cynthia, who now practices law in New Orleans. Wegmann, who died in 1989, was Clay Shaw's longtime friend and civil attorney. To my knowledge, Posner was the first author to access and use the Wegmann files for a book on the JFK case. Posner, who wrote about the New Orleans scene (Shaw, Jim Garrison, and Oswald), used these files to back up much of what he wrote regarding Jim Garrison's investigation. To no one's surprise, Posner did pretty much what reporters like James Phelan, Hugh Aynesworth, and Walter Sheridan did 30 years earlier. He voted the straight party line on New Orleans: Garrison was a deluded, partly corrupt megalomaniac; Shaw was the cultivated, upstanding gentleman victimized by the runaway DA. Concerning Oswald's activities there, the Crescent City amounted to a bunch of fascinating loose ends adding up to very little.

One wonders if he truly read and understood what was in the Wegmann files.

It wasn't until the summer of 1995 that the public was able to gain access to the Wegmann files. At the ARRB hearing in New

Orleans on June 28th of that year, Cynthia Wegmann turned over the files to the Board. Ms. Wegmann's comments to the Board showed that she was in complete agreement with Posner on the issue of Garrison's case against Shaw. Among other things, she said she was outraged at the recent treatment of Shaw in Oliver Stone's *JFK*:

Clay Shaw's name remains besmirched, he can be portrayed as a buffoon in films, the true nature of the man has been hidden and destroyed. I believe that anyone who takes a look at these records will realize how amorphous, how little evidence, if any, there was, and it's for this reason that my mother and I and my brothers would like to make this record available to the public.

These remarks are quite logical and expected considering who her father was and considering the fact that, according to a file letter dated 11/3/69, she spent vacation time horseback riding with FBI informant, CIA volunteer and vehement Warren Report defender Aynesworth.

As noted above, Posner's fingers are evident in these files. The ones he used are forever stamped with his identifying Post-its. What is a bit surprising though is how much information Posner left out. This says much about the Wall Street lawyer, but it says even more about Shaw, his defense team, and indirectly, the value of Garrison's case. For even though Wegmann was—quite literally—looking for an Oswald-did-it solution to the assassination, he kept on bumping into evidence of conspiracy.

Ed Wegmann had been Shaw's civil attorney for more than a decade at the time of Shaw's arrest. Shaw had become quite prosperous as a real estate speculator in the French Quarter area of New Orleans, and he chose Wegmann to handle the legal side of these transactions. Ed's partner was his brother William, who is still alive. Their associate was Sal Panzeca, also still around and who, in 1994, worked across the street from Bill Wegmann. This trio became Shaw's instant defense team in March of 1967 when Garrison had him booked for conspiracy in the Kennedy murder. Not one of them was an experienced

criminal trial attorney. Their first choice in this regard was Guy Johnson, who had been quite close to the Wegmanns. In a matter of two weeks though, Johnson was dropped. When I questioned Panzeca on this point in 1994, he replied that although Johnson was a fine lawyer, he and Ed Wegmann did not get along. The implication was that there was a personality clash. As we shall see, the files suggest that there was more to it than that.

Up until the Board's acquisition of this collection, the standard view of the makeup of Shaw's defense was contained in James Kirkwood's book *American Grotesque*, which was originally published in 1970. As that book reveals, Kirkwood had extraordinary access to Shaw, his defense attorneys, and their allies. (This was confirmed to me in a 1993 interview with a former amour of New Orleans reporter Rosemary James, Lyle Bonge). Unfortunately, the picture painted by Kirkwood is so violently skewed that the power structure inside the defense team was obfuscated. From Kirkwood one could logically guess that Dymond and Panzeca were the battery energizing the team. But as revealed in these files, the real driving force was the Wegmanns, especially Edward. Dymond comes off as a hired gun, an expensive, skilled criminal lawyer. Panzeca is the young attorney on the way up who is essentially a courier for the big boys.

Still, that sketch is only partial. The real heart and soul of Shaw's defense is embodied in the munificent help they were getting from a multitude of sources. This is something only hinted at in Kirkwood's lopsided tome and even those hints rarely reveal how some of that help filtered in. Finally, as we shall see, the clandestine aspect of much of this aid is revealed here for the first time. This will be done with the help of newly released files discovered by Washington researchers Peter Vea and Bill Davy from the so-called CIA "Segregated Collection." It is hard to believe that Posner, and especially Kirkwood, knew nothing of this aspect.

The Wegmanns hired not one, but two top-notch private detective services to help them. These were not just picked

randomly out of the phone book. One was the now infamous Wackenhut Corporation. Once billed by *Spy* magazine as the “CIA’s CIA,” this company is made up of a large group of former federal agents—mostly FBI—that gave many, many reports and interviews to Shaw’s defense.

The other company was called “Holloway Associates Inc.,” a Texas company subtitled on its letterhead, “Former FBI Agents.” These two agencies were filing reports for a period of at least two years, right up to and during Shaw’s 1969 trial. Whoever paid them—and there are hints the Wegmanns did—it must have been a ducal sum. (Coincidentally, Wackenhut was the same company that did the reports for Eastern Airlines in the dismissal proceedings against David Ferrie. The firm was then called Southern Research.)

But the evidence now shows that Shaw was the recipient of much more than the services of former FBI agents hiring themselves out as paid detectives. As noted earlier, the sheer number of friends and allies that came to Shaw’s side was stunning. Consider a partial list: New Orleans Cuban exile leader Carlos Bringuier, intelligence asset *cum* journalist Aynesworth, Garrison defector Bill Gurvich, Dallas Deputy DA Bill Alexander, FBI and CIA associated writer Edward Epstein, CIA operative Gordon Novel, Congressman and former HUAC member Ed Hebert, former Hoover crony and Metropolitan Crime Commission chairman Aaron Kohn, Jack Ruby’s sister Eva Grant, CIA asset and manager of the New Orleans based communications outfit INCA, Ed Butler, Shaw’s old friend and Time-Life Bureau Chief Holland McCombs, former FBI; NSA; ONI agent Walter Sheridan, along with his local protégé Rick Townley, Townley’s reputed CIA associated lawyer Steve Lemann, and finally, David Ferrie’s pal Layton Martens.

The above does not include the networking of Shaw’s lawyers with other suspects and defendants involved in Garrison’s case. This includes attorneys for Jack Ruby (Alan Adelson), and Edgar Eugene Bradley (George Jensen and later Glen Duke). Interestingly, at times the legal representation for some suspects is the same. One of Gordon Novel’s battery of

attorneys was Elmer Gertz. Gertz was also an attorney for Jack Ruby.

The Gertz case is interesting. According to Washington attorney Jim Lesar, Gertz was a respected libel lawyer who actually argued a case before the Supreme Court. Novel's attorney while he was in New Orleans was Steve Plotkin. When Novel fled to Columbus, Ohio to escape Garrison's jurisdiction, his new attorney became Jerry Weiner. But after Garrison's powerful October, 1967 *Playboy* interview, Novel decided to sue the DA and the magazine for millions. Since this was a libel and defamation case, Gertz magically entered the picture as Novel's third lawyer. What makes this even more peculiar is the statements Novel brought suit over. Garrison stated in the interview that Plotkin admitted that he was being paid by the CIA and that Novel was a CIA operative. He then added that Novel and Plotkin later sued him for millions but withdrew the lawsuit when it was learned they would have to return to New Orleans to give depositions. This material had been uncovered by local *States-Item* reporters Ross Yockey and Hoke May who reported it in a series of stories appearing in April and May in that newspaper. Later in the interview, Garrison comments on the 1961 raid of a munitions bunker in Houma, Louisiana which Novel was a part of. Novel actually related this story himself to the DA while working with Sheridan to infiltrate Garrison's office in early 1967. Garrison also went into Novel's experiences with Cuban exiles and his part in the preparations for the Bay of Pigs invasion. Again, these details had been printed in the local New Orleans papers, this time in May, 1967. Everything else related by Garrison about Novel in the interview was a matter of public record and the DA quoted such sources as the Associated Press for some of the material. In other words, there is nothing included that could be remotely termed as libelous.

Judge Campbell agreed with the above assessment. In his decision on the matter in 1971, he wrote, "In this case, as I shall illustrate in detail, plaintiff Novel has done absolutely

nothing toward bearing his burden of coming forth with affirmative evidence.” He went on to note that he found “no evidence by which this plaintiff can sustain his heavy burden of proving actual malice against either of these defendants.” The judge concluded with these two statements before dismissing the lawsuit, “it appears that the substance of the statements now claimed to be libelous originated with plaintiff himself.” And finally:

His so-called connections with the CIA also originated with his own voluntarily offered stories. The facts as stipulated also establish that, Novel enthusiastically jumped into the fray with Garrison, offering news media statements about the Garrison investigation.

In the face of certain defeat, Novel decided to sue, and Gertz went along with it. Someone as experienced as Gertz *must* have known there was no real foundation for a lawsuit. Which naturally leads to the question: Why did he take the case? Especially considering a client of Novel’s checkered background. The answer seems to be that someone behind the scenes wanted a libel action against Garrison to be trumpeted in the papers, knowing full well that a Garrison victory would never be published anywhere. In fact, to my knowledge, Campbell’s decision has never been printed before.

Mr. Gertz also had another profession: book reviewer. When Warren Commission critic and Garrison aide Mark Lane published his memoir *A Citizens Dissent* in 1967, the *Chicago Sun-Times* had Gertz do their review of the volume. Of course, the review was less than objective, but the thoughtful Gertz sent Ed Wegmann a copy.

The episode with Novel is interesting in other respects. These and other files reveal that when Novel went to McLean, Virginia to take his polygraph test denouncing Garrison, he was still closely associated with NBC and Walter Sheridan. It turns out that the technician operating the polygraph was Lloyd Furr. Furr was the partner of another private investigator named Leonard Harrelson. Sheridan appears to have been repeating

himself here. It was Harrelson, enlisted by Sheridan, who did the phony polygraph of Ed Partin, which attempted to frame Jimmy Hoffa for conspiring to kill Bobby Kennedy. Harrelson was later investigated and prosecuted for fraud in polygraph testing in St. Louis. Neither Furr nor Harrelson were certified by the Academy for Scientific Investigation, which sharply criticized Harrelson's work in the Partin case. These two associations—Gertz and Furr—raise more questions about the real roles of both Sheridan and Novel in both the Garrison inquest and the JFK case overall. As we shall see later, the questions about Sheridan will loom even larger in Washington.

It is through the Gertz-Wegmann correspondence that the figure of Edward Epstein enters Shaw's defense. Almost simultaneously, Epstein seems to have contacted both attorneys. In a letter dated 4/5/67, Gertz writes:

I have just now obtained possession of an unpublished manuscript of Edward J. Epstein, the author of *Inquest...* The preparation of the article was financed by *The New Yorker* magazine, and according to Mr. Epstein, with whom I have spoken, is to be published in the immediate future. In due course ... Mr. Epstein will enlarge the manuscript and publish it in book form.

The date of Gertz's letter is absolutely crucial in tracking Epstein's bona fides. For Epstein's article entitled "The Tangled Web" did not appear in *The New Yorker* until July 13th, three and a half months later. Even more revealing, in his preface to *The Assassination Chronicles* (1992, Carroll and Graf) Epstein writes that he *began* his investigation for this article in April of 1967. If this is so, where did the manuscript he sent Gertz come from? He could not possibly have finished it in a few days. Whatever really happened, it appears Epstein had his mind made up well in advance of the research for his article. If this is so, then it lends credence to those who had severe reservations about Epstein early on, i.e., researchers like Vince Salandria, Maggie Field, and Ray Marcus. It is also interesting to note that at the inception of this project, before

serious research had even begun, Epstein knew that the article would later become a book. Usually, the sequence is reversed. An already prepared book is excerpted as a magazine piece. The circumstances surrounding the article, and the eventual book, *Counterplot*, remain highly unusual.

Getting back to the correspondence, and unbeknownst to Mr. Gertz, on the same day he wrote the above letter, Wegmann *sent him* one that actually included excerpts from Epstein's upcoming *New Yorker* hit piece. The one Epstein had just then started researching.

How friendly and helpful was Epstein to Mr. Gertz? Consider this May, 1968 note from Gertz to Epstein:

Dear Mr. Epstein:

I greatly enjoyed talking with you today, and I look forward to seeing you. I think that we can be mutually helpful. At any rate, we will make the effort!

Good luck to you in your Ph. D. examinations.

So clearly, at the same time he is just starting a vociferous attack on Garrison, Epstein is developing warm and cordial relations with the attorneys of his suspects. One could garner from this that Epstein had made up his mind before he began.

Ed Wegmann's correspondence with Ruby's attorneys went on well into the '70's. For instance, Wegmann was communicating with Alan Adelson—who offered to help during Shaw's trial—about the ersatz tax charges and subsequent two trials of Garrison in 1977!

Wegmann also sent his advance copy of Epstein's article to George Jensen, one of Edgar E. Bradley's lawyers. Wegmann offered his "continued desire to cooperate and assist you in every way possible." Like the correspondence with Gertz and Adelson, these letters went out beyond the time of Shaw's acquittal. When Bradley filed a libel suit against Mark Lane and 15 other parties in July of 1969, copies of the filing were sent to Ed Wegmann upon his request. In return, on February 12, 1970, Wegmann sent Bradley materials from Garrison's files that were pilfered and given to him by Bill Gurvich. Apparently,

Wegmann was sensitive about revealing the fact that Gurvich had stolen these materials from the DA. He added, "I deem it best not to advise you at this point as to the source of these documents. However, I can assure you they are authentic."

Bradley's following letter to Wegmann is interesting. One of the people named in Bradley's civil suit was William Wood AKA Bill Boxley. Boxley was the "former" CIA agent who turned up one day to help Garrison further his case against his former employer. Boxley did a lot of work investigating Bradley. In a note, Wegmann is advised that Bradley had located Boxley/Wood in Austin, Texas and:

He is a scared _____ and is really hiding out... I understand that Boxley tried to convince J. G. that I had murdered someone in 1962. I think it was a man named Perrin. J. G. checked to find out I was in Europe at the time.

Regarding Wood, a recently declassified CIA file shows that a "William Wood" was actually a CIA recruiter in New Orleans in 1963. Once Wood was found out by Garrison, Walter Holloway of the Wegmann's Holloway Associates Inc. tried to recruit him to their cause. Reportedly, Wood refused.

Such was not the case with Gurvich. The files contain the stenographic record of a marathon interview between him and all four of Shaw's attorneys, dated August 29, 1967. Gurvich left Garrison's office in late June of 1967. He then went on a whirlwind nationwide press tour in July and August, which was at least partly arranged by Sheridan. He then returned to New Orleans and worked for the Wegmanns until Shaw's trial and beyond. During this August interview, Gurvich made some revealing statements about his place in Garrison's investigation. The DA trusted him so much that, said Gurvich,

Garrison and I shared the same office, the same desk—I had his car—he never used it—the Oldsmobile—I had a full set of keys to his office and everything.

Later on, Gurvich admits that he took things off Garrison's desk and Xeroxed them, things that were *not* part of the "master

file” he stole.

Although Gurvich volunteered to be a witness for the defense, he was never called at Shaw’s trial. His seriousness and reliability as such can be measured by his comments about Garrison’s knowledge of Guy Banister made during the above referenced interview:

Q: To what extent was Banister involved in this, do you know?

A: He was simply involved because Ferrie had once worked for him.

No mention of Banister’s CIA or ONI links. No mention of the presence of Sergio Arcacha Smith or Oswald at Banister’s office. Later, Gurvich tops himself:

Q: Does he [Garrison] have any proof that Banister was a CIA or any federal agent?

A: I don’t believe he has any proof that Banister ever existed.

With answers like this, it’s no wonder Gurvich was never called as a trial witness or that the grand jury didn’t take his charges against Garrison very seriously.

When the Wegmann files were released to the public by the ARRB, this same Gurvich interview was featured in the press. A section of Gurvich’s comments were construed as the DA offering “bribes” to witnesses Darrell Garner and Clyde Johnson. Apparently, no reporter read past the first few pages of the transcript. On page 18 of the second session, the following exchange occurs:

Q: The only persons you have seen him give money are characters such as Garner—

A: No, not Garner. I have never seen Garner.

Q:—Johnson.

A: Johnson.

Q: All he’ll put out is maybe a \$10.00 bill or a twenty?

A: That’s what I was told that’s what they gave him. *I actually didn’t see the money ...*

Q: Who told you that?

A:—er—Alcock. [Emphasis added.]

In other words, Gurvich was told by assistant DA Jim Alcock about small amounts of expense money, which as we have learned, came out of Garrison's own pocket. Gurvich had to have known this since he goes on to say that Alcock then put up Johnson at the Monteleone Hotel. So the stories pushed in the media, by the likes of *New Orleans Times-Picayune* writer Dave Snyder, were completely unsound.

From the Wegmann files, it is clear that a major contributor to their effort was *Newsweek* reporter Hugh Aynesworth. The evidence indicates that Aynesworth was with Ed Wegmann almost from his arrival in New Orleans to a point well past Shaw's trial. There is a note from Aynesworth on *Newsweek* letterhead to Wegmann dated 9/18/71, about 18 months past Shaw's acquittal.

The entire series of reports Aynesworth cabled to *Newsweek*—most of it unpublished—is part of this file. Generally, the reports fall into three categories: attacks on Garrison, profiles of David Ferrie, and hagiographies of Shaw. On some days, the prolific Aynesworth would type up more than one report; sometimes he would do as many as three. The series on Ferrie strongly suggests that Aynesworth had access to government files. They contain too many details, especially from Ferrie's early life, that could not have been attained from Aynesworth's New Orleans vantage point. The fact the information was shared with Wegmann suggests that Aynesworth was a "cutout" for either the FBI or CIA into Shaw's defense. Aynesworth's FBI ties were exposed long ago. With the new release of the CIA's "segregated collection," his tie to the Agency can now also be revealed in print for the first time:

10 Oct 63

CONFIDENTIAL

FROM: Chief, Contact Division (LA Branch)
VIA: Chief, Houston Office

Resident Agent, Dallas

Possibility of Hugh Grant Aynesworth Making Trip to Cuba

1. Hugh Grant Aynesworth, Science-Aviation reporter for the Dallas Morning News, told me that he had applied for a visa for Cuba approximately a year ago. He heard nothing for some 11 months and then in early September of 1963 he received a call from the Czech Embassy in Washington D. C., asking him if he was still interested in going. He replied that he was and asked if his application was going to receive favorable consideration. The Czech Embassy representative would only state that it was being considered.

2. Aynesworth has had some 15 years experience as a reporter and since February 1960 has been the Science-Aviation reporter for the Dallas Morning News. He has offered his services to us if it develops that he receives a visa. I am submitting a name check request for Aynesworth and will keep you advised of developments.

J. WALTON MOORE

Note in the above document that Aynesworth's contact at CIA is the same man who was supposedly the handler of George de Mohrenschildt, and the man who kept an eye on any revival of interest in Garrison in the mid '70s, J. Walton Moore. Also, the date—the month before the assassination—is very suggestive and the mission to Cuba, at this time, would obviously be of great interest to the CIA. Aynesworth, shortly thereafter, wrote several of the early news articles about the Kennedy assassination.

Concerning Aynesworth's deep involvement with assassination-related matters, it seems apt to quote from another recently

declassified document, this one from the FBI. This one reveals Aynesworth's involvement with Marina Oswald. It has long been a mystery as to how Aynesworth got hold of Oswald's "diary," which he then made a killing off of by selling it to *The Dallas Morning News*, and then *U.S. News and World Report*. Some had thought that Deputy DA Bill Alexander had stolen it from the property room of the Dallas Police Department. But in 1993 this issue was clouded even more. The FBI declassified a July 1, 1964 report that states an informant had told them that "Oswald's diary had been obtained by Aynesworth from Marina Oswald at no cost." When *Life* also bought rights to it, Marina was paid \$20,000 for the copyright. Further, the informant stated that "he had heard that Aynesworth stated he had an affair with Marina Oswald when he interviewed her some time ago." (Interestingly, the report goes on to say that the apparently philandering Aynesworth had lost his former reporting job for the *Denver Post* because he had been caught "in flagrante delicto" with an exconvict's wife.) Because the informant in this report would not reveal his name, the above information must be judged tentatively. But Aynesworth's use of Marina is not. Aynesworth's local newspaper pal Holmes Alexander wrote about it in July of 1964. He revealed that it was Aynesworth that was putting pressure on both the Warren Commission and the FBI to paint Oswald as a deranged leftist assassin.

One of Marina's most dubious stories has always been that Oswald had threatened to kill Richard Nixon. The FBI looked at this possibility in February of '64 and found it difficult to certify since Nixon was not in DallasFort Worth when Oswald threatened him (supposedly in April, 1963). But even though the Bureau and the Commission tried to talk her out of this, she insisted on it. It turns out that Holmes Alexander quotes Aynesworth as saying that he had an exclusive interview with Marina afterwards and she was *still* insisting on the veracity of this story. Aynesworth naturally tries to tie the attempt to Nixon's calling for a decision to force Castro's regime out of Cuba, a story that had run in the local press before the alleged

incident. Alexander's article implies that the FBI may be downplaying this story because of their failure to spot Oswald as a possible assassin before the fact.

Whatever his covert ties in 1963-1964, by 1967 Aynesworth was on three payrolls. Ostensibly on the *Newsweek* staff, he was also being paid by Time-Life and by Ed Wegmann, for whom he would do occasional special assignments. (This, of course, discounts any monies he may have received from the Bureau or the Agency.) Aynesworth brought into Wegmann's orbit his old friend and Dallas cohort, Bill Alexander, who had worked with him on the aforementioned "diary" caper and with whom he had split the fee. Alexander was used to keep Garrison's assistants from questioning Sergio Arcacha Smith in Dallas. Aynesworth was particularly worried that Arcacha might fall into the DA's hands.

Aynesworth's initial reports to *Newsweek* are quite revealing. His checks from Time-Life seem to stem from the fact that he was a part of their research team on *Life's* aborted reinvestigation of the case in 1966. This investigation resulted in the November 25, 1966 cover story entitled "A Matter of Reasonable Doubt." This "investigation" was quickly squelched by Editor-in-Chief Hedley Donovan. But the presence of Aynesworth on the crew prompts the question as to how serious that inquest was in the first place. The question is even more pertinent because according to these files, other members include Dick Billings (HSCA Final Report author), *Life* stringer David Chandler (major obstructor of Jim Garrison), and Holland McCombs (old and warm friend of Clay Shaw). Consider this excerpt from Aynesworth's 2/22/67 report:

Billings made at least two trips to New Orleans to confer with Chandler and some Cubans, and in particular, David William Ferrie, the onetime pilot who was arrested shortly after the assassination ...

This is extraordinary. From this and other information (surfaced by researcher Wallace Milam through the Holland

McCombs' files) we can surmise that:

1. Aynesworth and *Life* were onto the same leads as Garrison either independently or in tandem.

2. David Chandler knew about Ferrie's importance prior to the public exposure of Garrison's investigation. Chandler also knew Oswald and associated with him more than once in New Orleans in 1963.

3. The presence of McCombs, Chandler, and Aynesworth doomed the investigation which, according to Milam, dated back to 1965!

To return to Aynesworth's intelligence ties, there are strong suggestions in his reports to *Newsweek* as to just how far the ties go. In a 2/24/67 report on David Ferrie, Aynesworth describes Ferrie's ordination into the Old Catholic Church of North America. He then adds parenthetically, "We're trying to protect our own in this group and would appreciate your not using the church's name." Note the use of the possessive pronoun "our own." This clearly denotes that Aynesworth knew this strange religious sect was being used by the CIA as a front organization as other sources, like Banister associate Thomas Beckham, have confirmed. In another report dated 3/3/67, Aynesworth writes that the CIA attempted to get former Nazi intelligence officer turned CIA mercenary Otto Skorzeny in on a Castro kidnapping plot in 1963. The fact that this gem has never been revealed, even in the 1967 Inspector General Report, shows just how connected Aynesworth was.

As an intelligence operative, one of Aynesworth's prime functions was to garner information from inside Garrison's camp (probably from moles like Gurvich), find out who prospective witnesses were, and get to them before Garrison did. Therefore, the Wegmann files contain a long interview between Aynesworth and Cuban exile Julian Buznedo. Buznedo was an associate of both Ferrie and Arcacha Smith. Aynesworth got hold of him before Garrison and had a long talk with him on 3/18/67 attempting to find out what he had of value to the DA and who he had talked to so far. In another

case, when Dealey Plaza witness Jim Hicks was being interviewed by Garrison's staff as a prospective witness, Ed Wegmann wrote to Aynesworth in January of 1968:

At your convenience, it would be helpful if you would have your secretary listen to the tape of your telephone conversation with Hicks and take from there the gist of the tape and any statements, which might be helpful.

Three days later, Aynesworth wrote back to Wegmann "I will try to dig out the Hicks tape and get the important points from it." (It is interesting to note that at the same time Aynesworth is researching Hicks, Hicks was attacked and beaten up in his hotel room while preparing to testify before the grand jury.) Even more revealing as to Aynesworth's operations was when Garrison was checking out Dallas policemen like Roger Craig and Buddy Walthers. Aynesworth wrote to Wegmann, "I am having a friend check Buddy Walthers' position, because of his mention in the Norden papers." Eric Norden was a leftist writer and scholar who conducted the extraordinary interview with Garrison in *Playboy's* October, 1967 issue. The implication here is that Aynesworth had not just the interview, but Norden's *notes* for the interview. If so, one can only speculate as to how he got them. Aynesworth was so plugged into the New Orleans scene that he was aware of witnesses whose names and testimony are still murky today. In October of 1967, Aynesworth begins a letter to Wegmann, "Received your letter about Cedric von Rolleston. I had already begun a systematic checkout on him, since I was aware of his call to the *States-Item* earlier in the week." Since both Rosemary James and Chandler worked at that paper, this is probably how Aynesworth knew about the call. He concludes the letter with, "Meanwhile, don't worry about Cedric. He's in the bag."

Aynesworth also appears to be a central conduit for burglar John Cancler. Cancler was one of the New Orleans Parish prison witnesses used by Walter Sheridan in his hour-long NBC polemic against Garrison broadcast June 19, 1967. Aynesworth visited Cancler with Sal Panzeca in May. In this original

interview, Cancler levels charges against the DA even wilder than the ones in Sheridan's broadside. He states that the DA's office is accepting kickbacks from illegal lottery operations, is in on a prostitution ring, and that Cancler is setting up fellow burglars on the outside so that Garrison can look good in the papers for an upcoming election. Amazingly, Cancler, through prison worker Nina Sulzer, was still in contact with Aynesworth in March, 1969, after Shaw's acquittal. Cancler was still holding out promises of more "dirt" on Garrison.

As mentioned above, these interviews were initially arranged through Nina Sulzer, a good friend of Clay Shaw's who was closely associated with a Quaker group in New Orleans. Through co-worker Jane Lemann, Sulzer also connects with the local law firm of Monroe & Lemann, which, according to a Garrison memo, was a conduit of funds to Sheridan which helped pay off "witnesses" for his special. As Bill Davy has pointed out in his book on Clay Shaw *Let Justice Be Done* Sulzer also helped harass witnesses dangerous to the accused, e.g. Vernon Bundy, while he was under her watch in prison. How close was Sulzer to the defense? In a letter from Dymond to the Wegmanns dated 8/29/67, it is revealed that Sulzer had accompanied defense investigators to Dallas and was transcribing notes she took during the trip. On another occasion, April 13, 1967, a meeting took place in her office with Panzeca, Wackenhut agent Bob Wilson and inmate Donald Jordan. The point was to dig up dirt on Perry Russo of a sexual and neurotic nature.

Sulzer figures prominently in Kirkwood's aforementioned lengthy polemic. As Davy notes in *Let Justice Be Done*, Kirkwood's index sources her nearly 20 times. Towards the end she is acknowledged with "warm phrases of camaraderie and gratitude" (p. 659). Right above this quote, Kirkwood singles out Clay Shaw for his friendship and cooperation on his book. At the beginning of the tome, Kirkwood dedicates his book to James Leo Herlihy (p. 7) and addresses him in his preface as "Jim." (A private source has told us that it was the late Herlihy who convinced Kirkwood to write the book.) From all this, it is

natural to presume that Kirkwood would be privy to much of what was going on behind the scenes in Shaw's camp. If so, there is much that he left out. As mentioned above, Davy notes that Sulzer, on numerous occasions, tried to dissuade Bundy from his story. Davy also notes that:

A physical surveillance placed on Mrs. Sulzer after she had attempted to dissuade Bundy's testimony disclosed that on at least one occasion she visited a residence where Shaw was staying and spent approximately three hours with him.

In all likelihood, Sulzer was informing to Shaw about her progress with various prisoners at the Parish Prison in weakening Garrison's case. Kirkwood must have known about this. But Kirkwood does something even worse. Early in the book, Kirkwood has Shaw relate a story about how Garrison while with his wife at a New Orleans restaurant (*a public official in a public place*), threw a drink in her face. Shaw then added that some had speculated that *his own* observation of the incident may have been a reason for his prosecution. Kirkwood does not make this fact clear, probably because he knows with Shaw as the source the whole thing is suspect. (When the Wegmanns asked Gurvich about this incident, he replied, "I never heard that.") Kirkwood left out Shaw's accompanying story about Brennan's bistro. In the long Gurvich interview Ed Wegmann reveals that, with both Shaw and Garrison *sitting at nearby tables*, Garrison stated to someone who is not named, "I'm going to get that sonofabitch," meaning Shaw. Again, when questioned on this point, Gurvich responded "I have never heard that."

Garrison was not Shaw's only defamation target. And Sulzer was not his only informant. In various memos to Ed Wegmann, Shaw refers to "informants" supplying him with ammunition against the DA. In fact, Shaw seems preoccupied with the task of discrediting potential witnesses with the use of sex, alcohol, and/or drugs. Perry Russo and Clyde Johnson receive much attention from Shaw in this regard, probably because they directly connect him to a conspiracy. For instance, Shaw wrote

an undated memo stating that Johnson injected himself into the case when he and a friend got drunk one night in a bar and “thought it would be fun to call up ole Garrison and tell him he knew all about the plot.” There is no source given for the information in Shaw’s memo. But the implication is that it came from Shaw’s cousin by marriage, Archie Wall.

In this essay, we have been concerned with goings-on at the local level, i.e. in New Orleans. There have been hints of higher-level involvement, e.g., Aynesworth’s CIA and FBI connections clearly suggest that he is a back channel for upper level forces. But there is another instance, touched on previously, that is probably even more significant in this regard. It goes a long way in clarifying who the Wegmanns were and why Shaw may have been drawn to them originally.

In the third transcribed reel of Gurvich’s long 8/29/67 interview with Shaw’s defense, the subject of Guy Banister’s intelligence ties surfaced. Ed Wegmann was curious as to what Garrison knew about Banister in this regard. Gurvich pooh-poohed this with his nonsensical comment that he believed Garrison had no proof of Banister’s existence. After this exchange about Banister’s government ties and Garrison’s knowledge of them, Bill Wegmann made a most telling comment: “This was a bone of contention between Guy Johnson and myself...” There are two implications in this statement. First, that there was dissension on the defense between at least one of the Wegmanns and Shaw’s first choice for lead attorney. This makes Panzeca’s previously mentioned comment implying a “personality clash” suspect, or at least not the entire truth. The other implication is that Guy Johnson disagreed with Gurvich’s assessment. In other words, Johnson thought that Banister did have intelligence ties and that Garrison either knew about them or would discover them.

In light of this, it is possible to garner that it was this dispute that led to the replacement of Johnson with Dymond. This is quite justified in view of the eventual trial strategy of the Wegmanns, which was to completely deny any intelligence tie between Shaw and the government and any relationship

between Shaw, Banister and Ferrie. We know this to be completely false today. And even though many felt Shaw was lying, this strategy proved fairly successful at the trial.

But why would Johnson assess the situation differently at such an early stage, i.e., in the fortnight following Shaw's arrest on March 3, 1967? And why would this lead to, using Panzeca's adjective, the "excellent" attorney's departure?

One reason is that Johnson knew the truth about Banister and was more honest about it than the Wegmanns were. Consider the following: In a 1976 obituary in the *Times-Picayune*, it is revealed that Johnson served in the Navy in World War II. In a 1955 newspaper article, it is noted that he made an address before the Sertoma Club. His talk was entitled "Trouble in the Formosa Straits." The article then notes that "Johnson *recently* served in the Formosa area with the Naval Intelligence department." [Emphasis added.] From this, one would deduce that when the war was over Johnson's navy career continued. As Jim Garrison noted in *On the Trail of the Assassins*, Guy Banister was also with the Office of Naval Intelligence (ONI). In the film *JFK*, when Garrison takes out two assistants to visit Banister's office at 544 Camp Street, one of them mentions an old intelligence adage, "Once ONI, always ONI." In a 1960 news article in the *New Orleans States-Item*, a movement was started to root out "subversive influences in the state." Two of the men wishing to serve as investigators for this new committee were Guy Banister and "Atty. Guy Johnson of New Orleans."

But the association between Johnson and Banister is even closer than the above would suggest. Among the recently declassified documents that Garrison turned over to the HSCA were pages from Ferrie's treatise on cancer. Garrison noted to the HSCA that, when copying this work, another letter of Ferrie's was "accidentally stuck in the photostat machine." This caused an unintentional notation to be left at the bottom of one of the pages of the treatise. It read in part: "Some of B's microfilm were sent to Atlanta rightwingers—many of original files are at Guy Johnson's."

Johnson was also in a position to know about Banister's association with Clay Shaw. As Davy notes, one of the most tantalizing facets of Shaw's career was his high-level security clearance coded QKENCHANT. In recently declassified CIA files it is revealed that either Johnson, or his son Guy Jr., also has a high-level CIA clearance. In a December 1981 interview, Bud Fensterwald talked to a former associate of Banister's in New Orleans named Tommy Baumler. Garrison also knew of Baumler at the time of his investigation, but he was understandably tight-lipped with the DA. Years later, with little to worry about, he was more candid. In Fensterwald's handwritten notes of the interview one line reads: "Shaw, Banister and Guy Johnson—intelligence apparatus for N. Orleans." Further in the interview notes, Fensterwald writes that Baumler was very clear that "Oswald worked for Bannister." (*sic*) Right below this, figuring even more into Oswald's New Orleans profile, Baumler stated that Banister was able to give letters of marque, i.e., a license to clear one with law enforcement officers, so that "if you are caught as a Communist, the letter will clear you of Communist leanings."

So, by all indications, Johnson was quite aware of the reality of what was going on at Guy Banister's office in the summer of 1963. But another question arises as we delve deeper into Johnson's departure from Shaw's defense. Did the Wegmanns also know? Or were they just unaware of such a connection and how that could compromise their client, Clay Shaw? In the aforementioned 1976 obituary for Johnson, it is revealed that he worked for two New Orleans DAs. Before his ONI service Johnson was an assistant under DA J. Bernard Cocke. The article then notes that, "After serving in the Navy in World War II, Mr. Johnson returned to become an assistant DA under Herve Racivitch."

This is quite interesting. When Racivitch stepped down from public office, he formed a private law firm in New Orleans. The name of this firm was Racivitch, Johnson, *Wegmann* and Mouldoux. There is a recently declassified file, which contains a *letter by Guy Banister to Johnson at this law firm*, proving

Baumler's assertions. The date of the letter is January 5, 1959. In it, Banister is proposing for infiltration purposes into the National Students Association one Wilfred A. Bergeron. Banister states that while talking to Bergeron, he told him that "he had served in the Air Force and had just gotten out and entered school. He said he served in the security section and has atomic clearance." At the close of this letter, Banister states "If it is satisfactory and you can determine this individual's reliability, I will set him up to begin work with me and pass on to you any information he produces." In the March 1967 issue of *Ramparts*, writer Sol Stern exposed the longtime CIA infiltration of the National Students Association (NSA), which Johnson and Banister seem to have had a hand in. That Johnson was performing these "anti-subversive" activities while partners in this law firm with at least one of the Wegmanns is illuminating.

But there is something even more telling involved. In another recently declassified CIA file, it is noted that the articles of incorporation for Banister's so-called detective agency were notarized on 1/21/58, by none other than William J. Wegmann. This seems to be at the time, of course, when he was associated with Johnson at the above firm. Could it truly be possible that the Wegmanns would *not* be cognizant of what Banister was really up to at 544 Camp Street, or at his previous location in the Balter Building? This strains credulity. If so, Wegmann's comment to Gurvich is refracted as if in a prism. It is most likely that the Wegmanns did know of Banister's federal connections and were now intent on stopping Garrison, not so much from finding out about them, but being able to present witnesses to testify about it and the Shaw-Banister-Johnson nexus. With this trial strategy, Johnson was too close to the fire to sit at the defense table.

The above outlines and hints at who and what was involved in the defense of Clay Shaw against Jim Garrison. The reader will note that the trail seems to lead above New Orleans and into the higher echelons of power in Washington D.C. We will now use declassified files to show with precision the Wegmann

connection to Washington.

The importance of both Gordon Novel and the FBI affiliated Wackenhut private investigatory service to Shaw's defense should not be dismissed. Although Novel appears to have worked for the CIA, he was also a frequent informer to the Bureau, which was very interested in Garrison's progress. Novel made many trips to various FBI offices, and according to his *Playboy* lawsuit deposition, the FBI would often visit him at home. A particularly interesting report is one dated 2/9/68 which went directly from J. Edgar Hoover to Richard Helms, then CIA Director. In it, Hoover quotes Novel as stating that he knows Shaw's lawyers "... plan to subpoena many Federal officials ... involved in the investigation of the assassination of President Kennedy." And further:

Mr. Novel added that Shaw's attorneys feel that testimony of reputable Government witnesses regarding the lack of evidence that there was a conspiracy in the assassination of President Kennedy will be their best defense for Clay Shaw.

Hoover was quite interested in this strategy because the more holes Garrison punched in the Warren Report, the worse the Bureau would look, since the Warren Commission relied on the FBI as its major investigatory arm. And although *officially*, Hoover stayed clear of any role in Garrison's probe, there are many indications that *unofficially*, the Bureau was working to undermine him. One of the avenues of operation was through Wackenhut.

Through the Review Board's securing of the extant Garrison files, we now know of more Wackenhut-FBI interplay. In a Lou Ivon memo, former FBI agent—now prominent banker—William Walter, reveals some significant information about the FBI's role in both the Warren Commission's cover-up, and its electronic surveillance of Garrison's probe. Later on, in 1977, when Garrison was contemplating suing the U. S. government for illegal surveillance, he interviewed Walter in person. Well-established in his new career, the banker felt free to be more

specific and detailed about what he knew about the wiring of Garrison's office.

In this interview, Walter reaffirmed that Garrison's office was wired. Walter named several of the former FBI agents and one undercover agent who had been transferred to the phone company's security office, "from which vantage point, under a longstanding arrangement between the Bureau and the phone company, he can patch anyone's phone line into the Bureau's local cable for self-activating recordings." Walter revealed that this technical crew was working under the supervision of former FBI agent, now Wackenhut agent, Charles Carson, who gave many reports to the Wegmanns. This relationship, of course, clearly implies that since Carson was working for the Wegmanns, he would be informing them of important developments revealed in this surveillance. But according to Walter, this operation went even higher. He stated that the audiotapes of the surveillance were transcribed nearly every day in the New Orleans FBI office. How was he so sure about this part of the operation? Because he later *married the Bureau secretary who typed up the transcripts*. Another Wackenhut agent, Bob Wilson (also employed by the Wegmanns) moved into a hotel room in New Orleans from his home in Biloxi, Mississippi to be in on the operation. One of Wilson's assignments was to personally tail Garrison. Originally the surveillance was done by Wackenhut, on assignment for Aaron Kohn. Kohn was a strong Wegmann ally and head of the Metropolitan Crime Commission (MCC). But Garrison's memo of the Walter interview reads:

However, Walter makes clear that this was just a thin cover to protect the Bureau and "explain" its entry into the operation. Besides the Bureau clerk typing the transcripts of my conversations in the Bureau office, recordings of my conversations were monitored in the Bureau's Technical Surveillance room and a full file was maintained in the office filing cabinets on my phone calls.

In regard to the MCC's eager cooperation with the Bureau and Wackenhut on this electronic eavesdropping, it is interesting to note that Kohn had earlier in life been an FBI agent in Washington who had correspondence with J. Edgar Hoover. The man who followed Kohn as head of the MCC was Warren De Brueys, a Special Agent of the FBI who was quite active with the Cuban exile community in New Orleans and also in the Bureau's investigation of Oswald. Clearly, the Wegmanns, through Wackenhut and Kohn, were getting a lot of help from the Bureau. Garrison's notes from his Walter interview state that the Bureau's motive what now appears to be the illegal monitoring of a state official during a homicide investigation. However, it actually went further than the monitoring of Garrison's office. In a newly declassified document, we now learn that the FBI was privy to secret Grand Jury testimony from very early in Garrison's investigation. In a memo to Clyde Tolson dated 2/28/67, it is revealed that at a meeting of the American Legion in Washington, an agreement was reached. The foreman of the incoming Grand Jury hearing witnesses on the Kennedy case in New Orleans was one Al LaBiche. He was an official in this organization. So was Cartha DeLoach of the Bureau. LaBiche told DeLoach that "he would of course insist on protecting the name of the FBI if such became necessary." Further, the foreman stated that if the Bureau needed any information at all, "he would be glad to furnish it."

...was to see what leads I was checking out on the Kennedy assassination and to make sure that my investigative efforts did not "embarrass" the FBI...

In a mutuality of interests then, the Wegmanns and the FBI coalesced into

The web of forces in the capitol intent on monitoring Garrison and helping the Wegmanns is much broader than the FBI. One of the touchstones leading out of the Crescent City and into D.C. is, again, NBC "correspondent" Walter Sheridan. It was Sheridan who hired Novel for the network's hatchet job on Garrison. It was also Sheridan who arranged for Novel's

dubious polygraph exam in McLean, Virginia. But the tributaries and streams around Sheridan are even richer. To take one instance that has been noted, although not yet examined and plumbed, when Garrison was attempting to try Sheridan for attempted bribery in Louisiana court, Sheridan had a battery of lawyers there to defend him. Two local ones were the well-known Milton Brener, and the relatively obscure Edward Baldwin. Unlike Brener, Baldwin did not write a book about Garrison or his experiences opposing him. Yet Baldwin was not just a local attorney for Sheridan. He also turns out to be the lawyer for Sheridan aide-de-camp, Rick Townley. Beyond that he also provided legal help for probable Garrison infiltrator Bill Gurvich. Over a month after Sheridan's infamous NBC special (originally planned for two parts) Baldwin was still funneling information from Sheridan and Hugh Aynesworth to Ed Wegmann. And just as Sheridan arranged for Novel's "polygraph" before he began his publicity tour blasting Garrison, it was Baldwin who arranged Gurvich's polygraph as he began *his* tour.

From the above duties—and there were more—the obstruction of Garrison provided ample billable hours for Mr. Baldwin. So much so that his partner, one James F. Quaid Jr., wanted in on some of the lucrative opportunities. But Quaid did not query Townley or Aynesworth in case they needed help. Apparently, Baldwin told him to go right to the horse's mouth. Quaid did just that. He wrote to CIA Director Richard Helms.

Mr. Quaid received a response to his letter from Helms' personal friend and CIA counsel, Lawrence Houston. Although Houston expressed appreciation for Quaid's offer, Houston replied that the CIA had no such "referral list of attorneys" that Quaid had referred to. But there is a difference between what the overt operators say, and what the covert side does. Even before Houston's letter was mailed, at least three different sections of the Company were assessing Mr. Quaid: Domestic Contact Services (DCS), the New Orleans CIA station, and James Angleton and Ray Rocca of Counterintelligence. Angleton's memo, requesting information on Quaid, in turn

went to three other desks at the Agency. (To show further how “in the family” this circle of lawyers opposing Garrison was, Burton Klein, attorney for Dave Ferrie’s pal Al Beaubouef, had been a former associate of Irvin Dymond.)

Further undermining Houston’s denial is another recently declassified CIA document. It refers to Lloyd Cobb, who along with Shaw ran the International Trade Mart in the ’60s. The first paragraph of the 3/18/68 document reads:

Lloyd J. Cobb, born 19 July 1904, New Orleans, Louisiana, senior member of the law firm, COBB and Wright, New Orleans, Louisiana, was granted a Provisional Security Approval on 19 June 1967 to permit contact and assessment of COBB in connection with his use on a *Cleared Attorneys’ Panel* for the Office of General Counsel. [Emphasis added.]

The head of this “Office of General Counsel” was Houston himself. Apparently, the CIA wished to investigate Quaid more thoroughly before admitting the panel existed.

Furthering the idea of a CIA-backed “attorneys panel” is a list of queries put to Gordon Novel in preparation for his lawsuit against *Playboy* and Garrison. It is revealed in those documents that Novel met with Elmer Gertz, his libel specialist, as early as 1967, when the Garrison interview in *Playboy* was published. This lawsuit dragged on until 1971. Since Novel was employing three attorneys at the time (with no visible means of support) it is logical to ask, where was he getting the money to pay these lawyers? David Krupp, attorney for *Playboy*, addressed this curious point twice as part of pre-deposition interrogatories. Let us quote Novel’s two answers:

As of this date, I have paid a total of \$3,700 to my attorneys, Steve Plotkin in New Orleans and Jerry Weiner in Columbus, I have entered into an arrangement with Elmer Gertz, my present counsel, and such arrangement is privileged (3/14/68).

On April 19, 1969, Novel slightly altered his answer:

My attorneys [Plotkin and Weiner] refused fees for this matter, but it is my understanding that they were *clandestinely*

remunerated, by a party or parties, unknown to me in the amount of \$1,633.33 each. [Emphasis added.]

But in these interrogatories, Novel reveals something that is just as important as—perhaps more than—these clandestine payments. As one of the people with whom he consulted about the effects of the *Playboy* interview on his reputation, he listed *another* lawyer: Herbert “Jack” Miller of Washington D.C. What makes this fascinating is not just that the itinerant Novel now has four lawyers in his employ, but that Walter Sheridan also employed Herbert Miller. In the August 1967 editions of the *New Orleans Times-Picayune*, Miller is described as Sheridan’s “personal attorney from Washington D.C.” Miller flew into New Orleans at the time Garrison was attempting to prosecute Sheridan and stayed for days at a time, closely consulting with Brener while awaiting the grand jury’s action against Sheridan.

The presence of Miller in the Garrison investigation, especially in aid of two men bent on obstructing him, completes a fateful arc in the JFK investigation. That arc began almost immediately, in November of 1963. At that time, Miller was assistant Attorney General and chief of the Criminal Division of the Justice Department. Technically, this puts Miller at about the level of Hoover in the assassination investigation. According to both Seth Kantor and William Manchester, within about 72 hours of Kennedy’s murder, Miller was Washington’s man on the scene in Dallas coordinating the FBI, Justice Department and Texas investigations. (Manchester, *The Death of a President*, p. 568) In fact, Miller was essentially co-opting Texas Attorney General Waggoner Carr’s local inquiry until Washington could formally take jurisdictional control away from Texas. When Lyndon Johnson, right after Kennedy’s burial, ordered Nicolas Katzenbach to compile a report on Oswald, Katzenbach assured him that Miller was already flying to Texas to get on that immediately. (*Ibid.*, p. 543)

So here we have the spectacle of a man who, in 1963, was a major player in the original—and abominable—investigation of the assassination, resurfacing less than four years later to aid Sheridan in making sure that Garrison’s probe will not be

successful. By 1967, Miller was a high-priced Washington lawyer in the firm of Miller, McCarthy, Evans, and Cassidy. The Evans in this firm is a former top FBI officer, Courtney Evans (Evans had also been in the Bureau during its pathetic “investigation” of the JFK case). How does one explain the 1967 resurrection of Miller’s interest in the supposedly “solved” assassination?

Before we answer that question, we should return to Shaw’s defense team, which as revealed in Fred Leemans’ affidavit was working closely with Sheridan. (Leemans had originally told Garrison that he had seen Lee Oswald with Clay Shaw but later changed his story. His affidavit helps explain why he reversed course.) As some commentators on the Garrison case have pointed out, Shaw’s lawyers used every possible legal tactic to delay a trial for their client. At various steps along the way—the preliminary hearing, an appeal to a federal court in 1968—they argued that the Warren Report should be binding on the JFK case. According to Mort Sahl, at one step, Dymond had:

...waved into the court room two men with wheelbarrows containing the 26 volumes of the Warren Report. As they proceeded down the aisle toward the bench, the three judges conferred with each other. They stated that they would not accept the Warren Report as evidence... (*Heartland* p. 104.)

Shaw’s lawyers must have known that no court could have accepted as binding something as porous as the Warren Commission. Again, there seems to be something at work behind the scenes, at a higher level. That “something” is hinted at in Ed Wegmann’s letter to Jack Ruby’s sister Eva Grant (3/11/68) in which he states,

Let me assure you once again that I believe the Warren Report in every respect...

To trace the beginnings of Ed Wegmann’s epistemological certitude, we must go back to March of 1967. Two days after Shaw’s arrest on March 1st, the Wegmanns sent a telegram to

Attorney General Ramsey Clark. It reads in part as follows:

We have been retained to represent Clay L. Shaw charged by the District Attorney for the Parish of Orleans with conspiring and entering into an agreement with others for the purpose of committing the crime of murder of John F. Kennedy STOP In the interest of justice we respectfully request a meeting with you at the earliest possible date STOP Edward F. Wegmann can be reached at area code 504-524-0732 or 861-3844 William J. Wegmann can be reached at area code 504-524-2206 or 488-0155.

This was just the beginning of the Wegmanns' efforts to get Washington directly involved in Shaw's defense. Through Wackenhut agent Bob Wilson, they apparently urged Orleans Parish prisoner John Cancler to seek a consultation with the FBI about misdeeds by Garrison. Through Bill Wegmann's former law partner Herb Racivitch, the Wegmanns tried to get a private conference with J. Edgar Hoover. At the end of a 4/17/67 FBI memo the following is noted:

Wegmann was previously in touch with the Bureau by phone on 3/9/67, at which time Wegmann requested the FBI in Washington instruct New Orleans office of the FBI to cooperate and make available the "rap sheet" (criminal or arrest record) of the individual Garrison named as the informant against Clay Shaw.

On May 11th, Hoover wrote a memo to Ramsey Clark in this regard. He described a meeting Ed Wegmann had held with assistant Attorney General Harold Sanders. After this meeting, Wegmann went to the FBI's Washington headquarters. Although not clear, it is implied that Wegmann met directly with Hoover. The object of the meeting was ostensibly to get a retraction of the 3/3/67 *New York Times* story stating, from a Justice Department source, "that Mr. Bertrand and Mr. Shaw were the same man." This statement, of course, was damaging to Shaw because it bolstered the testimony of lawyer Dean Andrews before the Warren Commission: that a man named

Clay Bertrand had called him and asked him to fly to Dallas to defend Oswald right after the assassination.

But there was something else on Wegmann's agenda. Hoover writes that the object of the Sanders meeting was "... an attempt to have the Department of Justice order the FBI to enter the investigation ... being conducted in New Orleans by District Attorney James C. Garrison." The object of the FBI meeting was to express an interest "... in securing ... any information in our files concerning Clay Shaw or the results of any investigation which had been conducted by the FBI regarding the latter." Hoover notes in the memo that he had to decline this overture on grounds of confidentiality.

By September, the attitude of the Justice Department had warmed. On 9/21/67 there was a meeting between Ed Wegmann, Irvin Dymond, and Nathaniel Kossack of the Criminal Division of Justice. At this meeting Wegmann and Dymond dropped a laundry list of requests in Kossack's lap. They requested financial information on Oswald, investigatory files on Jack Ruby's roommate George Senator, and access to CIA files on David Ferrie, Novel, Shaw, *attorney Burton Klein and themselves!* Revealingly, they wanted to ascertain the FBI's willingness to conduct an investigation of Garrison witness Perry Russo for its psychological effect alone, i.e., to "shake up Russo." Importantly, in exchange, they seem to offer to bolster and support the government's verdict on the case, the Warren Report. This proposed bargain seems to explain the near religious belief Shaw's lawyers have in the Warren Commission to this very day. (As Irvin Dymond explained to me in 1994, the Commission was a sloppy inquest but it got the essentials right.) Two memos of this meeting with Kossack went to Lawrence Houston at CIA. Interestingly, in the second one dated 9/28/67, it is reported that Kossack got the "very clear impression that Shaw had not told them [his lawyers] of his previous contacts with CIA." This is quite revealing of the depths of Shaw's secrecy about his service with the Agency. In fact, when this message was relayed to the New Orleans CIA station, they found it "hard to believe" that Shaw's contacts

were not revealed to Dymond.

Although there was no overt deal yet, the Wegmanns were insistent on getting direct FBI help in exchange for upholding the Warren Report. By 1969, on the eve of the Shaw trial, they appear to have succeeded. A 2/7/69 memo by the Dallas office discusses a series of meetings from 1/31/69 through 2/6/69. Ed Wegmann "indicated that the defense attorneys needed someone outside the State of Louisiana to assist them in their investigations." Since this unsigned memo is still partly redacted, it is impossible to state precisely who was involved in the deal that appears to be in effect at that time. But the Bureau "agreed to check out state witnesses or potential state witnesses" who would testify for Garrison. In fact, the memo states that the FBI had already checked out two witnesses whose names are not revealed but "were referred... by Attorney Ed Wegmann." Again, at the end of the memo, Wegmann assures the Bureau "that the defense of CLAY SHAW is going to do everything possible to uphold the Warren Report...."

This explicit aid by the FBI to Shaw's defense seems to be only the *direct* part of a network that has been working through *indirect* channels for a long time. Although Lawrence Houston was alerted by Justice to the September meeting of Wegmann with Kossack, it appears that CIA was indirectly in contact with the Wegmanns at an earlier date. This seems to have been done through the Walter Sheridan-Herbert Miller connection. The earliest known CIA memo on this is dated 5/8/67. Houston's assistant counsel Richard Lansdale wrote up two phone calls he had with Miller. They concerned the trip to Washington by David Ferrie's friend Al Beaubouef, who had accompanied Ferrie on his trip to Texas the weekend of the assassination. Lansdale reveals in his memos that Miller's source about the imminent visit by Beaubouef is Sheridan. Miller's function was to arrange a conference with his former cronies at the Justice Department for Beaubouef, apparently at Sheridan's urging. Lansdale notes that Miller assured him that

“Beaubouef would be glad to talk with us or help in any way we want.”

This is notable in two ways. First, as Garrison noted in his *Playboy* interview—and as is borne out by the record—after this trip “a change came over Beaubouef; he refused to cooperate with us any further and he made charges against my investigators....” This differed from his previous attitude toward the DA. Secondly, the date of this memo is many weeks before the broadcast of Sheridan’s NBC special on Garrison. Therefore it precedes any of the legal entanglements Sheridan had with Garrison. Yet Sheridan’s lawyer Miller—the first Justice Department representative into Dallas in 1963—is serving as a “cut-out” *well before* his overt role as Sheridan’s “personal Washington lawyer” is revealed. This implies that Sheridan had a covert assignment, and covert sponsors, from the beginning.

Lansdale’s memo of May 8th went to both the Office of Security and James Angleton’s Counterintelligence unit, among other places in the CIA. Yet Angleton already seemed aware of Beaubouef’s trip. And whoever Angleton’s unnamed source on this was, the information was given to that person also by Sheridan. In his May 9th memo, Angleton alerted his FBI contact, Sam Papich, of the Sheridan-Beaubouef visit to Washington and Beaubouef’s importance to Garrison’s case. Three days later, both Lansdale and Angleton (through his chief assistant Ray Rocca) received even stronger overtures from Sheridan and Miller. Lansdale wrote that Miller had called on May 11th and said that Sheridan would be willing to meet with CIA “under any terms we propose.” Sheridan would be willing to make the CIA’s view of Garrison “a part of the background in the forthcoming NBC show.” Lansdale goes on to write that Miller was selected by the CIA to be part of an unrelated litigation matter they were involved in and that he had worked closely with him on that matter and was “quite favorably impressed with him.”

At this point, there is a gap in the declassified correspondence. But there can be no doubt that Miller

continued and expanded in his role as willing conduit for the Company in aid of Shaw's defense. On May 31, 1968 Miller wrote to Lansdale:

Dear Dick:

Enclosed are the documents I received from Clay Shaw's attorney, Ed Wegmann.

Best regards

Later, in June, Miller made two such drop-offs for Wegmann in the space of nine days. In fact, by 1968, Miller was serving as a CIA courier not just for the Wegmanns but for Gordon Novel as well. When Garrison was trying to extradite Novel from Ohio, the Company seemed very interested in the progress of those legal proceedings. They could not request a copy of the hearings directly of course, so they got the transcripts through Novel's lawyer, the same Herbert "Jack" Miller. In March of 1968, Miller wrote to Lansdale:

Dear Dick:

Enclosed is the transcript of the testimony which *you requested*, in the Gordon Novel case. [Emphasis added.]

But there is another person who was also forwarding material to the Agency for Novel. One of the most curious comments made by Novel while he was ensconced in Columbus evading Garrison's subpoena occurred in February of 1968. He told a reporter that in response to Garrison's subpoena, he would "wait and see what Mr. Dulles does." (Allen Dulles had been called by Garrison around the same time.) Most people could not fathom what this curious comment could mean; others had just cast it off as irresponsible drivel from the loquacious Novel. It now is revealed that Novel was telling the truth: Allen Dulles was in contact with Novel and was forwarding material from him to CIA. When Miller came to Novel's aid and got an Ohio court to reject Garrison's subpoena, Novel forwarded a press clipping on the victory to the former CIA Director, and noted that Dulles himself could take advantage of the legal precedent to avoid Garrison's subpoena. This is what probably

was meant by Novel's "wait and see" comment, quoted above. Dulles then forwarded Novel's cover letter to Lawrence Houston, keeping the enclosed clippings for himself. But there was another enclosure in Dulles' 3/14/68 letter to Houston, a letter from Ed Wegmann to Dulles:

Dear Mr. Dulles:

The writer, together with F. Irvin Dymond and my brother William J. Wegmann, represent Clay L. Shaw who, as you probably know, has been indicted by the Orleans Parish Grand Jury with having conspired to assassinate the late John F. Kennedy.

As I dictate this on Friday, the 5th, I note that you have once again been subpoenaed by the District Attorney for the Parish of New Orleans to appear before the Orleans Parish Grand Jury in connection with his alleged probe of the assassination.

Mr. Dymond and I will be in Washington on other business of Friday, March 22nd, at which time we would like to meet with you for the purpose of discussing this situation. If this date is not convenient, could you meet with us in the early afternoon of Thursday, the 21st. We do feel that such a meeting would be mutually advantageous and I trust that you will find time to see us.

I await your advice.

Yours sincerely,

/s/ Edward F. Wegmann

There is as yet no evidence that the Wegmanns' proposed meeting took place. In fact, Dulles wrote to Houston, "I do not propose to make any answer and plan to avoid seeing the writer unless you have other views."

So far, we have outlined what appears to be essentially an intelligence gathering operation against Garrison. But as early as 1967 the Agency was liaisoning with the Justice Department as to what *to do* about Garrison. Houston was speaking at that time with Kossack and Carl Belcher in the Justice Department. Houston wrote, "I think we should consider this aspect

carefully at the Wednesday morning meeting....” The results of that meeting seem to have been positive since in late September of 1967—right after the Wegmann-Kossack meeting in Washington—a CIA memo went out surveying courses of action against Garrison. The two main courses outlined were to get sympathetic members of Congress and/or the Executive branch—Clark Clifford is specifically named—to attack Garrison and to endorse the Warren Report. The second avenue is to use the media, both at home and abroad, to smear the DA. In anticipation of the Shaw trial, this memo says “it would be prudent to have carefully selected channels of communication lined up in advance.” It suggests that Richard Helms, then the CIA Director, should “assure that the newspaper outlets receive a coherent picture of Garrison’s ‘facts’ and motives.” It then suggests using the United States Information Agency (USIA) for foreign media and urges Helms to ensure their cooperation through Dean Rusk at State.

A week later, the “survey of actions” was fast becoming a reality as Donovan Pratt of Angleton’s staff was suggesting specific “story lines” for press contacts to use in editorials. What were some of the prospective “story lines” the CIA was anxious to get out? In a 6/28/67 memo from Ray Rocca to Houston, Rocca forwards derogatory information on Garrison that was supposedly “confirmed” by the FBI. The angles are dual: 1) Garrison’s charges against Shaw compose a personal vendetta, and 2) Garrison is mentally unbalanced. Interestingly, for the former charge, Rocca uses the story started by Shaw himself, detailed above, about Shaw claiming to have seen Garrison throw a drink in his wife’s face at a restaurant in the French Quarter.

From the (so far incomplete) declassified record, the changing of the CIA’s attitude toward Garrison seems to have occurred in May of 1967. Up until this time, the Agency is mainly concerned with monitoring the DA. But there were two interesting cables passed from the CIA’s Lloyd Ray in the New Orleans office to CIA headquarters in Langley, Virginia. In the first, Ray notes a letter forwarded to him from a friend of his at

the Agency for International Development (AID) in Washington. His friend had received a letter from a New Orleans lawyer, one Charles Dunbar, in which Dunbar noted that after a series of articles in the *States-Item* had been published:

From original skepticism, many people around town are beginning to think Jim might have something. In any event, I don't believe the CIA can play ostrich much longer.

The occasion of this letter seems to have been a series of articles in the *New Orleans States-Item* by Hoke May and Ross Yockey which treated the Garrison case seriously and actually exposed some of the CIA connections around Novel and his lawyers. There seems to have been a series of escalating actions due to the May-Yockey articles and the concern expressed over them. On May 16th John Greaney, Lawrence Houston's assistant, visited Lloyd Ray in New Orleans to discuss the Garrison investigation, per the record, the first time this happened. Ray's memo on this visit is about 60% redacted. Then, Bill Gurvich visited the *States-Item* offices, and somehow had Yockey and May pulled from the Garrison case. (In my 1995 interview with him, Yockey told me that he was then reassigned to high school football games.) In August, Ray Rocca requested that Ray's office be swept for electronic "bugs" planted by Garrison.

A month later, on September 7th, a watershed was reached. Irvin Dymond was now in direct contact with local CIA officer Lloyd Ray on the Garrison case. The wall of decorous deniability provided by people like Sheridan and Miller had been breached. Dymond's request for information was sent to CIA HQ. On September 26th, in a cable marked "restricted handling" and "SECRET," this clandestine channel to Shaw's lawyers appears to be OK'd by CIA HQ in Langley, Virginia. New Orleans then wired back, "I do not believe our contact with Dymond could possibly be twisted into a story of CIA association." This, of course, is a reversal of what official policy had been for months. In all the early memos and cables, the fact that Garrison could "exploit" just such a direct relationship

outweighed any advantage that could be gained from it. In fact, on 4/25/67 Lloyd Ray had sent a memo to HQ voicing this very fear. Now, as long as such a tie could be kept secret, the balance had shifted the other way: Garrison had to be stopped, and the Company was willing to run a modicum of risk to do so. Certifying this escalation, a CIA cable of 1/8/68 reads in part:

[Garrison] case is of interest to several Agency components covering aspects which relate to Agency...office heavily committed to this endeavor.

It is in this time period, May-September of 1967, that the Agency seems to have upgraded its stance toward Garrison from a somewhat passive to a heavily active mode. On May 15th, Dennis O'Keefe, another Agency counsel, met with Judge Sinclair of Fairfax County, Virginia. Sinclair would be involved in the transfer of any subpoenas or extradition requests to Langley from Garrison's office. O'Keefe briefed him on the CIA's views on any requests from Garrison. He wrote:

The Judge...promised to cooperate with us in every area whence in judicial and legal ethics would allow such cooperation. He said there would be no unnecessary publicity emanating from his court and stated that he would call Mr. Houston or myself if and when he heard anything relating to the service of Garrison's subpoena. I gave the Judge Mr. Houston's and my phone numbers and thanked him for his cooperation in this matter.

At around the same time, Garrison issued subpoenas for both Helms and any photographs of Oswald in Mexico City held by the Agency. This request set off a chain reaction in Washington. The CIA first contacted Carl Belcher at Justice who was monitoring the Garrison investigation there. The Company then contacted both Lloyd Ray and the Justice Department representative in New Orleans, Louis LaCour. The point was to establish local contacts with Justice "in the event Mr. Ray did receive a subpoena." Next, CIA got in touch with Louisiana Congressman Ed Hebert of the CIA subcommittee in

the House, who "... was very closely associated with the Agency; in fact, he had breakfast with Mr. Helms on 10 May." These contacts all turned out to be quite helpful. When Garrison's subpoenas arrived, Houston met with Belcher and, "It was agreed that the subpoena would be returned as not having been properly served..." Interestingly, there were no legal grounds for doing so discussed in the memo, just a bald, blank assertion of non-service. It was also decided that Houston would write a letter to Judge Bagert in New Orleans who had issued the subpoena. Houston would deny there were any photos in CIA's possession depicting Oswald in Mexico City. The assertions in Houston's letter were run by both Attorney General Ramsey Clark, and White House counsel, Harry McPherson. The skids were greased even more by Hebert, who actually called Judge Bagert. The judge agreed to keep the returned, unanswered subpoena under wraps with little or no publicity. Hebert informed the CIA that on receipt of Houston's letter Judge Bagert had called him back and "was very pleased with the letter and that he considered this "privileged" information and, therefore, had turned the letter over to the foreman of the Grand Jury." Houston was glad that the *New York Times* "did not refer to the CIA report addressed to the Judge." Here we have the CIA in contact with judges at both ends of these subpoenas to ensure that perfectly reasonable requests will be dodged in order to thwart a homicide investigation.

The above demonstrated network may also explain why former Warren Commission attorney Wesley Liebeler, living in Virginia at the time, was also able to escape a Garrison subpoena. The story in the *New Orleans States-Item* on August 8, 1967 stated that a district court judge in Virginia "blocked" a request to have Liebeler testify "after Liebeler said he had personal business" conflicting with the court date.

Three decades later we know how the CIA managed to avoid testifying in New Orleans, and simultaneously to make Garrison look impotent and isolated in the process. But there is another instance that appears to be even more relevant to

Shaw's actual trial. Before discussing it, we should print here the final page of a CIA memorandum that, to our knowledge, has yet to be released in anywhere near its complete form:

3. This is an ongoing review. Recipients will receive updatings as the New Orleans cases develop. [Deleted] is requested to carry out tasks stipulated in paras. 5. 6. and 7. The New Orleans offices of the Domestic Contacts Service will be *tasked* by separate memorandum per para. 8. [Emphasis added.]

The other attachments to this memo are unavailable. But the above suggests that there were "task forces" at work in New Orleans to obstruct the DA. There is a recently declassified file that furthers this suspicion dealing with the New Orleans, Domestic Contacts Service specifically mentioned in this memo.

Those who are familiar with the Shaw trial know that Garrison produced a logbook from the so-called VIP Lounge at the Eastern Airlines terminal of the New Orleans International Airport. The VIP Lounge was a kind of waiting room for business people and similar "frequent flyer" types to frequent while awaiting a flight. The airline clients would usually, but not always, sign the book while waiting. The book produced by Garrison contained the signature of "Clay Bertrand" signed on 12/14/66. The handwriting resembled that of Clay Shaw. The DA, with help from Ray Marcus, produced a nationally renowned document expert, Elizabeth McCarthy of Boston, to testify to that effect. Charles Appel, a former FBI handwriting analyst, allegedly volunteered to testify for the Wegmanns.

This all occurred at the trial. But actually the CIA was way ahead of Garrison. For another name on the VIP list was that of Alfred Moran. On November 15, 1967, the CIA's Lloyd Ray sent a memo to Langley. The third paragraph relates that Hunter Leake of the New Orleans office had attended a party at a friend's house the night before. The friend, Alfred Moran, told him that Garrison's office knew

several individuals who happened on occasion to be together in the Eastern Airlines VIP room...One of these names was Clay

Bertrand; another was Moran's. Mr. Moran recalled the occasion and *positively identified to the Assistant D.A. the presence there of Clay Shaw at that time.* [Emphasis added.]

CIA HQ wired back the next day and placed Ray and Leake on the tail of Moran. What made this easier is that Moran had previously been used as a contact for the Agency out of both the New Orleans and Miami offices.

Extensive background checks were done on Mr. Moran. By November 30th, the Agency was contemplating having Leake meet with Moran to flesh out his story more. But since Moran was ill, another method was used. Since CIA had decided "it makes no sense for Clay Shaw to use the name Clem (*sic*) Bertrand at such a meeting" there must have been two different people. This in spite of the fact that no one in that city could turn up any other person with that name. Houston cabled New Orleans that Leake should "casually" inquire of Moran "along this line." He finished off this key 11/30/67 wire with:

If so, we have means of getting this information to Dymond for use in preparing Shaw case without involving Hunter [Leake] or Agency.

Within two weeks, Leake had accomplished Houston's request. Moran admitted to everything he had said to Leake in his original talk at the party on 11/14, but with one notable exception. Leake now stated that "Actually, Moran had not seen Clay Shaw in the VIP Room on the occasion in question." As the reader can see, this is a direct reversal of Moran's original statement.

Appel was then sent in to argue that the Bertrand signature was not written in Shaw's hand. Under cross-examination he admitted that he was not there voluntarily, but at the request of Shaw's colleague at the Trade Mart, Lloyd Cobb (of the CIA's "cleared attorney's panel"). In relation to this episode of witness tampering by the Agency, it is important to recall what the former HSCA Deputy Counsel said in a *Probe* interview: that he had seen a CIA memorandum originating in the office of Director Richard Helms in which "They were harassing his

[Garrison's] witnesses, they were intimidating his witnesses. The documents exist." (*Probe* Vol. 3 #5)

In addition to the tampering with potential witness testimony, it appears the Agency did something perhaps even more insidious. Recently declassified are the records of the meetings of a so-called Garrison Group at CIA headquarters. There had been previous reports of such a group at CIA. Bill Boxley, probably a CIA plant inside the DA's office, had said such a thing in a 1982 interview with a Texas JFK researcher. But the ARRB has now confirmed this as a fact. The first meeting appears to be on September 20, 1967. Several CIA heavies are in attendance including James Angleton's chief assistant Ray Rocca. In the memorandum of this meeting, at paragraph three, it reads "Rocca felt that Garrison would indeed obtain a conviction of Shaw." In the next paragraph, objectives are discussed relating to "... what can be done before the trial and what might be feasible during and after the trial." A notation to the memo of the 9/26 meeting reads, "Director [Richard Helms] also wanted to know how he could fight back." Anyone familiar with the history of the CIA knows how close Angleton and Helms were. They also know that it was those two men who supervised the CIA's relations with the Warren Commission, which included a denial of any tie between the CIA and Oswald and a cover-up of his activities in Mexico City. Rocca was Angleton's point man with the Commission. It is relevant then that he believes Shaw will be convicted since he knows the case, and Oswald, quite well. After the first meeting it was Rocca who was supposed to survey all the facts and report back. Even more interesting then is what Lisa Pease uncovered about what was going on in Angleton's office concerning Garrison, namely that Angleton was doing name traces on prospective jurors for the Shaw trial. Did Rocca order this as a result of this meeting? Since the trial was being constantly delayed by Shaw's lawyers—who were getting all kinds of help from Washington—it was difficult to determine an exact trial date. Were the name traces then utilized? In other words, did the CIA try to influence the jurors?

In a recently declassified HSCA memo from the Garrison investigation, Harold Weisberg reports of a meeting he had with Tommy Baumler. As we have seen, Baumler had worked with Guy Banister and was quite familiar with the intelligence network in New Orleans. Weisberg described him as an “unabashed fascist” who was aware of “the meaning of his beliefs” and considered them proper. Then Weisberg wrote something quite relevant to the question above. Baumler said that “whatever happens, the Shaw case will end without punishment for him because federal power will see to that.” Weisberg then asks how Baumler could be so certain about Shaw’s fate and protection? Weisberg noted:

He spent some time describing the activities of a man he said had to be CIA and engaged in what he wanted me to understand was a major propaganda campaign, designed to influence public opinion here, *including that of jurors* and about you [Garrison] personally. He described him as a “nondescript” man in two ways on different occasions, as a workingclass man and as a “middle-class” businessman.... Knowledge of case, “tremendous” attitude “very antagonistic.” It is Tommy’s thought that if CIA could put 500 men like him throughout the country it would kill the probe. He is, according to Tommy, “fabulous”... [Emphasis added.]

It now appears that one way Helms “fought back” was through a crew of virtuoso propaganda or counterintelligence men, on the street in New Orleans, polluting prospective jurors’ minds about Garrison.

This article could go on at length with more apparent clandestine shenanigans by the CIA in Garrison’s investigation. For example, as with Gordon Novel, when Edgar Bradley took his (exculpatory) lie detector test in Los Angeles, the technician was another CIA acquaintance, Major Chris Gugas, once employed at Curtis LeMay’s SAC base in Omaha, Nebraska. According to Bill Turner, Gugas was a CIA asset. When Garrison subpoenaed Herman Spicer of International House,

Hunter Leake interviewed him extensively and an actual copy of the subpoena ended up at Langley. Like the FBI, the CIA was also running name traces on the jurors at the Shaw trial. In addition, the CIA's "segregated collection" reveals reams of pages of trace results on anyone the CIA felt might be even associated with Garrison's investigation. The "pre-interviews" done with Julian Buznedo and Alfred Moran mentioned above would indicate that they were being "briefed" also. During the trial, a Teletype machine was moved into the New Orleans office to keep Langley aware of all developments in that proceeding as they happened.

Up until now, there has only been some general testimony from Victor Marchetti and Bob Tanenbaum on the actions of the Agency concerning Garrison's probe. In spite of the credentials of these men, some commentators have scoffed at the idea that the CIA—and other federal bureaus—would actually intervene on behalf of Shaw and against Garrison. These files put the lie to that tenet. They show that such intervention was actively sought by Shaw's defense, and as early as May of 1967, was officially approved by the CIA, and later, other agencies. From illegal electronic eavesdropping, to clandestine funding of suspects' and witnesses' lawyers, from the use of "cut-outs" to hide their monitoring of his progress, to the use of FBI agents to check out his witnesses. And from the mapping out of plans of action using press assets and government officials, to the use of judges to smother subpoenas. And finally what appears to be the employment of "task forces" to help talk witnesses out of their original, and damaging, stories and the aid given to Clay Shaw's cause was munificent and myriad. No one can now deny that this aid was requested and then granted at the highest levels of these organizations; that men like Hoover, Dulles, Angleton, Larry Houston and Ramsey Clark were cognizant and complicit in it.

What is even more startling is that this has been written when the declassification of these particular files has progressed only slightly. There are dozens of folders yet to undergo review by the ARRB. Who knows now what has been

redacted, what was never written down, what has been destroyed, and what did not go through official channels at CIA HQ.

In this last regard, I should mention the role of Bernardo De Torres, a CIA infiltrator into Garrison's office in late 1966, a date preceding the record in these files. It appears that De Torres, and (right after him) Novel, were sent in as ad hoc, "offthe-shelf" operators, known only to a select few at Langley. When these qualifiers are factored in, and added to the documented and official proofs noted above—things that the Agency *was willing to admit to* after the fact—Garrison's critics have been shown to be wrong again. The fact is that both the Bureau and the Agency *were* helping Shaw. The very fact that this aid was granted, with the risk of clandestine complicity with Shaw's defense it ran, clearly suggests that the power brokers in Washington were worried about Garrison's progress. At the time, most of the mainstream media ridiculed Garrison's accusations on this point. As Oliver Stone's chief researcher Jane Rusconi wrote in 1992, only Bill Turner of *Ramparts* was really on the mark. The declassified record makes clear what his January 1968 description of the fate of the DA's investigation could only suggest:

When news of the assassination probe first broke, Garrison declaimed in a burst of rhetoric, "Let justice be done though the heavens fall!" The heavens are still there, but Washington has come crashing upon him.

MEMORANDUM

May 22, 1973

TO: JIM GARRISON, District Attorney

FROM: LOUIS IVON, Chief Investigator

RE: Phone call from BILL WALTERS [*sic*]

May 11, 1973 at approximately 4:10 P. M.

I received a telephone call from a person who

identified himself as BILL WALTERS who wanted to speak to JG. He identified himself as the fellow who was in contact with this office when he was working as a clerk in the local FBI office. He went on to say that he doesn't personally like JG, that he believed JG was sincere in what he was doing because he personally knew that messages were sent through the office where he was working where reports or memos by agents, if they didn't coincide, the agents were advised to make the necessary changes so there wouldn't be a question about the Warren Report. There were also complete statements from various individuals which were eliminated by the agents.

He said he had been watching and reading about this Watergate with the bugs and break-ins and said he personally knew that during our investigation there were ten or fifteen agents assigned to the New Orleans office to follow our investigators to see what leads we were checking out. He said he personally knew that there were some telephone taps in New Orleans and he specifically mentioned the Governor House where a HARRY BENNETT who was from Gulfport, Mississippi, telephone was tapped by one CHANDLER JOSEY who works closely with the FBI. He said another bug was put in on the Chef Menteur Highway by a motel. He could not remember the name but the person that owned the hotel was a woman who worked for the State Insurance Commission. One night an agent by the name of NAT BROWN picked the lock at the motel, removed a lamp from the office, placed a bug in the lamp and went back and replaced the lamp in the office of the motel.

He said ex-agents BOB WILSON, CHARLIE CARSON of Southern Research, were hired by the MCC to investigate the District Attorney's office.

All these taps were being monitored in a room called the Technical Surveillance Room or the Bulky Exhibit

Room which is located on the seventh floor on Loyola Avenue.

He said there was a fellow by the name of KEN KENDRICK who was an investigative clerk classified as GS7 who was an electronics expert who they also used. Other names mentioned were Agents JOSEPH SYLVESTER, ERNIE WALL, C. L. MURRAY

(GS7), FURMAN BOGAN (who now has security at Nichols State College) and a fellow by the name of MAYNARD who was the head of the New Orleans area.

He stated that he wanted to give JG this information. He didn't want any money nor any publicity. He wanted to be assured that his name would be kept in complete confidence. He further stated he would call between 3:30 and 4:00 the following Tuesday to speak to JG.

[In the above 1973 memo, Walter refers to Wackenhut by its old name, Southern Research. MCC refers to the Metropolitan Crime Commission.—Eds.]

Baldwin and Quaid
ATTORNEYS AT LAW
1015 DE MONTLUZIN BUILDING
234 LOYOLA AVENUE
NEW ORLEANS, LA 70112

EDWARD M. BALDWIN
JAMES F. QUAID JR.

May 15, 1967

Honorable Richard Helms, Director
Central Intelligence Agency
2430 "E" Street

Washington D.C.

AIR MAIL

Dear Mr. Helms:

I am a practicing member of the Louisiana State Bar, have been admitted to practice in the Federal Courts in this area, have served as a Judge ad hoc in the State Courts and in both the Civil and Criminal divisions.

It is requested that your office place my name on their referral list of qualified attorneys in this area.

A suggested reference of a private federal agency that has used my services in the past is the Federal Land Bank of New Orleans.

If there are any further questions concerning my qualifications please contact the undersigned hereunder.

Very truly yours,

/s/ JAMES F. QUAID, JR.

The Sins of Robert Blakey

EDWARD F. WEGMANN
ATTORNEY AT LAW
1047 NATIONAL BANK OF COMMERCE BUILDING

FRED P. WESTENBERGER
TELEPHONE 524-0732

NOTARY PUBLIC

March 11, 1968

Mr. Allen W. Dulles
2723 Q Street, N.W.
Washington, D.C.

Dear Mr. Dulles:

The writer, together with F. Irvin Dymond and my brother William J. Wegmann, represent Clay L. Shaw who, as you probably know, has been indicted by the Orleans Parish Grand Jury with having conspired to assassinate the late John F. Kennedy.

As I dictate this on Friday, the 5th, I note that you have once again been subpoenaed by the District Attorney for the Parish of New Orleans to appear before the Orleans Parish Grand Jury in connection with his alleged probe of the assassination.

Mr. Dymond and I will be in Washington on other business of Friday, March 22nd, at which time we would like to meet with you for the purpose of discussing this situation. If this date is not convenient, could you meet with us in the early afternoon of Thursday, the 21st. We do feel that such a meeting would be mutually advantageous and I trust that you will find time to see us.

I await your advice.

Yours sincerely,

/s/ Edward F. Wegmann

EFW: ft
Airmail

cc: Mr. F. Irvin Dymond
cc: Mr. William J. Wegmann

By James DiEugenio

The Assassination Records Review Board has declassified many of the files of the House Select Committee on Assassinations (HSCA). There is quite enough available now to begin to get an accurate gauge of the performance of that committee, more specifically the record of its controversial second Chief Counsel, G. Robert Blakey. It seems odd that no one has written a book-length critique on the history and findings of the HSCA. Within four years of the issuance of the Warren Report, there were several incisive, full-length analyses of that report and organization. Yet, over two decades after the HSCA's Final Report, there is no matching volume of the last investigation into the murder of President Kennedy—or the corresponding HSCA inquest into the assassination of Martin Luther King.

In the immediate aftermath of the release of the HSCA Final Report in 1979, two books were being written that proposed to perform this critical analysis. One, to be written by Ted Gandolfo, never got past the unpublished manuscript stage. Another book, *Beyond Conspiracy*, an anthology by Peter Scott, Russell Stetler, Paul Hoch, and Josiah Thompson, progressed further toward publication than Gandolfo's work. But this too was never published. And from the pre-publication version of the volume I have, it does not take on the function of critical analysis that authors like Mark Lane or Sylvia Meagher did for the Warren Commission in the previous decade. In fact, the tone is not really critical at all. It can be seen by reading Thompson's discussion about the HSCA's version of the single bullet theory. This celebrated critic actually seems to accept what he was so skeptical about in his 1967 Warren Commission critique, *Six Seconds in Dallas*. As we shall see later in this

essay, Blakey's version of the magic bullet theory is, in some ways, even more strained than the Warren Commission's.

In the wake of the HSCA Final Report, finally issued in the summer of 1979, there were three books published on the JFK case. David Lifton released *Best Evidence*, Anthony Summers authored *Conspiracy*, and Blakey (with co-author Dick Billings) wrote *The Plot to Kill the President*. Both Summers and Lifton seemed to take their cues from Blakey's post press conference press conference. After the Final Report was issued, Blakey called his own press conference to say that although the HSCA had come up with a finding of "probable conspiracy" without pointing the finger directly at anyone, *he* knew that the real culprit was the Mob. His book, published by a subsidiary of the *New York Times*, reiterated that verdict in (unconvincing) detail. In the book's preface, Blakey again stated that "the evidence ... established that organized crime was behind the plot to kill John F. Kennedy." Although the Lifton and Summers books discuss the HSCA, they are in no way rigorous analyses of that body. In fact, both books rely on some of the information published by the HSCA and both writers were privy to leaks since they had contacts inside the committee. With the benefit of hindsight, this has proven to be at least a partly questionable practice. As HSCA investigator Gaeton Fonzi once told me, the HSCA was so compartmentalized that only those people at the top really knew what the entire body was doing. These would include Blakey, his deputy on the JFK side, Gary Cornwell, and the *Final Report's* co-author, Billings. Relying on informants inside the committee only gave these writers a glimpse of the gestalt. With the release of the raw files of the HSCA, it seems that both Summers and Lifton were too deferential to certain important aspects of the HSCA, a point to which we will return.

It is important to trace the origins of the House Select Committee so that one may understand the temper of the times in which the last investigation began, and so that one may briefly map out the change that occurred when Robert Blakey, Cornwell, and Billings took over for the original Chief Counsel,

Richard Sprague and his Deputy Counsel, Robert Tanenbaum.

After Clay Shaw's acquittal in 1969, Jim Garrison had attempted to bring Shaw up on (well-justified) perjury charges. In May of 1971, Judge Herbert Christenberry—whose wife had telegraphed Shaw their congratulations upon his earlier acquittal—threw out the charges. As Mort Sahl related to me, he and Garrison then went to the 1972 Democratic National Convention to try and make a political issue of the case with people like George McGovern who had been a friend of both John and Robert Kennedy. Mort and Garrison were frowned upon by people in the Louisiana delegation, which was led by Hale Boggs, former Warren Commissioner. At this juncture the case seemed dead. But the ensuing Watergate scandal inadvertently revived it. The Senate's Republican minority report, issued by then Minority Counsel and now Senator Fred Thompson, saw much CIA involvement in that scandal. Thompson's boss, Senator Howard Baker, later became one of the participants in Frank Church's subsequent investigation of the Central Intelligence Agency in 1975. That committee publicly exposed myriad crimes conducted by both the CIA and the FBI. But there were two aspects of Church's work that impacted with force on the JFK case and helped revive it in the media. First, Church held hearings on the secret CIA plots to kill foreign leaders, most notably Fidel Castro. Second, committee members Richard Schweiker and Gary Hart conducted their own investigation of the performance of the FBI and CIA in investigating the Kennedy assassination. That report remains mandatory reading today. It was a scathing indictment of both agencies, which categorically exposed the breathtaking rush to judgment to nail Lee Harvey Oswald.

This was a qualitative leap up from Garrison. The New Orleans DA could only howl in the wind about what he knew to be the malfeasance, or worse, of those two agencies in the Kennedy case. Now, with access to the actual documentary record, Frank Church and the U.S. Senate were certifying that much of what Garrison said was true and warranted. Further, Church was also saying that the CIA secretly plotted the deaths

of political leaders and was tracing those plots in detail. At this time, *New Orleans* magazine ran a cover story on Garrison basically saying that he had said all this before and no one had listened to him. Researcher Mary Ferrell wrote him a letter apologizing for not standing by him more staunchly. She didn't suspect in 1967 that the CIA could do such awful things.

In the midst of the tumult about Church's sensational disclosures, Robert Groden and Dick Gregory went to Geraldo Rivera who then had a network talk show at ABC. At the time, Groden had the best copy yet made of Abraham Zapruder's 26-second film of the JFK assassination. On March 6, 1975, for the first time, millions of Americans were convinced that, at the very least, Oswald had not acted alone. The effect of this public showing of the Zapruder film was, in a word, electrifying. The day after, the Kennedy assassination was topic number one in bars and barbershops across America. The case was back on the front burner. Along with the exposure of the crimes of the CIA, and the negligence of the FBI, what Warren Commission critic could have asked for more?

One of the people who got hold of a copy of the Zapruder film at this time was the son of Congressman Thomas Downing of Virginia, who had represented the Newport News area of that state for over 15 years. An accomplished lawyer by trade, Downing was a well-respected member of the House of Representatives. When I interviewed Downing in 1993 at his luxurious office in beautiful Newport News, he told me that his son and a friend of his named Andy Purdy had viewed the film at the University of Virginia and were shocked at what it depicted. His son made Downing watch the film and the Congressman decided that this evidence itself merited an investigation by the House. He decided to draw up a bill focusing on the formation of a committee to reinvestigate the murder of John F. Kennedy.

At the time of Downing's action, the spring of 1975, there already was a bill on the House floor (HR 204), authorizing a reinvestigation of three assassinations of the '60s—JFK, Robert

Kennedy, Martin Luther King—and the attempted killing of George Wallace. Its author was the late Texas representative Henry Gonzalez. Gonzalez was part of the reception party when Kennedy had visited Dallas and he was at Parkland Hospital when Kennedy had died. His name is mentioned at times in the Warren Commission volumes. Gonzalez had liked Kennedy and his policies and wished to go farther than examining only JFK's death—he wished to relate it to the other two. But his bill was stalled and had little hope of succeeding. Gonzalez decided to give way to Downing's bill and then both men made a tactical move. They decided to attach only the King case to Downing's bill in order to enlist the aid of the Black Caucus in the House.

It was an uphill battle, but the momentum kept accumulating. On September 8, 1975, Senator Richard Schweiker introduced a Senate resolution calling for a reopening of the Kennedy case. In the House, Don Edwards' subcommittee on Constitutional Rights held hearings into allegations that Oswald had delivered a threatening letter to the Dallas headquarters of the FBI just weeks before the assassination. This was the famous note that was subsequently destroyed after the assassination. With this kind of controversy playing in the papers, the Downing-Gonzalez bill was getting some help. And Downing was a determined man who made some impassioned speeches on the floor of the House. Finally, in September of 1976, the bill cleared the Rules Committee where it had been bottled up for months. On September 17, 1976 House Resolution 1540 creating the House Select Committee on Assassinations was passed by a vote of 280-65.

The committee was first led by Downing with Gonzalez as second in command. Once formed, it faced two immediate problems. First, Downing had decided that this would be his last term in the House of Representatives. He would step down at the end of 1976. Second, a chief counsel would have to be chosen. Both of these events were absolutely crucial to the history of this committee. Neither of them has gotten the attention or weight they deserve. Although the battle to get the HSCA authorized had been a difficult one, the newly formed

committee still had plenty of ballast from the momentous events described above, all taking place from 1974-1976. Also, former Warren Commissioner Gerald Ford, who we now know was up to his neck in the spurious editing of the Warren Report, was about to leave office. Ford had done everything he could to thwart the investigations of Frank Church and his Congressional counterpart, Otis Pike, in the House. He had even formed his own commission to preempt them. It had been headed by, of all people, Vice-President Nelson Rockefeller, who chose as his chief counsel former Warren Commissioner David Belin. Jimmy Carter was to be the new president and he had campaigned against the corruption symbolized by Watergate with the slogan, "I will never lie to you."

When I asked Downing if he had ever thought of staying on just to see the committee through, he replied no, he had not. He was eager to return home, spend time with his family, and get back to his law practice. In retrospect, Downing's departure was a blow the committee could not sustain. Gonzalez was now slated to be eventual chairman, and as Bob Tanenbaum later told me, he hadn't the experience or the stature to carry out what would be an insurmountable task. But before leaving, Downing was determined to choose a worthy chief counsel, one who would be above reproach from both a political and professional standpoint.

Downing told me that he was mystified by reports in the media that he was pushing Mark Lane for that position. He never suggested him for the job since he was perceived as being too close to the subject to lead an impartial investigation. He said he opened up the subject to the committee members themselves. They nominated several people for different positions. He then pulled out the record of the original nominations made on September 29, 1976. It shows that the nomination of Richard A. Sprague was made by Gonzalez himself. Five days later, Sprague was appointed Chief Counsel and Staff Director.

Henry James could not have dreamed a more ironic stroke. As we shall see, the upcoming battle between Gonzalez and

Sprague was to ensure both their ousters. But Sprague was actually a salutary choice at the time. He had just come off a brilliant legal performance in a sensational murder case, namely the conspiracy to kill reform labor leader Jock Yablonski, a conspiracy headed by corrupt union boss Tony Boyle. Sprague had been appointed special prosecutor for Washington County, Pennsylvania, between 1970 and 1975. He had unraveled the complex conspiracy behind the Yablonski murders. He went through a series of five trials pyramiding upward through each level of the conspiracy. It culminated with the conviction of Boyle, not once but twice since the original verdict had been overturned upon appeal. Previously, Sprague had made a reputation as first assistant DA in Philadelphia under, of all people, Arlen Specter. Tanenbaum told me that although Sprague liked Specter personally, he thought he was a completely political animal. And politics was something that never entered Sprague's legal ethos.

When Downing approached Sprague for the position, the former special prosecutor told him that he had no fixed opinion on what had happened in either the King or Kennedy cases. He was aware that there had been a controversy as to what and how much had been revealed to the public. So he insisted that there should be no more cover-ups. If he took the job it would have to be with the insistence that as much as possible be done in public. He also insisted on four other conditions:

1. He wanted to hire his own investigators.
2. There would be no time constraints that would allow government agencies to just stonewall and outlast the committee.
3. There had to be enough money to employ a large, efficient staff so there would be no reliance on other aspects of the government for services rendered.
4. To emphasize the non-political nature of the inquest, there would be no majority and minority counsel positions, just a chief counsel and executive director.

As Sprague related later on Ted Gandolfo's cable program in

New York, if Downing would not have agreed to all four conditions, he was prepared to go back to private practice. Downing said yes, and Sprague took command. For a brief moment, the critical community thought they finally had their man in a position that could finally do something to officially change the status of the Kennedy case. As Cyril Wecht commented:

Dick Sprague was the ideal man for that job with the HSCA.
Richard

Sprague had probably prosecuted more murder cases than any DA in the United States ... He knew how the police worked. He wasn't just the kind of guy who tried the case. He worked with the police. He knew thoroughly how homicide cases were conducted. He's tough, he's tenacious, he's aggressive. He has a strong streak of independence. He was *the* man for the job.

Or, as Gaeton Fonzi recalled it in *The Third Decade* of November of 1984,

After talking with Sprague I was now certain he planned to conduct a strong investigation and I was never more optimistic in my life. I remember excitingly envisioning the scope and character of the investigation. It would include a major effort in Miami, with teams of investigators digging into all those unexplored corners the Warren Commission had ignored or shied away from. They would be working with squads of attorneys to put legal pressure on, to squeeze the truth from recalcitrant witnesses. There would be reams of sworn depositions, the ample use of warrants and no fear of bringing prosecutions for perjury. We would have all sorts of sophisticated investigative resources and, more important, the authority to use them. The Kennedy assassination would finally get the investigation it deserved and an honest democracy needed. There would be no more bullshit.

And for a short time, there wasn't. Sprague hired two top deputies, one for the Kennedy side of the HSCA, and one for King. They both came out of New York City. Tanenbaum took

the JFK side, and his friend Bob Lehner took over the MLK investigation. Sprague granted both men the freedom to pick their own staffs. Tanenbaum brought in some first class detectives from New York, like Al Gonzalez and Cliff Fenton. From an interstate homicide task force he helmed, Tanenbaum hired L.J. Delsa to work New Orleans. He hired Michael Baden and Cyril Wecht to serve as his chief medical consultants. After talking to Richard Schweiker, he decided to hire his chief field investigator, Fonzi, to investigate the Florida scene. There were literally thousands of applicants for the researchers' positions on the HSCA. When I interviewed Al Lewis in Lancaster, he told me that they must have gotten at least 12,000 applications to work on the committee from young people around the country, most of them college students who wanted to serve. Lewis was an attorney who had worked with Sprague in Philadelphia, helped on the Yablonski case, and later joined him in private practice.

The feeling on the committee, and inside the research community, was that the JFK case was now going to get a really professional hearing. Jim Garrison never had the resources or the professional manpower to really helm a widespread, multi-pronged criminal task force. It looked like celebrated prosecutor Sprague now would. As Lewis related to me, one of the areas in which Sprague expressed a special interest was the medical and ballistics evidence. Sprague and his fellow staff attorneys requested entrance into the National Archives in order to survey the existing medical evidence first-hand. They were appalled at what they saw. Coming out of big-city homicide bureaus, they had studied many autopsies. Remembering back to the experience of encountering the autopsy materials in this case, a look of disbelief and disgust crossed Lewis' face. Sitting in his office on a Sunday afternoon in Lancaster, Pennsylvania, I took note of that look and I commented that Harold Weisberg has written that skid-row bums had received better autopsies than President Kennedy's. Lewis replied, "It's worse than that." When I asked him to elaborate, he waved me off. As Bob Tanenbaum plodded

through the Warren Commission volumes, he was shocked at their incompleteness and the lack of thorough investigation. As he relates in his fictionalized treatment of the matter, *Corruption of Blood*, it struck him as being unsatisfactory for a first-year assistant DA and something in which a law student could have found giant evidentiary holes.

Sprague was eager to delve into some of the better, more concrete materials that the critics had come up with. One area that he felt was important was the photographic evidence. Soon after he accepted the position, Counsel Richard A. Sprague was introduced to photoanalyst-computer technician Richard E. Sprague. Sprague quickly arranged a presentation of the voluminous photos that Richard E. Sprague had collected over the years, undoubtedly the largest collection of pictures on the JFK case in any private collection. Sprague directed every hired detective and researcher to attend a photographic slide show put together by the Kennedy researcher. According to people who were there, it was a long and impressive presentation. But before the lights went down, Sprague turned to everyone in attendance and said, "I don't want anyone to leave unless I leave. And I don't plan on leaving." By the end of Sprague's four-hour slide show, Al Lewis told me that, of the 13 staff lawyers in attendance, only one still held out for the single bullet theory.

At the end of 1976, Downing and Sprague put together a report to give to the House. Transmitted to the Clerk on December 31, 1976, it is the last HSCA report that bears Downing's name. On the first page, he wrote the following:

I note, on my retirement from the House of Representatives, the fine start, which has been made on this investigation, for whose initiation I have worked over the past years. It is my sincere hope that the House will see fit to proceed with the investigation in the same thorough and professional manner in which it has begun.

In retrospect, this report is the high-water mark of the committee. Relying on the Schweiker-Hart Report, it criticizes

the methodology of the Warren Commission. It then proposes a staff of 170 people to man the HSCA. This would include 15 attorneys on each case, along with 25 full-time investigators. It also pushes for open hearings so "the American public will have a greater basis for confidence in ultimate conclusions." Sprague's first proposed budget is in this report. The grand total came to about 6.5 million annually. The majority of the funds was allotted to salaries for the staff. The intricacy of this budget shows just what kind of investigation Sprague was determined to carry out. There are allotments in it for fingerprint, handwriting, and document experts. Sprague wanted different types of criminalists to survey fiber, hair, and clothing evidence. Further, he wanted independent ballistics analysts, voice print analysts, translators, and computer services. In other words, Sprague's staff could have been used to discredit the previous work of the FBI and CIA for the Warren Commission. And there was one item in this proposed budget that would be used to discredit Sprague: there are allotments for polygraphs, voice stress evaluators, and miniphone recording devices. The report also urged that the committee be granted extraordinary powers to compel testimony, secure information and documents and to publish them in as raw a form as possible, i.e., without censorship procedures.

At around this time, the attacks on the committee and especially Chief Counsel Richard Sprague began. It was so effective that despite Sprague's stature and reputation, the overwhelming initial vote for the committee, and the disbelief of the public in the official story, Sprague would be gone three months after that December report. And not only him, but Gonzalez as well. The latter would be replaced by Louis Stokes; the former by Robert Blakey. What happened in those three months of early 1977?

First, let us not overestimate the support that Downing's bill had in Congress. His bill was signed by about 135 members, or about a third of that body. According to a behind-the-scenes

report in *Rolling Stone* (4/7/77), what finally got it out of the Rules Committee and onto the floor for a vote was some backdoor maneuvering by the Black Caucus. Both Democratic bigwigs in the House, Speaker Carl Albert and Majority Leader Tip O'Neill, were against the bill. When Richard Bolling decided to run for majority leader, he wanted the caucus' support. So he switched sides on the issue and decided to vote for the bill. In order not to make it an inflammatory campaign issue, Albert and O'Neill gave in and decided to forward the bill to the floor for a vote. Further, in order to cancel any negative effect on the GOP in the '76 presidential race, the Republicans agreed not to fight the bill in return for a Democratic pledge not to exploit President Gerald Ford's dubious service on the Warren Commission. In other words, one of the reasons Downing's bill passed was pure political expediency.

In January of 1977, the expediency started blowing the other way. As a confidential source told me, both the FBI and the CIA began lobbying against a reauthorization of the bill. The FBI concentrated on the King case; the CIA on the Kennedy case. Two Congressmen carrying a lot of water in this regard were Bob Bauman of Maryland (soon to be deposed in a sex scandal), and John Ashbrook of Ohio. Bauman would lead both floor fights against the HSCA in January and in March. Ashbrook had that memorable conversation with Tanenbaum depicted in Gaeton Fonzi's *The Last Investigation*. It concluded with, "Well, we really don't mind funding the Kennedy assassination, although I didn't think much of the man but we'll be damned if we're going to fund that nigger King's."

Supplementing these political shenanigans was a propaganda campaign carried out by the three major dailies: the *Los Angeles Times*, *New York Times*, and *Washington Post*. Once Sprague's budget made it clear that this would not be a rerun of the Warren Commission, those three dailies, who had bought so heavily into the "Oswald-did-it" scenario, trained their heavy guns on Sprague. The *Los Angeles Times* trotted out old war-horse Jack Nelson. Nelson was the *Times'* initial hit man on Jim

Garrison back in 1967. By his own admission, Nelson got much of his information on Garrison in New Orleans from former FBI agent Aaron Kohn. In December of 1976 Nelson hit hard at Sprague's proposed use of telephone recording devices and voice-activated stress evaluators. Then, the *New York Times* chimed in. As Mark Lane has noted in *Plausible Denial*, the *Times* switched their reporters on the HSCA. They started with Ben Franklin who seemed to like Sprague. They then changed over to David Burnham, an interesting choice. Burnham was the reporter whom Karen Silkwood was supposed to meet the night she was—either by design or accident—driven off the road and killed. The evidence she was to bring to the meeting—proof of contamination of workers in a nuclear energy plant—mysteriously disappeared. Burnham spent a good deal of time going through the microfilm of Philadelphia newspapers and wrote an article (1/2/77) which focused on five points of fairly irrelevant controversy in Sprague's illustrious 18-year career in the Philadelphia DA's office. (Predictably, Burnham left out the telling point that Sprague left the DA's office because he was fired when he exposed a lie that his new boss had told to the state Attorney General.) To fill out this questionable trio, the *Post* put longtime CIA ally Walter Pincus on the HSCA beat. Bauman dutifully quoted Pincus during the debate on the House floor of February 2, 1977 in these terms: "Mr. Walter Pincus calls it [the HSCA] perhaps the worst example of Congressional inquiry run amok."

When I interviewed former HSCA photographic consultant Chris Sharrett, he vividly remembered the impact of the early articles, especially Burnham's. He and some of the staff were at a dinner one night after the first wave of articles had surfaced. Sprague had tried to laugh off the attacks during the meal. But on the drive back Sharrett recalled a dark but articulate premonition going through his mind, "It's Garrison all over again." In fact, as with the Garrison inquiry, there was another strange assignment switch at the time of the HSCA. Nicholas Horrock had been an intelligence reporter for the *New York Times* who went over to *Newsweek* to cover the committee. As

Jerry Policoff noted on the *MacNeil/Lehrer Report* (2/24/77):

I think one of the unfortunate things, is that Nick Horrock has been the recipient of some of the leaks from the intelligence agencies that I think are designed to push any further investigation of the Kennedy assassination in a particular direction. A direction that leads away from any involvement, either in the assassination or in any cover-up, from the intelligence agencies.

Horrock, who was on that show, did not deny Policoff's charges. But consider his closing comments as a gauge to their accuracy:

I think it was a highly difficult, really impossible investigation to reopen, a murder of a man 12 years—15 years—gone by and to find the witnesses and then have all this circus as the starting point. I don't think it's going to serve their purposes.

The circus that Horrock refers to above is the battle that broke out between Sprague and Gonzalez right after Downing left in January of 1977. The conventional wisdom, as expressed by George Lardner of the *Post* for example, maintains that there were two causes of the mutual self-destruction. First, Gonzalez resented being passed over by the Democratic leadership for the original chairmanship. Secondly, Gonzalez, for an as yet undetermined reason, seemed to agree with some of the early press criticisms of Sprague and asked him to lighten up on his proposed budget by firing some people. Sprague refused. As this confrontation got heated, something strange and unprecedented took place. Most of the committee members sided with Sprague. This split, the chairman on one side and Sprague and the committee members on the other, grew wider until the inevitable tragic denouement in March of 1977.

As I noted, the above is the conventional story that is usually related, surprisingly, in very few books on the assassination. But was there something deeper at work? On the aforementioned MacNeil/Lehrer program, Lehrer (surprisingly) mentioned that the campaign against the committee "is right

out of the COINTELPRO guidebook for destroying someone.” Policoff, who had some extraordinary sources while reporting on the committee for *New Times*, mentioned to me that he had heard that there was a mole inside the committee who was secretly reporting back to Gonzalez’ office. If this were so, that individual would be in a wonderful position to destabilize any kind of relationship between the new and insecure chairman and the tough, politically naïve chief counsel. In this regard, consider the comments of Gail Beagle of Gonzalez’ staff as recorded in the April 7, 1977 issue of *Rolling Stone*:

“Carl Albert shot us down last fall,” she said, referring to Downing’s appointment as chairman. “It’s not so much the insult of his not naming you [Gonzalez as chairman], it’s that you don’t have control of the groundwork.” As for Sprague, she called him “just a babe in the woods when it comes to Congress.”

Beagle’s comments certainly would play upon Gonzalez’ resentment of the Downing appointment and his fear of being upstaged by Sprague in his first chairman assignment. (In fact, Gonzalez’ insecurity about this would grow until, on the floor of the House, he would state that the real reason for his being bypassed for Downing was his Mexican heritage.)

But even more to Policoff’s point was an article I discovered in the *New Orleans States-Item* of March 5, 1977, right after Gonzalez had quit the committee and begun his harangues on the House floor railing against Sprague. The banner to this article reads: “I was the spy on JFK probers.” The first sentence is this, “A woman said yesterday she was the ‘spy’ on the staff of the House Assassinations Committee’s chief counsel for the committee’s chairman.” The story goes on to detail the activities of one Edyth Baish. Ms. Baish says that she wanted Gonzalez to know of:

the details I saw as disruptive ... It is of the utmost importance that it be understood by all that I was acting *on my own* and not under instruction of any other person. I was the spy who kept the chairman’s office informed on what was going on over

at the committee offices. I guess there isn't any other word for it. But it was my own idea and I did it because I found it necessary, my duty, to report *at great length and in fine detail* the conditions and happenings within the staff offices ... [Emphasis added.]

The story goes on to say that Baish had been recommended to Sprague for a position by none other than Gail Beagle. Was she really acting on her own then? Or did she know that the more detail and length she reported at, the higher the probability of enraging Gonzalez?

This point is quite important. For as *Rolling Stone* (4/7/77) related, Richardson Preyer, who had done his best to neutralize Bauman's efforts to terminate the committee, had also tried to arrange a détente inside the committee to at least survive the upcoming March 30th vote for reauthorization. But on February 10th, without consulting the committee, Gonzalez fired Sprague. According to the article, the reason for the dismissal was that Gonzalez had heard that Sprague had poked fun at him at a staff meeting, something that Sprague denied he had done. The likely source for this story would be Baish or Beagle. It would be this attempted firing that would lead to the ousters of both Gonzalez and Sprague and result in the appointment of Robert Blakey as chief counsel.

As noted above, the other 11 committee members sided with Sprague. They rushed a letter to him telling him not to leave town but stay in his office. Gonzalez then tried to subvert Sprague's progress by other means. He cut off long-distance dialing privileges; he told Attorney General Griffin Bell to keep Sprague's investigators from reviewing FBI documents; he sent security guards over to retrieve stationery with his imprint on it.

Incredibly, the committee not only backed Sprague, it informally drew up rules for him legitimizing the use of the electronic gadgetry the media had made so much hay about previously. At a public meeting of the committee on February 16, 1977, Gonzalez made a personal attack on Sprague and called him "a rattlesnake." When Preyer tried to defend

Sprague, Gonzalez said, "I know your intense desire to be chairman of this committee." Preyer moved to adjourn and the rest of the membership walked out. Gonzalez continued the meeting with only the press present and went ahead with his personal attack accusing Sprague of usurping control of his committee. Right after this demeaning public performance, Gonzalez fell sick with a severe case of the flu and flew back to San Antonio. Two weeks later, ill and exhausted, Gonzalez called Sprague an "unconscionable scoundrel" and then resigned the chairmanship of the committee he had fought so hard and long to create.

With Gonzalez gone, Louis Stokes became the new overall chairman with Preyer helming the JFK side and Walter Fauntroy the MLK panel. Sprague tried to keep the committee working through March (e.g., there was an interrogation of Santo Trafficante on March 16th.) Sprague also agreed to halve his proposed budget with the reservation that this would likely lengthen the investigation. But the handwriting was on the wall. The committee's enemies now had the perfect pretext to kill the HSCA: a chief counsel had not only survived a firing attempt by a chairman, he had actually forced the chairman to resign. This was not acceptable behavior on Capitol Hill. And Gonzalez was granted extra time to rant against Sprague on the floor of the House for hours on end day after day. On March 28th, Sprague issued his last report. It recommended that the House continue their investigation of both cases. But it was clear that if those investigations were to continue, they would have to do so without Sprague.

The vote to actually reauthorize the committee came on the last day of March 1977. The night before the vote, Sprague was called to Stokes' office to meet with four members of the committee. They gave him some bad news. The preliminary vote tally revealed that the only way the HSCA would survive was if Sprague quit. Sprague decided to resign that night. His resignation was accepted the next day at 10:00 a.m. As a result, the HSCA survived the vote and was reconstituted by a

tally of 230-181.

Although Tanenbaum was asked to assume Sprague's position, he refused. He and Lewis stayed on for a few months afterward to try and bridge the gap between Sprague's departure and the appointment of a new chief counsel. The problem was that it was difficult to find someone willing to take the job after the Sprague debacle. Two men mentioned in the media as having turned the job down were former Watergate special prosecutor Archibald Cox and former Supreme Court Justice Arthur Goldberg. Lewis confirmed to me that he himself had tried to recruit Goldberg for the position. He got in contact with Goldberg to feel him out and he seemed amenable to taking the job. But one condition had to be fulfilled before he would say yes. He wanted assurance that he would have the full cooperation of the Central Intelligence Agency. Lewis then called him over to his office and suggested that they go right to the top for an answer to that question. With both men in the room, Lewis called up Stansfield Turner, President Carter's appointed Director of Central Intelligence. Lewis explained the situation to him and then stepped aside and gave Goldberg the phone. Goldberg popped the question about full cooperation to Turner. A long silence followed. Goldberg finally turned to Lewis and said, "I think I lost the connection." Lewis said, "Why don't you say something to see if he's still there?" Goldberg asked Turner if he was still on the line and Turner replied he was. Goldberg asked for an answer to his question about CIA cooperation. Turner responded, "I thought my silence was my answer." That was it for Goldberg.

On June 20, 1977 Stokes announced that the committee had found a replacement for Sprague. He was G. Robert Blakey, then a law professor at Cornell University. Blakey was an organized crime specialist who had served in Bobby Kennedy's Justice Department from 1960-64. At the joint Stokes-Blakey press conference announcing his appointment, Blakey stated that, "The purpose of this news conference is to announce there will not be any more news conferences." Blakey went on

to quote Thomas Dewey when he was appointed special prosecutor in New York City to investigate organized crime:

In general, it is my belief that a talking prosecutor is not a working prosecutor ... It is my sincere hope that the work we are doing vanishes from the newspapers. (*Washington Post* 6/21/77)

Blakey also added that he would do all he could to make the news blackout stick. In fact, Blakey never called another press conference until the report was finished. And one of his first acts was to abolish the press office.

Stokes added another announcement to Blakey's pronouncement. The committee would adopt a new rule declaring that "all information" would be kept confidential "during the preliminary evidence-gathering phase" in order to protect the witnesses and the "integrity of the process of the investigation." Stokes went on, "As to the substance of this investigation, it shall be the policy of this committee and its staff not to comment until this investigatory phase is completed." Clearly, Stokes' new rules seem inspired by his new counsel since they are pretty much a reversal of Sprague's intent to do as much in the open as possible. The *States-Item* had written about Sprague:

The challenge, he says, is in trying to repair the faith of the people who no longer believe public officials have told the truth about assassinations ... "I thought to myself, what a breath of fresh air it would be if this can be done on a high-level basis that would really show the nation what dedicated professionals can do." (12/9/76)

Blakey never expressed any such sentiments. He never even seemed cognizant that such a problem even existed.

Another interesting point about Blakey's initial public comments was his reference to Tom Dewey. Dewey's investigation was a real criminal prosecution, i.e. the point was to indict, convict, and place people behind bars. Sprague was trying to get as close to that kind of investigation as possible.

But it was never Blakey's aim, and he likely knew it at the time he made the Dewey reference. As Edwin Lopez Soto revealed at a conference in Chicago in 1993, he was with Blakey at the time he accepted the position. Lopez was one of the Cornell students that Blakey recruited for the HSCA. This is what he had to say about Blakey's prosecutorial zeal around the time of his acceptance of the chief counsel's job:

I felt pretty positive about going into work with the committee. Fairly soon thereafter I was bitterly disappointed and it didn't take much time at all. I remember being on a flight with Blakey about a month into the investigation in which Blakey told me that, "Ed, you're talking about investigating here and we're not an investigative body. We are a Congressional committee. We are a legislative body. Our job is to put together a report. We don't have indictment powers; we don't have perjury powers; we don't have subpoena powers. Keep that in mind when you work." And that conversation really colored the rest of my tenure on the committee.

Besides the fact that Blakey's version of what a Congressional committee can and can't do is questionable, the above statement shows that his analogy to Tom Dewey's function was fatuous, perhaps knowingly so. Which leaves the question: If he did not intend to even approach a real investigation, what was the need for such secrecy?

There has long been a debate as to how Blakey entered the picture in the first place. That debate can now be settled. Jerry Policoff told me that he learned that his name originated in Chris Dodd's office. In the preface (p. xii) to Blakey's Kennedy assassination book, the following statement appears: "And I was quite surprised when I got a call from Congressman Christopher Dodd of Connecticut, who asked if I would accept the position of Chief Counsel and Staff Director of the Committee." There is confirmation for this from the other end too. In George Lardner's *Washington Post* article mentioned above, he writes that Dodd headed the "task force" to find a successor to Sprague and although many candidates were

mentioned, Dodd said that, “Blakey was our principal choice.”

Dodd’s view of Blakey as the “principal choice” could be significant in light of the results that Blakey ultimately achieved, which shall be seen later. In Tanenbaum’s fictionalized account of the HSCA, he makes quite clear his suspicions about “Henry Dobbs, Democrat of Connecticut,” clearly based on Chris Dodd, Democrat of Connecticut. Lisa Pease took Tanenbaum’s cue and wrote what is clearly the most penetrating and comprehensive examination of Thomas Dodd—Chris Dodd’s father—and his possible actions in the Oswald affair, his ties to the CIA, and his hatred of John Kennedy (*Probe* Vol. 3 Nos. 5 & 6). Blakey, of course, never pursued any of those potentially rewarding angles of investigation. In fact, as we shall later see, he consciously discouraged them. It is hard to believe that Dodd, from studying Blakey’s career, would not know that the new counsel would not have certain ingrained predilections, which would steer him toward certain areas and make others unattractive.

There were other significant differences between Sprague and Blakey. Sprague always insisted that there could and should have been no time limit on the investigation. Yet, as Policoff wrote in *Gallery* (July, 1979): “Blakey made it clear the committee would go out of existence when its current two-year mandate (of which 18 months remained) expired.” Policoff means that since Blakey did not come in until six months after the committee came up for a vote in January of 1977, he did not even have a full two years to investigate. This approach greatly restricted the avenues that could be pursued since it put clear time constraints on the inquiry. There could be no long court battles over access to records, and the CIA and FBI knew they could now bury the HSCA in reams of paper since it would be impossible for the committee to read it all. As we now know through the ARRB’s work, there were many depositories of the Pentagon and the National Security Agency that Blakey never saw. The huge collection that the HSCA secured from the CIA, the so-called “segregated collection,” was still in redacted form as of 1996 when the ARRB started sifting through it.

This relates to Blakey's deal with the intelligence agencies. Since he was not going to confront them head on, he had to negotiate some kind of arrangement to secure some sort of access to classified files. To do so, HSCA researchers had to agree to sign secrecy agreements before being able to read such materials. As Ed Lopez has reported, not only could he not make copies of documents, the CIA would not even let him keep the notes he took upon reviewing files! (Lopez actually asked researchers to request them through the ARRB since the CIA probably still has them.) Finally, any information published by the HSCA, based upon classified files, had to be cleared through the proper agency before publication. In other words, the CIA, FBI, Secret Service etc. had the right to review and censor anything they felt was sensitive to "national security" or "sources and methods" of intelligence gathering. With the work of the ARRB, we now know just how widely these agencies interpret the above two rubrics. This is why the Ed Lopez-Dan Hardway report on Oswald's alleged activities in Mexico City was not printed by the HSCA. As Lopez stated in 1993, in their conference with the CIA to review that report, the Agency censors took six hours to get through the first page. There were over 300 pages in that report. Faced with this obstinance, Blakey threw in the towel and decided to classify the report. The public would not see it for another 15 years, when the ARRB declassified it.

Sprague made it clear that he would make no such agreements or clearances with any executive intelligence agencies. (Or as Lewis related what Tanenbaum had said at the time, "I'll be damned if they will investigate us before we investigate them.") He and Tanenbaum considered their committee a co-equal branch of the government, which would be able to demand access to classified files through its House mandate. As Lewis told me, Sprague was determined to track down every relevant piece of paper at every agency. He was going to begin his investigation by securing employee lists at various offices of the CIA and FBI. Then, starting at the bottom of the list, he would interview all the secretaries and filing

clerks to find out the keys to the filing system, the number codes, where the files were stored, and what information corresponded to the numbering system. When I asked Lewis if Sprague really would have stuck that kind of investigation out, he smiled at me. "You don't know Dick Sprague," he replied. "The guy is relentless."

Once he had resigned, Sprague fired back at some of his critics. In a story in the *New Orleans States-Item* (4/12/77), he said that Congress was not the place to conduct any kind of serious investigation. "In a crime investigation you need somebody in command," he said. "It can't be politicians who are thinking of what headlines and votes they may garner." He also accused the press of "doing a hatchet job on me." But was there more to Sprague's ouster? Joe Rauh, a prominent liberal civil rights attorney watched the Sprague controversy from close quarters. He knew Sprague and liked him personally even though they had some political differences. After Sprague left town Rauh told Jerry Policoff, "You know, I never thought the Kennedy case was a conspiracy until now. But if they can do that to Dick Sprague it must have been."

Sprague himself came to have a wider conspectus on his ouster. On Ted Gandolfo's program, he said that what occurred between him and Gonzalez was bigger than just a professional dispute. He felt it was really a sideshow that the press used as a diversion. He added that as long as he wasn't investigating, just recruiting and hiring staff, "we were the fair-haired boys of the media. If you look at the *New York Times*, they wrote at that time an editorial favorable to me and the investigation because at that time we weren't rocking any boats." But as he got more familiar with the controversial facts of both cases, he wanted to present those disputes in public with the press on hand. He wanted to conduct public tests to determine if, for example, the single bullet theory in the JFK case was possible, or if the bullet that killed King actually came from Ray's rifle. Sprague added, "This is as far as I got. I never got to do a real investigation. It was thwarted right there when this idea got

out.”

Sprague also added that there seemed to be another sensitive area he was breaching at the time. That was the mystery of Lee Harvey Oswald. Sprague noted to Gandolfo the oddity of an American defector not being debriefed by the CIA upon his return to America. Sprague wanted to find out why not. And if not, he wanted to see the records of the other defectors and have the CIA explain to him what made the Oswald case unique. Sprague was also very interested in the idea of an Oswald double in Mexico City. He and Tanenbaum had called David Phillips in for questioning and found his answers about the lack of CIA surveillance on Oswald’s activities there quite unconvincing. Sprague was also interested in former Director Richard Helms, who had tried to intimidate the Kennedy family into not supporting the committee. Sprague had heard of this and he told Policoff that “was one of the things I wanted to look into. Ultimately I wanted to go at Helms.” (*Gallery*, July 1979) As House Minority leader John Rhodes said before Sprague left, the counsel had announced plans to probe “deeply into the methods of the FBI and CIA.”

As the reader can see, Sprague was going to pursue many of the areas that the critics had already written about as being prime areas of controversy and in which, some of them felt, the FBI and CIA had either whitewashed or actively covered up evidence. In other words, in his study of the Warren Commission versus the critics, he had given the critics their fair due. In fact, he had contracted with some of them to serve as professional consultants to the committee.

And this was another Sprague policy reversed by Blakey. Richard E. Sprague had been one of the consultants hired. The two had developed an excellent rapport and when I talked to the late photoanalyst at his Virginia home in ‘93 he told me that Sprague would call him often on matters of photographic evidence. He added that in the 18 months Blakey helmed the investigation, he got exactly one phone call.

Chris Sharrett has said that he thought that one of the reasons for signing the non-disclosure agreements was to weed out some of the critics from the HSCA staff. He said he had real problems with those agreements and he eventually decided to leave the committee when he saw where Blakey was headed. He felt that Blakey intended to keep a few critics around but only for the purpose of discrediting them.

In this regard Blakey sponsored a two-day "critics' conference," in September of 1977. People like Paul Hoch, Peter Scott, Mary Ferrell, Sylvia Meagher, and Gary Shaw were invited to speak to Blakey and other members of the staff. This ended up being a free-form kind of discussion on what the critics thought should be the focus of the HSCA. In looking at the declassified summary of this meeting, what is striking about it is how few of the suggestions were actually pursued or how weakly they were pursued. The critics clearly felt that the key to the assassination was Oswald and that he should be the focus of an unbridled investigation by the HSCA. Evidently, Blakey did not see it that way. If one surveys the HSCA volumes, Ruby and organized crime seem to be the real interest there. And as subsequent work by John Newman and John Armstrong show, Blakey's inquiry into Oswald was hardly unfettered. Some of the people the critics suggested for close questioning seem good choices. Unfortunately, there is little evidence that the HSCA talked to many of them, e.g., Ed Butler, Alton Ochsner, Patrick Frawley, Billy Lord, Harry Dean, Max Clark or Lonnie Hudkins. The whole "critic's conference" was so perfunctory, so contrived, and such a one-shot deal that Shaw came away feeling that the real intent of the meeting was that Blakey could now say that he allowed the critics their input into the investigation.

But perhaps the most revealing insight into Blakey's attitude toward the critics was his relationship with Mark Lane, especially as shown through the Oliver Patterson episode. Lane occupied a peculiar place in the critic's pantheon at the time. He was one of the very few who had a high public profile *and*

was well schooled in both the King and Kennedy cases. Initially, he was fairly close to the committee and was an acquaintance of Sprague. He was serving as James Earl Ray's attorney and later became very frustrated with Blakey's performance and the treatment afforded his client. William Pepper relates an incident in his book *Orders to Kill* in which a shouting match took place in Congressman Walter Fauntroy's office. Pepper describes the episode as follows:

After the meeting, an argument erupted between Blakey and Lane. I stepped between them as Blakey was telling Lane that if he kept it up there was no question that he'd be taken care of once and for all. I was shocked. (pp. 91-92)

It appears Blakey had already tried to "take care" of Lane a few months earlier, hence the "once and for all" phraseology.

Oliver Patterson had been an undercover operative for the FBI during the '60s, mostly in the St. Louis area. Many of his assignments had been infiltration jobs on right-wing groups like the Minutemen. Patterson had quit the Bureau in the early '70s. But in January of 1978, Jim Haggerty of the Bureau's St. Louis office arranged to meet Patterson for lunch. Haggerty told Patterson that the HSCA intended to subpoena him about his past undercover work. Shortly afterward, two of Blakey's investigators, Conrad Baetz and Mel Waxman, showed up at Patterson's home. They proposed that Patterson be reactivated, except they wanted him to work for the HSCA. Ray's brother Jerry had once met Patterson when he was associated with J. B. Stoner of the National States Rights Party. They wanted Patterson to reestablish his association with Jerry Ray.

Patterson did so. He also began phoning James Earl Ray's attorney, Mark Lane. In both instances, his questions were penned by Baetz of the House Select Committee. In April of 1978 the HSCA conveniently arranged to have Patterson appear in executive session at about the same time as Jerry Ray. Both men were put up in the same room at the Capitol Hill Quality Inn. When Jerry went to testify, Patterson was directed by Baetz to go through Ray's things to find a hair sample (I

leave it to the reader's imagination as to the purpose of the sample). But Patterson also found letters, some of them from the alleged assassin. Patterson called Baetz and the HSCA investigator told him to copy the letters. He would see that Ray was detained a bit longer with the committee.

Unfortunately for Blakey and the HSCA, Lane was tipped off as to Patterson's real function by Patterson's girlfriend Susan Wadsworth. Baetz had arranged for Patterson's activities to culminate with a press conference in August in St. Louis. The press conference was arranged by the HSCA in conjunction with, no surprise, reporter Nicholas Horrock, previously named by Policoff as being an intelligence asset. The press conference was to be a "discreditation gimmick" in which Blakey's HSCA was to scuttle its adversaries, including Mark Lane who was to be characterized as being a closet homosexual. But Lane had gotten to Patterson first with his knowledge of his true role and Patterson decided to switch sides. Horrock had arranged for the *New York Times* to cover the conference through reporter Anthony Marro. But when Marro saw that Lane was there and that two local TV stations were also on hand, he turned and walked briskly away. Lane followed him, shouting, "Don't you want to hear the truth?"

Patterson later revealed just how stacked the deck was with the HSCA. He said that at his appearances before the committee he responded to staff "interrogation" by reading scripted answers supplied on note cards. Needless to say, Blakey and Stokes denied it all and whitewashed the whole episode. But nothing could explain away the checks Patterson had collected from the committee. (For synopses of the Patterson affair see July 1979 *Gallery*, Pepper pp. 64-65, and James Earl Ray's *Tennessee Waltz* pp. 193-197.)

Perhaps nothing characterizes what happened to the HSCA under Blakey more than the incredible Patterson affair. Nothing, as we shall see, except perhaps the Regis Blahut episode.

The HSCA's Questionable Conclusions of 1979

The HSCA sure went all to hell in a handbasket. Did it self-destruct, or did it have help?

—Bud Fensterwald to Dick Russell, 1987

In an interesting segment from Gaeton Fonzi's wonderful 1993 book *The Last Investigation*, the author recalls his first meeting with and impressions of the man who replaced Richard Sprague as chief counsel and staff director of the House Select Committee on Assassinations. At that time, the summer of 1977, Deputy Counsel Robert Tanenbaum was supervising the JFK side of the House Select Committee while awaiting a replacement. Tanenbaum had called Fonzi and told him that he wanted him to meet the incoming chief counsel, Cornell Law professor G. Robert Blakey. Fonzi describes his first thoughts about Blakey:

Among my first impressions of Bob Blakey was that he was very knowledgeable in the ways of the Washington bureaucracy. It was obvious that he knew how to take over an operation because the first thing he did when he arrived was nothing. That, as they tell you in the military, is exactly what a new commander should do when he is assigned a unit: Do nothing but walk around, look around, listen carefully and ask questions. Then you'll know how to move for control quickly and firmly.... Blakey turned out to be a very cunning intellectual strategist who seemed to take quiet pride in his ability to manipulate both people and situations. (pp. 208-209)

Clearly, during the brief transition period in July of 1977, Blakey had decided that the open-ended investigation that his predecessors had launched was, for his purposes, much too broad and also too reliant on the literature critical of the Warren Commission. When I talked to photoanalyst Richard E. Sprague in 1993, he related a personal conversation that he had with Blakey shortly after the professor had taken over. Blakey told him, "You guys are thinking too big. You've got to get your conspiracy smaller." Sprague replied, "Well, how

small Bob?" The professor replied, "Five or six people." HSCA investigator Eddie Lopez vouched for this rendition of Blakey's view of how large a conspiracy could be. He said that in his lecture classes on criminal conspiracy, Blakey would describe such an entity as spokes on a wheel. It was necessary to keep these human spokes small in number to minimize the possibility of one breaking, i.e., talking.

To limit the conspiracy and deliberate cover-up in the John F. Kennedy case to five or six people is quite a tall order. But the cunning strategist Blakey knew where to strike first. Bob Tanenbaum had brought Michael Baden into the House Select Committee on Assassinations because he had worked with him many times in New York City where Tanenbaum worked homicide cases and Baden was Chief Medical Examiner. Tanenbaum had much admiration for Baden's skills as a forensic pathologist, i.e., a doctor whose specialty is determining the cause of death in cases that need full autopsies. Tanenbaum told me that as long as he was there, Baden backed the basic idea that the Kennedy murder was the result of a conspiracy. In other words, the single bullet theory was not tenable. But something happened to Baden when Blakey took the helm because shortly thereafter he switched positions. He became a vociferous backer of Oswald as the only assassin. In other words, the single bullet theory was now not only viable, it was the only way to go. And according to Jerry Policoff, people inside the committee have said Baden began to ride herd on the medical panel, actively encouraging the thesis on his cohorts.

Once Baden had switched his position, Andy Purdy was the next to go. As I wrote earlier, Purdy was a friend of Representative Tom Downing's son at the University of Virginia. Purdy had seen Robert Groden's enhanced version of the Zapruder film and encouraged the son to have his father see it. Downing then wrote his bill authorizing Congress to investigate the Kennedy case based on that viewing of the Z-film. Through his connections to Downing, Purdy secured a

position on the committee. By all accounts, and like Baden, while Sprague and Tanenbaum were in command Purdy was all for finding the real conspirators in the Kennedy case. But Eddie Lopez said that one day shortly after the transition, young Purdy went into a meeting with Blakey and Baden. When he came out he announced, "We're going with the single bullet theory." Lopez was shocked. He began arguing with Purdy in a demonstrative way. He sat himself down in a chair to demonstrate the trajectory of the single bullet through Kennedy's back. He then raised his arms over his head to show Purdy that it would be impossible for a bullet entering at the level shown in Kennedy's shirt (about four inches below the collar) to exit at his throat. He raised his arms as high as they would go trying to show Purdy that no matter what he did, the bullet hole in the shirt would never rise up to neck level: "See, you can't do it, Andy!" It was to no avail. As Gaeton Fonzi later said, it was like the epiphany of St. Paul. Purdy now had religion.

What happened to Baden and Purdy? No one can know for sure. It would certainly seem that the facts of the case did not change. It would be very illuminating for all of us if Purdy would divulge what *was* discussed behind closed doors at the meeting which caused his conversion. But whatever was discussed, the 180-degree swerves of Baden and Purdy were very helpful in resuscitating the "Oswald as lone assassin" story. Because Baden would now lead the medical panel arranged by Blakey, and Purdy would end up being the chief medical investigator for that panel. As long as both maintained the fig leaf of the single bullet theory it would be possible to posit a small conspiracy.

However, the problem with Purdy and Baden's work is that it does not hold up under scrutiny. In fact, it is not even consistent with its own assumptions. For a startling illustration of this, one only has to look at Baden's own testimony in Volume 1 of the House Select Committee published set. On pages 186-192 Baden discusses the wound in Kennedy's back with an illustration provided by medical artist Ida Dox. Her

renditions are based on the actual autopsy photos. Baden and his panel moved the wound in Kennedy's back lower than the Warren Commission had placed it. But even more importantly, he discusses something called an "abrasion collar." This is the ring made around a bullet hole in the skin that can sometimes reveal directionality, i.e., the angle at which the bullet perforated the body. The Warren Commission drawing of this angle placed that bullet at a downward trajectory from the sixth floor and this HSCA volume has that drawing in it (p. 232). Yet the two drawings prepared by Dox for the HSCA do not maintain that angle. They depict, respectively, a flat trajectory of entrance and an *upward* trajectory. (pp. 190-191) Both Baden and his questioners danced all around this issue. Clearly it was not to be openly stated at the public hearings. Unfortunately, Dr. Cyril Wecht let the cat out of the bag right after Baden left. In discussing the horizontal and vertical trajectories of the new HSCA version of the single bullet theory he stated the following:

The panel, to the best of my recollection, was in unanimous agreement that there was a slight upward trajectory of the bullet through President John F. Kennedy, that is to say, that the bullet wound of entrance on the President's back, lined up with the bullet wound of exit in the front of the President's neck, drawing a straight line, showed that vertically the bullet had moved slightly upward... (p. 344)

In other words, in this regard, the HSCA had actually outdone the Warren Commission. Not even the Commission could postulate that a bullet fired from *above* could enter Kennedy's back at an *upward* angle—and then actually reverse its trajectory inside the body without hitting bone. Yet by admitting one thing that *was* true—that the bullet did not hit Kennedy in the neck but in the back—they had to create an even larger fiction to cover an even greater deception. For as Wecht put it so vividly:

How in the world can a bullet be fired from the sixth floor window, strike the President in the back, and yet have a

slightly upward direction? There was nothing there to cause it to change its course. And then with the slightly upward direction, outside the President's neck, that bullet then embarked upon a rollercoaster ride with a major dip, because it then proceeded; under the single bullet theory, through Gov. John Connally at a 25 degree angle of declination.... How does a bullet that is moving slightly upward in the President proceed then to move downward 25 degrees in John Connally? This is what I cannot understand. (*Ibid*)

Stated in those clear, stark terms, no wonder Baden and the committee wanted to tap-dance around the issue.

There was another strange piece of alchemy done with the Warren Commission autopsy evidence on September 7, 1978, the second day of the HSCA public hearings. Sandwiched between Baden and Wecht was none other than Captain James J. Humes. Humes, of course, was the titular head of the autopsy team that examined President Kennedy's body when it was shipped into Bethesda, Maryland upon its return from Dallas. If one is discussing medical questions about perhaps the most important and dubious autopsy in contemporary American history, could there be a more important witness? Imagine the breadth and depth of questioning that could and should have been done with Humes. For instance, he could have been asked questions about any phone calls he may have received from the time he knew he was doing the autopsy until the time he entered the autopsy room. Or, if he was asked to look at the autopsy photos or X-rays before he wrote his report. He could also have been asked if the doctors reconstructed the back of Kennedy's skull with bones from Dallas to make the present photographs possible. One fine example the panel could have asked: Was there a probe done of the back wound to see if it penetrated all the way through the body? At the very least, the examination of Humes should have been as rigorous as that of his colleague Pierre Finck, in 1969, at the trial of Clay Shaw. But if one examines the transcript of that September 9th

hearing, a curious phenomenon is observed. Baden, who was not in Bethesda, talks on and on for about 53 pages. When he is finished, there are many questions. Wecht, who was not in Bethesda, goes on for about 39 pages. When he is finished, there are many questions. Humes talks for just nine pages. Even more startling, when he is opened up for questioning to the committee, this is what appears in the transcript:

Chairman Stokes: Thank you Counsel. Are there any members of the committee that would seek recognition?

[No response.] p. 331

At this point in the radio broadcast of the hearings, medical researcher Wallace Milam started to weep.

So what exactly was Humes called on stage to do? Under Tanenbaum's replacement, Deputy Counsel Gary Cornwell, Humes was basically depicted as a bungling nincompoop who could not tell the top of the head from the bottom or a person's back from his neck. And he was someone so sensitive to the memory of JFK that he threw out his original autopsy notes because they "were stained with the blood of our late President." (*Ibid.*, p. 330) In other words, he got the location of the wounds wrong and burned the first draft of his autopsy notes. I will excerpt two parts of Humes' comments to show what his Galileolike recantation was like: "We made certain physical observations and measurements of these wounds. I state now those measurements we recorded then were accurate to the best of our ability to discern what we had before our eyes." (p. 327) Four pages later, this is what follows:

Having heard most of what Dr. Baden said, and the findings of his committee on forensic pathologists, I think the committee was very well advised to gather such a distinguished group. I wish I had had the availability of that many people and that much time to reach the conclusions that I and my associates were forced to reach in approximately 36 hours.

Humes played the good soldier and simulated the humble, stumbling dolt for the HSCA.

Unfortunately for the public, but per Blakey's orders, we were not allowed to see what had gone on behind the scenes leading up to Humes' performance. At their private conference with select members of Baden's medical panel, all three autopsy doctors—Humes, Pierre Finck, and J. Thornton Boswell—mightily resisted this new location for the head wound: four inches up from where they had originally placed Kennedy's fatal head shot. In the newly declassified HSCA files, Finck argues that he had the body right in front of him and that should be the strongest evidence. Humes also argues that what the HSCA is now calling a bullet hole does not even look like a wound to him. Humes said about the small red dot that the HSCA called an entrance wound, "I just don't know what it is, but it certainly was not any wound of entrance." This argument went on until one of the HSCA pathologists interjected. "We have no business recording this," said Dr. Loquvam. "This is for us to decide between ourselves; I don't think this belongs on this record ... You guys are nuts. You guys are nuts writing this stuff. It doesn't belong in that damn record." (Vol. 7 p. 255) (Loquvam ended up writing the draft report of the medical panel.) But six pages later, Humes made an even more vigorous dissent and a telling point about the difference between the black and white vs. the color autopsy photos. Humes was being grilled about why, if the wound was in the lower part of the head, the photos depicting that "wound" are not centered on that particular part of the skull; the photographer's camera lens is centered toward the middle of the head. Humes said that they were not trying to get just a picture of the wound in that shot. He then further replied with this: "I submit to you that, despite the fact that this upper point that has been the source of some discussion here this afternoon is excessively obvious in the color photograph, I almost defy you to find it in that magnification in the black and white." Baden did not directly respond to what was a not-too-subtle rejoinder that Humes himself could argue that there were signs of alteration in the photographs. (One has to wonder if this was the unspoken deal between the HSCA and Humes: He would take

the fall as long as no questions were asked. If they were, he would bring up this weird discrepancy about the photos in public.) Suffice it to say, what the HSCA presented *to the public* was not an accurate portrayal of the dispute between Humes and the medical panel. Humes himself dramatized this years later when after Oliver Stone's *JFK* came out, he reverted back to his original position for the head wound, four inches *downward* on the skull, for the publication *Journal of the American Medical Association*.

But Baden *had* to do what he did. Why? Because he decided that he had to stay true to the most recent version of the autopsy, which was not the Humes version. On the eve of the Clay Shaw trial, Attorney General Ramsey Clark had appointed a panel headed by forensic pathologist Russell Fisher of Maryland to again look at the autopsy materials in the JFK case. They had raised this rear head wound themselves. The elevation was clearly based on the presence of a large 6.5mm. fragment apparent on the X-rays very close to the rear of the skull. As Dr. David Mantik has pointed out, this fragment was not mentioned by the three original autopsy doctors, which is hard to believe since its dimensions fit the exact bullet size of Oswald's alleged rifle. Mantik, not wed to the single bullet theory, went on to convincingly postulate that this artifact was later inserted into the X-rays to cinch the case against Oswald. Baden and Blakey would not touch this subject. It could have indicated a larger conspiracy, at the very least, in the act of cover-up. So Humes did his temporary disappearing act. According to Jerry Policoff, it lasted until Humes left his microphone. As he left, he muttered, "They had their chance and they blew it."(*Gallery*, July 1979)

Did the HSCA "blow" its findings on the crucial aspect of the placement of the head wound? Or was something more sinister at work? In November of 1995, Gary Aguilar collated hundreds of pages of newly declassified documents of the HSCA by the Assassination Records Review Board. A crucial aspect of the medical evidence has always been whether or not a huge gaping hole existed in the back of Kennedy's head after the

murder. If this were so, it would give strong indication of a shot from the front since wounds of entrance generally make small puncture wounds while wounds of exit leave large, rough-edged holes. The doctors at Parkland Hospital in Dallas who had an opportunity to survey Kennedy's head are almost uniform in their memories that just such an exit-type wound existed. To name just a few: Kemp Clark, Robert McClelland, Charles Carrico, Paul Peters, and Ronald C. Jones. Baden, basing his observations on the photos and X-rays, seemed to place this wound closer to the top of the head and nearer the right side, except that Baden called it a fracture caused by the entrance wound. The HSCA addressed this problem straight on in Volume 7 (pp. 37-39). The anonymous author of this section noted that Warren Commission critics had noted this discrepancy of the wound placement and had sided with the Parkland doctors believing that physicians who were accustomed to bullet wounds could hardly make such a mistake and all be so consistent in their recollections. The report then noted that, in opposition to the Parkland doctors, there were 26 people at Bethesda who watched the autopsy and they all corroborated the photos and X-rays. This statement is supported by a reference to "Staff interviews with persons present at the autopsy." If this were so, it would be one more blow against the critics and for the HSCA's strong belief in "scientific" evidence.

The problem, as Aguilar so ably pointed out, is that the statement is not only false, but the opposite is true. Rather than contradicting the Parkland doctors, the 26 witnesses at Bethesda corroborated them. The Bethesda witnesses not only described a wound in the right rear of Kennedy's head, they also drew diagrams illustrating that location. Further, when Aguilar presented the witness interviews on slides so that Cyril Wecht and Baden (who were both on hand) could see them, he asked both men if they had seen these corroborating reports while on the HSCA. Both answered that they had not. And who had conducted most of the interviews and was in a position to know the truth? Andy Purdy was the HSCA's investigator

whose name was on most of the documents. When Aguilar asked Purdy who wrote that (false) part of the report, Purdy said he did not recall. Aguilar wrote Blakey and got the same answer. Needless to say, when over 40 witnesses in two different places describe the same type of wound in the same location and that wound does not show up on the photos or X-rays, it strongly suggests that something is wrong with those representations. And as I mentioned earlier, the fact that this uniformity of observation was not correctly noted by the HSCA seems to be at least part of the reason that David Lifton's book *Best Evidence* seems a bit dated now. (See for example p. 172 and the drawings on p. 310.)

After the HSCA September hearings, at a conference in December of 1978, Dr. Wecht reflected on what he felt to be some inherent bias in the composition of the medical panel. For instance, at the long interview with Humes (quoted above), Wecht was absent, and he was not made aware of that meeting until after the fact. Another one of the doctors on the panel, Dr. Weston, was a friend of Humes who had worked for CBS on one of its JFK assassination documentaries. Wecht further added at that conference:

It was not a surprise to me, nor do I believe it was circumstantial, that many of the pathologists who were selected [to the HSCA panel] are from the forensic pathology clique of Russell Fisher who headed the 1967 Ramsey Clark Panel and has a vested interest in having the questionable work of that panel endorsed.

A perfect example of this was the choice of Werner Spitz, Chief Medical Examiner of Wayne County, which houses the city of Detroit. Prior to taking that position, Spitz served as assistant to Russell Fisher. Spitz was also a longtime friend of Humes and when Humes retired from the Navy, it was Spitz who threw a party for him. He then reportedly helped him find a job in the Detroit area. In 1975, Spitz was selected by the Rockefeller Commission and its Executive Director, former Warren

Commissioner David Belin, to examine the Kennedy autopsy photos and X-rays. Needless to say, that investigation ended up endorsing Russell Fisher's findings.

Another expert employed by the Committee who would seem to have a less than objective attitude would be Vincent Guinn. Guinn was contracted to do the neutron activation analysis (NAA) on the one nearly-intact bullet in evidence (the infamous Commission Exhibit 399), and for several other fragments recovered from either Kennedy or Connally's body or from parts of the presidential limousine. This test breaks down pieces of evidence in a nuclear reactor to compare their smallest parts in elemental composition. In this case, Guinn was trying to show that the trace elements in these bullets and fragments were close enough in composition as to come from the Mannlicher-Carcano bullets allegedly used by Oswald. (Where Oswald got these bullets is another story.) Before describing and discussing Guinn's conclusions, it is important to note how Blakey introduced him at the September 8, 1978 public hearing. During his opening narration, Blakey described Guinn as a professor of chemistry at the University of California at Irvine who "had no relation to the Warren Commission" (Vol. 1 p. 490). When asked later about this, Guinn replied in those same terms (p. 556). Unfortunately, if the reader turns to pages 152-153 of Mark Lane's *Rush to Judgment*, he will see that this claim is apparently false. Lane wrote that although Guinn worked with the FBI on behalf of the Commission on the paraffin casts done for the nitrate tests about Oswald, and submitted a report on his findings, his name did not appear in the Warren Commission Report. Guinn himself admitted as much in a story in the *New York World Telegram and Sun* of August 28, 1964. At that time he worked for the big Pentagon contractor General Dynamics. In that story he is quoted as saying, "I cannot say what we found out about Oswald because it is secret until the publication of the Warren Report." If Guinn was working on the paraffin casts of Oswald's hands and cheeks in August of 1964, he had to have

been in close contact with the FBI since they were the primary agent in these experiments for the Warren Commission. But Guinn's direct quote on this subject was, "...I never did anything for the Warren Commission, and although I know people in the FBI, I have never done any work for them." (p. 556) This is extraordinary on two counts. First, could Blakey really not have known about this association if it was reported in Lane's book? Could Guinn have forgotten he did work for the FBI on one of the biggest murder cases of the century? Secondly, the fact that both men appear to have been disingenuous about the subject shows another serious failing about the HSCA. Blakey and Gary Cornwell, Blakey's closest associate, knew that one of the reasons that the Warren Report had fallen into disrepute was that many of its analysts had concluded that its findings were false because the "experts" used, especially by the FBI, were highly biased in favor of Oswald's guilt. J. Edgar Hoover had essentially closed the investigation within about 72 hours after the crime. Since Hoover's authority at that time was unchallenged, his subordinates did what they could to go along with that verdict. Blakey and Cornwell had to have been aware of this failing of the first investigation. It would seem to any sensible and objective observer that they were obligated to find the most independent and objective experts possible to retest some of this evidence. If necessary they would have been wholly within their mandate to go outside the country for them. But to go with someone like Guinn who not only did work for the Commission, but was then associated with General Dynamics, was inexcusable. (Larry Sturdivan, Blakey's ballistics expert was also associated with the Warren Commission. See Vol. 1, p. 385; and his findings were just as dubious as those discussed here.)

Guinn's findings were very important to Blakey. He leaked them to the press early in 1978 as the final nail in the HSCA's verdict against Oswald. It was the rigorous scientific analysis that he so much admired and enthroned. And it showed that

the single bullet theory was not just possible but that it actually happened. Unfortunately for Blakey, Guinn's vaunted scientific rigor, like Baden's, does not stand up to scrutiny. Guinn made two spectacularly erroneous general statements about the Mannlicher-Carcano bullets to the HSCA. First that, "[Y]ou simply do not find a wide variation in composition within individual WCC [Western Cartridge Company] Mannlicher-Carcano bullets ... "(Vol. 1, p. 505). Yet Guinn's own analysis in his report in the same volume undercuts this statement. Guinn performed tests on these WCC bullets from 1973-1975 for Dr. John Nichols of the University of Kansas, who was greatly interested in the Kennedy assassination. He took bullets from three production runs from WCC and then cut each bullet into four fragments. He then did NAA tests to find trace element compositions, e.g., of antimony, silver, and copper in the bullet. Wallace Milam in his paper "The Testimony of Dr. Guinn: Some Troubling Questions" examined the results which appear in the HSCA (Vol. 1, p. 549). The four fragments from one bullet showed wildly varying amounts of antimony ranging from 358 PPM (parts per million) to 983 PPM. That is a variation of about 250% in one bullet. The four fragments from a different lot run varied to a lesser degree, but the PPM of antimony *fell right within the same range of the bullet from the first lot!* This means that by Guinn's own matching standard, he could have concluded that a Carcano bullet from a completely different production run than CE 399 could have had the same amount of antimony as CE 399. And antimony was the trace element Guinn considered most important. (Guinn's chart and this criticism of it is also exhibited on p. 43 of Stewart Galanor's book *Cover-Up*.)

Guinn also seems to have been wrong in his interpretation of the copper content linking CE 399 to some wrist fragments taken from Connally. The PPM in copper from the bullet was 58. Milam notes the PPM for the fragments, was 994. Yet these fragments had to have come from the copper base of the same bullet and therefore were in close proximity to each other. In fact, going through all of Guinn's findings in this regard, Milam

concluded, "... the stretcher bullet [CE 399] matches the wrist fragments most closely in only one of seven elements."

Researcher Ed Tatro also examined Guinn's work with help from John Nichols. Tatro found some very disturbing discrepancies between the samples tested by Guinn for the HSCA and those tested by the FBI in 1964. Of the samples received by Guinn from the FBI, one turned out to be only a copper jacket, one was devoid of any testable metal and was only cement particles. Further, Tatro wrote in *The Continuing Inquiry*, Guinn's tested fragments in 1978, do not match the tested fragments of 1964, in weight, size or number. And as Milam notes, Guinn testified that the FBI tests would not have destroyed or altered the samples. (Vol. 1, pp. 561-562)

As Milam further notes in his important paper delivered at the 1994 COPA Conference in Washington, in taped comments to several people after his testimony (one of whom was George Lardner of the *Washington Post*), Guinn made some of the following startling statements:

1. It was not until he received the evidence from the National Archives that he discovered he was testing fragments different from those previously tested by the FBI.

2. None of the specimen weights matched those of the 1964 test fragments. Some of the fragments given to Guinn actually weighed *more* in 1978.

3. Guinn himself admitted that it would be easy to deliberately falsify evidence to be tested: "Possibly they would take a bullet, take out a few pieces and put it in the container, and say, 'This is what came out of Connally's wrist.' And, naturally, if you compare it with 399, it will look alike ... I have no control over such things."

Concerning the last sinister implication, we don't really have to seriously consider it since, as shown, above, Guinn's tests for Mannlicher-Carcano bullets, to put it kindly, are not probative. But one more comment on Guinn's tests is in order. As early researchers like Ray Marcus have shown, the chain of evidence for CE 399 is very questionable. It is not probable, in fact is highly doubtful, that the bullet came from Kennedy's stretcher. In a court of law, a defense lawyer for Oswald would have argued vehemently against admitting it into evidence, and he would have probably prevailed. Blakey and Cornwell were lawyers. Were they not cognizant of this? Would they not be aware that since the chain of possession of their most important exhibit in this regard was dubious, it would legally eliminate all of Guinn's vaunted findings? In light of this, why go through Guinn's tests at all? In the final analysis, they prove nothing.

On September 12, 1978, Thomas Canning was called to testify before the HSCA. Canning was another government employee; this time the agency was NASA. Canning had worked on the Mercury, Gemini, and Apollo space missions during his 23 years there. Canning seemed an odd choice for the assignment he was given, namely testing the flight paths of the two bullets that hit Kennedy. In figuring out bullet trajectories, one would naturally think first of hiring a surveyor to figure out the angle in degrees from the so-called sniper's nest to the point where the first shot hit. But, incredibly, in the nearly 50 pages of testimony given by Canning, there is never any expression of that angle in degrees! (Volume 2, pp. 154-203) Canning took a rather unique and unexpected track in this assignment. Instead of plotting an angle from the sixth floor window through Kennedy's body, and then Connally's back, wrist, and left thigh, he did the reverse. He found a point on Kennedy and then plotted backwards into space to see where he would end up. One would think that this would have spelled the end of Oswald as the lone assassin since, as described before by Dr. Wecht, Baden's forensic panel had said Kennedy's back wound went

through the body at an upward angle. But Canning found a way around that difficulty. If one looks at his schematic tracing the wound from back to front in Kennedy, that point of entry is now elevated back into the neck, i.e., where the Warren Commission placed it in 1964. (Vol. 2, p. 170) And in tracing the line connecting the entry with the exit point, the reader can see that the angle is now flattened with no slope either up or down. When Canning was asked how he plotted these points he gave differing answers. Some of the time he said he relied on the HSCA's medical panel for the entrance and exit points. But once, he replied with this: "It was determined from photographs that were taken during the autopsy and by measurements and notes that were taken at that time." (p. 170) If Canning actually saw the autopsy photos then he saw something different than Ida Dox or Baden saw as anyone can see from his placement of the non-fatal wound.

Amazingly, no one mentioned this rather glaring and serious discrepancy until near the end of Canning's comments. Representative Floyd Fithian said, "... someone ... has made the statement that when the bullet exited the President's throat it was rising." (p. 200) When Canning answered this question he tried to explain away one part of this problem, by saying JFK's head was tilted forward. But he then added that he based this on a photo, which was timed with frame 161 of the Zapruder film. The problem with this, as we shall see, is that the HSCA placed the first hit of Kennedy at frame 189! (Vol. 6 pp. 27-28)

Further, in backing the single bullet theory, Canning stopped his tracing of the flight path at Connally's back. In his public testimony at least, he never got to the myriad problems with the rest of the flight path, i.e., out Connally's chest and to his wrist, and then off the wrist and over to his thigh. Also, Canning revealed in a colloquy with Fithian that if his calculations were off on points of entry and exit by as little as *one inch*, he would miss the originating firing point by anywhere from 30 to 40 feet. (Vol. 2, p. 196) In other words, by as many as four floors in the Texas School Book Depository (TSBD) building, where Oswald was supposed to be firing from

the sixth floor. This is very important, for in calculating the entrance point in Kennedy's skull, he *did* use Baden's positioning of that wound. In other words, he placed it up high in the cowlick area. But if Humes were telling the truth on this point, Canning would have been off by about 160 feet. That would mean not only a sniper on a different floor, but in an entirely different building on another block.

What is amazing about Canning's work is that without plotting angles at which bullets entered and exited, or using such integrals as degrees, he came up with a confident answer. Also, without using Baden's positioning of the head wound, (when asked to pinpoint a firing point for the fatal head shot by drawing a circle on the TSBD), he came up with this:

Michael Goldsmith: Essentially that circle covers the top four floors of that building, is that correct?

Mr. Canning: Yes; it includes one, two, three, four floors and the roof of the building. It extends slightly beyond the building at the southeast corner and extends over to the edge of the photograph here. (Vol. 2, p. 169)

The photo accompanying this "pinpointing" of the firing point depicts an area about 40 feet high and 50 feet wide or about 2,000 square feet. To top it off, when Canning was asked for which of the two Kennedy wounds he had the best photographic evidence to assist him, he replied it was the head wound. (p. 157) Further, when Wecht described the general firing angle from the sixth floor, he described it as going from right to left. (Vol. 1, p. 344) In Canning's skull diagram, he depicts the bullet direction inside the brain as going from left to right. (Vol. 2, p. 159)

Canning was another witness whose performance was apparently arranged, perhaps even choreographed. In recently declassified documents we learn from a contact report by HSCA staffer Mark Flanagan that there were "two schools of thought" on the location of the exit wound in Kennedy's head—

Baden's and Canning's. (Report of 7/24/78) Not only that, in a report by Jane Downey of May 2, 1978, she revealed that Canning disagreed with the *entrance* wound placement as well. What was an aerospace engineer doing arguing with a forensic pathologist about wound placement? Further revealing this backstage disagreement, Andy Purdy wrote on May 23, 1978 that Canning and Baden so disagreed that the trajectory analyst opened up a back channel to two other doctors on the forensic panel, Dr. Loquvam and Dr. Weston. This is notable because as described above, Weston had worked previously for CBS, and Loquvam wanted to keep the dispute over the placement of the rear head wound off the record.

In spite of all this maneuvering, the apparently desired end result was not achieved. Important in this regard is a letter Canning wrote to Blakey in January of 1978 revealing his unhappiness with his work:

When I was asked to participate in analysis of the physical evidence regarding the assassination of John Kennedy, I welcomed the opportunity to help set the record straight. I did not anticipate that study of the photographic record of itself would reveal major discrepancies in the Warren Commission findings. Such has turned out to be the case.

I have not set out to write this note to comment on results; my report does that. What I do wish to convey is my judgment of how the parts of the overall investigation, which I could observe, were conducted. The compartmentalization which you either fostered or permitted to develop in the technical investigations made it nearly impossible to do good work in reasonable time and at reasonable cost.

The staff lawyers clearly were working in the tradition of adversaries; this would be acceptable if the adversary were ignorance or deception. The adversaries I perceived were the staff lawyers themselves. Each seemed to "protect" his own assigned group at the expense of getting to the heart of the matter by encouraging—or even demanding cooperation with

the other participants. The most frustrating problem for me was to get quantitative data—and even consistent descriptions—from the forensic pathologists.

Canning ended this letter to Blakey with a comment that never got into his public testimony:

Permit me to end my not altogether complimentary letter by saying that it was for the most part an interesting and enjoyable experience. On balance, the entire effort would be justified solely by the strong indication of conspiracy at the Plaza.

Despite all of the above, Blakey was determined to go with Oswald as the lone gunman—until he got tripped up by the acoustics evidence. Although Blakey and Chairman Louis Stokes deny this today and say they were already leaning toward conspiracy before the acoustics evidence was heard, this is not consistent with the record. As Josiah Thompson points out in the galley proofs of *Beyond Conspiracy*, the draft report of the HSCA dated 12/12/78 states: “The Committee finds that the available scientific evidence is insufficient to find there was a conspiracy to assassinate President Kennedy.” (Thompson *et al.*, p. 11) Late in the proceedings, the HSCA’s two sound technicians conducted experiments on the number of gunfire sounds on a dictabelt police tape allegedly recorded during the assassination. From their analysis, they concluded there was a 95% chance of a second gunman from the front of JFK in the grassy knoll area. This necessitated a conspiracy. The finding was submitted two weeks after the draft report and the report was then changed. The HSCA decided to go with this analysis by Mark Weiss and Ernest Aschkenasy. But they still tried to limit the damage as much as possible, i.e., keep the conspiracy small. Since Baden had ruled that there were only two hits and both came from behind, Blakey could now say that if there was a second gunman in front, he took one shot and missed.

But this new acoustical evidence left Blakey with another problem. The shots on the tape appeared to be bunched too

close together. The timing of the first two shots left only 1.6 seconds between them. The interval between the third and fourth was only .6 of a second. But that could be handled by the assassin in front. Oswald had to be firing from behind. And when the FBI had tested the rifle for the Warren Commission, they had concluded that it took 2.3 seconds to complete the firing of one round with the manual bolt action rifle. This timing problem between the 1.6 and 2.3 seconds was called, inside the committee, "Blakey's Problem." He and Cornwell wanted to preserve both Oswald as the sole killer and the single bullet theory. They both finally found a way to get around the FBI tests. On March 22, 1979 Blakey, Cornwell and four marksmen from the Washington D.C. Police Department went to a rifle range to find a way to beat the earlier times. The solution was not to use the scope on the rifle. They aimed by using only the iron sights on the barrel. There was no magnification of the target or crosshairs to line it up. Recall that the alleged rifle used by Oswald did have a scope that was not easily retractable. It had to be screwed off to remove it. Also, are we now to believe that Oswald, a rather poor shot, would not even need a scope to hit a target over 200 feet away? But still, the policemen could not get their times down fast enough and still maintain accuracy. Finally, two inexperienced riflemen, namely Blakey and Cornwell, fired two consecutive shots within 1.5 and 1.2 seconds respectively. How did they do what no one else in history did before? By something called "point aiming." I assume this means not even using the iron sights to line up the target and just pointing the barrel in its direction. The accuracy of the results were not specified. Needless to say, in no way did the HSCA try to simulate Oswald's feat. Shades of the Warren Commission, they fired at stationary targets from 20 feet up instead of a moving one at 60 feet up. (The episode is recorded in Vol. 8, pp. 183-185.)

It is especially painful to read the memorandum of this "experiment." Early on, these two sentences appear:

From knowledge of the difficulty involved in so shooting, it may

be possible indirectly to infer something about the probability, as opposed to the possibility that Oswald did so. Nevertheless even the most improbable event may have occurred.

This is the science the HSCA was devoted to? This is proof? Two pages later, the above is topped:

It is apparently difficult, but not impossible ... to fire 3 shots, at least two of which score "kills," with an elapsed time of 1.7 seconds or less between any two shots, even though in the limited testing conducted, no shooter achieved this degree of proficiency.

In other words, because they could not do it, does not mean Oswald couldn't have if he would have practiced more. Unfortunately for the HSCA, no one saw Oswald firing from the 6th floor at moving targets in front of any building in preparation for the assassination.

As the reader can see, the HSCA has descended into the hazy nonsensical netherworld previously mapped out by the Warren Commission. The HSCA's reconstruction of the single bullet theory and the shooting sequence strongly reminds one of their discredited predecessors. The Committee placed the first shot at around frames 157-161. This is earlier than almost anyone previous. No one had tried this because there were virtually no visible reactions to either a hit or a sound at that time. But the Committee says Oswald fired and missed here. If so, this had to be the hit on James Tague, since Oswald hit his next two shots and they allow for only three bullets. Yet, if so, Oswald missed when the car was *closest* to him, when he was tracking it unobstructed by any foliage, and when there was no recoil from his rifle since it was the first shot. In spite of all these advantages, he missed the whole car by 200 feet hitting somewhere near another street. Oswald fires again in the vicinity of frames 188-191. This is the shot that composes the single bullet theory, passing through Kennedy and Connally. Now, with the car further away, obscured by the foliage of an oak tree, after the rifle has been fired and therefore is vibrating

in his hands, Oswald worked the bolt faster than any FBI agent could. He did not use the scope, and “point-aimed” at Kennedy, scoring a clean hit through both men. At around frame 297, whoever was firing from the front, with the car coming toward him on a front plane, with an unobstructed view, at a range much closer than Oswald, this other assassin missed the entire car. Less than a second after this, Oswald scored his second hit at a range of over 200 feet, the fatal shot in the rear of Kennedy’s head. And as with the Warren Commission, this is a direct hit in the skull from behind. A medium-to highspeed bullet smashed Kennedy *toward* the shooter and lifted him up and back out of his seat. (For a different, intricate critique of this version of the single bullet theory and the firing sequence, see Ray Marcus’ monograph, *The HSCA, the Zapruder Film and the Single Bullet Theory*.)

Once Blakey gave in to the acoustics evidence (which has also since been brought into question), he went to work attempting to put in place the small conspiracy he had mentioned to Richard E. Sprague. In the March 29, 1979 HSCA Report, the main authors, presumably Blakey and Richard Billings, admitted they could not identify who the second sniper was. But clearly, the authors are out to attack any notion of a broad, sophisticated governmental role in either the conspiracy itself or the cover-up. Consider just one chapter heading: “The Secret Service, Federal Bureau of Investigation, and Central Intelligence Agency were not involved in the assassination of President Kennedy.” (p. 181) This report hints cautiously at some kind of kitchen conspiracy between a mobster or two and a renegade Cuban exile. Caution was tossed to the wind when Blakey and Billings left the HSCA and wrote their book, *The Plot to Kill the President*. There, the authors are clearly of the opinion that the Mafia killed Kennedy. The HSCA Report and Blakey’s book and appearances had a strong effect on much of the literature published in that time period and since. For instance, authors David Scheim and John Davis based both of their books on much of the material and findings of Blakey’s

HSCA. As I mentioned earlier, Tony Summers' book *Conspiracy*, also quite reliant on the HSCA, proposes a triangular conspiracy between the CIA, the Mafia and the Cuban exiles. Noel Twyman's more recent *Bloody Treason* also gives the Mafia role considerable attention. Twyman expresses surprise that many other researchers do not.

As author Bill Davy has pointed out in an important article on John Davis, one of the things that both Davis and Blakey placed a lot of weight on was the so-called BRILAB tapes. The BRILAB tapes are the secret tape recordings the FBI had on Carlos Marcello in the late '70s that helped convict him. As Davy wrote, "Davis and others have implied that Marcello incriminates himself in these tapes and the government is covering it up." (*Probe* Vol. 5 No. 1) As long as we had only leaks from Blakey, Davis, and writers like Gus Russo (who also trumpeted these tapes as evidence), the imputation of some role to Marcello had some hazy, mysterious efficacy. The Assassination Records Review Board has now declassified the pertinent parts of these ballyhooed tapes. They found 13 instances of conversations in which Marcello discussed the Kennedy assassination. They transcribed all 13 instances. There is not one scintilla of evidence to incriminate Marcello in the crime. In fact, virtually every instance in which the topic is brought up is in direct relation to the accusations made against Marcello in the HSCA Report, which was leaked in advance of its publication. In other words, if Blakey and Billings had not hinted at him in their own work, there would be no mention of the Kennedy assassination at all in the BRILAB tapes. Talk about the tail wagging the dog. Which leaves us the question: Who started the phony BRILAB rumors in the first place? And why would they?

According to staffers, Blakey spent an enormous amount of time, money and effort trying to develop leads and evidence to connect Oswald to the Mob. The most viable area of investigation in that regard was New Orleans. The HSCA Report admits that some kind of association existed between David Ferrie and Oswald. There was so much evidence

developed on this point that it could not be denied. Yet, since for them Oswald is still an anti-social Marxist, there is little shape or direction given to this relationship. In this aspect—setting up some nexus point for a Ferrie-Oswald friendship—the HSCA Report on Ferrie himself is also a curious document to read. With footnotes, it runs to 14 pages. It traces Ferrie from his birth in Cleveland, Ohio up until the assassination. Yet there is not one mention in the entire report of the Central Intelligence Agency. This is quite a feat since Ferrie was involved in Operation MONGOOSE, the preparations for the Bay of Pigs, and myriad other operations against Cuba. The report even mentions the miniature submarine Ferrie had built for a possible attack against the island. (Vol. 10, p. 109) Yet not only does this report not mention Ferrie's own admitted association with the CIA, which the HSCA files contain in abundance, it actually states the opposite: "... there is no evidence ... that Ferrie was connected in any way with the U.S. Government." (*Ibid*) This is pure fiction.

When researcher Peter Veal and myself interviewed HSCA investigator L.J. Delsa in New Orleans in 1993, he helped explain how this all came about. One of the last things Bob Tanenbaum did before leaving was to authorize a new investigation of New Orleans. Delsa lived in the area and had worked with Tanenbaum on a previous murder case. Delsa and his partner, Bob Buras, discovered a witness who knew Ferrie well and had been in Guy Banister's offices at 544 Camp Street. Further, he connected Clay Shaw with Jack Ruby. Delsa wanted to test his veracity with a polygraph examination. It turned out that the polygraph results indicated he was telling the truth. When Blakey found out about this, he completely altered the shape and individuals involved in the New Orleans phase of the HSCA. Supervising attorney Jonathan Blackmer was pulled off that assignment. Buras and Delsa were informally suspended. New people, who had little familiarity with the milieu, were brought in. In fact, Blakey even assigned staffers from King's side of the HSCA to interview witnesses.

On one of these reports, MLK staffer Joseph Thomas wrote that he “is not familiar with the JFK investigation” but he did not feel the witness he was talking to was telling the truth. (Report of 3/18/78) The revealed archival record bears out an indelible comment Delsa made to me over lunch in New Orleans. I asked him how productive Garrison’s leads were. He replied to me, “Garrison’s leads were so productive that Blakey shut down the New Orleans investigation.”

As we have seen with its report on David Ferrie, the HSCA did all it could to exonerate the CIA of any involvement in the Kennedy killing. There are many other strong indications of this throughout the report and volumes. But perhaps the best example can be indicated by looking at the item in the report entitled “Oswald in Mexico City” which is on p. 225. The actual HSCA work on this aspect of Oswald’s last few weeks on earth is dealt with at voluminous and detailed length in the report of over 300 pages by Dan Hardway and Eddie Lopez. That volume brings up the most provocative questions possible about Oswald’s alleged trip and activities in Mexico just seven weeks before the assassination. For some authors, like Mark Lane and John Newman, Oswald’s alleged activities there, and the CIA’s reaction to them, are strong indications of a scenario attempting to create an incriminating story about Oswald in advance of the murder. How does the HSCA report deal with the 300 pages of compelling and documented findings by Hardway and Lopez? In three sentences. Need I add that those three sentences are completely exculpatory of any Agency involvement with Oswald in Mexico?

One of Blakey’s most controversial statements was leaked to the media and reported by Jerry Policoff, among others. When some of the staffers felt that the new Chief Counsel was being too accommodating and trusting of some of the intelligence agencies, Blakey reportedly said, “You don’t think they’d lie to me do you? I’ve been working with these people for 20 years.” Blakey’s bond to the intelligence community was never more amply demonstrated than in the Regis Blahut incident. Blahut

was a CIA liaison with the Committee. In late June of 1978, one of the security officers for the Committee discovered that some of the autopsy materials stored in the safe had been taken out, looked at, and one of the color photos had been removed from its plastic sleeve. The Committee conducted an internal inquiry and found through fingerprint matches on the safe that the culprit was Blahut. Blakey conducted three separate interviews with him. The first two were taped. Blakey concluded that in both interviews, Blahut's responses conflicted with the facts. Yet both times, according to declassified CIA documents, Blahut consulted with the Agency after the interviews. For the third interview, Blahut refused to be taped. Blahut's story was that the photos had been left out on the windowsill. He just happened to wander in and browse through them. Yet, the facts appear to be these:

1. Blahut's prints were on the photos themselves, so he could not have just been leafing through the notebook they were bound in.
2. The access entry log showed that the notebook had not been removed prior to the time Blahut was in the room looking at the photos.
3. Blahut's prints were *inside* the safe indicating he himself had removed the notebook.
4. One version of the story had Blahut fleeing the room when he heard someone approaching, not bothering to replace the notebook in the safe.

Blakey had the CIA in a tough corner. If this story, in all its suspicious detail, had been leaked to the media at the time, imagine the firestorm it could have caused. Blakey's meeting at CIA Headquarters in Langley, Virginia reflected the gravity with which the Agency viewed the situation. At one meeting, he and Gary Cornwell met with Stansfield Turner himself, CIA Director at the time. But when Blakey demanded Blahut's Office of Security file, the Director of Security, Robert Gambino, handed him his *personnel file* instead. This was a crucial distinction. As Jim Hougan has explained in *Secret*

Agenda, one of the functions of the Office of Security (OS) is to keep tabs on potential enemies of the Agency. It tracks potential threats by surveillance and other means and does its best to neutralize them. If Blahut had an OS file, it could reveal if his function was to monitor the HSCA and ward off any destabilizing acts the Committee would take against the CIA. The fact that Gambino refused to give Blakey that file suggested the worst (as would evidence revealed later).

It went downhill from there. Blakey asked for an investigation to find out if Blahut was part of an operation against the Committee and/or if he was reporting back to control agents at CIA as part of that operation. The Agency offered four alternatives for the probe. Blakey could use the local D.C. police, the FBI, the HSCA itself, or the CIA. Blakey chose the CIA. The Agency did three polygraph examinations of Blahut. He flunked aspects of all three. Yet according to a CIA memo on this, about ten days after looking at the polygraph results, Blakey told the Agency that the matter was not a "high priority" with him. (Memo of 7/28/78) There is another notable aspect of Blakey's dealings with the Agency about this affair. When he was offered the four alternatives for the investigation, a CIA officer on hand, Haviland Smith, actually encouraged him not to pick the CIA to investigate itself. He wanted Blakey to chose a "more objective investigating body." (Memo of 7/17/78) Smith then predicted that if Blakey picked the CIA probe, the Agency would give itself a "clean bill of health." Smith then asked Blakey if he was willing to accept that verdict if the Agency found no other accomplices in Blahut's violations. Blakey said yes. Smith concluded his 7/17/78 memo with the only deduction he could make from these responses:

My interpretation of what Mr. Blakey said was that he wishes CIA to go ahead with the investigation of Blahut and that he expects us to come up with a clean bill of health for the CIA.

And they did. By August 21st, the CIA was circulating an internal memorandum, which read "I believe Mr. Blakey's original concerns have been laid to rest."

The Blahut incident was not revealed to the public until nearly one year after it happened. Inside the Committee, Blakey told the Agency, only he, Louis Stokes, Cornwell and two security officers knew about it. When it was leaked to George Lardner of the *Washington Post* in May of 1979, Richardson Preyer, who ran the JFK side of the Committee, told the press that he was not aware of it, "Blakey and Lou Stokes were handling the CIA stuff ... Talk to Lou." (*Washington Post* 6/18/79) Lardner's story provoked a flurry of media attention and a House Intelligence Committee inquiry. This body discovered that Blahut *was* part of a CIA program which was code-named MH/Child. (*Ibid.*, 6/28/79) But even more interesting are the CIA documents generated by Lardner's inquiry one year later. Blakey called the CIA after Lardner's first calls to him, presumably after the reporter learned of it from one of the security officers. The CIA memo of this call records the following message: "Blakey and Cornwell ... will 'no comment' all inquiries but they could not speak for Chairman Stokes." Another memo on the same day, 5/10/79, states that, Blakey's "observation is that Lardner has only pieces of the full story. He allowed as how the full story is known by DCI, DDCI, Chairman Stokes, Gary Cornwell ... and himself." In other words, Blakey had become a CIA informant helping to control the media for the Agency.

But Lardner's story generated some other activity at CIA HQ in Langley, as did the House inquiry and other press stories. It turns out that Blahut actually *left the room* with at least one photo and then returned (*Washington Post* 6/28/79). A CIA memo in response to these stories at the time admits that the Inspector General did not do the internal investigation of Blahut. It was done by Gambino's Office of Security, the man who refused to give Blakey Blahut's OS file. In previous CIA memos of 1978, Scott Breckinridge, another CIA liaison with the HSCA, had said that when he encountered Blahut at the HSCA offices when his violation first surfaced, he was waiting for a call from the Office of Security (Memo of 7/17/78).

The disappointing results achieved by the second big federal investigation into the murder of President Kennedy is really a parable that is quite relevant to our present day. It is a morality tale about leadership and values. If one talks to Bob Tanenbaum, one of his favorite words is integrity. One of the frequent phrases he reiterates when speaking about criminal investigations is "the truth-telling process." One of the frequent words used to describe Richard A. Sprague is "professionalism." When one talks to his colleagues, they describe the man as someone who has no qualms about putting in 12 to 14 hour days at the job. In investigating the Kennedy case, these two men were leading by example and they set a standard of devotion without compromise for those around them. That included Andy Purdy and Michael Baden. When they left, a vacuum was created that was never filled. The House Select Committee on Assassinations was then sucked into the same whirlpool that engulfed the Warren Commission. The only difference being, the boat they went down in was a bit more decoratively disguised with a veneer of "scientific procedure" and Mafia mystique. In reflecting back on those days, Gary Shaw once told me that his impression was that Blakey looked into the deep abyss of the Kennedy assassination and decided to rear his head back. Shaw then recalled the Sprague-Tanenbaum days and said, "Tanenbaum really wanted to know the truth. He'd be in that office until ten or eleven o'clock at night. Then he'd offer anyone still around a ride home."

How soon did Blakey rear his head from the abyss? We can only speculate. But the following letters, given to me by Ed Tatro, give us indications that it wasn't very long. About the time that Blakey was telling Ed Lopez that their function was not to do a real investigation but to only write a report, he had already been in contact with Larry Strawderman who controlled access to files at CIA. In a letter to Blakey dated July 27, 1977, Strawderman wrote to the new Chief Counsel:

In response to your letter of inquiry dated July 24, 1977, it is the Agency's considered opinion that the areas of inquiry

relating to the assassination of John F. Kennedy which were pursued by your predecessor, Richard A. Sprague... should be entirely disregarded based upon our contention that they are without any merit or corroboration.

Please feel free to consult the Agency at any time should you feel indecisive regarding anything that will come into your possession during your investigation. The Agency will be only too happy to correctly advise you on “substance and procedure” of your probe.

On October 10, 1978, in reply to a long series of objections to an interrogation of Richard Helms—the man who, as revealed earlier, Sprague wanted to “go at”—Blakey assured the main CIA liaison to the HSCA, Scott Breckinridge, that his fears should be allayed:

As I have assured the Agency on many occasions, you will be given an opportunity to review, prior to public disclosure, those aspects of the Committee’s report which pertain to the CIA. If, at that time, you feel that the report is *based upon an improper or misleading construction of the evidence*, it would then be appropriate to discuss such problems. [Emphasis added.]

Can anyone imagine Dick Sprague giving a prime suspect in a homicide case the opportunity to discuss rearranging the evidence in his prosecutor’s brief on the eve of trial?

In the wee hours of April 1, 1977, when Dick Sprague left Washington to return to Philadelphia, the sounds of corks popping from champagne bottles must have echoed throughout the halls of Langley. The celebration hasn’t stopped since.

Paradoxes of the JFK Assassination: The Brain Enigma

SECTION 2

WHO OR WHAT WAS LEE HARVEY OSWALD?

Introduction

Without a doubt, the key personage in understanding the John Kennedy assassination is Lee Harvey Oswald. The Assassination Records Review Board (ARRB) declassified reams of material on Oswald and one of the people who read almost all of it was researcher John Armstrong. His controversial work is clearly one of the most important on Oswald ever written. The complexities and paradoxes of this odd personage have never been examined as closely as Armstrong does. His conclusions are as startling as they are revolutionary. And if he is correct, Oswald was a special project of the intelligence community from a very young age and for a very special mission.

Who in the intelligence community planned that mission and guided the Oswald project? This question has haunted biographers and historians for decades. Three books released in the '90s helped define the answer: Mark Lane's *Plausible Denial*, Dick Russell's *The Man Who Knew too Much*, and John Newman's *Oswald and the CIA*. Lisa Pease surveyed this work, did much of her own research from ARRB releases, and then made a convincing case that Oswald was being manipulated by the CIA's Counter-Intelligence unit with the direct knowledge and likely guidance of James J. Angleton. Her essay is so convincing that one wonders why this thesis took so long to surface. When the work of these two authors is combined, they form a quantum leap in our understanding of the phenomenon of Lee Harvey Oswald and his real relation to the crime of which he was accused.

Harvey and Lee: The Case for Two Oswalds, Part I

By John Armstrong

Richard Helms once said that no one would ever know who or what Lee Harvey Oswald represented (Washington Post, 8/10/78). The implication, of course, is that Helms did know, and wasn't about to share. If pride indeed goeth before a fall, Helms must surely be have been teetering.

John Armstrong has uncovered more hard evidence than any other researcher to date of multiple, concurrent records showing that at least two people were sharing the official life story of one Lee Harvey Oswald. One Oswald went by the name "Lee." Another preferred to be called "Harvey."

While Armstrong's research is important and compelling, he is the first to point out that he cannot pinpoint all the details of which Oswald was where when. Where possible, Armstrong refers to these Oswalds by the names given them by the witnesses that provide the data herein. At times it seems possible to determine, with a fair degree of certainty, which Oswald is where. At other times, Armstrong cannot, based on the known evidence, determine which Oswald is being discussed. What follows is the result of Armstrong's extraordinarily detailed and documented investigation. While one may argue with any particular identification, the overwhelming weight of the evidence suggests that Armstrong is closing fast on the truth about one of the greatest mysteries of this case.—Eds.

Very little is known about the procedures used in the gathering of intelligence. There are few books written about the recruiting, training and handling of spies to be found at your local library. We know that our intelligence agencies have personnel in every major country of the world. That's their job.

Some of the people gathering information in countries such as China, Korea, Iran, Cuba, Russia, etc., are native born or native speaking peoples. He or she would be familiar with the spoken and written language, the local customs, and would blend in with the native peoples of the country. Without a native speaking person, someone must be trained in the language and customs of the country in order to be able to fit in with the local population.

Such was the case with Gordon Lonsdale, who had emigrated from Canada to England. While living in England, Lonsdale established a business which he used as a cover. His real purpose was passing British defense secrets to the Russians. In 1961, Lonsdale and four members of his spy ring were arrested, tried, and convicted of espionage. Lonsdale was sentenced to 25 years in prison. As the British began delving into Lonsdale's background, they quickly realized he was no ordinary spy. He had fake birth certificates, fake passports and dual identities. To the surprise of the British, he was not a Canadian, but a native born Russian.

His real name was Konan Molodi. Molodi was born in Russia in 1922 and sent to California at age nine to live with his aunt. He attended nine years of school in the U.S. and mastered the English language. He was then recalled to the Soviet Union where he received a commission in the Soviet Navy and was trained in espionage. In 1954, Konan Molodi was sent to Canada, where he assumed the identity of a deceased Canadian named Gordon Lonsdale. A year later he was in England posing as a British businessman. But his real purpose was ferreting out British defense secrets.

Konan Molodi (AKA Gordon Lonsdale) was created by the Russian intelligence services. He was first "handled" at age nine. This handling continued through his school years in San Diego, his espionage training in Russia, and his passing on of British defense secrets in the early 1960s. If the Russians can begin creating spies with fourth-graders, can there be any doubt that our intelligence agencies ran similar operations?

Where Lonsdale was a creation of the Russian intelligence

services, available evidence demonstrates that Lee Harvey Oswald, and those impersonating him, were a creation of the American intelligence community.

Documents, photographs and witness testimony show *two* people were using the name "Lee Harvey Oswald" as early as age 13, years before the Kennedy assassination. Many people knew Oswald, attended school with him, worked with him and served in the Marines with him at times and places that conflict with the official Warren Commission chronology of his life. The information presented here consists of publicly available government documents, photographs and witness testimony that have been available for the past 30 years, much of it from the Warren Commission volumes. Most of this information has been previously overlooked, misunderstood or unexplained. Through these exhibits, it will become apparent we are dealing with two different people, both named Oswald.

The possibility of two people using the name Lee Harvey Oswald is not new. People who look alike, even identical twins, can be given the same identity and used by the intelligence community. In Cuba, Castro's top intelligence agents were identical twin brothers: Patricio and Antonio De La Guardia. The use of doubles allows the intelligence community endless opportunities for deception. The information presented here follows the lives of two different people, over a period of ten years. One boy, named by some as Harvey Lee Oswald, was from New York. And another boy, Lee Harvey Oswald, was born in New Orleans and grew up in Texas.

The Warren Commission took segments of each of these lives and created the background of one "Lee Harvey Oswald" and presented it as such in their report. The prying apart of two lives that have been merged creates a story that is often difficult to follow, hard to comprehend, and sometimes seems bizarre. No matter how bizarre this story may seem on the surface, please keep in mind that this narrative is not based on a theory—it is based on a chronological account of Oswald's life garnered from available evidence. If this scenario is able to resolve previously unanswered questions and link together

fragmented testimony, the result will be a better understanding of Oswald. If not, then we must continue to look for new answers, because the ones we have been given so far cannot be reconciled with the available evidence.

Five areas of Oswald's life will be discussed: 1) his education, 2) his employment, 3) his service in the Marines, 4) the framing of Oswald as the assassin, and 5) the alteration of Oswald's possessions after the assassination.

The public has heard some seriously fabricated and grossly inaccurate stories regarding Oswald's life, which were fabricated to mislead the public. One of these stories was from Robert Blakey of the House Select Committee on Assassinations (HSCA). For nearly 20 years, Blakey has been trying to sell the public on the idea that organized crime killed Kennedy. Blakey has said on national television that Oswald was raised by his uncle Dutz Murrett. Dutz was tied in with organized crime, thus tying young Lee Oswald to organized crime in New Orleans. Let's set the record straight. Lee Oswald was in the care of his aunt and uncle, Lillian and Dutz Murrett, between the ages of one and two. During this time his mother, Marguerite, was working. At age three he was placed in the Bethlehem Orphans Asylum until he was removed by his mother and taken to Dallas in the spring of 1944. Mrs. Oswald remained in the Dallas/Fort Worth area, with summer trips to Covington, Louisiana, until August of 1952. They then moved to New York until 1954. The only time Lee Oswald could have been raised by his uncle was between the ages of one and two. The next time you hear Robert Blakey state that Lee Oswald was raised by his uncle and therefore influenced by organized crime, you'll know better.

Another story was created by Robert Oswald and described in his book *Lee*. In 1948 the Oswalds were living on the west side of Fort Worth. Robert wrote,

The center of Lee's fantasy world shifted from radio to television when mother bought a television set in 1948. One of

his [Lee's] favorite programs was *I Led Three Lives*, the story of Herbert Philbrick, the FBI informant who posed as a Communist spy. Lee watched that show every week without fail. When I left home to join the Marines [July 11, 1952] he was still watching the reruns.

I Led Three Lives was often mentioned to suggest that Oswald had a vivid and fanciful imagination and was out of touch with reality. But in this case, it was Robert Oswald who was out of touch with reality. This TV program first aired in September 1953—a year and two months *after* Robert left home and joined the Marines. Over the years, Robert Oswald would continue to provide damaging and misleading statements against Lee Oswald for public consumption. These stories are often taken at face value, based upon the supposed credibility of Robert Oswald. In reality, many of Robert's stories and some of his testimony before the Warren Commission were fabrications. Certain items of evidence Robert provided to the FBI were far too convenient to be believed, such as the camera allegedly used to take the backyard photos.

Mrs. Jack Tippit, of Westport, Connecticut was related to Officer J. D. Tippit of Dallas. Mrs. Tippit was telephoned shortly after the assassination by a woman with a foreign accent. The woman had information she wanted Mrs. Tippit to relay to people in Dallas. She would not identify herself because she was afraid of being killed. She said she *personally knew* Oswald's father and uncle and that they came from Hungary and lived at 77th Street and 2nd Avenue in New York. This is Manhattan's German community and locally known as "Yorkville." They were unemployed, received money from Communists, and spent all of their time on Communist activities. She gave two names: Louis Weinstock and Emile Kardos. If this information is correct, one of the Oswalds lived in New York in his youth. This could explain Oswald's interest in Communism (from his father and uncle) which began as a teenager and continued throughout his life. It could also be the reason for Marguerite Oswald's sudden trip to New York City in 1952.

In August, 1952 Marguerite sold her house in Fort Worth and drove with Lee to New York, allegedly to be near her oldest son, John Pic. Yet Pic told the Warren Commission that neither he nor Robert could get along with Marguerite. In fact, they both joined the service as soon as they could to get away from her. Why then did Marguerite move to New York with Lee?

While in New York, Mrs. Oswald, although allegedly quite poor, hired Louise Robertson as a housekeeper. Marguerite told Mrs. Robertson that she had brought Lee to New York to have mental tests done at the Jacobi Hospital. Marguerite was asked about this visit by Warren Commission attorney Rankin:

Mr. Rankin: Before you left New York, did you ever tell anybody that you took Lee Oswald to New York so he could have mental tests at the Jacobi Hospital?

Mrs. Oswald: No sir, never. My child was a normal child—and while in New York, I explained to you he had a dog with puppies. He had a bicycle. There was nothing abnormal about Lee Oswald.

Mental tests would not, of necessity, be aimed at discerning abnormal psychology. Marguerite avoided the broader implications of the question and the point was never again raised by the Warren Commission.

During the year and a half Lee Oswald resided in New York, there are few records of his activities. The available records are often contradictory and incomplete. His New York school records, found in the Warren Commission volumes, contradict New York court records and the testimony of Lee Oswald's brother, John Pic. The school records tell us Oswald first entered Trinity Evangelical School in the Bronx in September 1952. This school is many miles from his residence in Manhattan. When asked for copies of Oswald's school records, the Trinity School allegedly told the FBI they did not maintain records until 1957. This is nonsense. Whoever heard of a school that did not maintain records? If the school did not maintain records, how were the dates of his attendance at

Trinity obtained? How did the FBI know he even attended Trinity? And why would 12-year-old Oswald be enrolled in and attending a junior high school in the Bronx, many miles from the Pic apartment in Manhattan, when there were numerous junior high schools close by? In fact, one was within a few blocks of the Pic apartment.

John Pic, Lee Oswald's older half-brother, remembers Lee's school enrollment differently. Pic told the Warren Commission that the first school Lee attended in New York was two blocks from his Manhattan apartment, not the Trinity School in the Bronx. Pic was certain that Lee attended this school because he and Lee had discussed this school. Yet there is no record of Lee's attendance at any school near Pic's apartment.

From September of 1952 through January of 1953, Warren Commission records show Oswald attended only 24 days of school. His truancy brought him to the attention of the Board of Attendance. On the last Friday in March of 1953, a probation officer brought Oswald to the office of Dr. Milton Kurian, a psychiatrist employed by the Domestic Relations Court of New York. Dr. Kurian visited with Oswald and read the probation officer's file. The file contained information on Oswald's recent stay at the Youth House. Dr. Kurian noted that Oswald was quite small for his age. Dr. Kurian was 5'7" tall and estimated Oswald's height at 4'6." Oswald discussed his background with Dr. Kurian and said his mother had been married five times, even though she had been married three times. Oswald told Kurian he had numerous stepfathers and was close to only one of them. But Oswald had only one stepfather, Edwin Ekdahl, in 1945-47. After interviewing Oswald for 45 minutes, Dr. Kurian described the Oswald he met as the most paranoid individual he ever interviewed. However, Dr. Kurian is not mentioned anywhere in the Warren Report or the 26 volumes. The only psychiatrist Oswald was supposed to have seen was Renatus Hartogs, on May 1, 1953.

A comparison of Dr. Kurian's interview with the Oswald of the Warren Commission discloses several inconsistencies. First, Dr. Kurian described Oswald as being 4'6" tall in March

of 1953. Yet by May of 1953, Lee Oswald in Fort Worth, Texas measured 5'4." Even in 1952, Oswald was described as being tall. In 1952, in Fort Worth, Texas, 12-year-old Lee Oswald was in the 6th grade. He and classmate Richard Garrett were attending Ridglea West elementary school. Garrett told *Life* magazine: "Lee was the tallest, most dominant member of our group." A sixth grade photo shows Oswald to be the tall, wellbuilt kid described by Garrett. His height was again measured at 5'4" four months later—tall for a 13-year-old boy. Dick Russell and I spoke with Dr. Kurian in February 1997. When I informed Dr. Kurian of Oswald's height as listed on the New York school records, Dr. Kurian stated, "Those records must be wrong. I interviewed Oswald at that time and he was a little fellow. He was no taller than the middle of my chest, perhaps 4'6" tall."

Another discrepancy is with the number of times Oswald said his mother had been married, and with his many stepfathers. But the most curious discrepancy concerns the date Dr. Kurian met with Oswald. Dr. Kurian interviewed Oswald on March 27, 1953. He recalled the interview because it was his last day of employment with the court system. Oswald's file showed *previous confinement* at the Youth House. But Warren Commission records tell us that Oswald's first and only placement at the Youth House was from April 16, 1953 until May 7, 1953—three weeks *after* Dr. Kurian saw Oswald.

Warren Commission records show Oswald attended only 24 days of school through May 7, 1953. Why then do New York School records (WC Exhibit 1384) show him attending 109 days of school at that same time? The court and school records are both Warren Commission exhibits. Which are we to believe? Did he attend 24 days of school and wind up in the Youth House, or did he attend 109 days of school in the seventh grade? Or, are these records for two different "Oswalds"?

While Oswald was in the Youth House, Marguerite met with his probation officer John Carro. Carro's interview of her appears in the Warren Commission evidence (Vol. 19, p. 309). The

number of simple errors Marguerite makes in that interview is astounding. Some examples: Marguerite said she was the youngest of six children; yet there were five children in the Claverie family. She gives Lee Oswald's father's name as Robert Lee Harvey; yet his real name was Robert Edward Lee Oswald. She said Lee's father died at age 45, but we know he was 41 years old when he died. She gave her marriage date as July 19, 1929, but she married Robert Oswald in 1933. She gave her sister's name as Lillian Sigourette, when we know her sister's name was Lillian Murrett. She said she formerly owned a house in Corning, Texas; yet there is not and never has been a "Corning," Texas. She gave Lee Harvey Oswald's birth date as October 19th, when the correct date was October 18th. She said Lee was baptized at the Trinity Lutheran Church in New Orleans, but the records show he was baptized at the Redeemer Lutheran Church in New Orleans. When she was asked whether Lee's father was right-or left-handed she replied "I do not remember, sir." There is no reason for a 45-year-old woman to make these kinds of errors concerning her background. Would you, the reader, make *any* of them? Errors of this type are unexplainable, but yet found in her Warren Commission testimony, news articles and interviews. The continual errors tend to make one suspicious of Marguerite Oswald and her background. Had she forgotten? Was she lying? Or was this person not truly Lee's mother?

Assistant FBI Director John Malone, who was in charge of the New York FBI office, reviewed the court file on Oswald, which included his school records. Malone filed an eight-page report and stated that when Oswald left the Youth House on May 7, 1953, he entered Public School #44 in the ninth grade. But Oswald entered the *seventh* grade the previous September and attended only 24 days of school. How could he have skipped from the seventh to the ninth grade? One set of school records show Oswald to be truant while another set of records show him to be attending school full-time. Dr. Kurian interviewed Oswald in March of 1953. Yet the Warren Commission says the

first time Oswald was interviewed by a psychiatrist was two months later. Dr. Kurian says Oswald was in the Youth House prior to that time, yet the Warren Commission says Oswald was first confined to the Youth House a month later. Dr. Kurian said Oswald was 4'6" tall, yet New York school records list his height a month later as 5'4". These discrepancies suggest there were two different people—both named Oswald—in New York in the spring of 1953. This would explain the testimony of Lee Oswald's half-brother John Pic when he was shown a series of photographs from *Life* (2/21/64) of Lee Oswald as a youth.

Pic identified photographs of Oswald from age two through age 12. But when Pic was shown a photograph of a 13-year-old Oswald, standing in front of the Bronx Zoo (WC Exhibit 2893), Pic denied it was his brother. Warren Commission attorney Albert Jenner showed John Pic the "Bronx Zoo" photo and asked, "Do you recognize that photo?" John Pic replied, "Sir, from that picture, I could not recognize that is Lee Harvey Oswald." Attorney Jenner responded, "That young fellow is shown there, he doesn't look like you recall Lee looked in 1952 and 1953 when you saw him in New York City?" John Pic replied, "No, sir." This is the only known photograph of Oswald taken during his year-and-a-half stay in New York. Robert Oswald testified that the boy in the picture *was* Lee Oswald and that he had taken the picture. John Pic, who testified months after Robert, denied the boy in the picture was Lee Harvey Oswald.

In the summer of 1953, Lee Oswald was living in the Bronx with his mother. According to employment records obtained by the FBI, Marguerite worked at Lady Orva Hosiery from May 9 through December 20, 1953.

While "Lee Oswald" was living in the Bronx and Marguerite was working at Lady Orva Hosiery, there was a "Harvey Oswald" residing for a short time in North Dakota. After the assassination, Mrs. Alma Cole wrote a letter to President Johnson informing him that her son, William Henry Timmer, had befriended Oswald in Stanley, North Dakota in 1953.

Timmer (who lives in Great Falls, Montana) was interviewed by the FBI shortly after the assassination. Timmer told of meeting a boy in the city park who introduced himself as Harvey Oswald. This is the first known reference to “Harvey Oswald,” the person who likely assumed the identity of Lee Harvey Oswald. Harvey spent a lot of time with Timmer during the next two months, the summer of 1953. They went swimming at the reservoir and rode their bicycles in the park. He remembered Harvey riding a bicycle with no fenders or chain guard and being impressed by this kid “from the big city.” Harvey talked of gang fights in New York and of making weapons with razor blades stuck in potatoes. Harvey said he had been all over the country. Harvey carried a pamphlet in his back pocket and on one occasion showed it to Timmer and remarked, “I’ll bet you’ve never seen anything like this.” It was a pamphlet on Marxism. Where would he get such a pamphlet in North Dakota? Perhaps from his father and his uncle, who were, according to the woman who spoke with Mrs. Tippit, “Hungarians and spent all of their time on Communist activities.” In New York City, two years earlier, 21 people had been arrested and were facing trial for Communist-related activities (*New York Times*, 6/21/51, p. 16). One of the people arrested was Louis Weinstock, one of the names mentioned by the anonymous woman who called Mrs. Tippit in Connecticut. The early 1950s was the McCarthy era—when everyone was afraid of being labeled a Communist. Is it likely that Hungarians would promote Communism in the middle of New York City at a time when many of the most active members of the American Communist Party were FBI agents working under cover? Oswald’s father and uncle may have been people acting like Communists, who were in reality agents of American intelligence, *agents provocateurs*. And their mission was to uncover and identify domestic Communists. This, of course, is what many believe to be the role of Oswald himself.

Confirmation of Oswald in North Dakota comes from several sources. Oswald told Aline Mosby, in a 1959 interview in Moscow, that after living in New York “we moved to North

Dakota.” Mosby’s interview appeared in newspaper articles in 1959, and is mentioned in FBI reports. When Oswald was arrested in New Orleans in August of 1963, he was interviewed by Lt. Francis Martello. He told Martello that he had moved from New York to North Dakota. FBI agent John Quigley testified that when he met with Oswald in jail that afternoon, Oswald was introduced to him by Martello as “Harvey Lee Oswald.” When it was pointed out that Quigley had said “Harvey Lee,” Quigley said he had meant “Lee Harvey.” Curiously, Clay Shaw would make this same “mistake” in 1967.

During State Department Security Hearings in 1964, J.G. Sourwine, Chief Counsel for Thomas Dodd’s Senate Internal Security Subcommittee, questioned State Department officials about their knowledge of Oswald residing in North Dakota. From the adduced record, several people knew about Oswald in North Dakota. Clearly, someone named “Harvey Oswald” was in North Dakota in the summer of 1953. Don’t bother to look for a reference to Timmer or Oswald in North Dakota in the Warren Commission, because you won’t find any. Oswald in North Dakota would have been impossible for the Warren Commission to explain.

In the fall of 1953, Warren Commission records tell us Oswald entered the eighth grade at Public School #44 in New York. That September, Marguerite Oswald again met with Lee’s probation officer, John Carro. When Carro reminded her that Lee was still under court supervision, she told Carro that he no longer needed court supervision. She said he was doing much better and had been elected President of his *ninth grade* class. We have two references to Oswald in the ninth grade: one by Marguerite Oswald, the other by Assistant FBI Director John Malone who obtained his information from Judge Kelley’s court file. But according to the Warren Commission, Oswald was not in the ninth grade—he was in the eighth grade. How Oswald was able to advance from the seventh to the eighth grade while attending only 24 days of school has never been explained. Also unexplained are the continual references to Oswald being in the ninth grade.

It should be easy to find out what grade Lee Oswald was in during 1953. The Warren Commission volumes contain a complete record of his schooling in Fort Worth: his grammar school report cards, student lists, enrollment forms, interviews of teachers, students and neighbors. We have photographs of Lee Oswald in grammar school from the first through the sixth grade and there are dozens of photos of Oswald in his youth in Fort Worth. Yet when we try to locate photographs and records of his junior high school attendance in New York, we find almost nothing. Not one report card, no student list, no enrollment forms, no interviews nor even the names of his teachers, students or neighbors, and only one photograph—a photograph which his brother, John Pic, says is not Lee Oswald. The principal of Junior High #44 in New York, Nicolas Cicchetti, said that in 1963, the FBI had taken down the names of every student who shared Oswald's homeroom, and were going to track them down. Yet not a single New York student was interviewed or mentioned in the Warren Report. Oswald's life in New York as told by witnesses, photographs and school records seems quite confusing; unless one realizes these records are for two different people—Harvey Oswald (New York and North Dakota) and Lee Oswald (Fort Worth)—both attending junior high school in New York at the same time.

In the fall of 1953, 5'4", "Lee Oswald" was attending Public School #44 in New York. "Harvey" was attending Beauregard Junior High School in New Orleans.

There are two starkly contradictory exhibits from the records of the Warren Commission. One shows "Lee Harvey Oswald" attending Beauregard for 89 days during the fall term in 1953 in New Orleans. The other shows Oswald attending 62 days of school during the fall term of 1953 in New York. If both Warren Commission documents are correct, you have two Oswalds—"Lee" in New York, "Harvey" in New Orleans—in the fall of 1953.

How do we know which Oswald was in New York and which Oswald was in New Orleans? *Lee Oswald*, the tall southern boy,

moved to New York in 1952 and was teased by his classmates for his southern accent and for wearing blue jeans. *Harvey*, who lived in New York, was the 4'6" kid interviewed by Dr. Kurian, photographed at the Bronx Zoo, and unrecognized by John Pic. "Harvey" moved to North Dakota and then to New Orleans. He enrolled in Beauregard and was assigned to Myra DaRouse's homeroom. On his first day at school, he told Myra he wanted to be called "Harvey." She saw him every day before and after school. Myra's memory of "Harvey" as a physically small boy is consistent with Dr. Kurian's observation of Oswald. Marguerite Oswald had gone to New York with "Lee Oswald," the tallest kid in his sixth grade class. A year and a half later, 4'6" "Harvey Oswald" was in New Orleans. It was "Harvey" who was teased by his New Orleans classmates for his New York accent. It was "Harvey" who was ridiculed and attacked by fellow students for sitting in the back of a bus with "Negroes." "Lee Oswald," the boy who had grown up in the South, would have known better than to sit in the back of the bus; and certainly would not have a New York accent. When we understand there are two teenagers using the name Oswald, we realize each of these boys had a parent or guardian. Perhaps this is the reason we see Oswald's mother identified sometimes as Marguerite and other times as Margaret. Marguerite Oswald must be viewed with a great deal of skepticism.

While attending Beauregard during the 1954-55 school year, Edward Voebel witnessed Robin Reilly as he punched Lee Oswald in the mouth. Voebel got some ice for Oswald, attempted to patch him up, and became friendly with him. Voebel told the Warren Commission that Oswald's lip was cut and his tooth was knocked out (Vol. 8, p. 3). Oswald and Voebel became good friends. Voebel visited Oswald's apartment at 126 Exchange Place on many occasions. Voebel took a photograph of Oswald in English class at Beauregard (*Life* 2/21/64, p. 70). Oswald clearly appears to have a missing front tooth in this photo. In 1981, Oswald's body was exhumed, photographed and X-rayed. Dr. Linda Norton showed that Oswald's Marine

dental records matched the teeth of the exhumed body. The report on Oswald's exhumation was given to Marina Oswald Porter. Marina personally handed me the file and allowed me to make copies—including the X-rays and photographs. Neither the dental records, photographs, or X-rays show any broken, chipped, capped or missing teeth. If Oswald had a front tooth knocked out in 1954, as shown in *Life*, there is only one way to explain the exhumed body of Lee Harvey Oswald having unbroken natural teeth in 1981: the exhumed body was a different Oswald.

While one Oswald was attending Beauregard Junior High in New Orleans, the other Oswald moved from New York to attend Stripling Junior High in Fort Worth. Yet according to the Warren Commission all of his junior high school years were in New York or New Orleans. From 1952 through 1962 the only time Oswald resided in Fort Worth was four months in 1956, at which time he briefly attended Arlington Heights High School. Oswald was *never* supposed to have attended Junior High School in Fort Worth.

But in a 1959 interview in Moscow, Oswald himself said “we moved from New York to Ft. Worth.” In a handwritten chronology, Oswald wrote that he had lived in Fort Worth from 1954-1956. Stanley Nyberg, who was Mrs. Oswald's supervisor at the King Candy Company in Fort Worth in 1958, said “she came here with her children from New York and had good references.” While discussing her activities in 1954-1956, Marguerite almost confirmed moving from New York to Fort Worth. She told the Warren Commission (Vol. 1, p. 234): “When we came to New Orleans [allegedly from New York], I worked at Washer Brothers, in New Orleans—transferred from—Goldrings in New Orleans is Washer Brothers in Fort Worth, Tex. So I worked at Washer Brothers.” But Washer Brothers is in Fort Worth and Goldrings is in New Orleans. If Marguerite worked for Washer Brothers after she left New York, then Marguerite moved from New York to Fort Worth, not from New York to New Orleans. (In my detailed analysis of Marguerite's

life, there is no indication that she ever worked at Washer Brothers. The name Washer Brothers is not mentioned anywhere—except this one time in her Warren Commission testimony. Yearly W-2 tax statements would tell us where she worked. But Marguerite's tax returns remain classified.)

In October of 1959, when Oswald defected to Russia, Robert Oswald was interviewed by the *Fort Worth Star-Telegram*. Robert said his brother Lee had attended Stripling Junior High in Fort Worth. In June of 1962, when Oswald returned from Russia, Robert Oswald was again interviewed by the *Fort Worth Star-Telegram*. Robert again said his brother had attended Stripling Junior High in Fort Worth. Two years later Robert Oswald told the Warren Commission that Lee attended Stripling Junior High School in Fort Worth (Vol. 1, p. 299). When Marguerite was interviewed by Mr. Pierre Berton in 1964, she also said that Lee had gone to junior high in Fort Worth. So we have four statements over a five-year period that Oswald attended Stripling Junior High.

The evidence indicates that one Oswald attended junior high in Fort Worth while at the same time the other Oswald attended Beauregard junior high in New Orleans. The FBI was aware of this conflict. They had Oswald's Junior High school records and his 1955 graduation photo from Beauregard. They also knew Oswald's attendance at Stripling was unexplainable. Six hours after Oswald's arrest the FBI was at Monnig Junior High School in Fort Worth looking for Oswald's junior high school records. They were met by the principal, Ree Bostick. The next day, at eight o'clock on Saturday morning, the FBI was at Stripling looking for Oswald's junior high school records. Mr. Frank Kudlaty, assistant principal of Stripling, met with two FBI agents and gave them Oswald's Stripling records. Kudlaty looked through Oswald's file and noted Oswald had attended "not quite a semester" in the ninth grade. When "Lee Oswald" left New York and moved to Fort Worth, he attended Stripling, and created the ninth grade record that Mr. Kudlaty gave to the FBI. The FBI's expediency in obtaining those records and

hiding them from both the public and the Warren Commission indicates that someone knew there was a problem. Someone in a high position at the FBI moved quickly to gather and conceal the evidence that could prove the existence of two Oswalds. Who knew—besides J. Edgar Hoover? We can't be sure, but we do have a clue.

From 1952 through 1963 an FBI agent lived at 1727 Thomas Place in Fort Worth, five blocks from the Oswalds while Lee attended Stripling. His name was John W. Fain. It was Fain's April 1960 interview with Marguerite Oswald that prompted Hoover to notify the State Department that "an imposter may be using Oswald's birth certificate." So Hoover was aware of the possibility of two Oswalds in 1960 and was again made aware of it in 1961 when a "Lee Oswald" tried to buy trucks to send to Cuba from Bolton Ford in New Orleans. ("Harvey Oswald" was in Russia at this time.) Frank Kudlaty retired last year as Superintendent of Schools in Waco, Texas. His encounter with the FBI raised several questions: How did the FBI know Oswald attended Stripling and Monnig? Who directed two agents to pick up the Stripling records within hours of the assassination? What happened to these records? Don't bother to look for Oswald's Stripling Junior High School records in the Warren Commission. And don't waste your time filing a Freedom of Information request with the FBI. They deny any knowledge of Stripling.

Oswald's Stripling records have disappeared, but the memories of Oswald's classmates have not. Francetta Schubert was in the 8th grade in the 1954-1955 school year. Fran remembers Oswald being a grade ahead of her. She watched Oswald walk home during lunch periods and discussed him with her girlfriends. She said Oswald lived at 2220 Thomas Place, across the street from the school. This is the same house Marguerite Oswald lived in at the time of the assassination. This house was owned by Mary McCarthy, a good friend of Fred Korth, former Secretary of the Navy (Korth represented Edwin Ekdahl, Marguerite's third husband, in their 1948 divorce). Doug Gann of Fort Worth remembered Oswald in his

homeroom and living in a house across the street from the school. Roy Parkin used to play touch football in Oswald's front yard and saw him in the halls of Stripling. In 1955, Bobby and Jackie Pitts lived at 2224 Thomas Place, next door to Oswald. Interestingly, Paul Gregory—an Oswald acquaintance—also attended Stripling Junior High in 1954 and was in the same grade as Oswald. His father, Peter Paul Gregory, was a prominent member of the Russian community in Dallas and ended up being Marina's interpreter after the assassination. Meanwhile, "Harvey Oswald's" 1954 attendance at Beauregard in New Orleans was well documented by the Warren Commission. "Lee Oswald's" attendance at Stripling Junior High, in 1954, is remembered by many former Stripling students even though the records have disappeared.

Let us turn now to Oswald's employment in New Orleans in 1955 and 1956, before he joined the Marines.

As the reader will see, these employment histories are virtually devoid of documentation. There are no employment applications, W-4 forms, canceled payroll checks, monthly or quarterly tax statements, FICA withholdings, year end W-2 forms, etc. Neither the Warren Commission nor the FBI produced any evidence to document the dates of Oswald's employment with these companies. Without verification, we are left with two choices: trust the Warren Commission version, or locate former coworkers of Oswald. Since I have become leery of the former, I pursued the latter. Information from former coworkers tell us that *both* Oswalds worked for these companies, but not during the months and years stated by the Warren Commission.

Oswald's first job in this time period was at the Dolly Shoe Company. The Warren Commission tells us he worked part-time while attending school. But Louis Marziale, the store manager, remembered Oswald working during the day, i.e., full-time employment. Louis and store owner, Maury Goodman, remembered Oswald as being a very quiet and physically small youth. Louis observed Oswald and was unsatisfied with his

work. In April of 1955, Louis fired Oswald after he returned from lunch. During those weekdays Oswald should have been in school at Beauregard.

Oswald's next employment, according to the Warren Commission, was Tujague's, a freight forwarding company. His Tujague employment history is extremely suspect. The Warren Commission tells us he worked at Tujague's for two months (without verifiable documentation). But former Tujague employees say he worked there much longer, nearly a year. Robert Oswald was discharged from the Marines in July of 1955 and visited Marguerite and Lee for a week in New Orleans before returning to Fort Worth. When Lee joined the Civil Air Patrol on July 27th, Robert helped buy him a uniform from the Army-Navy Surplus store. Robert told the Warren Commission (Vol. 1, p. 311) that during his one-week stay, "Lee was working I believe for an export firm there in New Orleans."

In Robert Oswald's book (p. 75), he quotes Lee as saying things like, "We're sending an order to Portugal this week ... or I received an order from Hong Kong just this morning." The export firm was Gerard F. Tujague, Inc., and the time was July 1955. Frank DiBenedetto, Oswald's supervisor remembered him as a model employee who was very dependable and about 5'11", a little taller than himself. This was "Lee Oswald"—quite a bit taller than "Harvey Oswald." Frank DiBenedetto told the House Select Committee on Assassinations that Oswald had worked for Tujague's "a year to a year and a half." Gloria Callaghan, a secretary at Tujague's, remembered Oswald worked at Tujague's all the way up until April of 1956, when she took a leave of absence to have her first child. Frank did not remember the month Oswald quit, but did remember he quit to join the Marines. "Lee Oswald" left New Orleans in July 1956; moved to Fort Worth, Texas; and joined the Marines in October. From Robert Oswald, Gloria Callaghan and Frank DiBenedetto we learn that "Lee Oswald" worked at Tujague's from July 1955 until at least April and probably until July 1956. The day after the assassination, former Tujague employee Jimmy Hudnell gathered up Oswald's payroll records, time

cards, and canceled checks and gave them to Mr. Tujague. Those records have disappeared. The Warren Commission's only record of his Tujague employment consists of two pages of handwritten records furnished by Gerard Tujague. Tujague did not provide verifiable records such as canceled checks, payroll tax or Social Security records, only his *handwritten* payroll records. These are only as reliable as the person who created them: Mr. Tujague. What do we know about Gerard Tujague? When former FBI agent Guy Banister (reputedly former head of the Chicago office) incorporated the FBI-CIA affiliated Friends of Democratic Cuba, Tujague was listed as Vice President. Banister was on the Board of Directors. If anyone wanted to manufacture dates of employment for Oswald, they could hardly have picked a better place than the Gerard F. Tujague Company.

Let us analyze the importance of the Tujague employment. The Warren Commission tells us Oswald entered high school in the fall of 1955, then worked at Tujague's, J.R. Michels and Pfisterer's before leaving New Orleans in July of 1956. But if the above witnesses are correct and Oswald worked at Tujague's from July of 1955 up to July of 1956, how could he have attended Warren Easton High School, or worked at J.R. Michels, or worked at Pfisterer's in the spring of 1956?

New Orleans school records have Oswald attending Warren Easton High School for two months in the fall of 1955. On October 17, 1955, he wrote a note in his mother's name saying, "we are moving to San Diego in the middle of this month ... Also, please send by him any papers such as his birth certificate that you may have." It was "Harvey" who attended Warren Easton. After Harvey quit school, he worked briefly for J.R. Michels, and then left New Orleans for California. We know about the California trip because of Texas Employment Commission employee Laurel Kittrell. She interviewed two different people named Oswald in 1963 in Dallas. She remembered they looked remarkably similar. One Oswald told her he had been a motorcycle delivery person for ETI Realty Company in California in 1956, before joining the Marines.

The last company Oswald allegedly worked for prior to joining the Marines was the Pfisterer Dental Labs. The Warren Report states that after quitting J.R. Michels, Oswald worked "for *several months thereafter* ... for the Pfisterer Dental Laboratory" in 1956 (emphasis added). They conspicuously avoided identifying the months and years during which Oswald worked at Pfisterer's. Let me explain why.

The day after the assassination, Airman Second Class Palmer E. McBride told the FBI (WC Exhibit 1386) that he had worked with Oswald from the *fall of 1957 to the summer of 1958* at the Pfisterer Dental Laboratory in New Orleans. They worked together every day and discussed a recent Russian space success. The first Russian space success was Sputnik on October 4, 1957. Therefore, Oswald and McBride could only have discussed Russian space successes *after* October 4, 1957. McBride and Oswald also listened to classical music at each others' homes, and debated the merits of Communism. In early 1958 McBride took Oswald to a meeting of the New Orleans Amateur Astronomy Association at the home of William Wulf. Oswald became involved in a discussion about Communism, which was overheard by Wulf's father. "Harvey Oswald," who again was promoting Communism, was asked to leave. McBride and Oswald also attended the *Boris Gudenov* opera. For Palmer McBride, attending the *Boris Gudenov* opera was a memorable event. For our purposes it is a way of placing a date on Oswald's presence in New Orleans. I obtained a brochure from the New Orleans Historical Collection. *Boris Gudenov* played only two days in New Orleans during the entire decade of the fifties: October 10th and 12th of 1957. McBride worked with Oswald from the fall of 1957 until July of 1958. Then McBride quit to join the Air Force Reserves. Oswald left Pfisterer's a month earlier. A year later, in 1959 at El Toro, Nelson Delgado would remember that Oswald enjoyed classical music and would often talk at length concerning the opera.

Further confirmation of Oswald in New Orleans in 1958 comes from one Walter Gehrke. McBride took Oswald to an Amateur Astronomy Association meeting at Gehrke's home.

Gehrke told the FBI that none of these meetings were held in his home *until 1958*. Therefore, McBride and Oswald could only have attended a meeting at Gehrke's home in January of 1958 or later. According to the Warren Report, Oswald was in the Marine Corps at this time.

Additional confirmation of Oswald's employment in New Orleans in 1957 and 1958 comes from Linda Faircloth, the current president of Pfisterer Dental Laboratory. The former owners of the company told her Oswald had worked there in 1957. The day after the assassination the FBI had taken all employment records, payroll records, quarterly tax forms, canceled checks, employment applications, W-2 forms, i.e., all documentary evidence pertaining to Oswald's employment. Oswald's employment records at Pfisterer's, like the Tujague employment records, had disappeared. The owners were told by the FBI not to discuss the case among themselves or with anyone. The FBI discontinued the investigation of Oswald in New Orleans in 1957 and 1958 by stating that the information provided by McBride "is unfounded and no further investigation is needed." Not a single Pfisterer employee or partner testified before the Warren Commission. Not a single Pfisterer document relating to Oswald's employment has been found.

John Hart Ely, a staff attorney for the Warren Commission, was responsible for gathering background information on Marguerite and Lee Oswald. He forwarded Palmer McBride and William Wulf's FBI interviews to Albert Jenner and Wesley Liebeler on March 30, 1964. From the FBI interview of McBride, Liebeler would have known of Oswald's employment at Pfisterer's in 1957 and 1958. From Oswald's Marine records he knew Oswald was supposed to have been in Japan at the same time. Oswald in New Orleans and Japan at the same time for nearly a year posed a serious problem. It was unexplainable, and therefore had to be neutralized.

On April 10, 1964 Albert Jenner wrote a memorandum to J. Lee Rankin, General Counsel for the Warren Commission. He

said “[O]ur depositions and examination of records and other data disclose there are details in Mr. Ely’s memoranda which will require material alteration and, in some cases, omission.” McBride’s FBI statement was ignored. Neither he, the owners nor employees of Pfisterer’s were interviewed by the Warren Commission. No efforts were made to verify Oswald’s dates of employment through payroll tax information, IRS, Social Security records or his employment file. His dates of employment were altered from 1957-1958 to the “spring of 1956,” *before* he entered the Marines. To support this allegation the Warren Commission interviewed William Wulf Jr., McBride’s friend and fellow astronomy club member. In Wulf’s testimony, all references to the years 1957 or 1958, were avoided by Wesley Liebeler.

When he opened his direct questioning (Vol. 8, p. 16), Liebeler said, “We want to inquire of you concerning possible knowledge that you have of Lee Harvey Oswald *during the time that he lived in New Orleans during the period 1954-1955.*” This is a clever and misleading statement by an attorney who had to have known what he was doing. By misdirecting Wulf’s attention to 1954 and 1955, references to 1957 or 1958 were avoided. Liebeler obtained testimony that allowed the Warren Commission to circumvent the problem of Oswald’s working at Pfisterer’s in 1957 and 1958. When you read the Warren Report, you can now understand why they state Oswald worked “several months thereafter” for the Pfisterer Dental Laboratory in 1956 without giving any dates.

In 1996 Robert Groden and I interviewed and videotaped Frank Kudlaty, Linda Faircloth, Fran Schubert, Myra DaRouse and Louis Marziale. We also spent nearly a day with Mr. William Wulf. I wanted Mr. Wulf to pinpoint the year and month he met with Oswald. He reconstructed his school years from 1952 through 1959. He was sick and did not attend school the entire 1956-1957 school year. In the fall of 1957 he returned to DeLaSalle High School, where the meetings of the New Orleans Amateur Astronomy Association were held. He said he was certain he met Oswald that winter, in either

January or February, 1958. This, of course, jibes with what McBride told the FBI in 1963.

The Warren Commission chose to avoid the problem of Oswald in New Orleans in 1957 and 1958. The FBI dealt with the problem in two ways. First, they too avoided evidence that placed Oswald in New Orleans at that time. McBride had visited Oswald's room at the Hotel Senator, which was across the street from the dental lab, in early 1958. But when the FBI visited the Hotel Senator, after the assassination, they interviewed only those employees who had worked at the Hotel "prior to 1956." They avoided employees who had worked at the hotel in 1957 and 1958 who could have remembered Oswald and his mother. They reviewed hotel registration cards for the year 1956 and avoided 1957 and 1958. McBride's statement that he was introduced to Marguerite Oswald in 1958 is significant. Marguerite allegedly left New Orleans in July of 1956, then lived and worked in and around Fort Worth until her death. She never again resided or worked in New Orleans. But McBride insists he was introduced to Marguerite Oswald at the Hotel Senator in early 1958. McBride is not alone in his observation of Marguerite in New Orleans at this time. There were several other witnesses.

The second way in which the FBI dealt with Oswald's presence in New Orleans in 1957 and 1958 concerned their handling of the physical evidence. I have dealt with this matter elsewhere. But for the purposes of this discussion it is important to know that one of Oswald's possessions allegedly found by the Dallas Police at Ruth Paine's was a W-2 form from the Pfisterer Dental Lab. That original W-2 form would have given the correct years Oswald worked at Pfisterer's. But that item has disappeared.

Four W-2 forms were found at the Paines' pertaining to Oswald's employment in 1955 and 1956. In itself, this seems odd. Why would anyone carry around W-2 forms that were seven or eight years old, from employment as a teenager? Yet these documents were allegedly found in Ruth Paine's garage.

As we continue to study Oswald's possessions, we find that the majority of incriminating and fabricated evidence came from the Paines' garage. Most of the incriminating evidence was not found by the Dallas Police, but was provided to the FBI, weeks or months after the assassination, by either Ruth Paine, Robert or Marina Oswald.

Another W-2 form at the Paines' was from the Dolly Shoe Company. That original W-2 form had also disappeared. The Dolly Shoe form would have given the years and earnings for Oswald at the Dolly Shoe Company. Dolly Shoe was founded in January 1955 and discontinued business in October, 1957. The federal tax ID number on this 1955 W-2 form was issued *seven years after the company went out of business*. This W-2 form was created to show that Oswald's earnings at Dolly Shoe Company reflected part-time employment, not full-time employment as remembered by Louis Marziale. Full-time employment would conflict with Oswald's having attended Beauregard Junior High during the day.

What did the Warren Commission do with all the falsified evidence, structured witness testimony, and fabricated Oswald background? "Harvey Oswald" attended Warren Easton High School in New Orleans in September and October 1955. At the same time "Lee Oswald" was working at Tujague's, which created a conflict. The school records could not be changed, but changing Oswald's dates of employment at Tujague's was easy. Instead of "Lee Oswald" working at Tujague's from August 1955 through July 1956, his employment records were changed to show he worked at Tujague's for two months—from November 1955 until January 1956. These two months fit so neatly between "Harvey Oswald's" Warren Easton attendance and his two-week employment at J.R. Michels in January 1956. Then, without identifying Oswald's dates of employment, the Warren Commission tells us he was employed for "several months thereafter" at the Pfisterer Dental labs in the spring of 1956.

The creation of the W-2 forms helped create an ersatz

background for Oswald as told by the Warren Commission. The schooling and employment records of "Lee Oswald" and "Harvey Oswald" were merged into a false history for *one person*. The "new record" showed school attendance and employment at four New Orleans companies from 1955 through July 1956 for one person: Lee Harvey Oswald.

Had the public or the media been able to see the original 1955-1958 W-2 forms, someone would have noticed the overlapping records. Especially the records indicating Oswald as working in New Orleans and being stationed in Japan at the same time. Attention would have been focused directly on the problem of two Oswalds being in different places simultaneously. That had to be avoided and, until now, it was.

In the fall of 1956, right before Oswald joined the military, "Harvey Oswald" was in Fort Worth, Texas, where he briefly attended Arlington Heights High School. While there, a crucial witness surfaced. Former elementary school friend Richard Garrett ran into Oswald. In a *Life* magazine interview Garrett said:

[H]e walked up to me in the hall at school. I remember I had to look down to talk to him and it seemed strange, because he had been the tallest, the dominant member of our group in grammar school. He looked like he was lost. He was very different from the way I remember him.

This strongly suggests that the shorter, skinnier "Harvey" had temporarily replaced "Lee." Garrett further recalled that Oswald tried to sell him on Communism. Oswald's photograph appeared in the 1956-1957 school year book with Janet Bowlin. The photo appears to be of "Harvey," the leftist Oswald from New York, and William Henry Timmer's North Dakota.

"Lee Oswald" joined the Marines in October 1956, as did "Harvey Oswald." Two weeks later, someone wrote to the Red Cross asking for help in obtaining emergency leave for Lee Oswald. This inquiry was received at the Red Cross on November 9th, only two weeks after Oswald joined the

Marines! From the Red Cross records, we see that Marguerite's address is 3830 W. 6th. Yet she lived at 4936 Collinwood until July 1957. Lee Oswald's birth date was given as October 19, instead of October 18. His military branch was first listed as "Army," then scratched out and changed to Marines. Finally, we see that the original inquiry came from Oswald's father, not his mother. All references to "him" have been scratched out and changed to "her." Why would someone inquire about emergency leave for their son only two weeks after he joined the Marines? Perhaps this inquiry came from the father of one of the Oswalds, and later, when someone realized Oswald's father died before he was born, the references on the form were changed from "his" to "her." The 112th Military Intelligence Group at Fort Sam Houston maintained a file on Harvey Lee Oswald, according to Lt. Col. Robert E. Jones. Oswald was described as a pro-Communist who spent time in Russia, was involved in pro-Castro activities in New Orleans, and used the alias Alik Hidell. In 1963, they listed his address as 605 Elsbeth, Dallas, Texas. The Warren Commission specifically asked to see any military files regarding Oswald but they were never shown the Army file mentioned by Lt. Col. Jones. In 1978, when the House Select Committee on Assassinations learned of the file, and requested it from the Army, they were told the file had been "routinely destroyed" in 1973.

After boot camp and ITR (Infantry Training Regiment), "Lee Oswald" left for Jacksonville, Florida. According to the Warren Commission, Lee attended Aviation Fundamentals School. But Allen Felde (WC Exhibit 1962) said he and Oswald attended an A & P School in Jacksonville, which is a mechanics school, quite different from a beginning course in Aviation Fundamentals. Again, two different Oswalds: "Lee" attended Aviation Fundamentals School; "Harvey" attended A & P School with Allen Felde in the spring of 1957. Oswald's Marine records show his attendance at Aviation Fundamentals School but fail to note anything about A & P School.

"Lee Oswald" attended Radar School in Biloxi, Mississippi in

June 1957, transferred to El Toro, California in July and left for Japan in August. During this time—June and July 1957—Alan Felde and “Harvey Oswald” attended an Aviation Electronics School in Memphis, Tennessee. Felde remembered Oswald constantly discussing politics and Communism (once again, “Harvey” is promoting Communism). Marine records show “Lee Oswald’s” attendance at Radar School in Biloxi, but contain no reference to Aviation Electronics school or any assignment in Memphis. “Harvey” was last seen by Felde in September 1957, a time when “Lee Oswald” was already in Japan.

From Memphis, “Harvey” Oswald may have traveled to Columbus, Ohio. On November 29, 1963, Sgt. Donald Swartz of the Columbus Police Department Intelligence Division filed a report stating that Lee Harvey Oswald attended Antioch College, in Yellow Springs, Ohio, using his true name for a short period of time in 1957. Oswald had been dismissed from Antioch because he was unable to prove his graduation from high school. Ruth Paine had attended Antioch College from October 1949 until June 1955. Ruth Paine’s attendance and Oswald’s alleged attendance at Antioch was reported by the local newspaper. Additional allegations of Oswald’s presence in Yellow Springs, Ohio came from an unidentified counterintelligence agent from the Office of Special Investigations at Wright Patterson Air Force Base (which is in Ohio). The agent said Oswald received money on a regular basis, through the use of money orders issued by the Miami Deposit Bank of Yellow Springs, Ohio. Oswald’s alleged presence in Yellow Springs, Ohio in 1957 is unresolved.

“Harvey” next showed up in New Orleans where he worked at the Pfisterer Dental Labs with Palmer McBride—from October, 1957 until July, 1958—while “Lee” was in Japan.

“Lee Oswald,” while in Japan, did not speak Russian, did not read Russian newspapers, or talk about Communism. “Lee Oswald” did not “defect” to Russia (it was Harvey who “defected”). According to his Marine buddies in Japan he wanted to be called “Lee.” He hated being called “Harvey” and

would fight anyone calling him “Harvey” or “Harv.” Peter Cassisi, John Heindel and other Marines who served with Oswald in Atsugi, remembered “Lee Oswald” returning to the base drunk on numerous occasions. But the person killed by Jack Ruby did not drink and did not smoke. Cassisi *did not recognize* Oswald as a former Marine associate when his pictures were published after the assassination. Curiously, neither Marguerite nor Robert Oswald produced letters from Oswald while he was in Japan. They did, however, receive many letters from him while he was in Russia. It would have been interesting to compare letters in Oswald’s handwriting while he was in Japan with letters he sent from Russia.

In 1957 military records show “Lee Harvey Oswald” was treated for tonsillitis. He was treated again for tonsillitis in 1958 and given injections of penicillin. But according to an FBI report, Dr. Philben of Dallas, Texas had removed Oswald’s tonsils 12 years earlier—in January, 1945.

When “Lee Oswald” left Japan in November 1958, he transferred to the Lake Mead Naval Air Station in Nevada. Gerald Hansen was stationed at Lake Mead and remembered Oswald. In July 1958, “Harvey Oswald” left Pfisterer’s, resided briefly in Fort Worth, and next arrived at the Marine base in El Toro, California. It is January 1959—nine months before “Harvey Oswald” defected to Russia. A photo of Oswald wearing a Marine helmet was taken at that time. When the Warren Commission showed John Pic this photo he said, “I would never guess that that would be Lee.” Pic was correct, the photo was not Lee; it was Harvey. Harvey was substituted for Lee at El Toro. Lee had transferred from Japan to the Lake Mead Naval Air Station.

At El Toro, Harvey Oswald took a Russian proficiency test in February 1959. On March 23, Harvey obtained a GED, equivalent to a high school degree. But Marguerite Oswald was questioned about Lee’s high school degree by Rankin; she said that she had the diploma, and from her correspondence, he attained it in January of 1958. This would leave us with two high school GED degrees—one obtained by Lee in January 1958

and one obtained by Harvey in March 1959—both obtained while in the Marines. In June, at El Toro, California, Harvey Oswald had a date with Roslyn Quinn who had been studying Russian intensely for a year. They conversed for several hours in Russian and she was very impressed with his conversational Russian. It was at El Toro in 1959 that Oswald's Marine buddies remembered him reading Russian newspapers, listening to Russian records, and speaking Russian. Kerry Thornley, from New Orleans, knew Oswald at this time. He said Oswald spoke with no southern dialect whatsoever. If anything, he spoke with a New York accent. Kerry Thornley was probably correct. The Oswald he knew, Harvey, was raised in New York in the late 1940s and early 1950s, by his father and uncle who lived at 77th and 2nd Avenue.

In December 1958, Marguerite Oswald claimed injury when a candy box fell from a shelf onto her nose at work. Because of Marguerite's injury, Harvey applied for and was granted a dependency discharge from the Marines. This alleged injury was probably a ruse. Dr. Milton Goldberg, who had first treated Marguerite for her "injuries," said he could find nothing wrong with her. Dr. Goldberg told the FBI that in January, 1959, Marguerite said "that her son wanted to defect to Russia." This was ten months before Harvey went to Russia. It seems that someone knew the future plans of Harvey long before he defected, including Marguerite. On August 7, 1959, a Parents Dependency Affidavit was completed and signed by Marguerite Oswald to obtain an early discharge for Oswald. Her son's name was listed as *Harvey Lee Oswald*.

Before Oswald was discharged from the Marines, he applied for admission to the Albert Schweitzer College in Churwalden, Switzerland. Applicants were asked to give their reasons for wishing to attend this college. Oswald gave as one of his reasons "in order to broaden my knowledge of German." In the Warren Report there is no indication that Oswald was ever exposed to or spoke the German language. However, this may be a reference to the anonymous woman who telephoned Mrs. Tippit after the assassination and said Oswald's father and

uncle lived at 77th and 2nd Avenue in New York. The area she is describing is Yorkville—Manhattan’s German community—where Harvey Oswald lived prior to 1952.

Chart of addresses

New York 1952-1953

1952—August: Marguerite and Lee arrive in New York, stay at John Pic’s in-laws’ apartment at 325 E. 92nd St.

1952—September 8: Trinity Lutheran Evangelical School—seventh grade—9 days.

1952—September 30: Public School #117—seventh grade—15 days

1953—Jan. 16: Leaves Public School #117—fails to enroll in Public School #44.

1953—March 23: Enrolled at Public School #44—seventh grade.

1953—April 16: Court hearing—sent to Youth House until May 7.

1953—May 7: Released; FBI report shows Oswald began attending Public School #44 in the ninth grade.

1953—Summer: Louise Robertson works as housekeeper for the Oswalds.

1953—Summer: Visits Bronx Zoo. A photo of Lee Oswald taken.

1953—July/August: A “Harvey” Oswald is residing in Stanley, North Dakota.

1953—September/December: Attends Public School #44 in New York.

1953—Fall: LHO attends 89 days at Beauregard Jr. High in New Orleans.

1954—January 11: Moves to New Orleans, attends Beauregard Jr. High.

[Stamps on this letter from the FBI’s files indicate this

letter was received in late December, 1963. All grammar, punctuation and capitalization are as they appear in the original.]

President Lyndon B. Johnson

Dear Sir;

I do not know how to write to you, and I can't decide if I should or shouldn't.

My Son knew Lee Harvey Oswald, when he was in Stanley, North Dakota. I do not recall what year, but it was before Lee Harvey Oswald enlisted in the Marines. The boy read Communist books then.

He told, my son He had a calling to kill a President. My Son told me, he asked him, How he would know one? Lee Harvey Oswald said, He didn't know, But the time and places [unintelligible] be layed before him,

There are others at Stanley that knew Oswald,

If you would check, I believe what I have wrote will check out.

Another women that knew of Oswald and his mother, was Mrs. Francis [unintelligible—looks like Jolliard or something similar], She had the Stanley, Cafe, (She's Mrs. Harry M[unintelligible] now.) Her Son, I believe knew Lee Harvey Oswald better than mine did.

Francis and I just thought Oswald a bragging boy. Now we know differs we told our Sons to have no more to do with him, (I am sorry, I can't remember [unintelligible])

This letter is wrote to you in hopes of helping, If it does all I want is A Thank you.

Mrs. Alma Cole

Rt. 3 Box 1 H.

Yuma, AZ

Warren Commission Records of Oswald's Employment in New Orleans, 1955-1956

1955—Dolly Shoe Company—(No beginning or ending dates, no canceled checks, no employment application, no monthly or quarterly tax information reports)

1955—Warren Easton High—September/October

1955—Gerard Tujague, Inc.—November 10-January 14, 1956 (no canceled checks, no employment application, no monthly or quarterly tax information reports)

1956—J.R. Michels—Two weeks; (no beginning or ending dates of employment, no canceled checks, no employment application, no monthly or quarterly tax information reports)

1956—Pfisterer Dental Labs—"[A] few months" (no beginning or ending dates of employment, no canceled checks, no employment application, no monthly or quarterly tax information reports)

July of 1956—Moved to Fort Worth, Texas

October 24, 1956—Joined the Marines

Harvey and Lee: The Case for Two Oswalds, Part II

By John Armstrong

On August 7, 1959, Harvey Oswald was granted a dependency discharge from the Marines. His early discharge was predicated upon an alleged work-related injury suffered by Marguerite Oswald. Dr. Milton Goldberg, who had first treated her in January 1959, said she told him that her son wanted to defect to Russia. This was ten months before Harvey went to Russia. Harvey Oswald remained at El Toro until his discharge on September 11, 1959.

On September 16, Harvey Oswald was in New Orleans and filled out a passenger emigration form. He did not have the Los Angeles-issued passport with him and incorrectly listed the issuing passport office as New Orleans. Lee—who had the Los Angeles-issued passport—was still in Fort Worth. A side-by-side comparison of the emigration form and Oswald’s passport application reveals significant inconsistencies, which will be detailed later.

Harvey Oswald purchased a ticket in the International Trade Mart Building (where Clay Shaw worked), boarded the SS Marion Lykes, and left for Russia. An article about Oswald’s defection appeared in the *Fort Worth Star-Telegram*, accompanied by the photo that appears to be Lee Oswald, recognizable to residents of Fort Worth. Harvey Oswald’s photograph did not appear in Fort Worth newspapers in 1959—no one would have recognized him as “Lee Oswald.”

When Harvey Oswald met Marina, she thought he was a native Russian with a Baltic accent. His March 1961 medical records from Minsk list his name as “Harvey Alik Oswald.” A State Department Security Office memo of March 2, 1961 refers to “Harvey” Oswald. A letter written to Oswald in the

Soviet Union on May 3, 1961 is addressed to Esteemed Citizen "Harvey Oswald." A CIA memo of November 25, 1963 explained the agency's interest in the "Harvey story." Russian-speaking Harvey was in Russia and Lee was working with CIA operatives in New Orleans, Texas and Florida. Lee and Harvey were not identical in appearance, but they looked similar. Their similarity was enough to confuse, deceive, and trick those who knew or saw them. This is the "smoke and mirrors" Jim Garrison spoke of—trademarks of the intelligence community.

Lee Oswald was in New Orleans and Florida in the summer and fall of 1959. Captain Valentine Ashworth, who met Oswald in New Orleans, said:

[B]efore he went to Russia, Oswald and myself were both trying to join the Cuban exiles. We went from New Orleans to Columbus, Ohio together to join the Cuban exile army. I can show you the bar where I first met Oswald and where we roomed at for a while in New Orleans. I can show you the motel where we stayed.

Ashworth may have been referring to the McBeth Rooming House at 2429 Napoleon Avenue in New Orleans, where page 26 of the rooming house's guest book showed Lee Harvey Oswald registered on June 28, 1959, in room "D."

A month later, Mrs. Gladys Davis was introduced to "Oswald" at her home in Coral Gables, Florida. In September 1959, she was living with Martinez Malo, who had numerous Cuban associates who came to their residence. A Cuban exile named Francisco Rodriguez Tamayo, AKA "Mexicano," had introduced Oswald to her. This is the same time frame during which Marita Lorenz claims she met Oswald in a CIA safehouse in Miami. Apparently, Lee Oswald continued associating with Cuban exiles and their CIA handlers for the next three years, while Harvey Oswald was in Russia (October, 1959–June, 1962).

William Huffman told the FBI he saw Oswald "sometime after Castro came to power" (January 1959). Oswald and four or five

Cubans fueled a 43-foot Chris Craft diesel boat at his dock. Oswald telephoned "Ruben" in Key West, who came to the dock and paid for the fuel. "Ruben" may have been Jack Ruby, who ran guns to Castro in the late 1950s from a house in Kemah, Texas. Neighbors were quite familiar with Jack Ruby, and remember his weekend trips to Cuba in a 50-foot surplus military craft loaded with guns. Marita Lorenz met Lee Oswald at a safehouse in Miami in 1960, and saw him again at CIA training camps in the Florida Everglades several times during 1960 and 1961. Former Congresswoman Clare Boothe Luce was told by the Captain of one of the Cuban exile groups that she financed that "Oswald and others were involved in infiltration of Communist groups in that area."

By June 1960, J. Edgar Hoover was aware of an Oswald in the States and an Oswald in Russia. He sent a memo to his field offices warning them that an impostor may be using Oswald's birth certificate. FBI files contain many reports of Lee Oswald in the States while Harvey is in Russia, but you won't find them in the Warren Commission volumes.

In January 1961, Fred Sewell, manager of the Bolton Ford Truck center in New Orleans, met "Lee Oswald," who wanted to buy trucks to be sent to Cuba. The sales order form listed the purchaser as "Friends of Democratic Cuba," members of which included former FBI Agent Guy Banister, active FBI agents Logan and Kennedy, and Lee Oswald's former employer, Gerard Tujague.

In the spring of 1961, Lee Oswald visited the Dumas and Milnes Chevrolet Dealership in New Orleans. He and salesman James Spencer had coffee at Walgreens and discussed the sale of a 1958 Chevrolet to Oswald. This Oswald—Lee Oswald—*could drive*, and, as will be discussed later, had a valid Texas driver's license.

In May of 1961, CBS journalist Robert Taber—a founding member of the Fair Play for Cuba Committee—and "Lieutenant Oswald" met with Dr. Enrique Luaces in Havana, Cuba. Oswald was introduced as an arms expert. Dr. Luaces had no doubt that the "Harvey" Oswald he met in 1961 and the Lee Harvey

Oswald whose picture appeared on television after the assassination were one and the same. After the assassination, the US Army forwarded a file captioned "Harvey Oswald" to the FBI that contained an Army Intelligence report about Oswald and Robert Taber in Cuba.

In July of 1961, Ray Carney, news director for the radio station KBOX in Dallas, told the FBI he had met with Lee Oswald on several occasions during the summer of 1961. Oswald tried to obtain from him the names of pilots who had volunteered to fly Flying Tiger missions over Cuba. The FBI, however, told him that Oswald was in Russia during 1961 and that he was obviously mistaken.

In the fall of 1961, Police Officer Charles Noto arrested Lee Oswald and Celso Hernandez on Breakwater Road on the Lakefront in New Orleans. They were brought to Levee Board Police Headquarters where, after a closed-door session with Marcel Champon, the officer in charge, they were released. Two years later, in August 1963, Celso Hernandez would again be arrested, this time with Harvey Oswald, who had created a disturbance by handing out "Fair Play for Cuba Literature."

During late 1961 and into early 1962, Stephen Landesberg, Earl Perry and Oswald were involved with demonstrations in New York City. Landesberg and Perry would create the demonstrations while Oswald took photographs. A few hours after the assassination, Landesberg told his story to the FBI. Because the FBI knew Oswald was in Russia during 1961 and early 1962, they charged Landesberg with providing false information to the government, and summarily had him committed to the Bellevue Psychiatric Center in New York. The entire court case, *U.S. v. Steven Harris Landesberg*, including two backup microfilm copies, disappeared from the court archival records. When the FBI tried to obtain Earl Perry's records from the Marines, they were told they would first have to get clearance from the Pentagon!

John Nebel, a well-known radio talk show host in New York City, was contacted in the spring of 1962 by a person who identified himself as Lee Oswald. Oswald offered to come to

New York at his expense if Nebel would interview him on his radio program regarding his views on the Cuban situation. When Nebel refused, Oswald became abusive and hung up.

Leander D'Avy worked as a doorman at the Court of Two Sisters restaurant in the French Quarter (New Orleans) in the summer of 1962. A man he later identified as Lee Harvey Oswald approached him and asked for Clay Bertrand. The restaurant manager, Gene Davis, told D'Avy he would speak with the man. Davis spoke to Oswald at the bar and later told D'Avy that the man had been behind the Iron Curtain. On a Saturday morning in early November 1963, D'Avy went looking for Davis to pick up his paycheck. He found Davis in an upstairs storeroom that was being used as a makeshift apartment. With Davis were Lee Harvey Oswald, David Ferrie, a Cuban, and three unidentified men.

In 1968, Gene Davis was interviewed by Garrison and asked to take a polygraph test. He refused. Eugene Clair Davis was an active informant of the New Orleans FBI, designated symbol informant 1189-C, as of October 11, 1961. The National Archives has many documents on Gene Davis, most of them "postponed in full."

From 1959 until the spring of 1962 Lee Oswald was surrounded by people involved in Cuban affairs. These people we now know were either working for, or closely associated with, the CIA and FBI.

Before departing Russia, Oswald wrote and requested photographs of Robert and Marguerite Oswald. Did he not remember—or not know—what they looked like? Harvey Oswald left Russia and moved to Fort Worth. He impressed the Russian community in Dallas with his command of the Russian language. Peter Gregory asked Oswald if he were Polish because of his accent. George de Mohrenschildt, who first met "Harvey Lee Oswald" in 1962, also noticed his Polish accent. De Mohrenschildt found Harvey interesting, and wrote a 200-page manuscript about him. He said Harvey preferred speaking Russian to English. He was amazed that Oswald read such difficult writers as Gorky, Dostoyevsky, Tolstoy, and Turgenev

in Russian. He remembered discussing classical Russian literature with Harvey—in the Russian language. Speaking elementary Russian is one thing; speaking and reading Russian well enough to discuss “classical Russian literature” with a well-educated native speaking Russian is another. The Warren Commission wants us to believe that a high-school dropout taught himself Russian by reading Russian newspapers at the age of 19. It seems more likely that Harvey Oswald had been speaking Russian for a long time—perhaps since childhood.

Oswald’s Russian-speaking ability allowed him to observe and report on conditions in the Soviet Union. His 50-page manuscript (16H287-336) is replete with minute detail, facts and data—not the type of information recorded by a tourist or temporary resident of Russia. Garrison investigator and ex-CIA employee Bill Boxley, during the famous “round table” discussion, described Oswald’s manuscript as follows:

If you read the notes that Oswald is supposed to have brought out of Russia and from which he was going to write a book, you will find a beautiful example of an intelligence agent’s casing report on the electronic factory in Minsk ... Now the report would have many uses to Intelligence, primarily being able to infiltrate another agent into that plant, he’d be familiar with it.

Boxley goes on to voice the opinion that the report was so well written, so free from spelling errors, that he doesn’t believe Oswald wrote it. That still begs the question of how an intelligence officer’s casing report ended up in Oswald’s possession.

When Lee Oswald’s older brother John Pic saw “Harvey” Oswald after his return from Russia, Pic told the Warren Commission, “the Lee Harvey Oswald I met in November, 1962 was not the same Lee Oswald I had known ten years previous.” When Attorney Jenner asked Pic how Oswald looked physically as compared with when he had last seen him, Pic replied “I would never have recognized him, sir.” The Oswald that Pic saw on Thanksgiving Day in 1962 wrote his name in Pic’s address book as “Harvey.”

In September 1962, when Harvey Oswald was working at Leslie Welding in Fort Worth, ex-CIA agent Donald Norton met with Lee Harvey Oswald in Mexico. He gave Oswald \$50,000 in cash, and in turn received a manila envelope.

In March, 1963, when Harvey and Marina were living on Neeley Street, as prominent Memphis attorney Daniel Thomas McGown later told the FBI, a letter at the Carousel Club addressed to Jack Rubenstein bore the return address of "Lee Oswald, 1106 Diceman Avenue, Dallas, Texas."

In June 1963, Oswald applied for his second passport. He listed his mother's birth date as 1907 (correct year) and his father's birth date as 1895 (actually 1896). He gave his mother's maiden name as Clavier (her maiden name was Claverie). The photograph provided matches Harvey Oswald.

Four years earlier, in September 1959, Lee Oswald had applied for his first passport. He listed his mother's birth date as July 3, 1909 (off by two years) and his father's birth date as December 8, 1908 (off by 11 years). The photographs on the two passports do not look like the same person. The photograph in the 1959 passport matches Lee Oswald. The photograph in the 1963 passport appears to be of Harvey Oswald—the man killed in Dallas by Jack Ruby. It seems likely that the 1959 passport application was filled out by Lee and that the 1963 passport application was filled out by Harvey. The discrepancies in his parent's birth dates on two passport applications are unexplainable. Curiously, another individual applied for and received passports on two separate occasions and made mistakes relative to parental birth dates. That person was Oswald's cousin, Marilyn Murrett.

In July, while Harvey was working at the Reily Coffee Company in New Orleans, Marshall Hicks, an employee of Western Union, delivered several telegrams to an "Oswald" at 1501 W. 7th, in Fort Worth.

In the spring and summer of 1963, Dorothy Marcum dated Jack Ruby. She was certain that Oswald and Ruby not only knew each other, but that Oswald had worked for Ruby in June and

July 1963.

When Jack Ruby's Oldsmobile needed work, mechanic Robert Roy said it was Lee Oswald who delivered and picked up the car—not just once, but several times.

Frances Irene Hise, while visiting Ruby at the Carousel Club, saw a person enter through the back door. Ruby said, "Hi, Ozzie" and told him to go to the back room. When Ruby finished speaking with Miss Hise, he joined "Ozzie." She said there was "no doubt" in her mind that the man was Oswald. Dozens of people saw Oswald and Ruby together in the summer and fall of 1963. This is precisely the time during which Harvey was residing with Marina in New Orleans, handing out "Fair Play for Cuba" literature and supposedly taking a trip to Mexico in late September.

Ruby and Lee Oswald may have known each other as far back as 1959 or 1960 when Ruby was running guns to Cuba and Lee Oswald was involved with CIA operatives. When interviewed by the Warren Commission, Jack Ruby volunteered that he and Oswald's post office boxes were close together. He requested that the polygraph examiner ask him specifically, "Did you ever meet Oswald at the post office or at the club?" Perhaps Ruby was trying to tell us something.

Through early 1963 the activities of Harvey Oswald and Lee Oswald had no apparent relationship to the assassination. But in the summer of 1963 things changed. Antonio Veciana observed his longtime associate "Bishop" with Oswald at the Southland Building in Dallas. "Bishop," also known as David Atlee Phillips, was the head of Cuban propaganda operations for the CIA. Why would the head of CIA Cuban propaganda operations be with Lee Oswald? During the next two months, someone was used to impersonate "Lee Harvey Oswald" in a series of events that was designed to set up Oswald as the assassin and implicate Cuba as his sponsor. It is not unreasonable to speculate that Phillips could have masterminded such a plan. Phillips was working out of the Mexico City station at this time. After the assassination, Phillips was in a perfect position to receive, direct and control

inquiries to the CIA in Mexico City regarding Oswald.

In August, Harvey was arrested in New Orleans for creating a disturbance while passing out "Fair Play for Cuba Literature." Helping him was Charles Hall Steele, who we now know was an FBI informant. A photograph of Oswald was shown to Oswald's brother, John Pic. Attorney Jenner asked, "Do you recognize the young man handing out the leaflets?" Pic replied, "No, sir, I would be unable to recognize him." Jenner replied, "As to whether he was your brother." Pic replied, "That is correct." Once again, John Pic refused to identify Harvey Oswald as his brother. Instead of asking Pic to identify the person in the photos, they asked no further questions. Again and again Pic told the Warren Commission the photos in *Life* magazine were *not* of his brother, but nobody listened. How many times does John Pic have to tell us these photos are not of his brother before we finally believe him?

When Oswald was taken to jail for disturbing the peace, he was visited by FBI Agent John Quigley. Lt. Martello introduced Quigley to "Harvey Lee Oswald." Oswald continued his alleged support of Castro in radio interviews a week later with CIA collaborators Ed Butler and Carlos Bringuier. Before leaving New Orleans, Oswald returned in good spirits to his apartment, where his wife, child and Ruth Paine were waiting. Ruth Paine stated, "It was more like Harvey than I had seen him before." (3H8.)

In September 1963, while Harvey is in New Orleans, "Lee Oswald" and Mr. Hernandez approached Robert McKeown at his home in Bay Cliff, Texas. Hernandez, in his 40s, may have been forty-seven-year-old Celso Hernandez, arrested with Oswald in New Orleans in 1961, and again in August, 1963. Lee Oswald offered to purchase four Savage .300 caliber automatic rifles with scopes for \$1000 each—rifles that could be purchased for \$300 from Sears & Roebuck. McKeown wondered why someone would pay so much for these rifles. McKeown told the HSCA, "That is what puzzled me, why would he come to me?" McKeown may have been puzzled, but it made

perfect sense to the people who sent Lee Oswald to purchase the rifles. A photograph had appeared in the *Houston Chronicle* on April 29, 1959, showing McKeown and his friend Fidel Castro. McKeown had provided Castro with armaments during the Cuban revolution. Grateful for McKeown's help, Castro offered McKeown concessions or a high position in the Cuban government during his visit to Houston. If anyone had wanted to place the blame for Kennedy's assassination on the Cuban government, what better way than to have Castro's close friend and gun supplier, Robert McKeown, provide Oswald with the rifles to assassinate Kennedy.

In September 1963, Mrs. Lou Wylie Hayes, a former employee of the *New Orleans Times-Picayune* newspaper, noticed a young man sitting close to her on a bus. He began talking about his "recent trip to Cuba." He said, "I flew there. I saw Castro." He also mentioned that the State Department was using him and that he had returned on an Army plane. Two months later, when Mrs. Hayes saw Oswald's photograph on TV, she recognized him as the young man she had seen on the bus. Mrs. Hayes was a longtime friend of Warren Commission member Hale Boggs. Mr. Boggs sent this letter to Warren Commission Counsel J. Lee Rankin. He wrote, "Mrs. Hayes is a thoroughly responsible person and information contained in her letter of December 11, 1963 should be checked out thoroughly by the Commission." Had Oswald actually been to Cuba? Or was this incident staged to draw yet another link between Oswald and Cuba prior to the assassination?

On September 17, Oswald obtained a tourist card to Mexico. The next person to receive a tourist card to Mexico was former CIA agent William Gaudet. Gaudet had seen Oswald involved in several long and intense conversations with Guy Banister. Banister, the ex-FBI agent who had formerly been in charge of the Chicago office, was involved with anti-Castro Cuban groups in New Orleans. Banister was also involved with David Phillips, according to Gordon Novel's sworn testimony during his *Playboy* deposition. Gaudet knew John Howard Bowen, the "itinerant preacher" who sat next to Oswald on the bus to

Mexico City. Bowen continually lied to the FBI about his identity and background. Whoever he was, whatever he represented, his reasons for sitting next to Oswald on the bus to Mexico City and his reasons for lying to the FBI about his identity remain a mystery. Shortly after the assassination, this penniless preacher abruptly flew to Europe, for the first time in 40 years.

In September 1963 former Army Intelligence Officer Richard Case Nagell knew of an impending assassination attempt on President Kennedy. Nagell wrote to J. Edgar Hoover advising him “that a conspiracy involving Lee Harvey Oswald would take place in the latter part of September, 1963.” Wanting no part of a conspiracy, Nagell, on September 20, walked into the State National Bank in El Paso and fired shots into the ceiling. He walked outside, waited for the police to arrest him, and was taken to jail. When searched, the police found a photocopy of an ID card belonging to Lee Harvey Oswald. A close examination of the Oswald ID card found on Nagell and the Oswald ID card taken from Oswald on November 22 shows differences. The postmark on Oswald’s card does not appear on Nagell’s copy. The signatures do not match and the photographs are not the same. The photograph on Nagell’s copy of Oswald’s ID card, though not very clear, has different facial features, a different hairline, and different clothing (the person in Nagell’s ID card is wearing a tie). Two different photos of Oswald on two, otherwise identical, ID cards. What Nagell was doing with a copy of Oswald’s ID card two months before the assassination is a mystery. Just as mysterious was the extent of his knowledge and involvement with the impending conspiracy against President Kennedy—a conspiracy for which he was willing to go to jail to avoid on that September day in 1963.

On September 23, while Harvey, Marina, June and Ruth Paine were in New Orleans, a “Lee Oswald” applied for a job, through the Texas Employment Commission, at the Semter Drug Depot in Dallas, Texas.

On September 25, when "Oswald" cashed an unemployment check at the Winn-Dixie Store in New Orleans, Mrs. Lee Dannelly of the Selective Service Commission in Austin, Texas interviewed Harvey Oswald. He was attempting to straighten out his dishonorable discharge from the Marines. Harvey said he had entered the Marines in Florida and resided in Fort Worth. Oswald was also seen in an Austin café later in the day.

Visits to the Cuban and Russian embassies by an Oswald no one identified by sight as Lee Harvey Oswald took place on September 27. That evening, a "Leon Oswald," probably Lee Oswald, was in Dallas visiting Silvia Odio.

In the afternoon of the following day, Mrs. Lorena Brayshaw and her daughter Carol met and spent time with Oswald, probably Harvey Oswald, in New Orleans in the French Quarter.

That same day, September 28, with an Oswald in Mexico City, and Harvey in New Orleans, Lee Oswald arrived at the Sports Drome Rifle Range driving a 1940 Model Ford. He asked Mr. Price, a friend of the owner of the facility, to help him sight in his rifle. With car lights shining on the target, Mr. Price sighted in the rifle.

On October 3, an Oswald left Mexico at Nuevo Laredo, at 1:30 a.m. Mexican records list Oswald's departure by automobile. The Warren Commission says he left Mexico by bus and arrived in San Antonio at 6:30 AM. During the next few days, Oswald sightings multiplied.

An Oswald spent the night of October 4, in Alice, Texas, 100 miles east of Laredo. The next morning, accompanied by a woman and a two-year-old child, he drove an old model car to radio station KOPY. He filled out an employment application, visited with Laymon Stewart and Robert Janca, and said he had just come from Mexico.

A few days later an Oswald applied for a job at the Continental Oil Company in Houston. This person identified himself as "Lee Oswald" and was interviewed by Mrs. Sheppard. He told her he had just returned from Mexico with a

friend and that they had tried to proceed from Mexico to Cuba. Oswald told her he was staying at the Savoy apartments two blocks away.

George Ryan, manager of the Stop-N-Go drive-in grocery in Houston, told the FBI that Oswald tried, on three successive days, to cash a \$65 check at his store. He told the *Houston Press* that he was under orders from the FBI not to discuss the case.

We have one Oswald leaving Mexico on October 3, driving through Alice, Texas on October 4 with a woman and two-year-old child, applying for a job in Houston, residing at the Savoy Apartments the week of October 7th, and trying to cash a \$65 check. Yet we have another Oswald, probably Harvey, in New Orleans on October 3, registered at the Hotel LaSalle. The hotel registration card showed that Oswald registered for a period of two or three hours, was assigned room 218, and was charged \$5.00.

From September 25 through October 5th, Oswalds can be found in New Orleans, Mexico City, Dallas, Houston, and a number of small towns near Alice, Texas at the same time. These multiple sightings have confused researchers for years and continue to confuse us today. The available evidence simply does not allow us to accurately pinpoint which Oswald was at a particular location at a given time. What is obvious from the multiple, concurrent, Oswald sightings is the unseen hand of covert operations. On October 7, Oswald, probably Harvey, rented a room from Mary Bledsoe.

Lee Oswald was at the Sports Drome Rifle Range on October 10th. On October 17th, while Harvey was working at the Book Depository, Lee was again at the Sports Drome Rifle Range. He arrived with another man in a car and wound up shooting at Mr. Slack's target. Mr. Slack identified Oswald's picture, but said that Oswald's hair was much longer.

Laurel Kittrell, of the Texas Employment Commission, interviewed Harvey Oswald before he began work at the Book Depository on October 15. He told her he had come up from New Orleans. She described him as neat in appearance and

articulate. He told her his first job was selling shoes. In 1956, he told her he lived in Encino, California, and worked six months as a motor scooter messenger boy before he joined the Marines. Laurel Kittrell was probably talking to Harvey Oswald, who first worked at Dolly Shoe in 1955, and wrote the infamous note to Warren Easton High School in October 1955 stating “we are moving to San Diego.” Her curiosity was aroused when Oswald told her he had lived in Russia and had a Russian wife. She noticed the woman with him was about to have a baby and remembered her as being quite short and wearing no makeup. During this interview, she asked him what he liked best about Russia. He replied, “The opera.” A week later, Oswald showed up for another interview. But Mrs. Kittrell realized this Oswald was not the same person she had interviewed before. She was correct; by then, Harvey was working at the Book Depository. They were very, very similar—but different people. She said, “The man I remember as Oswald and the man I remember as the Teamster were much alike in size, shape and outline, generally, there was a marked difference between them in bearing and manner. The man I remember as Oswald was a trim, energetic, compact, well-knit person, who sat on the edge of a chair. The man I remember as the Teamster was sprawled over his chair and was rather messy looking.” After the assassination, Mrs. Kittrell wrote and phoned the FBI, but was not interviewed until a year later, after the Warren Commission volumes were published.

On the evening of October 22, an “Oswald Lee” visited the home of Harold Zotch in Grand Prairie (south of Irving), Texas. Mrs. James Walker and Oswald spoke for nearly two hours. Oswald told her he had been to Russia and was writing a book about his experiences. He said that he had been working at the Texas Book Store for eight days, had a room in Oak Cliff and a wife living in Irving, Texas. She noticed a tattoo of a dagger with a snake on his left forearm. She asked him what this meant and he said “don’t tread on me—you know, don’t step on me.” About 10 p.m., Oswald left in an old model car driven by a tall, dark-headed young man.

Two weeks later, Jack Ruby and a man believed to be Oswald were at the Contract Electronics store in Dallas at 3 p.m. for approximately one hour. The store personnel, Kermit Patterson, Donald Stuart and Charles Arndt, discussed the buying and selling of electronic equipment with them. Patterson identified Lee Harvey Oswald from New Orleans Police photographs as the person he saw in his store. He said Oswald had a tattoo on his left forearm.

Cliff Shasteen operated a barbershop less than a mile from the Paines' house in Irving. Shasteen, an Irving city council member, was Lee Oswald's barber. He saw Oswald at various Irving locations including Williamsburg's Drug Store, Hutchison's Grocery and the Paines' house. Every other week Oswald drove the Paines' station wagon to his shop for a haircut. Shasteen thought he lived with the Paines. So did the neighborhood postman who remembered the substantial amounts of mail Oswald received at the Paines'. Shasteen and his fellow barbers cut Lee Oswald's hair twice a month beginning in the summer of 1963. FBI Agent Bardwell Odum told Shasteen that his memory of cutting Oswald's hair in the summer of 1963 was during the time Oswald lived in New Orleans; Shasteen replied, "I can't help what it contradicts, that's just the fact and that's it." He remembered Oswald had "nearly black hair" as well as "hairy arms," also with black hair. He remembered that Oswald always wore either long-sleeve or shortsleeve coveralls that buttoned up the front; yet no coveralls were found among Oswald's possessions, nor was Oswald known to wear coveralls. Shasteen noticed Oswald's yellow shoes, which Oswald said he had purchased in Mexico for \$1.50. Oswald said he frequently traveled to Mexico. Shortly after the assassination the FBI was trying to find evidence of Oswald's visit to Mexico. The yellow shoes noticed by Shasteen would have helped the FBI place Oswald in Mexico. Yet no yellow shoes were found among Lee Harvey Oswald's possessions. And the FBI was unable to come up with any physical evidence that linked Lee Harvey Oswald with his alleged trip to Mexico City. That is, until a guide map of Mexico

City, a pamphlet for the week of September 24 and a portion of a bus ticket were conveniently provided by Marina, after having been “discovered” by longtime CIA asset Priscilla Johnson McMillan.

Shasteen often saw Oswald at Hutchison’s Grocery, across the street from his shop. Store owner Leonard Hutchison said Oswald came to his store during the weekdays, always purchasing the same items—a gallon of milk and a package of cinnamon rolls. During the weekdays, Harvey Oswald lived 13 miles away in Oak Cliff while working at the Book Depository. In early November, Oswald, accompanied by two women matching the description of Marguerite and Marina, attempted to cash a “two-party” counter check (not a payroll check), in the amount of \$189, payable to “Harvey Oswald.” (26H178.) Curiously, the amount of the check—\$189—is only a few dollars more than the amount Oswald left on the dresser the morning of November 22. Where would Oswald get a \$189 non-payroll check? The answer may come from FBI Agent James Hosty, who told fellow FBI Agent Carver Gayton that Oswald was a paid informant. When Hosty mentioned that he contacted Oswald by placing notes under Oswald’s apartment door, Carver asked if he meant the Paines’ house, and Hosty said no, at Oswald’s apartment.

Harvey lived in Oak Cliff, which was 13 miles from the Paine house. He worked at the Book Depository without missing a day. He was not in Irving during the week, did not have a driver’s license, and could not drive. Lee Oswald had a Texas driver’s license. He was seen driving several different cars, and may have had an apartment in or near Irving as mentioned by James Hosty. As Shasteen observed, Lee Oswald may have lived at the Paines’ during the week.

In late October and early November, someone matching the description of Lee Oswald was used again and again to set up Harvey as the “patsy.” In late October, an Oswald drove to the Sports Drome rifle range where he again practiced shooting. On October 31, an Oswald applied for a job at the multistory Statler Hilton Hotel in downtown Dallas. On November 1, an

Oswald purchased ammunition at Morgan's Gun Shop. On November 4, an Oswald visited Dial Ryder's gun shop to have a scope mounted on his rifle—even though Mr. Davis had sighted in Oswald's rifle, with scope, at the Sports Drome Rifle Range a month earlier. The rifle ordered from Klein's Sporting Goods in March 1963 came with a scope already mounted. On November 9, an Oswald was at the Downtown Lincoln Mercury dealership where he gave his name to the salesman, test-drove a new car at excessive speeds and said he would soon have enough money to buy a new car. On November 16, an Oswald applied for a job at the Southland Hotel Parking garage (Allright Parking Systems). Oswald asked how high the Southland Building was and if it had a good view of downtown Dallas. Now we have a rifle with a scope, ammunition, target practice, a tall building from which to shoot the President and enough money within a few weeks to buy a new car. The framing of "Harvey Oswald" as the assassin was nearly complete.

Five days before the assassination a coded teletype was received by the FBI office in New Orleans. It was decoded by William Walter, who reconstructed the message from memory as having said "information has been received by the bureau that a militant revolutionary group may attempt to assassinate President Kennedy on his proposed trip to Dallas, Texas." Someone was trying to warn the authorities as November 22 approached. Perhaps it was FBI Agent Hosty's informant Oswald. Oswald delivered a note to the FBI office in Dallas shortly before the assassination. The note, intended for Hosty, was destroyed a few days after the assassination. The contents of that note remain a mystery.

A few days before the assassination, Mr. W.M. Hannie was in Juarez, Mexico preparing to drive to Fort Worth for medical treatment. He was asked if he would mind giving a ride to a young man named Lee Oswald. Hannie agreed, provided the man would drive, since Hannie was using medication. En route to Fort Worth, Oswald told Hannie he had recently been in Mexico City. Oswald spoke of his two children, the "book

company” and Jack Ruby’s “honky-tonk,” which he said he was tired of cleaning. Dorothy Marcum, Ruby’s girlfriend, said that Lee Oswald worked for Ruby in 1963. Hannie said that during their trip from El Paso to Fort Worth, Oswald used the telephone at nearly every stop.

Abilene, Texas is a little over halfway from El Paso/Juarez to Fort Worth. On November 17 a note had been slipped under the apartment door of Harold Reynolds, a photographer. The note had been intended for his neighbor, Pedro Valeriano Gonzalez, president of the Cuban Liberation Committee. The note read “Call me immediately. Urgent.” Two Dallas phone numbers were given. The note was signed “Lee Oswald.” Reynolds gave the note to Gonzalez, who was quite nervous when he saw it. Although he had a phone in his apartment, Gonzalez proceeded directly to a pay phone to call Dallas. Reynolds reported that he had seen a man who looked like Lee Harvey Oswald with an older man from New Orleans at Gonzalez’ apartment. After the assassination, Gonzalez went to Venezuela.

On November 20, Mary Dowling waited on Oswald at the Dobbs House Restaurant at 10:00 a.m. He was unsatisfied with his order and cursed at her while Police Officer J.D. Tippit looked on. Chef Dolores Harrison, Manager Sam Rogers, and employee Douglas Leaks, remembered Oswald as a regular “coffee customer.” They were not interviewed by the Warren Commission because their testimony would have placed Oswald at the Dobbs House at 10:00 a.m. on November 20, instead of at the Book Depository.

A half-hour later, at 10:30 a.m., an Oswald was picked up while hitchhiking, at the Beckley Street entrance to the R.L. Thornton Expressway, less than a mile from the Dobbs House. He introduced himself to the driver as “Lee Harvey Oswald” and was carrying a four-foot-long package wrapped in brown paper. He told the driver, Mr. Ralph Yates, that it contained curtain rods, and discussed the President’s visit. Mr. Yates dropped Oswald off across the street from the Book Depository. Upon returning to work, Mr. Yates told a fellow employee,

Dempsey Jones, about the person he had picked up in Oak Cliff and dropped off at the corner of Elm and Houston. The FBI gave Yates a polygraph test. When the results failed to discredit Yates, the Bureau called the tests "inconclusive."

Also on November 20, a package was mailed from Irving, Texas to Lee Oswald at 2515 W. 5th Street, Irving, Texas. On Thursday, Oswald rode to the Paines' with fellow employee Wesley Frazier. Oswald said he wanted to pick up some curtain rods Mrs. Paine had for him. The package mailed on Wednesday had not been delivered. There was \$.12 due on the package, and it was held at the Irving Post Office. A notice of attempted delivery was received by Ruth Paine and turned over to the FBI. They picked up the package prior to the Dallas Police searching the Paine residence on November 23rd. The package, opened by U.S. Post Office Inspector Harry Holmes, contained "a long brown bag opened at both ends." This was similar to the brown bag that was allegedly found by the Dallas Police, in the Book Depository. We know Wesley Frazier and his sister claimed to have seen Oswald place a "brown bag" in Frazier's car and carry the bag into the Book Depository the morning of the assassination. No one else saw Oswald carry a bag into the Book Depository. The Dallas Police found a brown bag on the sixth floor, which ostensibly had been used to carry the rifle into the building. Fingerprints were not found on that bag, nor were fingerprints found on the brown bag mailed to Oswald at the Paine residence. If the package containing the brown bag would have had the correct amount of postage, it would have been delivered to the Paine residence. Oswald would have opened the package and unwittingly placed his fingerprints on the brown bag—a bag that could have been conveniently placed on the sixth floor of the Book Depository. The expected delivery of a package containing "curtain rods" could have been the reason for Oswald's uncharacteristic trip to Irving on Thursday evening.

On November 22, Harvey Oswald left a wallet (24H333, item #114), wedding ring and \$170.00 on the dresser at the Paine

residence. He arrived at the Book Depository at 8:00 a.m. An hour later, Lee Oswald was seen at Top Ten Records, near the Texas Theater, where he purchased a ticket. Lee Oswald returned a short time later and purchased another ticket. This time, Officer J.D. Tippit was in the store. Two hours later Lee Oswald purchased two bottles of beer from the Jiffy Store near downtown Dallas. When asked for identification, he showed store clerk Fred Moore a Texas driver's license with the name Lee Oswald. Moore remembered Oswald's birth date as October 1939.

15 minutes before the assassination Arnold Rowland saw two men, one of them wearing a white shirt and holding a rifle, in the far west window of the Book Depository. This window is at the opposite end of the building from the window from which Oswald was supposed to have fired. At this time Harvey Oswald told the Dallas Police he was eating in the lunchroom.

Jack Ruby had telephoned a friend and asked if he would "like to watch the fireworks." Unknown to Ruby, his friend was an informant for the criminal intelligence division of the Internal Revenue Service. He and Ruby were standing at the corner of the Postal Annex Building at the time of the shooting. Minutes later Phil Willis, who knew Jack Ruby, saw and photographed a man who appeared to be Ruby near the front of the School Book Depository.

Across the street, four young women were watching the events. They worked at a sewing room in the Dal-Tex Building and knew Oswald. They said he spoke Spanish well and ate with them at a nearby restaurant. They also were acquainted with Jack Ruby, who they observed walking up and down the street near the Depository Building after the assassination. When Oswald came out, they saw Ruby give Oswald a pistol. Even though they reported this to the FBI, there seem to be no further interviews of these girls, nor does it appear that Ruby was questioned about this.

The Warren Commission tells us that Oswald picked up his pistol from his room at Beckley. But Earlene Roberts, who cleaned his room, said she never saw a pistol or the holster

found by the police in Oswald's room on November 22nd. We know Harvey Oswald had a pistol and attempted to fire it in the Texas Theater during his arrest. Officer McDonald, Officer Charles Walker, Officer Hutson and other police officers heard the gun "snap" and fail to fire. The snap of the gun was also heard by theater patron John Gibson. Officer Gerald Hill, who took possession of the pistol at Dallas Police Headquarters, reported that one of the shells had a hammer mark on the primer. An FBI report states that the firing pin of Oswald's pistol was bent. If Oswald's gun failed to fire in the Texas Theater, then why would that gun be expected to fire and kill Officer Tippit? Shell casings from the Tippit shooting were found and given to Dallas Police Officer Poe shortly after Tippit was shot. Poe placed his initials on the inside of the empty shell casings. When shell casings were shown to him six months later by FBI Agent Bardwell Odum, Poe refused to identify them as the casings given to him at the scene of the Tippit murder—his initials were not on the inside of the casings he was shown.

If the information provided by the IRS informant, Phil Willis, and Mrs. Lopez's daughter and co-workers is accurate, it is possible that Jack Ruby was in Dealey Plaza at the time of the shooting and that he gave Harvey Oswald a pistol with a bent firing pin. If such a pistol was given to Oswald by Jack Ruby, then Ruby most certainly participated in and was knowledgeable of the conspiracy. Ruby knew more about Oswald the evening of the assassination than did members of the press or District Attorney Henry Wade. When Wade said that Oswald was a member of the "Free Cuba Committee," it was Jack Ruby who corrected Wade by saying "Fair Play for Cuba Committee."

A person wearing "a light colored shirt," possibly Lee Oswald, was seen by Arnold Rowland at the west end window of the sixth floor of the Book depository 15 minutes before the assassination. Another person, described as heavy-set, wearing a hat, tan sport coat and horn-rim glasses, was seen by Richard Carr looking out of a window on the top floor of the Book

Depository. Minutes after the shooting James Worrell saw a person described as "5'10" and wearing some sort of coat leave the rear of the Depository heading south on Houston Street.

Richard Carr saw the man he had seen on the top floor of the Book Depository walk south on Houston, turn east on Commerce, and then get into a Nash Rambler station wagon. This car was parked on the corner of Commerce and Record. The Nash Rambler station wagon was next seen in front of the Book Depository by Deputy Sheriff, Roger Craig. Craig saw a person wearing a light colored, short-sleeved shirt, whom he later identified as Oswald, get into the station wagon and then travel under the triple overpass toward Oak Cliff. Marvin Robinson was driving his Cadillac when the station wagon in front of him abruptly stopped in front of the Book Depository. A young man walked down the grassy incline and got into the vehicle, which sped away under the triple overpass. A third witness, Roy Cooper, was behind Marvin Robinson's Cadillac. He observed a white male wave at, enter, and leave in the station wagon. A photograph taken by Jim Murray shows a man wearing a light colored short-sleeved shirt headed toward a Nash Rambler station wagon in front of the Book Depository. Deputy Sheriff Roger Craig, also in the photo, is pictured looking at the man and the station wagon. The Hertz sign, on top of the Book Depository, shows the time as 12:40 p.m. The man in the white shirt, possibly Lee Oswald, jumped into the station wagon, which sped toward Oak Cliff.

Harvey Oswald was sitting in the lunchroom at the time of the assassination and was seen by Roy Truly minutes after the assassination. Harvey Oswald left the lunchroom, was seen by Mrs. Reid, and then spoke to a reporter on his way to the front door. Oswald told Dallas Police investigators he left the Book Depository by the front entrance. Harvey Oswald walked seven blocks east on Elm Street where he boarded a city bus, which would have taken him to Oak Cliff. He rode the bus a few blocks back toward the Book Depository until the bus became caught up in traffic. Harvey obtained a bus transfer, left the bus, and walked south on Lamar Street. William Whaley first

saw the man he later identified as Oswald walking south on Lamar Street towards his cab. Whaley took his passenger to Oak Cliff via the Houston Street Viaduct.

Five witnesses saw J.D. Tippit arrive at the Gluco service station at 12:45 p.m. He sat in his car and watched traffic cross the bridge from Dallas for about ten minutes. There were no police dispatches ordering Tippit to this location. If Tippit was not somehow involved, what was he doing there? Oswald crossed the Houston Viaduct about 12:52 and passed in front of the Gluco Station. Within a minute or two (circa 12:52 p.m.) Tippit sped south on Lancaster. Two minutes later, at 12:54 p.m., Tippit answered his dispatcher and said he was at "8th and Lancaster"—a mile south of the Gluco Station. He turned right on Jefferson Blvd., and stopped at the Top Ten Record Store a few minutes before 1:00 p.m. According to the store clerk, Louis Cortinas, and the storeowner, Dub Stark, Tippit parked his patrol car on Bishop Street and made a telephone call without getting an answer. Police dispatcher Murray Jackson called Tippit at 1:03 p.m. but got no answer. Either Tippit was in the record store at 1:03 or he chose not to answer. He sped across Jefferson, down Bishop to Sunset where he ran a stop sign and turned right. From this intersection Oswald's rooming house is a two-minute drive (at 45 mph).

Whaley let Oswald off near the corner of Neeley and Beckley a few minutes before 1:00 p.m. Oswald walked three and a half blocks north to his rooming house at 1026 North Beckley. Earlene Roberts, the housekeeper, had been watching television coverage of the assassination, which began at 12:58 p.m. Oswald arrived shortly thereafter and spent "three or four minutes" in his room, where he changed clothes. During this time, a Dallas police car drove by slowly and the horn was honked. If this was not Tippit, then who was it? Harvey Oswald left the rooming house and was last seen on the corner of Zang and Beckley by Earlene Roberts around 1:04 p.m. During the next few minutes, Oswald managed to get to the Texas Theater, over a mile away, without being seen by anyone en route. The

only explanation that makes sense is that he was driven to the theater—a two-and-a-half minute ride—possibly by Tippit.

Butch Burroughs, an employee of the Texas Theater, heard someone enter the theater shortly after 1:00 p.m. and go to the balcony. About 1:15 p.m., this man came down from the balcony and bought popcorn from Burroughs. He was seen by theater patron George Applin. Harvey walked into the lower level and sat next to Jack Davis during the opening credits of the first movie, which began at 1:20 p.m. A few minutes later Harvey moved across the aisle and sat next to a pregnant woman. 15 minutes later, just before the police arrived, the pregnant woman went to the balcony and was never seen again. Harvey remained in the same seat until his arrest.

We have followed Harvey Oswald's movements from the Book Depository to the Texas Theater. What about the Oswald, presumably Lee Oswald, who left the Book Depository, entered the Rambler station wagon at 12:40 p.m., and was last seen heading toward Oak Cliff?

Shortly after 1:00 p.m., William Lawrence Smith left his construction job and walked one block east to a café at 10th and Marsalis. A man whom he identified as Oswald walked past him heading west. That puts Lee Oswald a block and a half east of the Tippit shooting and three blocks west of Ruby's apartment. Harvey Oswald is a mile away, standing on the corner of Zang and Beckley. Lee Oswald is also seen walking west by William *Arthur* Smith, another William Smith, at 505 E. 10th. A minute later, cab driver William Scoggins sees Oswald walking west and Tippit's patrol car driving east on 10th Street. Jack Tatum, in his red Ford Galaxie, drove past Tippit, who was talking to a man through the passenger-side car window. The man was wearing a white T-shirt and white jacket and had his hands in his pockets. Several car lengths behind Tatum, was Domingo Benavides in his 1958 Chevrolet pickup—"15 feet" from Tippit's police car. Helen Markham was on the corner, 100 feet away.

Tatum, Benavides and Markham saw the young man walk up to

the police car. When Tippit got out of the car, the man walked around the front of the car and shot him. Benavides ducked under the dash of his truck and Markham fell to her knees and began screaming.

Jack Tatum stopped his car, looked over his shoulder and saw Tippit lying on the ground. The gunman walked to the rear of the police car, turned, walked along the driver's side of the car and shot Tippit in the head. William Arthur Smith and Jimmy Burt heard shots, ran to Burt's 1952 blue Ford and drove to the scene of the shooting. Burt got out of the car in time to see Tippit's assailant walking south on Patton Street. Scoggins, the cab driver, heard but did not see the actual shooting. He watched the young man cross Patton Street. Frank Wright, his wife, and Acquilla Clemons heard shots and saw the assailant leave the scene. Wright's wife called the police to report the shooting. Helen Markham told witnesses she did not want to remain at the scene because she feared missing her bus at 1:12 p.m. T.F. Bawley, driving west on 10th Street, arrived at the scene at 1:10 p.m., according to his watch. Benavides tried to use the police microphone to report the shooting without success. Bawley took the microphone from Benavides and spoke with the police dispatcher. The police logs place this transmission at 1:16—a few minutes after the shooting occurred. An ambulance was dispatched from a block away and arrived at 1:18 p.m. William Lawrence Smith, the construction worker who had passed Oswald on his way to lunch, was three blocks away in the cafe at 10th and Marsalis. A co-worker, George Chapman, ran in and told him "somebody shot the policeman." They left the cafe and arrived at 10th and Patton in time to see a police officer being put into an ambulance. From these numerous witnesses, the time of Tippit's shooting can be as early as 1:10 and as late as 1:15 p.m. The Warren Commission fixed the time as 1:16. Tippit's body was en route to the Hospital by the time the Police arrived. Dallas Police Officer Westbrook found Oswald's brown wallet next to where Tippit had fallen and showed it to FBI Agent Barrett. It seems unbelievable that a man would leave his wallet next to a

policeman he has just shot. But Barrett insists Oswald's wallet was found at the Tippit murder scene. If Tippit's assailant was the man who impersonated Lee Harvey Oswald for the previous two months, then the wallet was intentionally left at the scene of the Tippit shooting. Perhaps this was Lee Oswald's last act of setting up Harvey as a "patsy." If so, it also left Lee with no identification.

The Arrest

At 1:30 p.m., Johnny Brewer saw a man standing in the lobby of his shoe store on Jefferson Blvd. Julia Postal, cashier at the Texas Theater, had noticed a man slip into the theater a few minutes later. Police broadcasts reported the suspect in the balcony of the theater. The Dallas Police arrived, and were questioning a young man in the balcony when Harvey, one of seven theater patrons on the ground floor, was confronted.

Harvey Oswald jumped up, hit officer McDonald, tried to fire his pistol, and was wrestled to the floor and handcuffed. He was brought out the front entrance, placed in a police car and escorted to jail. The police arrested the man who had entered the theater shortly after 1:00 p.m., purchased popcorn from Butch Burroughs at 1:15 p.m., was seen by George Applin, and was sitting next to Jack Davis at 1:20 p.m.—Harvey Oswald.

What happened to the person who slipped into the theater at 1:35 p.m. and went to the balcony? The police homicide report of Tippit's murder read, "suspect was later arrested in the balcony of the Texas Theater at 231 W. Jefferson." Detective Stringfellow's report states, "Oswald was arrested in the balcony of the Texas Theater." Bernard Haire, who owned a business next to the theater, saw the police bring a young man out the rear entrance of the theater dressed in a light colored shirt and dark pants. The man talking to Tippit was wearing a white jacket, white T-shirt and dark pants. The jacket was discarded, leaving Tippit's assailant with only a white T-shirt and dark pants. Bernard Haire saw the police put the young

man into their car and drive off. Who was this person if not Lee Oswald? There was no police report, record of his arrest, or mention of any person taken from the rear of the theater. The police did not get names, addresses and statements of the theater patrons, particularly those in the balcony. For 25 years, Mr. Haire and three other witnesses thought they had witnessed the arrest of Oswald. They may have seen Lee Oswald escorted out the rear of the theater.

A short time later, Mr. T.F. White observed a man identical to Lee Harvey Oswald speeding west on Davis Street in a red Ford Falcon. The car drove into the parking lot adjacent to the El Chico Restaurant in Oak Cliff. When Mr. White approached the car, the man quickly drove off. This Oswald "sighting" shortly after Harvey Oswald's arrest at the Texas Theater could have been a case of mistaken identity. But Mr. White wrote down the vehicle's license plate number. The plates were registered to a 1957 blue Plymouth 4-door sedan—not a red Ford Falcon. The Plymouth, which belonged to Carl Mather, had been at his house the entire day and he could not explain how his license plates could be on a red Ford Falcon. Mather was a longtime employee of Collins Radio. He and his wife were also very close to J.D. and Marie Tippit. Mr. White and former Dallas Mayor Wes Wise had lunch with Mr. Mather to discuss the matter. Mather was so nervous he could hardly talk and said little. In 1977 the HSCA wanted to interview Mather about this incident. He agreed, but not before he was granted immunity from prosecution.

Harvey Oswald, arrested in a brown shirt, was taken out the front of the theater and driven to the police station. He was identified by Virginia Davis, William Lawrence Smith, Jack Tatum, Harold Russell and Mary Brock, as Tippit's killer. William Arthur Smith said Tippit's killer had "dark hair." Helen Markham said he had "black hair." Black hair is not consistent with Harvey Oswald's mediumbrown hair. Black hair is consistent with the description of Lee Oswald's hair color as provided by his barber Clifton Shasteen. Domingo Benavides, William Arthur Smith, Jimmy Burt, William Scoggins, Acquilla

Clemens, Warren Reynolds and L.J. Lewis did not identify Harvey Oswald as Tippit's killer. Perhaps some witnesses had difficulty recognizing the difference between Lee and Harvey Oswald—the same problem Laurel Kittrell had when she interviewed both Oswalds at the Texas Employment Commission a month earlier.

Oswald was seen in Tippit's presence at the Dobbs House two days before the assassination. The day of the assassination, Oswald and Tippit were seen at the Top Ten Record Store at the same time. Tippit was at the Gloco Station when the cab carrying Oswald passed over the Houston Street Bridge. Tippit appeared to have spoken to and to have been shot by Oswald. The license plate number from the car of Tippit's close friend, Carl Mather, was seen on a car driven by Oswald shortly after the assassination. Either these were just many Oswald/Tippit coincidences or Tippit was somehow involved.

En route to the police station, Officer Paul Bentley allegedly removed a "brown" wallet from Harvey Oswald's pocket. But Oswald had left his wallet at the Paines'. And according to Hosty, Oswald's wallet had been found at the scene of the Tippit shooting. That makes three wallets. Who do you know that has three wallets?

Lee Oswald's Texas driver's license may have been found in the wallet left at the Tippit shooting—the same driver's license shown to store clerk Fred Moore hours earlier when Lee bought two beers. A Texas driver's license belonging to Lee Oswald turned up at the Texas Department of Public Safety the following week. Aletha Frair, an employee, saw and handled Oswald's Texas driver's license. Six other employees—Ray Sundy, Joyce Bostic, Inez Laake, Gayle Scott, Peggy Smith and Mrs. Ernie Isaacs—also saw Oswald's license. They noted it was dirty and worn as though it had been carried in a billfold. The license was the main topic of discussion in their office for quite a while. Mrs. Lee Bozarth, an employee of the Texas Department of Public Safety, stated categorically that she knew from direct personal experience there was a DPS driver's license file for Lee Harvey Oswald. The file had been pulled

shortly after the assassination. Lee Oswald had a Texas driver's license. Harvey Oswald did not have a license.

Worldwide attention centered on Harvey Oswald after his arrest. When he said "Now everyone will know who I am," he knew his work as an undercover informant, was finished. Harvey had been providing information on both anti-Castro Cubans and Cuban sympathizers to the FBI. According to former FBI Agent Carver Gayton, Oswald was being paid by the FBI as a "potential security informant." He was also closely connected to the CIA from his days in Russia. Harvey Oswald now had both the CIA and FBI desperately trying to distance themselves from him, link him with Castro and/or Cuba, frame him for the assassination, hide his true identity, and create a legend that portrayed him as a "lone nut."

Frame-Up, Cover-Up

One hour after Oswald's arrest, Hoover wrote, "Oswald made several trips to Cuba; upon his return each time we interviewed him about what he went to Cuba for and he answered that it was none of our business." If the FBI interviewed Oswald each time he returned from Cuba, where are these interviews? His trip to Cuba in the spring of 1961, known to Army Intelligence, would conflict with Harvey Oswald in Russia at the same time. That one interview would prove the FBI was aware of two Oswalds. If, on the other hand, these interviews mentioned by Hoover were fictitious, then the FBI director was maliciously attempting to link Oswald to Cuba—an hour after his arrest.

The Director of Central Intelligence sent a message to Mexico City stating "headquarters has received report that on day of President Kennedy's assassination Cubana Aircraft delayed its departure Mexico City five hours awaiting important passenger who arrived Mexico City airport at 2130 hours Mexi time. Passenger transferred directly to Cubana plane without going through customs or immigration. Traveled in pilots cabin to Havana." This message appears to have been

a hoax. If a private plane landed in Mexico City, the passenger or pilot would not be allowed entry into or departure from Mexico without going through customs and immigration. Records would be made of the plane's landing, re-fueling and departure. The absence of records and lack of investigation leaves one with the impression that this document was created in an attempt to show that someone flew into Mexico City hours after Kennedy's assassination, boarded a plane and fled to Cuba. In other words, this appears to be just *another* attempt to link Cuba to the assassination—this time from CIA headquarters.

Gilberto Lopez, a member of the Fair Play for Cuba Committee, allegedly left the Cuban Embassy for Cuba on Cubana Airlines flight 465. He was the only passenger allowed on the plane. Even though this alleged occurrence was reported to the CIA in Mexico City (domain of David Atlee Phillips), there was no attempt to verify or substantiate this claim. Was this yet another attempt to link Cuba to the assassination?

A rumor surfaced that Jack Ruby met with Fidel Castro to discuss the murder as well as the smuggling of drugs and weapons. This lie, as well as others, were ultimately traced to former south Florida CIA operative Frank Sturgis—longtime friend and associate of David Phillips, E. Howard Hunt and their CIA collaborators from the Florida swamps. With FBI memos, CIA dispatches, letters with no return addresses, newspaper articles, rumors and false leads running rampant, it seemed like everyone was blaming Oswald and linking him to Cuba—both before and after the assassination. In his own words Harvey told us, "I'm just a patsy."

Lee Oswald was not in jail. In the early morning hours of November 23, some 12 hours after the assassination, Mary Lawrence was working at the B & B Restaurant—two doors from Jack Ruby's Vegas Club. She was the head waitress and had known Jack Ruby for the past eight years. She and the night cashier saw Jack Ruby and a person identical to Lee Harvey Oswald in the restaurant shortly after midnight. She

reported this to the Dallas Police and received a phone call on December 3 from an unknown male who stated “if you don’t want to die, you better get out of town.” When subsequently questioned by the Dallas Police, Mary Lawrence stated that the man with Ruby was “positively Lee Harvey Oswald.” Neither Mary Lawrence nor her friend were interviewed by the Warren Commission.

Because two Oswalds and their connections to the intelligence community had to be contained, the Stripling Junior High school records disappeared within hours. Employment and wage records from Dolly Shoe, Tujague’s, and Pfisterers vanished the following week—replaced with W-2 forms. Oswald and his mother’s tax returns were classified. Oswald’s driver’s license and file disappeared. People who were with Lee Oswald in one location and Harvey Oswald in another location at the same time were ignored.

Even while the case was still “officially” in the hands of the Dallas Police, FBI officials were already working on plans to deal with the assassination. Mr. Belmont advised Mr. Sullivan “Division 6 (criminal) will handle the portion of the report dealing with the assassination attempt and the evidence gathered to show that Oswald is responsible. This means that we will have to carefully check the evidence and Oswald’s possessions.” They knew a legend had to be created for Oswald’s background and they understood the need to manipulate or destroy any physical evidence that connected Oswald to the intelligence community or showed evidence of two Oswalds.

Harvey Oswald, doublecrossed and sitting in jail, posed a grave danger. This problem was eliminated when Jack Ruby killed Harvey two days after the assassination. Mortician Paul Groody was asked twice if he noted a mastoid scar on the left side of Oswald’s neck or scars near his left elbow. In 1945 Lee Oswald had a mastoidectomy operation at Harris Hospital in Fort Worth. A three-inch mastoid scar was noted on his Marine medical records. In 1957, Lee shot himself in the arm with a .22 Derringer. Yet neither the three-inch mastoid scar nor scars

from the bullet wounds were observed by Groody or noted on his 1963 report. Jack Ruby shot Harvey Oswald, who had no such scars.

A few people in the FBI and on the Warren Commission staff knew about the Oswald problem, and how to handle it. The task of acquiring background information on Marguerite and Lee Oswald was assigned to Warren Commission staff attorney John Ely. His report was given to Warren Commission attorney Albert Jenner. Jenner then wrote to Chief Counsel J. Lee Rankin telling him that the background information on Marguerite and Lee Oswald would require material alteration and in some cases, omission. Mr. Ely's original memoranda and notes are missing from the record. Other background information on Marguerite and Lee is missing as well. The New York school and court records and documents relating to Oswald's family history from 1953 are marked "FBI-missing; Liebeler has" indicating that the missing documents were last known to be in Warren Commission Attorney Liebeler's possession. This document shows the "biographical information on Mrs. Oswald and her relatives" has been withheld by the CIA.

Warren Commission members Hale Boggs and Richard Russell were not fooled. They suspected a conspiracy. Boggs expressed his doubts and was advocating a reopening of the investigation. However, before he was able to introduce a bill reopening the case, he and Alaska Senator Nick Begich disappeared on a flight from Anchorage to Juneau. Hundreds of Coast Guard, military and civilian aircraft searched for weeks, but no trace of the plane was ever found. In early 1964 Richard Russell was very troubled and asked Army Intelligence Colonel Phillip Corso to quietly conduct an investigation into the "Oswald matter." Corso soon reported to Senator Russell that there had been two United States Passports issued to Lee Harvey Oswald, and had been used by two different men. He obtained this information from the head of the U.S. Passport office, Francis Knight. He also reported to Senator Russell there were two birth certificates in the name of Lee Harvey Oswald and they too had been used by two different people. He

obtained this information from William Sullivan—head of the FBI's Domestic Intelligence Division. Corso said he and Senator Russell concluded the assassination had been a conspiracy. Russell resigned from the Warren Commission in a letter to LBJ on February 24, 1964. LBJ refused to accept his resignation. A frustrated Russell stopped going to Warren Commission meetings. Of the seven Warren Commission members, Russell attended the least number of meetings. Russell wrote his dissenting opinion concerning his doubts about the investigation that was to have been included in the Warren Report. To his chagrin, his opinion was not included. Six years later, in 1970, Senator Russell spoke out and said he thought there had been a criminal conspiracy behind Kennedy's murder. Russell felt the FBI had deceived the commission in two areas: one of these areas was the ballistics evidence and the other area was Oswald's background.

When grammatical errors were noticed in Oswald's letters and manuscripts, the Commission had no reason to suspect that they were written by a foreignborn person. They explained these shortcomings by first citing his lack of schooling and later suggesting he had dyslexia. But Professor Vladimar Petrov, head of the Slavic Language Department of Yale University, had a different opinion. Petrov, a native Russian, studied a letter Oswald wrote to Senator John Tower. Petrov then wrote to Tower and stated "the person who wrote the letter was a native speaking Russian with an imperfect knowledge of the English language." Petrov's opinion explained Oswald's grammatically incorrect English as well as his exceptional command of the Russian language. It could also explain a curious error on Oswald's handwritten visa application for departure from Russia. Oswald listed his birthplace as New Orleans, Texas (18H, pp. 437/English translation and 440/original Russian). Would a young adult native of New Orleans, Louisiana make such a mistake?

The Warren Commission was provided with altered and misleading biographical information from the lives of Lee Oswald and Harvey Oswald, from which they created the

legend of “Lee Harvey Oswald.” Whenever rumors emerged that cast a shadow on Oswald, no attempt was made to confirm or deny them. They were added to the Oswald legend and presented to the public as fact by either paid or irresponsible journalists. Authors such as Priscilla Johnson McMillan, Edward Epstein, Gerald Ford, and Robert Oswald have promoted this nonsense through their books. The legend of Lee Harvey Oswald was so etched in the public’s mind that the stage was set for Warren Commission critics to investigate everything but Oswald. In reality, the focus should have been on Oswald from the beginning.

Four years after the assassination, Jim Garrison and his staff recognized the discrepancies in Oswald’s background. Carlos Bringuier ran into Garrison investigator Alberto Fowler on Canal Street in New Orleans. Fowler stated that Garrison’s investigation was becoming complicated because Garrison had information that an identical double of Lee Harvey Oswald existed and this individual was a “double agent” of the FBI. In a memo to Lou Ivon, Garrison wrote,

If you really want to know what I think, it is that Robert Oswald knew this returning defector was not really Lee and this is what Robert’s problem was the night of the assassination when he found it necessary to take such a long drive to think things out. He knew things were far more complicated than they appeared on the surface.

There are nearly as many classified documents on Marguerite Oswald as there are on Clay Shaw, George de Mohrenschildt, Michael and Ruth Paine and David Ferrie—people with suspected ties to our government intelligence agencies. There was much more to Marguerite than simply “mother” of the alleged assassin. Jack Ruby’s tax returns were published in the Warren Commission volumes while Marguerite and Lee Oswald’s tax returns remain classified. When the ARRB was created in 1992, tax returns were specifically exempted from public disclosure. Why? Perhaps the wages and employment shown on the Oswald’s tax returns would not match the Warren

Commission's version of their employment. Marina Oswald has the authority to release Lee Harvey Oswald's tax returns but has consistently refused to do so. Why? What reason could she possibly have for refusing to release 40-year-old tax returns? Did Marina know? She insisted on seeing Oswald's body during his autopsy. Marina entered the room, stood next to the body of Lee Harvey Oswald and did a most curious thing. She raised his eyelids and looked at his eyes. Four months later she told a French journalist "I had two husbands: Lee, the father of my children, an affectionate and kind man; and Harvey Oswald, the assassin of President Kennedy." If this statement is to be taken literally instead of figuratively, then Marina knows enough about Lee and Harvey to not release the tax returns.

Both Marguerite and Lee Oswald's income tax returns for the years 1956, 1957, 1958, 1959, 1960, 1961 and 1962 are listed in the National Archives master list of JFK documents. They are marked "classified" and unavailable to the public. Curiously, the JFK master list shows that a John Smith and Minnie Smith *also* have tax returns for the years 1957, 1958, 1959, 1960, 1961 and 1962 listed and marked "classified." The names of John and Minnie Smith cannot be found anywhere else in the world of the Kennedy Assassination—not in the National Archives files, the Warren Commission documents, HSCA files, or elsewhere. The only documents relating to John and Minnie Smith, are the "classified" income tax returns listed in the National Archives master list of JFK documents. One has to wonder if John Smith and Minnie Smith are pseudonyms for the second Lee and Marguerite Oswald. Otherwise, who are these people and what possible relevance do they or their tax returns have to the assassination?

Much of the manipulation and alteration of evidence, the changing or ignoring of statements, and the withholding and forging of documents had to do with protecting the identity of Oswald. Oswald was not created by the Mafia, the Cubans, the Russians or the Dallas Police. He was a creation of the CIA, years before the assassination.

After 34 years, many pieces to this puzzle are still missing—

but if you understand who Harvey and Lee Oswald really were, who created them and who directed them, then you will know who was responsible for the assassination of John Kennedy.

James Angleton

By Lisa Pease

“[I]f intelligence-gathering agencies are as necessary as I believe them to be, then they must repay our blind trust and acknowledge that there may always be moments in all secret organizations when tyranny manages to slip its leash.

This was one of those occasions.”¹

August 12, 1990, was a very big day for Susan Hendrickson. While looking at a cliff in South Dakota, she saw something no one else had noticed before. Where others had seen only a sheer wall of rock, she thought she saw something more special. In the wall of a cliff, she found the outline of a skeleton that proved to be of enormous importance. The skeleton this amateur paleontologist discovered now bears her name, Sue, in Chicago’s Field Museum, and is the largest and most complete skeleton of a *Tyrannosaurus Rex* ever found. From an outline, Sue helped reconstruct the past.

After a succession of ever more interesting file releases from the National Archives regarding the Kennedy assassination, it’s time we started recognizing the outline of one of the biggest skeletons in our national closet, the outline of the Kennedy assassination conspiracy. Each new release fits into one cohesive picture. And no single figure is more prominent in this outline than the man who headed the CIA’s counterintelligence unit for 25 years, James Jesus Angleton. It was in his realm, that a secret, restricted file on a man named Lee Oswald was opened, long before the assassination. History professor and former intelligence analyst John Newman has deemed this

curious item “the smoking file,” because the lies related to it are so serious. It suggests that the CIA had much to do with Oswald’s activities just prior to the assassination of President Kennedy, something the CIA has consistently denied. What was the nature of that involvement and how far did it reach? One cannot answer that without examining the near omnipresence of Angleton in all matters surrounding the assassination. Over this two-part study, we will see how Angleton and his associates are present at every twist and turn in this case, both before the assassination and after.

James Jesus Angleton was the son of James Hugh Angleton, an NCR executive who had once participated in General Pershing’s pursuit in Mexico of Pancho Villa, and Carmen Moreno, a Mexican woman. He grew up in Boise, Idaho and later Dayton, Ohio, where NCR was headquartered. At the age of 14, his family moved to Milan, Italy (where NCR manufactured cash registers). Angleton spent summers at British prep schools and Malvern College. He participated in international Boy Scout Jamboree events in Scotland, Hungary and Holland. Angleton biographer Tom Mangold indicates that when the Nazis took over the Boy Scouts in Germany, Angleton made friends with some anti-Nazi leaders and carried their letters back to the founder of the international Boy Scout movement in England. Both father and son would serve the OSS. Angleton’s father was described by Max Corvo, a top OSS officer in Italy, as “ultra-conservative, a sympathizer with Fascist officials. He certainly was not unfriendly with the Fascists.”²

When he reached college age, Angleton attended Yale, where he first showed a penchant for staying up all night. Insomnia was to plague him most of his life. Although many who knew him described him as “brilliant,” Angleton’s record at Yale was undistinguished; during his junior and senior years he received two F’s and four D’s, and ended up withdrawing from another class relating to his major, English. But Angleton managed to impress teachers with his mysteriousness, his apparent

maturity, and his self-assurance. Angleton took a serious interest in poetry and, with Reed Whittemore, coedited the poetry magazine *Furioso*, which included poems by e. e. cummings and Ezra Pound, among other notables. Because of his interest in this area, he was to be called by some the "Poet-Spy."

After graduating in the lowest 25% of his class, Angleton enrolled at Harvard Law School. According to Mangold, "Angleton's move to Harvard was not the consequence of any strong ambition to study law. Rather, like many young men at the time, he was putting his future on hold." During his Harvard period, Angleton met and married his wife, Cicely D'Autremont. The marriage took place a few weeks after Angleton had been drafted into the Army. Shortly thereafter, through the combined efforts of his OSS father, and his former Yale English professor Norman Pearson, then heading up the OSS Counterintelligence effort in London, Angleton was transferred to London to study Italian matters for X-2, the OSS counterintelligence component.

It was during this period that Angleton met Kim Philby, the man who would become every counterintelligence officer's nightmare. Philby rose to a position of great influence in the British intelligence service, until he was finally exposed as a Soviet agent and fled behind the Iron Curtain. Angleton was devastated by this, despite having been warned by Bill Harvey at an early time that Philby looked like a mole.

In October of 1944, Angleton was transferred to Rome as commanding officer of Special Counterintelligence Unit Z (SCI/Z), a joint American-British detachment. Less than half a year later, Angleton was made the Chief of X-2 in Italy. He was the youngest X-2 chief in the OSS. His staff included Raymond G. Rocca, who would loyally serve by his side until Angleton's ouster from the CIA in 1974.

While he was clearly an accomplished counterintelligence expert by this time, there was another aspect which deserves mention. In his book *The Real Spy World*, longtime CIA officer Miles Copeland describes, through a slightly fictionalized veil

in which he calls Angleton by the false nickname “Mother,” a different story. For background, SI (Secret Intelligence), referenced within, was, according to Copeland, an OSS division which X-2 officers held in contempt. According to Copeland:

In 1946, an X-2 officer known within the organization as “Mother” took a lot of information on Palestine from *The New York Times*; spooked it up a bit with fabricated details, places, and claims of supersecret sources; and sent it to the head of SI, Stephen Penrose, for appraisal. After studying it carefully, Penrose and his assistants decided that the material was “genuine,” that its source must be very deep inside secret Zionist and Arab terrorist groups, and that arrangements should be made for developing the sources into a regular espionage network. Mother then negotiated with Penrose for a budget, meanwhile leading the SI officers through a maze of fake names, fake background reports, and the like, and finally established that SI would be willing to pay as much as \$100,000 a year out of what was left of OSS funds. Mother then confessed that the whole thing was a hoax and that the information could have been acquired for 25 cents through the purchase of five issues of *the New York Times*.³

In other words, Angleton’s activities, however successful, were not limited to acts of loyalty to his fellow intelligence compatriots, but could occasionally be directed to more personal, vindictive measures. Copeland paints this as a jolly escapade. But in his footnotes, he admits that Penrose, against whom this operation was conducted, suffered a near-breakdown as a result, and was transferred to less stressful jobs. “[Penrose] and various other top people in SI (with a few conspicuous exceptions, such as Richard Helms, who defected to X-2 and went on to become the CIA’s director) were generally thought to be ‘too Christ-like for the spy business,’ as Mother put it.”⁴ Copeland, by the way, was one of 25 OSS officers Angleton wanted to remember in his 1949 will. Others included Allen Dulles, “the operator, the patriot;” Richard

Helms; and Ray Rocca.⁵

After the war, Angleton did not wish to return to his new wife, nor his son, born in his absence, and chose instead to remain in action in Europe. X-2 was folded into the Strategic Services Unit (SSU), ostensibly a War Department unit and a temporary holding place for the then defunct OSS.

Two years after the war, Angleton would return stateside to his wife and son to work for the amalgam of temporary intelligence agencies that would eventually become the CIA. There, he would achieve notoriety for his late hours, and for being, as his secretary Gloria Loomis related, “a terrible taskmaster.”⁶

The SSU and other remaining intelligence units evolved over time into two separate pieces—the Office of Special Operations (OSO), and the Office of Policy Coordination (OPC). Richard Helms served with Angleton and Rocca in the OSO. Stewart Alsop, in his book *The Center*, labeled the OSO people the “Prudent Professionals.” Alsop called the OPC crowd the “Bold Easterners.” The OPC included Frank Wisner, Richard Bissell, Edward Lansdale, Desmond Fitzgerald and Tracy Barnes.

In Italy, 1947, Angleton participated in an OSO operation given to a group called SPG, or Special Procedures Group (or Special Projects Group, depending on whom one believes), in which propaganda and other means were used to keep the Italians from voting any Communists into office.⁷ Other means included the Mafia. “Wild Bill” Donovan, founder of the OSS, helped release “Lucky” Luciano and other Mafia criminals from jail in New York so they could return to Italy and provide not only contacts, but if necessary, the strong-arm tactics needed to win the war against incipient Communism in Italy. Angleton’s later reported contacts with the Mob may well stem back to this period.

One of the groups most interested in defeating the Communists in Italy was, not surprisingly, the Vatican. Angleton both gave and received intelligence to and from the Vatican. Among Angleton’s most famous agents in Italy was

Mons Giovanni Montini. Montini would become famous in 1963 when he became Pope Paul VI.⁸ Angleton has been named as a source for funds which were used to defeat the Communists. In return, evidently, Angleton obtained access to the Ratlines the Vatican was using to move people out of Europe to safety abroad. Angleton and others from the State Department used the Ratlines to ferry Nazis to South America.⁹

The OPC crowd held enormous sway in the early days of the CIA, but that changed in the wake of the spectacular failure at the Bay of Pigs. Curiously, Richard Helms and Angleton both saw their careers rise by standing on the sidelines and keeping free of all dealings related to the Bay of Pigs.

Angleton made an interesting comment about the Bay of Pigs episode. He told the HSCA that before the Bay of Pigs, he had asked Deputy Director of Plans Richard Bissell, "Do you have an escape hatch?" He asked Bissell most plainly, "In case the thing falls flat on its face is there someone who goes to Castro and says, 'You have won the battle. What is your price?'" Angleton explained to the HSCA that he was trying to say, "Have you planned for the failure as much as planned for the success?" The implication was that this was Angleton's own *modus operandi* in such matters.¹⁰ We would do well to remember that statement in the context of the Kennedy assassination and cover-up.

During the period between the end of the war and the formation of the CIA, William "Wild Bill" Donovan, the establishment lawyer who created the OSS, lobbied long and hard for a single intelligence agency to pick up where the OSS had left off. He ran secret operations and gathering human intelligence or "humint" in new and creative ways. In the end, although Donovan would not be a part of it, the Central Intelligence Agency or CIA was ultimately formed through the National Security Act of 1947.

Before the CIA was created, many in Congress feared that the creation of a new intelligence agency would lead to a police state similar to the one they had just defeated in Germany, and

refused to back Donovan's efforts. But the loudest protest came from J. Edgar Hoover, who feared a direct encroachment upon the FBI's turf. One could argue that the OSS people won because they made the better case. But there is another possibility here.

In Tony Summers' book about J. Edgar Hoover, *Official and Confidential*, Summers showed that Meyer Lansky, a top Mob figure, had blackmail power over Hoover through possession of photos that showed Hoover and his lifelong friend and close associate Clyde Tolson together sexually. Summers also discussed another figure who evidently had possession of such photos: James Angleton. If Angleton had such photos, imagine how he could have used them to force the FBI's hand during the investigation of the Kennedy assassination.

Summers names two sources for this allegation: former OSS officer John Weitz, and the curious Gordon Novel. Weitz claimed he had been shown the picture by the host of a dinner party in the '50s. "It was not a good picture and was clearly taken from some distance away, but it showed two men apparently engaged in homosexual activity. The host said the men were Hoover and Tolson...." Summers added in the 1994 version, "Since first publication of this book, Weitz has revealed that his host was James Angleton."[11](#)

Novel's account is even more interesting. Novel said that Angleton had shown him some photos of Hoover and Tolson in 1967, when Novel was involved in New Orleans District Attorney Jim Garrison's case against Clay Shaw. "I asked him if they were fakes, " Novel recounted, "but he said they were real, that they'd been taken with a special lens. They looked authentic to me...." Novel's explanation of why Angleton showed him the pictures is even more interesting:

I was pursuing a lawsuit against Garrison, which Hoover wanted me to drop but which my contacts in the Johnson administration and at CIA wanted me to pursue. I'd been told I would incur Hoover's wrath if I went ahead, but Angleton was demonstrating that Hoover was not invulnerable, that the

Agency had enough power to make him come to heel. I had the impression that this was not the first time the sex pictures had been used. Angleton told me to go see Hoover and tell him I'd seen the sex photographs. Later, I went to the Mayflower Hotel and spoke to Hoover. He was with Tolson, sitting in the Rib Room. When I mentioned that I had seen the sex photographs, and that Angleton had sent me, Tolson nearly choked on his food."¹²

Now, Novel has been known to tell a few tall tales in his day. But he has on other occasions been forthcoming with interesting and sometimes self-incriminating material (such as his own participation in the Houma raid and the association between David Phillips and Guy Banister).¹³ Given Weitz's corroboration, and given Angleton's enormous power over many in high places, Novel's account rings true. Novel added that Angleton claimed the photos had been taken around 1946.¹⁴ During the 1945-1947 timeframe, Hoover was battling hard to prevent the creation of any other intelligence organization separate from the FBI. And during this period, Angleton was involved with the Mafia in the Italian campaign. It's certainly possible under such circumstances that Lansky or one of his associates may have shared the photos with Angleton. And the reverse case can also be considered.

Miles Copeland adds additional credibility to this scenario in his account of this period. "Penetration begins at home," Copeland has Angleton/ "Mother" saying, "and if we can't find out what's going on in the offices where our future is being planned, we don't deserve to be in business."¹⁵ Copeland presented this scenario:

There are several stories in the CIA's secret annals to explain how the dispute was settled, but although they "make better history," as Allen Dulles used to say, they are only half-truths and much less consistent with the ways of government than the true ones. Old-timers at the Agency swear that the anti-espionage people would almost certainly have won out had it

not been for the fact that an Army colonel who had been assigned to the new management group charged with the job of organizing the new Agency suborned secretaries in the FBI, the State Department, and the Defense Department and organized them into an espionage network which proved not only the superiority of espionage over other forms of acquiring “humint” (i.e., intelligence on what specific human beings think and do in privacy), but the necessity for its being systemized and tightly controlled. The colonel was fired, as were the secretaries, but by that time General John Magruder, then head of the group that was organizing the CIA, had in his hands a strong argument for creating a professional espionage service and putting it under a single organization. Also, thanks to the secretaries and their Army spymaster, he had enough material to silence enemies of the new Agency—including even J. Edgar Hoover, since Magruder was among the very few top bureaucrats in Washington on whom Mr. Hoover didn’t have material for retaliation.¹⁶

Is he saying what he appears to be saying? Copeland added, cryptically, “The success of the old SSU cadre (former OSS and future CIA officers) in perpetuating itself has been due in part to an extraordinary capacity for Byzantine intrigue...” And in a footnote to this phrase, Copeland explains, still somewhat cryptically, “This intrigue was mainly to keep ‘The Hill’ off its back.” Copeland seems to be insinuating that more people than Hoover were blackmailed to ensure the creation and perpetuation of the CIA.

David Wise also lends credence to such a scenario with this episode. Thomas Braden, a CIA media operative, was confronted by Dulles over a remark Braden had made about one of Dulles’ professional relationships. Wise recounted what followed:

“You’d better watch out,” [Allen] Dulles warned him. “Jimmy’s got his eye on you.” Braden said he drew the obvious conclusion: James Angleton had bugged his bedroom and was picking up pillow talk between himself and his wife, Joan. But

Braden said he was only mildly surprised at the incident, because Angleton was known to have bugs all over town.¹⁷

Braden described how Angleton would enter Dulles' office "first thing in the morning" to report the take from the overnight taps:

He used to delight Allen with stories of what happened at people's dinner parties ... Jim used to come into Allen's office and Allen would say, "How's the fishing?" And Jim would say, "Well, I got a few nibbles last night." It was all done in the guise of fishing talk.¹⁸

More to the point, Braden was upset because "some senator or representative might say something that might be of use to the Agency. I didn't think that was right. I think Jim was amoral."¹⁹ It would not be beyond belief that Angleton routinely used information gathered through clearly illegal taps to blackmail people into supporting his efforts. No wonder some of his Agency associates feared him.

Indeed, just about everyone in the Agency who knew Angleton came to fear him and to avoid crossing his path. This extended from subordinates to some of the highest officials to serve the agency, including Allen Dulles and Richard Helms. Angleton was called "no-knock" because he had unprecedented access to senior agency officials. Said Braden,

He always came alone and had this aura of secrecy about him, something that made him stand out—even among other secretive CIA officers. In those days, there was a general CIA camaraderie, but Jim made himself exempt from this. He was a loner who worked alone.²⁰

Angleton knew that knowledge was power. So not only would he go to extraordinary lengths to obtain such, he would also lord his knowledge over others, especially incoming CIA directors. Said one Angleton contemporary,

He would put each new director through the embarrassment of having to beg him to indoctrinate them in important CIA matters. Jim was enormously clever, he relished his bureaucratic power and was expert at using it. He was utterly contemptuous of the chain of command. He had a keen sense of what the traffic would bear in relation to his own interests. It worked like this: when a new director came in, Jim would stay in his own office out of sight. If a top staff meeting were requested, he simply wouldn't attend and would offer endless delays. He was a master at waiting to see the new director alone—on his own terms and with his own agenda.²¹

Angleton's most powerful patrons were Allen Dulles and Richard Helms. As biographer Tom Mangold described it,

He was extended such trust by his supervisors that there was often a significant failure of executive control over his activities. The result was that his subsequent actions were performed without bureaucratic interference. The simple fact is that if Angleton wanted something done, it was done. He had the experience, the patronage, and the clout.²²

It wasn't until William Colby, a longtime nemesis of Angleton's, became the Director of Central Intelligence (DCI) that Angleton's power was dimmed, and eventually extinguished. But it was a long time coming.

Before examining Angleton's relationship with Oswald, it would be useful to understand Angleton's relationship with the CIA. Angleton ran the Counterintelligence unit. The primary role of Counterintelligence is to protect agents of a foreign intelligence organization from uncovering CIA assets and operations. Another important role is the ability to disseminate disinformation to foreign intelligence services in an effort to create for them a false picture of reality, causing them to act in ways that may be ultimately against their own interests. In other words, Counterintelligence was a unit that conducted operations, not just research. For that reason, the CI staff

resided inside the Directorate of Plans (DDP) and not on the analytical side of the agency.

In addition to owning counterintelligence, Angleton also had control over the FBI's relationship with the Agency (he owned the liaison relationship between FBI and CIA), and sole control of the Israeli desk, which included liaison with their intelligence service, the Mossad.

In the early days of the agency, units were given single-letter identifiers of (at least) A-D instead of names. Staff A later became Foreign Intelligence; Staff B became Operations; Staff C became Counterintelligence; and Staff D, which dealt with NSA intercept material, among other more notorious activities, apparently was never called anything other than Staff D.²³

From the agency's inception until 1954, Staff C was run by William Harvey. Harvey was a former FBI man, who was to be introduced to President Kennedy as "America's James Bond." During this same period, Staff A was run by Angleton.

After the publication of the Doolittle Report in 1954,²⁴ Staff C, which then became simply Counterintelligence, was handed to Angleton. Harvey was given the coveted Berlin station, a vortex point for operations against the USSR.

CI/SIG and Oswald

Angleton's complete counterintelligence empire employed over 200 people. Inside this large group was a small handful of Angleton's most trusted and closemouthed associates called the Special Investigations Group (SIG). According to Ann Egerter, in 1959, when Oswald defected to the Soviet Union, only "about four or five" people were part of SIG, which was headed by Birch D. O'Neal. SIG members included Ann Egerter, Newton "Scotty" Miler, and very few others. Miler was, as of 1955, "either the Deputy or one of the principle officers with O'Neal," according to Angleton.²⁵ O'Neal, Egerter and Miler all play interesting roles in this case.

SIG is all-important in the case of the Kennedy assassination because, for whatever reason, SIG held a 201 file on Lee Oswald prior to the assassination. Both the Church Committee and HSCA investigators fixated quickly on this point, because it made no sense under the CIA's scenario of their relationship (or, as they professed, non-relationship) with Oswald. What did SIG really do, and why would Oswald's file have been there? Why wasn't it opened when this ex-Marine (who had knowledge of the CIA's top secret U-2 program) defected in 1959, telling embassy personnel he might have something of special interest to share with the Soviets? Why didn't that set off alarm bells all over the place? Why was a 201 file on Oswald not opened for another *year* after that event? And why, when he returned to the States, did the CIA not debrief him? Or did they? These questions and more were adequately raised, to the HSCA's credit, but not adequately answered by CIA.

Let's start with the first issue. What did SIG do? Angleton described the primary task of SIG to the Church committee in this fashion:

The primary task was the penetration of the Agency and the government and historical penetration cases are recruitment of U.S. officials in positions, code clerks. It had a very tight filing system of its own, and it was the only component in counterintelligence that had access to the security files and the personnel maintained by the Office of Security.²⁶

The Office of Security's primary role was to protect the CIA from harm. This involves monitoring the CIA's own employees and assets to ensure that no one leaks data about the CIA, or betrays the CIA in any way. Because of the nature of what was done there, Office of Security files were the most closely guarded in the Agency. It is significant, therefore, that Angleton's CI/SIG group had access to these files. It is also significant that the Office of Security also had a file on Oswald, and was running an operation against the FPCC at the time Oswald was attaching himself visibly to that organization.

To the HSCA, Angleton gave a slightly enlarged definition:

...it had many duties that had to do with other categories of sensitive cases involving Americans and other things which were not being handled by anybody else or just falling between the stools and so on.²⁷

Asked whether SIG's charter would elucidate its operational mandate, Angleton replied,

It would probably be in fairly camouflaged terms, yes. It was not a unit, however, whose duties were in other words, explained to people. I mean, in training school and so on it was very much fuzzed over if anyone was laying out the CI staff.²⁸

According to Angleton's close associate Raymond G. Rocca, SIG ...was set up to handle especially sensitive cases in the area of security or personnel and in particular, cases involving security of personnel who were also of operational interest, as operators.

In other words, it was an interface with the Office of Security.²⁹

When asked what would cause CI/SIG to open a 201 file on someone, Rocca gave this answer:

I would imagine that they would have had that occasion whenever a question arose that concerned people that came within the purview of the mission that I have described, namely, the penetration of our operations or the advancement of our particular interests with respect to the security of those operations ... I mean, there were many sensitive areas that involved aspects, that involved sources and access to materials that were of higher classification than what you have shown me.³⁰

When the conversation is brought around to Oswald in particular, Rocca's answer is even more interesting:

Rocca: Let me go back and open a little parenthesis about this. What

I regard now, in the light of what you said, is probably a too

narrow view of what SIG was interested in.

They were also concerned with Americans as a security threat in a community-wide sense, and they dealt with FBI cases, with the Office of Security cases, and with other cases on the same level, as they dealt with our own, basically ... It would be with respect to where and what had happened to DDP materials with respect to a defection in any of these places.

Goldsmith: Again, though, Oswald had nothing to do with the DDP at this time, at least apparently.

Rocca: *I'm not saying that. You said it.* [Emphasis added.]³¹

Rocca's answer hangs out there, teasing us with ambiguity. Did Oswald have something to do with the Directorate of Plans, the DDP?

Significantly, the most specific and finite definition comes from the woman who opened Oswald's 201 file, Ann Egerter, as elicited by Michael Goldsmith of the HSCA. This should be prefaced with the fact that Mrs. Ann Elizabeth ("Betty") Goldsborough Egerter had retired from the agency in 1969. That would imply that she was well into her sixties at that time. During this interview, where she is likely in her seventies, Goldsmith offers to give her breaks so she doesn't get tired, and at the end of the interview, she thanks Goldsmith for enunciating so clearly. Obviously, this woman is getting up there in age. That may explain her refreshing candor on several matters of interest. On matters not directly related to Oswald she seems quite forthright, and her comments therefore should be given significant weight. But when questions centered on Oswald or the file she had opened, her comments became significantly more vague, peppered with memory lapses.

Goldsmith asked Egerter what exactly SIG did. Egerter replied that SIG primarily existed to search for penetrations or moles within the agency. Goldsmith gave her many opportunities to revise or extend that definition. When her explanations continued to be consistent, that the focus was to

investigate *CIA employees* for possible unwarranted activities or disclosures, Goldsmith tried to get clarification, in light of the fact that the CIA has always denied Oswald worked for them:

Goldsmith: So, one purpose would be for CI/SIG to work with the Office of Security in investigating Agency employees who were under suspicion, possibly for becoming agents of the other side, is that right?

Egerter: Yes.

Goldsmith: What would be another purpose?

Egerter: I think that was the main purpose of the office. We were charged with the investigation of Agency personnel who were suspected one way or another.³²

Goldsmith must have been wondering each time he asked this—and he asked this question and received similar answers several times—if she realized the import of what she was saying:

Goldsmith: Please correct me if I am wrong. In light of the example that you have given and the statements that you have made it seems that the purpose of CI/SIG was very limited and that limited purpose was being [*sic*] to investigate Agency employees who for some reason were under suspicion.

Egerter: That is correct.³³

On this point, Egerter was very consistent—until Goldsmith brought the context closer to Oswald’s SIG file. Goldsmith pressed further, cautiously. Why would a 201 file be opened, generally?

Egerter: Well, the 201 file is opened very generally on people on whom there are several documents. Inasmuch as any time there were several documents on an individual, why that

person would have been of interest to whatever office opened the 201 file.

...Goldsmith: When a 201 file is opened does that mean that whoever opens the file has either an intelligence interest in the individual, or, if not an intelligence interest, he thinks that the individual may present a counterintelligence risk?

Egerter: Well, in general, I would say that would be correct. [34](#)

So even if Oswald was not formally an employee, for him to have a 201 file in CI/SIG would still indicate a level of intelligence interest, by this answer. Still trying to leave Egerter an out, Goldsmith prompts her gently:

Goldsmith: Would there be any other reason for opening up a file?

Egerter: No, I can't think of one. [35](#)

So clearly, Egerter supplies no good reason to explain the presence of Oswald's 201 file in CI/SIG. Its very presence there implies strongly that either Oswald was indeed a member of the CIA or was being used in an operation involving members of the CIA, which for my money is essentially the same thing. If the CIA is using someone, that person is an asset, whether witting or unwitting, and the CIA should not be able to honestly declare no association with that person.

The standard explanation given for why Oswald's file was opened in SIG in 1960 was because the State Department had sent a request to CIA, asking for information about Americans who appeared to have defected to the Soviet Union. But Egerter, who herself gave this explanation, also concedes that the very routing of the request, from State to the Office of Security and from there to CI/SIG, made no sense:

I have always wondered why it had not been sent to the Soviet Division because I eventually obtained most of my information from the Soviet Division. Now the CI/SIG had a representative

for each division—I mean the CI Staff had one officer who was liaison with the Soviet Division, another was liaison with WH, and so on. I don't recall that those officers ever prepared any replies to anything.[36](#)

Goldsmith tried to hone in on the request from State, and what the list indicated.

Goldsmith: ...when did the name Lee Harvey Oswald first come to your attention?

Egarter: When I received the request from the State Department as far as I can recall.

Goldsmith: What kind of request was it?

Egarter: It was a request for a list of U.S. defectors.

Goldsmith: Are you sure that they requested a list of U.S. defectors from you? Is it possible that they provided you with a list of defectors?

Egarter: I am not certain. My recollection was that they had not provided any, or, if they did, very little information. I do not recall that they provided a list of names.

Goldsmith: In light of what appears to be the very limited purpose of the CI/SIG unit, why should that request from the State Department have been sent to your office?

Egarter: The only reason I could see at the time was that these men might be potential agents.

Goldsmith: Agents of whom?

Egarter: Of the Soviets. It was not normally the type of thing we received.

Goldsmith: It was not common for you to receive lists of defectors?

Egarter: There weren't many U.S. defectors.

Goldsmith: So it was not common for you to receive lists, is that correct?

Egarter: There were very few U.S. defectors at any time. Another reason I suppose it was sent to CI/SIG was that we were interested in Soviet defectors. That was our main reason.

Goldsmith: I am not sure if I understand that ... First, it was common for your office to receive a list of American defectors to foreign governments?

Egarter: No.

Goldsmith: What reason do you give for its not being given?

Egarter: I have just said there were not many in the first place.

Goldsmith: Fine. I just wanted to clarify it.

Egarter: There were very few Americans defecting, I am happy to say.

Goldsmith: Now when that list of defectors that the State Department gave you arrived in your office your comment earlier was that you thought there may have been some Soviet agent on that list.

Egarter: I don't remember that.

Goldsmith: You don't recall saying that?

Egarter: No. Maybe what I said was not clear. I had no reason

to think that there was a Soviet agent on the list.[37](#)

There were no Soviet agents on the list. But American defectors were very rare. But according to Angleton, Rocca and Helms, Oswald wasn't a CIA agent. Uh huh. Please refer to Walt Elder's 8/21/75 letter to the Church Committee stating that, with one exception then under review, "there is no substance to the charges that CIA directed agents to assassinate Castro," to see what a CIA denial is worth.

And it gets worse. When Goldsmith asked why the file wasn't opened at the time of Oswald's original defection, those answers were bizarre as well:

Goldsmith: Even though you said earlier that American defectors fortunately were very rare, and here we have one of those few defectors, not only is he going to defect but he is going to give information to the Soviets?

Egarter: Well, it is unusual. I would think that it was passed over, if it was ... it was not acted upon.

Goldsmith: You think it is unusual that the information was not acted upon?

Egarter: Yes.[38](#)

So this very rare person is of no interest to the CIA when he enters the country, despite having offered to give up military information. Even Egarter has a hard time understanding this. And it is even *less* believable that Oswald was not of any interest to the CIA when he returned stateside. The CIA has always denied debriefing Oswald on his return from the Soviet Union, despite the fact that a CIA employee even remembered seeing such a debriefing on his desk at Langley.[39](#)

During the Church Committee's probe into CIA activities, Senator Richard Schweiker asked some of the most to-the-point questions of any questioner in any of the depositions I have

read. He really digs into this point with Angleton, as does another of the staff, in an exchange so interesting it is worth quoting at length:

Schweiker: Prior to the assassination, when you were heading up counterintelligence, if a person like Lee Harvey Oswald defects, and then he redefects, what kind of input does this have into your operation, if at all, and what would you look at under a situation like that?

Angleton: Well, I don't myself recall any real interest being generated in his redefection. All I know is that if it was brought to our attention by the FBI or immigration or the Army or Marines—I guess he was a Marine, then all the information would go to them. And if there was some attention focused, it's quite possible that we would have asked for an interrogation and given him a questionnaire on what we knew. ...

Schweiker: When Oswald went over there, he certainly should have been contacted by, I assume, some kind of secret police as a matter of routine, and when he comes back to this country, wouldn't somewhere in the operation, they would want to know what KGB did to the guy or didn't do to the guy and how come we can't seem to find any trace of that along the way? Debriefing or something that would indicate what was KGB's action to him.

I don't see any of that anywhere and I am puzzled by that.

Angleton: Well, I think it's part of the problem we have in the frontier control or passport control.

Let me just comment to this effect, that for years no one in government had ever pulled together a central defector file of all the defectors since World War II who had defected. And we did it by hand laboriously, and then finally put it into a computer machine run so we could give a copy to the Bureau and to various investigation agencies.

But that hadn't been done for 20 or 30 years. 20 years.

So by the same token I don't know if any of the routine

procedures in government of a man coming into this country who had defected would have ever come to the attention of any investigative agency. I'm certain that if somebody from the Bureau is told by the Navy that a man who was with us has been in the Soviet Union x number of years and has now returned—

Schweiker: And he was contacted by the FBI?

Angleton: Was he?

Schweiker: At some point.

Angleton: Then they would act on that.

Schweiker: But wouldn't it be of interest to the CIA on the basis of what the KGB is doing to the guy in that country?

Angleton: Of course it would be if we knew about it, if we knew about the case. I don't know if there are any documents that show that we ever had prior knowledge of the pattern.

Schweiker: There was a pre-assassination Oswald file in the CIA.

Angleton: Yes, but I think that was based on the fact that, of his letters, the fact that he's writing them from the Soviet Union.

Schweiker: I think the CIA also had copies of the FBI debriefings shortly after he returned, though.

Angleton: Well, I'm not familiar with that. I mean all I can say is that anything that would come to us from the Bureau, even if they don't ask for a request, traces are run automatically and all information is passed on characters who are mentioned in the reports.

Johnston: But that does not trigger off a CIA contact with the individual?

Angleton: Well, it depends. I mean I don't know. You're talking on something that I just can't grasp right now. I mean normally if it went to our overt offices within the limitations of manpower, they try to contact anybody who was had been behind the curtain.

Schweiker: Particularly, I would think, a redefector.

I'm not disagreeing with anything you're saying. I'm just having trouble as a layman understanding that.

Angleton: Well, I think that we are all aware of Oswald in a different fashion than we were at that time. But all I'm saying is I don't know how many thousands of people come back from the Soviet Union.

Schweiker: As re-defectors?

Angleton: No. I'm speaking to just—and most of that activity of the interrogation is basically for positive intelligence. I mean the bulk of it is.

Schweiker: But wouldn't the re-defector form a five- or ten-fold wealth of information as to how their security apparatus works and what the KGB tried and didn't try to do and what kind of—

Angleton: I haven't seen the Bureau reports, but that would presumably be the reason the Bureau interrogated him.

Schweiker: The Bureau reports are horrible. If you could see those reports, you would be shocked.

Angleton: Well, in other words, if the report doesn't stimulate

any interest, and they've had direct contact with an individual, I can't see anyone getting very excited.

Schweiker: We have seen a Bureau report where he is interviewed, and at his interview he contradicts everything they have on the file record about him in terms of not telling the truth and an agent makes a suggestion that he ought to take a lie detector test, which is, I think, a little unusual to begin with, and he declines and keeps on lying in the second interview and the FBI closes the case.

Angleton: That's the first time I've heard this.

Schweiker: Well, we've got this in our subcommittee here. It's just unbelievable. I can't comprehend that. You know, a direct contradiction in terms of what we know from what he did in our embassy and what he's answering the guy when he's being reinterviewed here and refuses a lie detector test and we close the case.

And then it wasn't reopened until—

Angleton: Until the assassination?

Schweiker: Well, there was some inquiry when he started to hand out the Fair Play for Cuba literature and subscribe to the Daily Worker again, or something like that. ...So the Agency [he means FBI here] was obviously suspicious of something. So that's the Bureau's record. We can't find anything in terms of CIA.

Angleton: Did we receive the same reports?

Johnston: Yes. [40](#)

How does Angleton answer the question of the CIA's strange lack of interest in Oswald? Angleton replies that it was the FBI's job, not the CIA's, to express interest in Oswald since

Oswald was an American. Angleton hammers this tune many times. So does Rocca:

Goldsmith: Do you regard the fact that the Agency never debriefed Oswald or that there is no record of such a debriefing upon Oswald's return from the Soviet Union unusual in any way?

Rocca: No, not at all....he was strictly the Navy's baby, and the FBI's baby, and that is it.

Goldsmith: Even though he may have had information of—

Rocca: I'm going to Indian wrestle with you on this one. Both Angleton and Rocca say the CIA wouldn't have had anything to do with Oswald because as an American and former military person, he was the FBI's (and Navy's) territory. But this assertion is belied by an episode, which has been documented in Oswald's 201 file, the case of Eldon Hensen.

Like Oswald, Hensen was a military man. He attempted to defect with military secrets in Mexico. Did the CIA sit back and let the FBI handle it? No. They ran their own operation against him. A CIA agent impersonated a Cuban official and made contact with Hensen and specified a time and place for Hensen to meet him to turn over the classified information. The CIA set up a sting against Hensen.⁴¹ The huge question is, why *didn't* CIA do the same with Oswald? Oswald made no bones about his desire, as a former radar operator for the U-2 project, to give the Soviets something of "special interest." And CIA had to know the depth of what Oswald knew, because the U-2 was the CIA's own project! Any cursory investigation would have shown that Oswald knew quite a lot about the U-2, including the highly secret information that it was flying over China as well as the Soviet Union, a fact not known even to many of the people within the program.⁴² Even Ray Rocca stated,

I think it is now ascertained beyond reasonable doubt that he

[Oswald] knew from direct observation enough about U-2 to give that as a most significant item of information to the Soviets, and that he himself, as he said, felt free to give radar information. So, placing together the contact at the camp in California, the Marine Camp, going back to the Delgado testimony, the rapidity of his release from the Marine Corps, presumably on compassionate reasons which turned out to be a trip to the Soviet Union and all the rest, I would say there is no question therefore, about the debriefing [of Oswald by the KGB] and his cooperation.⁴³

Angleton, Rocca, and Helms all believed Oswald would be of interest to the Soviets. But for all their vehemence in that regard, the same arguments that would make Oswald of interest to the Soviets can be used to argue that Oswald would clearly then have been of even *greater* interest to the CIA. If the CIA was so certain that the Soviets debriefed Oswald, then they should clearly have wanted to debrief him to find out about Soviet interrogation methods, the questions asked, where it happened, and more.

There is another conundrum relating to CI/SIG and Oswald. One of SIG's early projects was the long-running HTLINGUAL project, a program whereby CIA agents opened mail coming into and leaving the United States in the hopes of discovering information of counterintelligence value. This program was illegal, and the people involved in the project all knew it was illegal, and feared its exposure. The program was apparently approved by Richard Helms,⁴⁴ and was known within CI simply as "the CI Project."⁴⁵ In Oswald's 201 file, several index cards indicate that Oswald was put on the "watch list," the list of people whose mail was to be monitored, for HTLINGUAL.⁴⁶ On the notecard through which Oswald was added to the Watch list the phrase "SECRET EYES ONLY" appears. Although Rocca in his HSCA deposition tried to laugh this away, saying the CIA classifies everything, Michael Goldsmith countered by saying that after the staff's extensive review of Oswald's file such a

notation on an Oswald document was extremely rare.⁴⁷

Oswald was put on the watch list within a month of his defection. But his 201 file would not be officially opened for another *year*. As we have seen, there was no good reason for the delay and every good reason for its having been opened sooner, if he were a real defector.

Oswald was removed from the watch list, for whatever reason, on March 15, 1960. However, Ann Egerter, the CI/SIG member responsible for opening Oswald's strange 201 file, put him back on the watch list on August 7, 1961. Strangely, Oswald's mother, Marguerite, sent a letter to her son that was intercepted during the period in which Oswald was *not* on the watch list. And while he *was* on the watch list, of the 50 or so communications Oswald sent during his stay in the USSR, no documents appear to have been intercepted. The only document that was found that directly related to Oswald, was the one from his mother, opened when Oswald was *not* on the watch list.⁴⁸

Who controlled the watch list? Scotty Miler.⁴⁹ Miler, then, becomes significant in the Oswald saga. Curiously, Miler would later show up as the final witness in the trial of *E. Howard Hunt vs. Spotlight*.

So to recap what we've learned so far, CI/SIG had no reason to hold a file on Oswald unless he was either a CIA employee or someone of significant intelligence interest, either as an operator (so we're back to employee / asset / agent again) or as a threat. So by the simple process of elimination, if he was not an agent, then he must have been a threat. But if he *was* a threat, he would have been a threat the very moment he defected the Marines and offered to share with the Soviets his knowledge. Knowledge he garnered from the CIA's U-2 program, and the CIA is hard-pressed to explain why this 'threat', if that's what he was, was ignored for over a *year*.

There is, of course, a much simpler explanation. Oswald *was* working for the CIA. That would explain his apparent "defection" and the CIA's lack of interest in opening a file on

him to capture his threat to reveal classified information. It would explain why mail relating to him was intercepted whether he was on the watch list or not. It would explain the sending of the State Department's request to SIG in the first place, and would explain why Angleton and a great deal of his staff have been deeply involved in the cover-up of their relationship with Oswald ever since. And it would explain so many other details, like how Oswald knew to enter the Soviet Union through Helsinki, a little-known entry point to those outside the intelligence community; and how Oswald managed to travel to Helsinki at a time when no commercial flights were available. It would also explain why Angleton and William Sullivan of the FBI chose to coordinate their answers as to whether Oswald was a CIA agent or not for the Warren Commission, a point to which we'll return shortly. It would explain the CIA's lack of interest in debriefing him if they had already received reports on or from him, or similarly it would explain the CIA's deep need to hide the debriefing they gave him if they had done so.

Every investigation has said the same thing: that they have never found any evidence that Oswald worked for the CIA. No investigation has bothered to define for us what they would have considered evidence, nor the likelihood that such information would be given to investigative agencies in the first place. Paul Hartman, a member of Rocca's Research and Analysis CI staff, was sent by Rocca in 1975 to "find out" whether Oswald had ever worked for the CIA. Of course, Rocca admitted he sent Hartman to do this "out of a deep, personal animus" towards those who would suggest that Oswald *was* CIA. Naturally, Hartman must have understood what Rocca wanted to hear, and went about supplying it. In 1975 then, Hartman wrote this long memorandum for the record as to why it was not possible Oswald was a CIA agent. As a former Deputy Director of the CIA once said, "Memorandums [*sic*] for the record have very little validity in fact."⁵⁰ This immediately becomes apparent when one considers that among other false

claims, Hartman wrote that there was no file on Oswald in the Office of Security. But we know now that indeed the Office of Security *did* have a file on Oswald. So either Hartman lied, or was lied to. In either case, in light of the evidence, his report has no credibility. The typical obfuscation relating to Oswald is exemplified in this exchange. Egerter makes a straightforward, unambiguously clear statement:

Egerter: ...the Office of Security only has files on Agency personnel...

But when Goldsmith tries to restate that in a way which makes its import clear, Egerter gets fuzzy.

Goldsmith: Does the fact that someone has a security file automatically mean that he was an Agency employee?

Egerter: I am afraid I can't answer that question because I don't know whether the Office of Security would hold files on anyone who is not an Agency employee.[51](#)

One of the oft-repeated criteria given for Oswald not being an agent of the CIA is the lack of any documentation in his 201 file indicating any concrete relationship. But would the 201 file be the place for that information if it did exist? Ann Egerter answered this quite candidly. She told Goldsmith that no, the operational information on an agent would not be in the 201 file, but in a file held by the case officer.[52](#) And even more significantly, someone at the *Director* level in the agency might not ever know about this file, or see it, according to this exchange:

Goldsmith: Let me put it to you this way. Let us assume that the Director of Central Intelligence wants this information and he asked you, Mrs. Egerter, to do a file search on this individual. You find a reference to a 201 number and it indicates that the file is in the hands of a case officer. Then you go to that case officer. He doesn't give you access. You say it is

for the Director. He says, "Fine, the Director can see it. I will go to his office to show it to him," and the Director looks at the 201 file. Would the 201 file indicate whether or not the person was an asset?

Egarter: I very much doubt it. In other words, that would blow the person within the Agency.

Goldsmith: Are you saying normally, as a matter of routine the 201 file does not give any indication at all whether a person had a connection with the Agency?

Egarter: It would have to be a very past connection.

I don't think, if it were a live case, that the 201 file would be in our RID [Records Integration Division]. Certainly the information would not have been given to me except in a sanitized memorandum. If you say it was for the Director, then your answer is correct, the case officer would pick it up for the Director.

Goldsmith: I am wondering if a person's 201 file would indicate he was an active agent or asset?

Egarter: I very much doubt it. ... it is so controlled that a normal person running a name trace—an ordinary name trace would not pick up that information. Nothing will say it is an operative file or something.

Goldsmith: I understand but where would there be an indication that an individual is an asset or agent of the CIA?

Egarter: I have forgotten really. *When it is Top Secret, it gets a little number, it is very involved.* [Emphasis added—later in her deposition she references some numbers on Oswald's Personnel Records Questionnaire, PRQ, sheet and says these were the numbers I mentioned earlier. This is the only time she mentions numbers in a relevant context. Professor John

Newman, in his book *Oswald and the CIA*, already revealed that Oswald had some association with a Top Secret project codenamed EIDER CHESS.] I have really forgotten how some of these more intricate things were done ...

Goldsmith: Mrs. Egerter, I am going to ask you some questions I asked you before and I apologize for that. Please understand I am just trying to clarify this in my own mind. Please be patient with me.

First, if someone was an agent, an asset of the Agency, would that person have a 201 file?

Egerter: I assume that that person would have a 201 file but it would be a restricted 201 file and it might even be a false 201 file, not have anything in it. Everything would be held by the case officer.

Goldsmith: So there were things known as a false 201 file?

Egerter: No. I used the wrong word, I am afraid. I meant an empty one. I said there might not be anything in it.

Goldsmith: If someone were an agent there probably would be a 201 file but your testimony is that the 201 file would not necessarily indicate that the person was an active agent. Is that correct?

Egerter: The 201 file would not, yes.

Goldsmith: Would not necessarily indicate that he was an active agent?

Egerter: That is right ...

Goldsmith: Would the 201 file contain information of an operational nature? For example, if so and so were an agent and he was involved in a certain operation, operation "X," for

example, would the 201 file indicate that?

Egerter: Operational material is not filed in 201 files.

Goldsmith: Where would operational material be filed?

Egerter: It would be held by the operations officer, case officer.

Goldsmith: In a projects file?

Egerter: Probably a projects file. I had forgotten about the projects file actually. [53](#)

And Egerter is not alone in saying that the 201 file would *not* be the place to look. Goldsmith asked Ray Rocca, if there's no sign of a relationship with the Agency in the 201 file, does that mean there *is* no relationship with the

Agency? Of course Rocca says "yes."[54](#) But Rocca later adds, "the key documents in establishing a fiduciary relationship would not be in the 201. They would be in a separate file held by the desk and whoever was handling the individual."[55](#) Phillip Agee also told us the same thing in his book *Inside the Company: CIA Diary*, published in 1975:

Files are maintained on all agents and they always begin with the number 201—followed by a number of five to eight digits. The 201 file contains all the documents with the PRQ [...] and the request for POA [Provisional Operational Approval]. But *the 201 file is divided into two parts which are stored separately for maximum security. One part contains true name documents while the other contains operational information. Compromise of one part will not reveal both the true name and the operational use of the agent.* [Emphasis added.][56](#)

So absence of evidence in the 201 file is not evidence of absence of proof of Oswald's involvement with the agency. In fact, absence of evidence would be *expected* if he was an

agent.

One of the most damning episodes in Angleton's involvement with this case is the one in which he and William Sullivan of the FBI coordinated their answers as to whether Oswald worked for the CIA. Sullivan captured this for posterity in a memo to Alan Belmont in the FBI:

James Angleton just called me to advise that Mr. McCone, Director of the CIA, will testify before the [Warren] Commission tomorrow. Angleton said it occurred to him that it would be well for both McCone and Mr. Hoover to be aware that the Commission might ask the same questions wondering whether they would get different replies from the heads of the two agencies. Angleton wanted us to know some of the things which he believes McCone will be asked and the replies which will be given.

One question will be, "Was Lee Harvey Oswald ever an agent of the CIA?" The answer will be no.⁵⁷

During the Church Committee's investigation, Senator Schweiker and staffer Jim Johnston seized upon this letter. The exchange that followed was fascinating and calls into serious question the credibility of the CIA's claim that Oswald was not their agent:

Schweiker: During this period do you recall ever discussing with the FBI answers of anticipated questions that the Warren Commission might be asking the CIA?

Angleton: I don't know.

...Schweiker: Here is a memo I might just show you. For the record it's May 13th, 1964, from Mr. Sullivan to Mr. Belmont, in which you are mentioned.

Does that conversation come back?

Angleton: Well, that comes back but I'll put it this way—

there's sort of a hot line between my office and the Bureau every day on this kind of situation. I mean not with regard to the Warren thing alone but to all kinds of business...

Now this, if I recall correctly, I think I got an instruction either from Helms or from Mr. McCone, or from McCone's executive secretary, to notify the Bureau of the position that he was going to take.

Johnston: Any particular reason that comes to your mind as to why he would have asked you to do that?

Angleton: Well, I think that it goes down to the basic reason, that *no one wanted to find themselves in conflict with Mr. Hoover.*

In other words, if there was going to be a *head-on collision*, then it would be identified prior to the collision.

...Johnston: Were you aware of the fact that Mr. Helms and others had been negotiating, or at least discussing—let's say discussing instead of negotiating—discussing with the Warren Commission these questions that were going to be put to Mr. McCone and the exact phrasing of the questions *for several months?*

Angleton: I would assume they sent over a formal questionnaire.

Johnston: In other words, discussions—there were discussions about the formal questionnaire before it was sent?

Angleton: Oh, yes.

Johnston: In that light it seems *even more unusual* and maybe you can clarify it, that you would be, at Mr. Helms' direction, be telling the FBI what your answers to the questions—

Angleton: I don't see anything because if the Bureau stated

that they were not going to accept that but that they were going to go into a different direction, then that would be submitted to Mr. Hoover. I mean to Mr. McCone.

Johnston: Was there ever any doubt that the FBI was going to say that Lee Harvey Oswald was an agent of the CIA?

Angleton: *Well, you never knew what was going to be said.* I mean, we went into the fact that there was no task force in government. I mean the Bureau had total jurisdiction. And we found over the years in working with Mr. Hoover that it was absolutely paramount that there be no surprises. In other words, you could fake [*sic—take?*] Mr. Hoover as long as you put all your cards on the table. But if he found out you took one position with one group of people and another position with another group of people, I mean that's the end of any relationship with Mr. Hoover.

Schweiker: *But this doesn't relate to the FBI's usage or non-usage of Oswald,* which I can see would be extremely uptight or sensitive the way you describe this, that it relates to the CIA's relationship.

Angleton: Well, those were our answers. These were our answers.

Schweiker: But why would it be essential to communicate this to Hoover about the CIA's relationship?

Angleton: Because they had jurisdiction.

Schweiker: I know, *but if there was no relationship whatsoever and there was nothing to indicate that there were, why would that head up the list of four questions that the CIA wished to communicate to Hoover on?*

Angleton: Well, I think simply it put them also on notice that if

they did not agree or if they had other information, that they would tell us so there wouldn't be any surprises.

Schweiker: Except this, if he didn't work for the CIA and the CIA knew he didn't work for the CIA, then there really couldn't be any surprises as far as the CIA is concerned?

Angleton: I know, but obviously I had to have the piece of paper or something from some higher echelon telling me of the questions and what the answers were going to be.

Schweiker: Was this procedure on other key issues before the Warren Commission? ...

Angleton: Not to my knowledge.[Emphasis added throughout.][58](#)

It's obvious that Oswald's relationship with the agency, while not clearly defined, was problematic enough to cause Helms and Angleton to fret *for months* wondering if Hoover might dare contradict them. One wonders who was blackmailing whom at this point.

Let's step back from the Oswald question for a moment. If the CIA was involved with assassinations, would CI have been a part of that effort? While we can't answer that directly, we can certainly look at CI's involvement with the area of the CIA that was seriously involved in coup plotting—the infamous Staff D.

CI & Staff D

Whereas Staff A, Staff B and Staff C all got new identities when the OSS evolved into the CIA, Staff D remained an enigma within the DDP. Former CIA officer Joseph B. Smith, in his very interesting book, *Portrait of a Cold Warrior*, made plain the relationship between Staff D and Angleton's CI empire. Smith wrote that he was ultimately given Staff D clearance by the CI

staff when, as he put it, “It was decided then that I couldn’t hold Sukarno’s feet to the fire without access to Staff D.”

Smith described the procedure for getting clearance:

I was notified one day to go to a certain corridor in “L” building. I wasn’t able to enter the corridor when I got there because I was stopped by a man who peered suspiciously at me from a window in the bolted door that blocked the corridor from the central passageway. After verifying I was who I claimed to be, I was admitted to an anteroom shut off from the rest of the offices in the corridor and given a security briefing which included reading a brief history of code-breaking activities in World War II and which stressed I was to guard the secrecy of the very existence of the National Security Agency with my life.⁵⁹

Staff D ostensibly was set up to monitor signals intelligence produced from the NSA. But since even the very name of the NSA was at that time classified, only people who were extraordinarily closemouthed and loyal to the agency could be cleared for work with this component.

“No one got a Staff D clearance unless Angleton’s men were satisfied that the officer absolutely had to have access to the NSA information in order to carry out his responsibilities. The counterintelligence paranoid personality was nowhere more prominent than in the Staff D clearance procedure,” said Smith.⁶⁰ And no wonder. Not only did Staff D attempt coups, Staff D also attempted assassinations. During the early ’60s, Staff D was headed by ex-FBI man William Harvey. Harvey later became heavily involved in the CIA assassination plots against Castro. In the early ’60s, Bissell asked Harvey to come up with a plan for “Executive Action,” a euphemism for assassinations. This project was given the cryptonym ZRRIFLE. Harvey’s notes on this project became famous in the wake of Church Committee exposures. These notes included the following items:

“Never mention word ‘assassination’”

“no projects on paper.”

“strictly person-to-person, singleton ops.”

“planning should include provisions for blaming Sovs or Czechs in case of blow.”

“Corsicans recommended [but not Sicilians, since they led to the Mafia]”

“QJ/WIN is under written contract as a principal agent, with the primary task of spotting agent candidates.”

“no chain of connections permitting blackmail”

“Should have phony 201 in RG [Central Registry] to backstop this, all documents therein forged and backdated.”

“Should look like a CE [counterespionage/counterintelligence] file.”

[Executive action would] “require most professional, proven operationally competent, ruthless, stable, CE-experienced ops officers.”

“[talk to] Jim A”⁶¹

As David Wise wrote, “D was the perfect cranny in which to tuck a particularly nasty piece of business like ZRRIFLE”⁶². QJWIN was a CIA asset recruited in 1960 to kill the revolutionary Congo leader Lumumba. To hear the CIA tell it, however, the natives got him first. The record, on the other hand, shows the CIA was clearly culpable in the untimely death of Lumumba. So, for starters, Staff D and ZRRIFLE then seem to have been involved in coup attempts in the Congo, Cuba and Indonesia. Suddenly, Staff D seems nastier and nastier. Birch

O'Neal, an ex-FBI man who became one of Angleton's most trusted associates, appears to have been involved with Staff D through his access and eventual ownership of the NSA's intercepts of Soviet traffic, known collectively as VENONA.⁶³ Curiously, as with many people involved with Staff D, O'Neal also participated in a coup plot. He was involved in the Guatemalan episode in which Jacobo Arbenz was overthrown by such CIA figures as David Atlee Phillips, E. Howard Hunt, Frank Wisner, Richard Bissell and Tracy Barnes.⁶⁴ Ann Goodpasture, a close associate of both Win Scott and David Atlee Phillips, and co-author (along with Elsie Scaleti, AKA Charlotte Bustos) of a famously inaccurate cable misdescribing Oswald to other areas of the government, also worked for Staff D.

In Phil Agee's book *Inside the Company*, ZRBEACH emerges as another program involved with NSA intercepts.⁶⁵ It appears that ZR, then, refers to projects run from within Staff D; just as MK (as in MKNAOMI, MKULTRA) appear to be projects from the Technical Services Division (TSD). Staff D, then, has a tenuous link to Clay Shaw. Shaw apparently assisted Leslie Norman Bradley, who was involved with ZRCLIFF, which according to Bill Davy appears to have been an acronym for the CIA's proprietary airline Southern Air Transport.⁶⁶ Bradley—who also participated in CIA activities with Loran Eugene Hall⁶⁷—by nature of his involvement with ZRCLIFF, was ostensibly working for Staff D, whether he knew it or not. Because of Shaw's involvement in efforts that helped Bradley, it's possible Shaw served Staff D, directly or indirectly, wittingly or unwittingly, as well.

Given the sensitive nature of the Staff D operations, it seems likely that the component of CI that cleared Staff D operatives would also have been SIG.

Angleton and Assassinations

Angleton developed a fearsome reputation within the agency. He was known to deliberately expose agents he no longer trusted, even when exposure could cost the life of the agent.⁶⁸ John Maury used to say of Angleton, "if you cut his head off, he won't stop wiggling until after sunset."⁶⁹ John Whitten (identified under the pseudonym "Scelso" in many released documents) told the HSCA,

Several times in my career I was appointed by Helms or by Karamessines to investigate or look into investigations where Angleton was running. This always caused bitter feelings, the most bitter feelings ... [This happened when] Helms or Karamessines suddenly found out about one of Angleton's operations and did not like the look of it.

When asked how Angleton knew he was being investigated, Whitten continued,

They always told him. And then they say, now, you go tell Angleton you are going to do this. I used to go in fingering my insurance policy, notifying my next of kin. This happened many times over the years."⁷⁰

Was Whitten just kidding, or did Angleton participate in any way in assassinations?

While incarcerated for his participation in the Watergate affair, in December of 1975, E. Howard Hunt told the *New York Times* that "he was told in the mid-1950s that the CIA had a small unit set up to arrange for the assassination of suspected double-agents and similar low-ranking officials."⁷¹ In 1954, Angleton became the head of counterintelligence. Tracking suspected double agents was one of Angleton's primary roles, and therefore, such actions would have happened on his watch. Hunt said that Col. Boris T. Pash was in charge of the assassination unit. Pash had been engaged by the OSS in World War II to attempt to find scientists who knew of the German's efforts to create a nuclear weapon. Hunt said an Albanian "who was probably a penetration" needed to be "neutralized" in such

a way that a foreign intelligence service would not know the agent targeted had been under suspicion. Hunt said, "I was told that we had that capability" and that "the guy to see about this sort of thing was Colonel Pash." Hunt added, in his typically colorful way, that Pash was kind of a joke at CIA, but "a wary joke, though." The Church Committee, operating at this time, immediately sought Pash, who was very much alive, despite the *New York Times* having reported that he was "understood to have died." Pash of course denied this allegation. But journalist Joseph Trento, who looked into this, testified under oath that he had learned that "Pash's unit was assigned to Angleton."⁷²

In his book named after a phrase that Angleton borrowed from the poet T.S. Eliot to describe the business of counterintelligence, *Wilderness of Mirrors*, David Martin quotes an unnamed intelligence officer as saying there was "a real fight going between Angleton and Harvey ..."⁷³ But the relationship between the two was considerably more congenial, if many other sources are to be believed. Harvey gained Angleton's respect when Harvey uncovered Philby as a Soviet mole in British Intelligence, someone Angleton had believed and confided in. Angleton eventually became close friends with Harvey, helping Harvey get a spot in Rome when Bobby Kennedy fired him after he found out Harvey was sending commando teams into Cuba during the Cuban Missile Crisis.⁷⁴

Angleton also called Harvey when his mother died.⁷⁵ The two were indeed close.

Peter Wright, a former British intelligence officer with MI6, had some experience with Angleton and Harvey in the context of assassinations. In his book *Spycatcher*, he recounts the following episode. In 1963, Harvey and Angleton were conversing with Wright about problems in Cyprus, and Harvey saw parallels to Cuba. "What would the Brits do in Cuba?" Harvey asked. Wright replied that they'd try to develop alternative leaders, etc. "We've done all that," Harvey replied. Angleton got right to the point. "How would you handle

Castro?” “We’d isolate him, turn the people against him...” “Would you hit him?” Harvey wanted to know. “We’re developing a new capability in the Company to handle these kinds of problems,” Harvey explained, “and we’re in the market for the requisite expertise.” Harvey talked of the need for deniable personnel and improved “delivery mechanisms.” Wright wrote:

“Have you thought of approaching Stephenson?” I asked. “A lot of the old-timers say he ran this kind of thing in New York during the war. Used some Italian, apparently, when there was no other way of sorting [sic] a German shipping spy. Probably the Mafia, for all I know...”

Angleton scribbled in his notebook, and looked up impassively.

“The French!” I said brightly. “Have you tried them? It’s more their type of thing, you know, Algiers, and so on.”

Another scribble in the notebook.

“What about technically—did you have any special equipment?” asked Harvey.

[Omitting a section where Wright described using a poison dart fired from a cigarette case to kill a sheep.] Beyond that, there was little help I could offer Harvey and Angleton, and I began to feel I had told them more than enough. The sight of Angleton’s notebook was beginning to unnerve me. They seemed so determined, so convinced that this was the way to handle Castro, and slightly put out that I could not help them more. [76](#)

This episode calls into question Angleton’s repeated testimony to various committees that he had never participated in any Cuban operations. And actually, Angleton himself admitted he *had* provided aid to Harvey regarding Cuban operations by providing him an Israeli source in Cuba known only to himself,

Harvey and “of course, Dick Helms.”⁷⁷ And in notes from E. Howard Hunt’s operational file, Angleton expressed “operational interest” in using one of the anti-Castro Cubans handpicked by Hunt, Tony Varona, for an “operational matter.” (See HSCA document 180-10143-10187, from the CIA Segregated Collection, provided to the author by Larry Hancock.) Given the evidence, Angleton’s denial of participation in Cuban operations doesn’t ring true.

Some authors have intimated that Angleton was controlled by other forces, such as the Mafia or the Mossad. But in thousands of pages of material, I have never found any evidence to support those allegations. His own superiors, who were also at times in touch with the Mossad and the Mob, seemed unable to contain him. Angleton’s support for and involvement with both does not indicate subservience on his part. In fact, the opposite seems to be true. In his testimony to the HSCA, Whitten said that Angleton was involved with the Mob:

The Dept. of Justice, Mr. Hunley, who was working against organized crime, asked people from the Agency to come over and asked us if we could find out the true names of holders of numbered bank accounts in Panama because the Mafia was depositing money there...skimmed off the top from Las Vegas. And we were, indeed, in an excellent position to do this and told them so, whereupon Mr. Angleton vetoed and said that is the Bureau’s business.

... And I told J.C. King this and he smiled a foxy smile and said well, he said, that’s Angleton’s excuse. The real reason is that Angleton himself has ties to the Mafia and he would not want to double cross them, or something like that.

But Whitten’s next statement in that regard is even more interesting:

I do believe that I have heard that Angleton was one of those several people in the Agency who were trying to use the Mafia in Cuban operations.⁷⁸

As we know, the Mafia played an important role in the CIA’s

assassination plots, against Cuban leader Fidel Castro.

GP FLOOR and GP IDEAL

The Agency has several documents relating to the assassination and its aftermath, which bear the crypt GP FLOOR. According to the documents, GP FLOOR refers both to Oswald and to the investigation of the Kennedy assassination. Why then, is there another crypt used, GP IDEAL, to refer to President Kennedy? Document 104-10015-10061, a memorandum dated November 23, 1963, has a subject line which states: "Support Activities Assignments This Date re GP IDEAL Assassination." Why were two cryptonyms given for essentially the same event? It's difficult not to see a chilling possibility here. Take away the GP, and you have Oswald, at the floor of the conspiracy, and Kennedy, the ideal target.

Ray Rocca espoused the agency's positioning of the use of GP FLOOR by constantly referring to the GP FLOOR "phase:"

Rocca: The GP Floor phase, which he headed up—

Goldsmith: The GP Floor?

Rocca: Floor phase.

Goldsmith: Would you define for the record what GP Floor is?

Rocca: GP Floor was the code name assigned by the DDP, by Mr. Helms and Mr. Karamessines and the desks, to characterize cable traffic during the initial phase of the Agency's relationship with the various authorities and with its own organizations or components overseas. This is a code facilitation, a telegram or telegraphic consideration. And during that phase, it was indeed Mr. [Scelso/Whitten]'s responsibility.⁷⁹

When Goldsmith tried to clarify this, Rocca told an untruth,

that use of the cryptonym had been phased out nearly immediately.

Goldsmith: So, GP Floor was a code name which was assigned to cable traffic pertaining to the Kennedy assassination, is that correct?

Rocca: As far as I know, during the period of November through January, and then it was phased out.⁸⁰

Other researchers have repeated this same error. In fact, there are several cables and communications made in 1965 that use the GPFLOOR cryptonym. And curiously, in October of '63, as David Phillips was preparing to go to Mexico City October 7, a cable refers to the fact that "Mr. David Phillips" was the "newly appointed chief PBRUMEN ops." One of the 1965 cables bears both GPFLOOR and PBRUMEN.⁸¹ The GPFLOOR PBRUMEN cable is most interesting. It is a response to this earlier cable:

EUSEBIO AZCUE LOPEZ, ACCORDING SENSITIVE SOURCE, WENT MONTREAL LOOK OVER REAL ESTATE ASSIGNED CUBAN GOVT FOR CANADIAN WORLD'S FAIR SCHEDULED SPRING 67. ALTHOUGH RETURN DATE AND ROUTE NOT KNOWN THIS TIME, POSSIBILITY EXISTS AZCUE MAY RETURN VIA MEXI. IN FACT, LONG ASSOCIATION MEXI INDICATE STOPPING OFF FEW DAY RENEW OLD ACQUAINTANCES ETC. IF AZCUE STOPS MEXI SUGGEST STATION DEVELOP ACCESS AZCUE ORDER ELICIT INTEL GET LATEST READING HIS ATTITUDE TOWARD REGIME AND POSSIBLY INVOLVE HIM HEAVY DRINKING BOUT WHICH MIGHT CAUSE EMBARRASSMENT AZCUE AND CUBAN EMB. HE HEAVY DRINKER WHO HARSHLY CRITICIZED BY MEMBERS CUBAN EMBASSY WHILE ASSIGNED MEXI IN PAST. HQS RECALLS LIMASK REPORTED NAME CUBAN EXILE WHO FREQUENT DRINKING PARTNER AZCUE BUT WHOSE NAME NOT AVAILABLE HQS. NAME MAY APPEAR LIMASK OR AZCUE FILE OR LICOMET/1, LITAMIL/3 MAY BE ABLE PROVIDE.⁸²

This 1965 document went to CI/SIG. The target, Azcue, was working in the Cuban Embassy at the time that someone came in claiming to be Oswald in September of '63, seeking passage to Cuba. Azcue had said that the Oswald killed in Dallas was not the same Oswald that he had seen in the Embassy.

Four days later, a reply, which was routed to Birch O'Neal, Ray Rocca, T. Hall and Rocca's associate Dooley—all Angleton's people, from DIRECTOR, bearing what Phil Agee referred to as the "special RYBAT sensitivity indicator" [83](#) followed by the cryptonyms GPFLOOR and PBRUMEN, stated:

IF SUITABLE ACCESS DEVELOPED AZCUE PER REF, HQS INTERESTED ANY NEW OR AFTERMATH INFO THAT CAN BE BROUGHT TO LIGHT OSWALD'S VISA APPLICATION AT CUBAN EMBASSY MEXICO CITY SEPTEMBER 63. [84](#)

Get a foreign ambassador drunk and get him to talk about Oswald, says Director after CI/SIG learns of Azcue's possible trip. And this is 1965, which makes it utterly significant. This is *after* the Warren Report has been published. This is *before* the flood of interest in a possible conspiracy, which started to become palpable in late '66. This is a period of relative quiet about the case. But Angleton's people are busy attempting to tie up loose ends, to bury the truth in a sheer wall of deceit. Thanks to the efforts of the Assassination Records Review Board, the skeleton's outline has been exposed.

[1](#) Tom Mangold, *Cold Warrior / James Jesus Angleton: The CIA's Master Spy Hunter* (New York: Simon & Schuster, 1991), p. 10.

[2](#) Biographical data from Thomas Mangold, *Cold Warrior*, Chapter 2. This particular quote appears on page 33.

[3](#) Miles Copeland, *The Real Spy War* (London: First Sphere Books edition, 1978), pp. 41-42.

[4](#) Copeland, p. 42.

[5](#) Mangold, p. 45.

[6](#) Mangold, p. 44.

- [7](#) Thomas Powers, *The Man Who Kept the Secrets: Richard Helms and the CIA* (New York, Pocket Books ed., 1979), p. 35.
- [8](#) Mark Aarons and John Loftus, *Unholy Trinity* (New York: St. Martin's Press, 1991), p. 89. There are several long passages about Angleton's relationship with Montini, the ratlines, and the Vatican throughout the book. Montini became Pope after the 1963 death of the very liberal Pope John XXIII, about whom the movie *The Shoes of the Fisherman* was made.
- [9](#) Aarons and Loftus, p. 237.
- [10](#) Angleton, 10/5/78 HSCA deposition, p. 92.
- [11](#) Anthony Summers, *Official and Confidential* (New York: Pocket Books ed., 1994), p. 280.
- [12](#) Summers, pp. 280-281.
- [13](#) Lisa Pease, "Novel & Company: Phillips, Banister, Arcacha and Ferrie," *Probe* Vol. 4 No. 6, Sept.-Oct. 1997, p. 32.
- [14](#) Summers, p. 281.
- [15](#) Copeland, p. 44.
- [16](#) Copeland, p. 41.
- [17](#) David Wise, *Molehunt* (New York: Avon Books ed., 1992), p. 31.
- [18](#) Wise, p. 32.
- [19](#) Wise, p. 32.
- [20](#) Mangold, p. 51.
- [21](#) Mangold, p. 52.
- [22](#) *Ibid.*
- [23](#) Wise, p. 121.
- [24](#) The Doolittle report contained this famous instruction: "If the United States is to survive, long-standing American concepts of 'fair play' must be reconsidered," and "We must develop effective espionage and counterespionage services and must learn to subvert, sabotage and destroy our enemies by more clever, more sophisticated and more effective methods than those used against us." Quoted in David Martin, *Wilderness of Mirrors* (New York: Harper and Row, 1980), p. 62.
- [25](#) Angleton 9/17/75 Church Committee Deposition (hereafter Angleton 9/17/75 Deposition), p. 16.

- [26](#) Angleton 9/17/75 Deposition, p. 17.
- [27](#) Angleton HSCA Deposition, p. 146.
- [28](#) Angleton HSCA Deposition, p. 146.
- [29](#) HSCA Deposition of Raymond G. Rocca (hereafter Rocca HSCA Deposition), p. 206.
- [30](#) Rocca HSCA Deposition, p. 207.
- [31](#) Rocca HSCA Deposition, p. 218.
- [32](#) HSCA Deposition of Ann Elizabeth Goldsborough Egerter (hereafter Egerter HSCA Deposition), p. 8.
- [33](#) Egerter HSCA Deposition, p. 9.
- [34](#) Egerter HSCA Deposition, pp. 9-10.
- [35](#) Egerter HSCA Deposition, p. 10.
- [36](#) Egerter HSCA Deposition, p. 25.
- [37](#) Egerter HSCA Deposition, pp. 22-24.
- [38](#) Egerter HSCA Deposition, pp. 43-44.
- [39](#) Angleton 2/6/75 Church Committee Deposition (hereafter Angleton 2/6/75 Deposition), p. 21. Schweiker says, "We had a CIA employee who testified to us that he saw a contact report on Oswald over at Langley."
- [40](#) Angleton 2/6/75 Deposition, pp. 20-26.
- [41](#) The Eldon Henson story is documented in John Newman's *Oswald and the CIA* (New York: Carroll & Graf, 1995). But a near identical episode is also described by David Atlee Phillips in his memoir, *The Nightwatch* (New York: Ballantine Books, 1977). Compare Phillips' account, pp. 162-164 (paperback version), with Newman's account, pp. 362-362. Then look at the document of this episode, published on page 507 of Newman's book. Note that "[redacted] witnessed meeting from nearby table." In his account, Phillips describes watching the trap his agent was setting for Hensen from a nearby table in a restaurant. According to the document, Hensen was speaking with Maria Luisa Calderon, a woman who appeared to perhaps have some foreknowledge of the assassination. (See Rocca HSCA Deposition, pp. 163-164.) Maybe that's why the story of Eldon Hensen appears in Oswald's file. And maybe that's why the CIA was so interested in setting Hensen up for a fall.
- [42](#) Newman, p. 32.

- [43](#) Rocca HSCA deposition, p. 230.
- [44](#) Angleton 9/17/75 Deposition, p. 30.
- [45](#) Angleton 9/17/75 Deposition, p. 33.
- [46](#) Reproductions of these cards can be seen in Newman, p. 479.
- [47](#) Rocca HSCA deposition, pp. 226-227.
- [48](#) Newman, pp. 221-222.
- [49](#) Angleton 9/17/75 Deposition, p. 38 and p. 62. The project chief was John Mertz, and evidently Birch O'Neal was involved as well, (pp. 62, 64) but in Angleton's words, "Mr. Miler ... had the day to day work" and described Miler as the principal person to talk to about it. p. 120.
- [50](#) Martin, p. 140.
- [51](#) Egerter HSCA Deposition, p. 15.
- [52](#) Egerter HSCA Deposition, p. 30.
- [53](#) Egerter HSCA Deposition, pp. 31-38.
- [54](#) Rocca HSCA Deposition, p. 210.
- [55](#) Rocca HSCA Deposition, p. 212.
- [56](#) Philip Agee, *Inside the Company: CIA Diary* (New York: Bantam Books, 1989 ed.), p. 49.
- [57](#) Letter from Sullivan to Belmont, dated May 13, 1964.
- [58](#) Angleton 2/6/75 Deposition, pp. 34-38.
- [59](#) Joseph B. Smith, *Portrait of a Cold Warrior* (New York: G.P. Putnam's Sons, 1976), p. 397.
- [60](#) Smith, p. 397.
- [61](#) Harvey's notes were uncovered by the Church Committee. Quotes here come from Martin, pp. 121-123.
- [62](#) Wise, p. 121.
- [63](#) Wise, p. 176.
- [64](#) Powers, p. 107.
- [65](#) Agee, p. 358.
- [66](#) Bill Davy, *Let Justice Be Done* (Reston: Jordan Publishing, 1999), pp. 88-89 and Davy, "File Update," *Probe*, Jan.-Feb. 2000, pp. 4-5.
- [67](#) Davy, *Let Justice Be Done*, p. 88.
- [68](#) For an example, read about the Loginov episode in *Cold Warrior*, Chapter 1.

- [69](#) Wise, p. 69.
- [70](#) HSCA Deposition of Scelso (John Whitten), p. 71.
- [71](#) "Hunt says C.I.A. Had Assassin Unit," *New York Times* 12/26/75, page 9, column 1.
- [72](#) Mark Lane, *Plausible Denial* (New York: Thunder's Mouth Press, 1991), p. 164.
- [73](#) Martin, p. 34.
- [74](#) Martin, p. 144.
- [75](#) Angleton Deposition to the Church Committee, 6/19/75 (hereafter Angleton 6/19/76 Deposition), p. 87.
- [76](#) Peter Wright, *Spycatcher* (New York: Dell, 1987), pp. 201-205.
- [77](#) Angleton 6/19/75 Deposition, p. 84.
- [78](#) Scelso/Whitten Deposition, p. 168-169.
- [79](#) Rocca HSCA Deposition, pp. 8-9.
- [80](#) Rocca HSCA Deposition, p. 9.
- [81](#) RIF 104-10086-10003, date not readable, cable apparently from JMWAVE to the Mexico City Station.
- [82](#) Cable 57610, from DIRECTOR to Mexico [] JMWAVE, dated 12 Nov 65.
- [83](#) Agee, p. 319.
- [84](#) Cable 58683, from DIRECTOR to MEXI, dated 16 Nov 65.

James Angleton Part II

By Lisa Pease

Bobby knows so little about us. One night he began to talk of muffled suspicions and stifled half-certainties, and said to me, "I had my doubts about a few fellows in your agency, but I don't anymore. I can trust John McCone and I asked him if they had killed my brother, and I asked him in a way that he couldn't lie to me, and he said he had looked into it and they hadn't.

I told that story to Hugh. You know how rarely he laughs aloud. He actually struck his thigh. "Yes," he said, "McCone was just the man to ask."

"What," I asked him, "would you have answered?"

"I would have told Bobby that if the job was done properly, I would not be able to give a correct answer."

—From Norman Mailer's novel *Harlot's Ghost*.

The character of Hugh Montague (Harlot) is based on James Angleton.

The most consistently prominent players in the assassination saga continue to be James Jesus Angleton and his counterintelligence staff. They held a file on Oswald predating the assassination by at least three years. After the assassination, Angleton and his closest associate, Ray Rocca, served as the gateway between the Warren Commission and the CIA. If anyone was in a position to move Oswald around prior to the assassination and control the cover-up afterwards, it was Angleton.

The key associates of Angleton who show up frequently in the Oswald/JFK assassination story are Raymond G. "The Rock" Rocca, Ann Egerter, Scotty Miler, and Birch O'Neal. Rocca had been with Angleton since his OSS days in Italy, and would control the Warren Commission's relationship with the CIA.

The latter three were members of the tiny CI/SIG unit. Egerter opened Oswald's 201 file under the name "Lee Henry Oswald." Scotty Miler controlled the watch list during the period when Oswald was placed on and taken off that list. Birch O'Neal controlled CI/SIG during the period of the building of Oswald's strange 201 file.

We have examined the likelihood that Oswald was directly involved with Angleton's counterintelligence unit in the CIA. When queried about this, Ann Goodpasture, who played a role in the Mexico City aspects of Oswald's story, did not deny a relationship between the two:

Q: Have you had any reason to believe that ... CI staff had any role in respect to Oswald prior to the assassination?

A: I don't know.¹

She was not asked if she had any knowledge, but if she had any "reason to believe." If she truly had no reason to believe this, her only possible response would have been "no." Her response indicates clearly that she does have some doubt about the matter, that she may indeed have had reason to believe this.

Another group that shows up in a few places in the assassination story is Army Intelligence. It is worth noting that, during the interim between the ending of the OSS and the formation of the CIA, Angleton served as a major in the Army and helped organize Army Intelligence's efforts to track down German agents who were using false identity cards.² Angleton was not one to lose a contact. Once made, he would continue to use contacts for life.

Other members of the CIA, who show up often in this story, include David Atlee Phillips of the Western Hemisphere division. Phillips worked with Bill Harvey and later Des Fitzgerald on Cuban operations. Others include Win Scott and his "right-hand man" Ann Goodpasture from the Mexico City station. Also John Whitten ("Scelso") of the Western Hemisphere, Division 3, Elsie Scaleti of the Mexico City desk at

Headquarters and Richard Helms and his deputy Thomas Karamessines, who play large roles in the pre- and post-assassination paper trail. We should also note that the entire Western Hemisphere was run by J. C. King, a man closely linked to Nelson Rockefeller. King himself had been involved in the CIA's assassination plots involving Castro and Trujillo.³

There are strange connections that link these various players. Shortly before the assassination, Oswald's CI/SIG-held 201 file was transferred to the Mexico City Headquarters desk, responsible to John Whitten and supported by desk officer Elsie Scaleti.⁴

Scaleti, Ann Egarter of Angleton's CI/SIG unit (the woman who opened the 201 file on "Lee Henry [*sic*] Oswald"), and Stephan Roll, Angleton's CI liaison to the SR (Soviet Russia) division, drafted the two now infamous communications that cause much suspicion about the CIA's involvement in the Kennedy assassination.⁵ Although the two communications were drafted at the same time, the cable to CIA in Mexico City described Oswald as 5'10," 165 pounds, with light brown hair; whereas the teletype to the State Department, Navy and the FBI describes Oswald as being approximately 35 years old, 6' tall, with an athletic build and a receding hairline. Why would Angleton's people be collaborating with the Mexico City desk officer to mislead other agencies within the government unless they were in some measure trying to hide or protect Oswald's identity?

Ann Goodpasture told Jeremy Gunn of the ARRB that she had worked at one point during her CIA career for James Angleton as a counterintelligence officer, and that it was the CI group that sent her to Mexico City in 1957.⁶ Asked to explain the difference between CE (counterespionage) and CI (counterintelligence), Goodpasture replied, "Counterespionage was the activity and Counterintelligence was the product."⁷

From Mexico, Goodpasture had worked on the case of

Rudolph Abel,⁸ a Soviet agent working in New York City and curiously, living one apartment below famed author, Fair Play for Cuba Committee (FPCC) activist and latter-day CIA apologist Norman Mailer.⁹ Angleton said of Goodpasture, “I personally have had very little dealings with her but my men had had a lot of dealings with her. She was always in on very sensitive cases.”¹⁰ Goodpasture was also involved with Staff D, which was seriously involved with several coup attempts and assassination plots. To the ARRB, Goodpasture downplayed her involvement in Staff D, claiming that she was simply involved in duplicating and distributing materials.¹¹ However, according to Angleton, Goodpasture was “very close” to Bill Harvey.¹²

Goodpasture maintained that in 1963 her sole duty was to the Mexico City station and Win Scott.¹³ Goodpasture tells us that Win Scott was “very, very conservative. He was from Alabama and I think he was a supporter of George Wallace.”¹⁴

Goodpasture was later to receive a career achievement award on the recommendation of David Atlee Phillips, who cited her for having discovered Oswald at the Cuban embassy. Goodpasture was responsible for delivering the “deep snow”¹⁵ photo of the Mexico “Mystery Man.” Significantly for our purposes, Goodpasture was also the liaison and in most cases, the sole point of contact, outside of Win Scott, David Phillips, and Scott’s deputy, Alan White, to the other agencies of the U.S. government regarding the Mexico City station’s CIA operations.¹⁶ And like too many others in this small cadre of CIA employees, Goodpasture has trouble remembering the moment of Kennedy’s assassination:

I think I heard about it from a phone call from our outside person on the phone tap operation, and I believe it was around lunchtime when there weren’t too many people there and as they all filtered back in, there was office gossip, but I have tried to remember. I’ve heard so many people say I can remember, I was standing at the telephone or I was in the

drugstore, or I was in church and I really don't remember who all were there at the time. Dave Phillips said that someone from the military attaché's office came up and told him about it and I don't remember that. ...I don't even remember him being in the station at that time.¹⁷

According to Eddie Lopez, Goodpasture, in addition to her duties for Scott, ran all of David Phillips' operations. When asked about Phillips' politics, Goodpasture tells a story that remains redacted, a fact especially disturbing when one considers the whole purpose of the ARRB was to release previously classified materials, not to *add* to the secrets. But from the nature of the testimony around the redacted portion, we can gather that she is giving us some indication that Phillips was not the liberal he painted himself to be. The redaction ends with Goodpasture saying,

...But there again, I hate for things like this to be published because there are 2,000—over 2,000 books already been [*sic*] written. The thing that they are looking for is something of this type that they can put in the other book to come that will be just short of slander, and I feel that I shouldn't really comment on the personalities for that reason. I don't want my former co-workers or in Phillips' case, his family, to think that I'm trying to project him as a personality that was a show-off or something other than the very sincere wonderful man that they feel that he is....¹⁸

Phillips is the CIA man who most closely rivals Angleton in the frequency of his appearance in the assassination story. Phillips appears to have been seen in the presence of Oswald by Antonio Veciana.¹⁹ And a "Mr. Phillips" who was running CIA operations against Cuba at a time when that was David Phillips' job was seen by Gordon Novel in the presence of Guy Banister and Sergio Arcacha Smith, who were themselves in turn seen with Oswald. Oswald even rented an office in Banister's building that had previously been rented by Sergio Arcacha Smith.²⁰ When the HSCA investigators tracked down the many

false “Castro did it” leads, they kept tracing back to assets run by Phillips.²¹ Dan Hardway, who had much documentation to support that allegation, told Gaeton Fonzi,

I’m firmly convinced now that he ran the red herring, disinformation aspects of the plot. The thing that got him so nervous was when I started mentioning all the anti-Castro Cubans who were in reports filed with the FBI for the Warren Commission and every one of them had a tie I could trace back to him. That’s what got him very upset. He knew the whole thing could unravel.²²

Angleton was close friends with Win Scott and ran operations with him. Scott, in turn, was so close to Phillips that he recommended him as his temporary deputy for the Mexico City station before the arrival of the next deputy, Alan White.²³

If one were planning an assassination within CIA, wouldn’t it make sense to take some precautions as to what was communicated, and through what channels? We saw previously how Bill Harvey stressed, “never use the word ‘assassination’” and that nothing should be put on paper. But some communications would need to transpire nonetheless to pull an operation of that scale off. According to Ann Goodpasture, Angleton had a back channel to Mexico City, and possibly other stations as well:

Q: Could you describe the different kinds of channels of communication that Mexico City had with CIA headquarters? And by that I mean cables, dispatches and that sort of thing, if you need—if Mexico City station needed to communicate with headquarters, what would be the different methods that could be done?

A: Well, there would be cables, there would be dispatches, there would be intelligence reports, there would be attachments, I can’t think of anything else.

Q: For cable communications, was there more than one channel of cables used by CIA to go to headquarters?

A: I can't really answer that but I think there was what they call back channel [*sic*], but I don't know the details of it. There again Mr. [Alan] White [Scott's deputy in the Mexico City station] would be the more knowledgeable on that than I am or someone from communications.

Q: Have you heard, for example, that CI may have had a back channel, not just in Mexico City but in other stations as well?

A: Well, there's gossip that I think I have seen or have heard or I don't think I dreamed it, that they discussed things through the back channel, but I'm not sure what that was. You might check—Mr. Helms would be the person who would know.²⁴

So Angleton appeared to have a private channel he could use with Scott and presumably other areas around the world to communicate traffic too sensitive to be seen even by other sworn CIA operatives. And Helms knew about these.

The CIA has claimed that it did not know Oswald had visited the Cuban Embassy until *after* the assassination. But evidence from CIA files and the testimony of CIA officers belies this. Clearly, this part of the story has been altered in an attempt to protect the Agency from claims of lying about what they knew about Oswald prior to the assassination.

David Phillips made a claim to the *Washington Post* that he retracted the next day when interviewed under oath by the HSCA. He told the *Post* that Oswald had gone to the Cuban Embassy with an offer to provide them information in exchange for money. If true, that would give credence to the theory that Oswald was in fact running a counterintelligence operation and wanted to see if the Cubans would bite. But when testifying to the HSCA, Phillips told them Oswald was simply looking for monetary assistance in his quest to reach the Soviet Union.

Which is the true story? If Oswald was *not* running a counterintelligence operation, why did his presence at the Cuban embassy not set off alarm bells throughout the CIA?

Birch O'Neal, head of CI/SIG during the time when Oswald's file was opened and maintained within CI/SIG, had worked on the Guatemalan coup of 1954, an operation that succeeded in large part due to the machinations of David Atlee Phillips. (Ann Goodpasture also worked on the Guatemalan operation, as did E. Howard Hunt, Tracy Barnes, and others who show up in the JFK assassination story.) Following the assassination, O'Neal sent a memo to the Mexico City station that was so curious it sparked HSCA staffer Michael Goldsmith's interest. If the CIA didn't know that Oswald was at the Cuban Embassy until *after* the assassination, why did Birch O'Neal, in the absence of any indications that the CIA had knowledge of this visit, tell the Mexico City station, in a cable identified by the HSCA as CIA 194, "It is important that you review all envoy tapes and transcripts from 27 September."²⁵ September 27th was the date of Oswald's visit to the Cuban Embassy. Goldsmith found this highly important, because after reviewing the CIA's cable traffic, he and his staff could find "no intervening cables referring to the contact by Oswald on September 27th, and that is why we wondered how September 27th happened to be picked out."²⁶ Either O'Neal was incredibly psychic, or the CIA was lying about what it knew and hiding the records that could reveal the lie.

Rocca told the HSCA, "It is my impression that there were earlier cables [than the first known, October 9 cable regarding Oswald's visit to the Soviet embassy], that there was an earlier cable. But I can't... that there was someone down there who wanted to go to Cuba. I can't—without having the entire run of that traffic, I can't reproduce it here."²⁷ When Goldsmith says that would be new information, something the CIA had not turned over, Rocca immediately tries to soft-pedal what he just revealed. Told that his recollection on this matter would be extremely important, and asked if to the best of his

recollection, there really was an earlier cable, Rocca responds, "I—well, if this is the first cable, this is it ... I can't conceive that there would be any question of fuzzing up the record on cables."²⁸ Perhaps Rocca's professional pride overrode his instinct to protect the Agency, or perhaps Rocca wasn't certain of the significance of this point when he returned to it again, on his own, saying that the October 9 cable was "too late, that communication began earlier in Mexico City. But I can't prove it. I don't have these materials. And yet, I know in this thing I did [collecting the cables re Oswald's Mexico City visit for David Belin], I had every one of these things laid out from beginning to end. And at the same time I am conscious of the fact that here I am raising a thing that could cause embarrassment. I am obviously in the middle here."²⁹ He sure is. If the CIA knew about Oswald at the Cuban embassy and neglected to inform the other agencies of this visit when they informed the agencies of Oswald's Soviet embassy visit, that raises the flag that the CIA was trying to hide something.

Win Scott too had written that the Warren Report was wrong to say the CIA hadn't learned of Oswald's Cuban visit until after the assassination. In fact, the CIA *did* learn of Oswald's visit to the Cuban embassy before the assassination, and the proof is in their own records, albeit hidden until the ARRB's investigation. An October 16th memorandum includes an attachment D, which references Oswald's alleged conversation at the Cuban Consulate. Even Ann Goodpasture conceded this as evidence that the CIA did indeed have pre-assassination knowledge of Oswald's visit to the Cuban embassy.³⁰

Angleton, Turner and the "Virus"

Perhaps the CIA's lie regarding pre-assassination knowledge of Oswald's Cuban Embassy visit was related to what John Newman refers to as a "slow virus" within the government. John Newman has made an excellent argument that someone

or several within the CIA were slowly injecting information into various government agencies prior to Kennedy's assassination that could help trigger or guarantee those agencies' participation in a cover-up after the assassination. In summary, Newman proposes that the cover-up was planned prior to the assassination, and the plan included the CIA's seeding of information about Oswald into other agency files that would seem innocent at first blush, but sinister after the fact. Once the agencies thought that Oswald had killed the president, the agencies would be quick to cover their tracks regarding information they had, but had not acted upon. Hoover actively moved to censor people within the FBI who had received, but not acted upon, significant information about Oswald just prior to the assassination.

One interesting player in this story is Elbert "Burt" Turner. 18 days after the assassination, J. Edgar Hoover unleashed his wrath on Turner, who had been the FBI recipient of the October 10th teletype from CIA (the one that described Oswald inaccurately). Hoover cited Turner for "failing to take action on CIA teletype 10/10/63; failing to review file until after the assassination; failing to instruct field to press more vigorously after subject [Oswald] made contact with Soviet Embassy, Mexico; and failure to have subject [Oswald] placed on Security Index."[31](#)

Did Turner sit on this information deliberately? Given that Turner himself was responsible for Soviet Counterintelligence operations being performed by the FBI, it seems difficult to believe that he would not have sounded an alarm bell unless he had been told or convinced, in some way, not to. Is it a surprise to find that Angleton had followed Turner's career? Angleton told the Church committee,

I know there was a tremendous flap in the Bureau. And one of the best men they had in my view is a professional a man called Burt Turner, who I understand just got his law degree. And Burt Turner was one of the finest men on Soviet KGB activities in the US, one of the analysts. And he was in the Washington

Field Office. And it is my understanding (and this is basically hearsay, but from pretty good sources) that Burt Turner was handling the Oswald or related matters at the time the President made the trip down to Texas. And that there was some confusion that the Bureau had not turned over, or had not taken enough initiative in turning over, all the information on Oswald to the local police. I had been told that there was a black mark put against Turner's name, and that he confronted Mr. Hoover and stated he was not going to permit, or have it be known to his children, that his negligence was responsible for the death of the President. And he was pretty forceful about his position. And as a result, this was expunged or something to that effect. And that is the reason he went to the Washington Field Office instead of staying in Headquarters.

And then he retired. And I think his retirement had something to do with this fact.³²

Wittingly or unwittingly, Turner had by his inaction helped to ensure that Oswald wasn't on anyone's radar screen until just after the assassination. Recall that just over a year before the assassination, the world had looked down the nose of a nuclear confrontation when it became evident that the Soviets were installing nuclear missiles in Cuba, just 90 miles from American soil. America and the world had shuddered close to the brink of a full-scale nuclear war between the world's two nuclear superpowers. With that taste of fear still vivid in everyone's mind, when, in the wake of the assassination, Oswald's contacts with the Soviets were made known, the cover-up was guaranteed. No one would pursue a conspiracy if it might lead to the Soviets. And at that point in time, most people, even those in government had no idea that the CIA had been plotting to kill Castro, Lumumba, Diem, or Trujillo. Had that information been public knowledge at the time, no doubt the CIA would have been on the short list of suspects in the assassination of President Kennedy.

James Angleton was one of those who kept his knowledge of the CIA's Castro assassination plots secret. Angleton denied

knowing about these plots until after Kennedy's assassination when questioned by the Church committee:

Q: In 1963 after the assassination, did you know about the purported attempts by the CIA to assassinate Castro?

A: No.

Q: When did you first learn of these?

A: I think I read it in Jack Anderson.³³

Perhaps fearing perjury, Angleton immediately amended his comments to bring them more in line with reality:

A: I mean I heard rumors and I knew that Harvey wasn't seeing this fellow [Roselli] for nothing. But I didn't nose into the business. I never do that.³⁴

Certainly Angleton knew that Roselli was the CIA's hit man, and that Harvey would not be seeing him unless it was about an assassination. But Angleton still tried to protect himself, claiming to the HSCA,

I seem to be avoiding your question. ... I don't know the time. ... I am certain it was well after the Warren Commission had completed its work but I have no feeling for dates.³⁵

But one very public incident makes Angleton's feigned ignorance impossible. If he hadn't known sooner, Angleton certainly found out about Harvey and Roselli when the two were spotted together by the FBI. Allow me to add an important backdrop to this event. Harvey had been fired from the CIA by Bobby Kennedy. Bobby had found out that Harvey was sending commando teams into Cuba during the Cuban Missile Crisis! As David Martin recorded in *Wilderness of Mirrors*:

The Attorney General learned of the order by accident when "one of the fellows who was going to go ... got in touch with me

and said ... we don't mind going, but we want to make sure we're going because you think it's worthwhile." Kennedy ordered the missions scrubbed, but Harvey said that three of the teams were beyond recall. "I was furious," Kennedy later related ... On whose authority had Harvey dispatched no less than sixty of these brave men into Cuba at a time when the slightest provocation might unleash a nuclear holocaust? Kennedy demanded to know. "[Harvey] said we planned it because the military wanted it done, and I asked the military and they never heard of it." Kennedy demanded a better explanation and said, "I've got two minutes to hear your answer." Two minutes later Harvey was still talking. Kennedy got up and walked out of the room.

The CIA chose not to fire Harvey. Instead, they transferred him to the Rome office. Before he left for Rome, Harvey met one last time with Johnny Roselli, the Mafia man directing many of the anti-Castro plots. But the FBI caught notice of them. Not knowing who Harvey was, but knowing very well who Roselli was, the FBI called Sam Papich, the FBI man responsible for liaison operations with the CIA. Papich was at the time having dinner with his prime CIA contact, Jim Angleton. When Angleton heard the FBI's description of the man consorting with Roselli, he instantly recognized the description as that of Bill Harvey. This highly memorable episode happened in June of 1963. For Angleton to claim he remembered this as taking place after the assassination is simply not credible.

Angleton Pushes a Soviet Plot

Immediately following the assassination, Angleton began espousing the notion that the Soviets were somehow involved. He leaned on his friend Allen Dulles, begging him to get the Warren Commission to leave the door open to the notion that one could not rule out a Soviet conspiracy. Angleton's agenda clashed early on with John Whitten's agenda. Whitten had been asked by Helms to conduct an investigation and to write up a

report, based on existing CIA records, of Oswald's movements prior to the assassination. Whitten and Helms had known each other a very long time, and Helms had asked Whitten to conduct investigations before. But Whitten found that in *this* investigation, he had immediate opposition to deal with:

Angleton immediately went into action to do all of the investigating. And Helms called a meeting [in] which Angleton and a lot of others were present and told everybody that I was in charge and that everybody should report everything to me. And that no one should have any conversations with anyone about the Kennedy case without my being present, which was violated from the word go by Angleton, who dealt with the Bureau and the Warren Commission and John Foster [*sic*—he clearly means Allen] Dulles himself.³⁶

... Helms refused to make him stop doing this. Angleton would not invite me to these meetings. I called this to Mr. Helms' attention.

So I worked as fast as I could with the material that I had and prepared a summary report of the events in Mexico and other things we knew about Oswald, which was, in light of later events, very sketchy.³⁷

In his report, Whitten, likely unaware of Angleton's agenda, wrote an argument against the notion that Oswald was a Soviet agent:

All of the five consular officers in the Soviet Embassy are known or suspected intelligence officers. Certainly if Oswald had been a Soviet agent in training for an assassination assignment or even for sabotage work, the Soviets would have stopped him from making open visits and phone calls to the Soviet Embassy in Mexico after he tried it a couple of times. Our experience in Mexico, studying the Soviet intelligence service at close range, indicates that they do make some mistakes and are sometimes insecure in their methods, but that they do not persist in such glaring errors.³⁸

No wonder Angleton sought to take over the investigation from Whitten! Whitten was blowing the very cover story on Oswald that could effectively guarantee a quiet cover-up.

The Whitten document appears to have been finished and submitted to Angleton on December 13, 1963. But Whitten had evidently given a draft to someone at some earlier point, because a second copy, very similar yet different in significant ways, was submitted by some unnamed writer to Ray Rocca on December 10. Most interestingly, one of the largest points of departure is this exact section. Whereas Whitten says it is quite unlikely that Oswald was a Soviet agent for the above reasons, compare what the Rocca version said:

All of the five consular officers in the Soviet Embassy are known or suspected intelligence officers. Although it is not unusual for a KGB agent on a sensitive mission to have such overt contact with a Soviet Embassy, top secret Soviet intelligence documents, which set forth Military Intelligence doctrine state that very important agents can be met in official installations using as cover for their presence there some sort of open business. Thus, while it is unlikely that Oswald's contacts with the Soviet Embassy had a more sinister purpose, it cannot be excluded.³⁹

Before and after this point, both documents contain much of the same text. But the divergence here cannot be exaggerated. In addition, the Rocca document includes this small paragraph at the end that is not anywhere in Whitten's version:

At 1445 hours on 22 November, the Yugoslav Ambassador to Mexico, Gustav VLAHOV telephoned and insisted on speaking to Soviet Ambassador to Mexico BAZAROV. In a conversation concerning news of President Kennedy's assassination, VLAHOV said, "I knew he was wounded even before the Americans." Both then laughed.

Again, the significance of this cannot be understated. Someone prepares for Rocca a version that is subtly yet forcefully planting the suggestion of Soviet involvement. The Whitten

version, on the other hand, makes it clear that Oswald's behavior makes him a most unlikely candidate for a participant in a Soviet conspiracy. Whitten's version also contains the fact that Angleton, upon receiving a post-assassination call from the FBI asking for traces on Oswald, immediately turned to Birch O'Neal, which begs the question, how did Angleton know O'Neal would have the file unless Angleton had personal involvement in that case? Whitten also names Mrs. [Ann] Betty Egarter and Mrs. [Charlotte] Bustos (Elsie Scaleti) as people who flew into action when the name "Oswald" surfaced. The Rocca version omits this section.

If Angleton and Rocca were concocting a cover story for the assassination, Whitten appears to have been clueless about it. And if Whitten was blowing their carefully constructed legend, what might have transpired next? Would it resemble what Whitten described to the HSCA?

Then, after a number of weeks—I think it was around Christmas, but it may have been in mid-January, Nicholas Katzenbach notified us that the Bureau's report had been given to him and asked the Agency to send people over to read it. So Birch O'Neal and I went over and read it and it contained vast amounts of information, which we had not known.

... I personally felt a little put out when I discovered that they [the FBI] had all of this information and had not passed it to me. Knowing the Bureau, I did not get upset about this. I was glad to have all of this information and just at the time that my report was submitted, I had circulated it to the important people, including Angleton, and a meeting was called and everybody was to discuss this case, discuss my report.

I think the day of the meeting, or the day before the meeting, I had read the Bureau's report in Katzenbach's office and made a few notes and came back and said my report is irrelevant in view of all the added information, this thing now takes on an entirely different dimension. Whereupon Helms—Angleton started to criticize my report terribly—without pointing out any inaccuracies, it was so full of wrong things, we could not

possibly send it to the Bureau, and I just sat there and I did not say a word. This was a typical Angleton performance. I had invited him to comment on the report and he had withheld all of his comments until he got to the meeting whereupon Helms turned the operation, the investigation, over to Angleton's staff.⁴⁰

For telling it like it was, Whitten was made to look the fool in front of his peers, and Angleton was given (by Helms) control over all agency communications relating to the assassination.

Once Angleton had full control of the internal CIA investigation, he quickly reached to gain access to the Warren Commission too, and was given sole liaison privileges there. He assigned Ray Rocca to interface directly with Commission members. Rocca got high marks from David Slawson, a commission member who told the HSCA in later years that he had at one time considered working for the CIA. Rocca also worked so closely and productively with David Belin that Rocca was brought back to the CIA on contract after his forced retirement to work with Belin on the Rockefeller Commission, formed to investigate the very operations that caused Rocca to be "retired" in the first place.

If Whitten's report had seemed even the least bit threatening, imagine how Angleton and his shop would have reacted, then, to a high-level Soviet defector who, after reviewing Oswald's KGB file, held out with unwavering confidence that the Soviets had nothing to do with Oswald? One man was going to find out, in the most horrific of ways, just how desperately the CIA wanted to link Oswald to the Soviets.

Anatoliy Golitsyn defected to the United States in December of 1961. Golitsyn was a highly intelligent (but to some insufferably arrogant) member of the KGB. He came bearing gifts, as all defectors do, of inside knowledge from within the KGB. At the time, Golitsyn was considered the highest ranking, most important defector to have ever come to the CIA. At least, that was Angleton's view. Angleton became so enamored of

Golitsyn that he bought into Golitsyn's story that because of his importance, the KGB would send other "defectors" after him to discredit him.

Unfortunately for Yuri Nosenko, the very next defector was himself.

Nosenko was an intelligence officer who outranked Golitsyn in the KGB. Nosenko had first approached the CIA in 1962. He had been handled by Pete Bagley of the Soviet Russia (SR) division. Bagley had been ecstatic when Nosenko first surfaced, and took his excitement to Angleton. But Angleton put the damper on his case right away. Angleton shared with Bagley information from Golitsyn. Given that Angleton was senior to Bagley, and given that Bagley was somewhat of a protégé of Angleton's within the CIA, it is not surprising that Bagley was soon convinced that Nosenko was a false defector out to lead the CIA on a wild but ultimately unproductive ride. Nosenko surfaced briefly in 1962, but stayed in the Soviet Union until shortly after the Kennedy assassination. Then, fearing that he might be falling under suspicion, Nosenko defected, body and soul, to the United States into the waiting arms of the CIA. At first, Nosenko was well treated. But quickly, the ground fell out from beneath him.

One of Nosenko's claims was that he had been able to peruse the entire KGB file on Oswald, and found that the KGB had no particular interest in Oswald, had not had any formal contact with him, and in fact suspected that Oswald was perhaps a CIA agent. He even said Oswald was known to be a poor shot, and that when he went hunting with friends, his friends had to share their take with him since Oswald never shot anything. Can you imagine the impact this must have had on Angleton when this revelation came in? No sooner had Angleton dealt with the Whitten report blowing his carefully constructed legend about Oswald, but a Soviet intelligence officer came to this country saying the same thing. He was even implying that Oswald may not have been enough of a shot to be the assassin at all! By contrast, Golitsyn, upon hearing that Oswald was an ex-Marine, had called Angleton on the day of the assassination

and told him that “the modus operandi with any defector from anybody’s army to the Soviet Union required that he go through processing by the 13th Department of the KGB. ... Which is called their Affairs for Executive Action. And this was the SOP on the dealing with military defectors.” [41](#) This must have been music to Angleton’s ears. Never mind that the evidence never supported this claim, as Angleton himself admitted:

Now, when the Soviet Government turned over to the US all the documents that led to the interest regarding Oswald[’s] stay in the Soviet Union, there was nothing there indicating processing by Department 13. [42](#)

Angleton was attempting to insinuate that the Soviets were simply hiding their association with Oswald. But taken at face value, Angleton had confessed that there was no evidence to support Golitsyn’s claim. The lack of evidence would also appear to support Nosenko on the point of the KGB’s disinterest in Oswald. But given that Angleton was bent on portraying Oswald as someone with KGB connections, there is simply no way Angleton could possibly have supported Nosenko and discredited his favorite, Golitsyn.

Nosenko was transferred to a prison-like facility in a CIA stronghold. He was left without a life of any kind for several years. He was not even allowed the opportunity to brush his teeth for two years, and lost several of them. Interrogations were held. Nosenko was needled and prodded, starved and drugged, and exposed to all kinds of hell as his captors attempted to get him to change his story. That Nosenko never did is an incredible testament to the amazing power of the human spirit.

What was Nosenko’s greatest crime? Angleton and Helms were both to claim many times over the years that they kept Nosenko from testifying to the Warren Commission because they did not believe he was telling the truth about Oswald and the KGB. But imagine if the CIA *had* killed Kennedy, and if the cover-up depended on getting the Warren Commission

members, as well as high-level players in government, to believe Oswald had some KGB connection, how a real defector in the position to completely demolish this cover story would be received.

At one point, Bagley put together a list of suggestions for how to neutralize Nosenko. Suggestions included drugging him to “render him incapable of giving [a] coherent story (special dose of drug, etc.) Possible aim, commitment to loony bin,” “commitment to loony bin without making him nuts,” and even possibly “liquidating” the man.⁴³ Does that sound extreme? Most defectors, if suspected of lying, are simply fed disinformation to take back to their supposed controllers. This is a far more efficient method of disposing of a suspected false defector. But if the man had information so important that it had to be suppressed in the most permanent of ways, then it follows that liquidation would be considered an option.

Can it be proven that Nosenko’s incarceration was most directly related to his information about Oswald, above and beyond the conflicts with Golitsyn? One would expect that the questions the CIA was most concerned about would be reflected in the questions given to him during his lie detector tests in 1964 and again in 1966. Kenneth Klein, Senior Counsel to the HSCA, put some very interesting questions to David Murphy, the former chief of the Soviet Russia Division (SR), that shed light on this matter:

Q: Are you aware of the fact that in the second lie detector test there were numerous questions concerning Oswald?

A: I don’t remember.

Q: Many more than, say, in the first lie detector test?

A: Yes.

Q: And I wondered if you knew of any reason why Oswald should have been given much greater emphasis in the second

test?

A: I don't recall the reasons for it.⁴⁴

So the second test focused "many more" questions on Oswald. What other evidence is there that changing Nosenko's assertions about Oswald were of utmost concern? Leading up to this second test, a CIA doctor he had never seen before suddenly showed up and started sticking a needle into him for ten days in a row, ostensibly to obtain "blood samples." Nosenko believed he was being injected with drugs. After the last visit, Nosenko started to experience a loss of consciousness, sensations of floating, and other strange symptoms. "I didn't know who I was. I can't even describe the feeling...Then suddenly, I couldn't breathe or take air in. I was in a panic. I was having chest spasms and couldn't exhale. I felt like I was almost dead." After this incident, guards, seeing that he was having severe trouble, dragged him into a shower and ran hot and cold water over him until he revived. "Looking back," Nosenko said later, "I'm sure this was LSD."⁴⁵

Shortly after these incidents, Nosenko's second lie detector test was conducted. Angleton biographer Tom Mangold describes the outrageous circumstances surrounding this test:

One morning, the same tall doctor who had examined him in April 1964, simply came into his cell and said he needed another medical check-up. After a routine, cursory examination during which his pulse was taken, the doctor told him to pull his trousers down and bend over. Nosenko balanced himself by placing his hands on a nearby table. The doctor put on a plastic glove and inserted his finger inside Nosenko's rectum—wriggling it around for *some ten minutes* [emphasis in the original]....

Nosenko is certain the doctor acted this way under the guise of an examination in order to arouse him sexually and to stimulate his blood pressure, thereby distorting the polygraph readings.

Finally, when this gross violation ended, the doctor left, and

Nosenko was taken directly into an adjoining room where he was put in a chair and hooked up to polygraph equipment....

From the start of the test, [the polygraph operator] ... used controversial techniques. He started calling Nosenko a “liar” and a “homosexual,” and other names, which Nosenko declines to specify but says were “ugly.” Nosenko believes all of this was done to further raise his blood pressure—and thus to distort and contaminate the test results.⁴⁶

The more Nosenko clung to his story, the harsher his treatment. After five hours locked to the lie detector apparatus, imprisoned in his chair, Nosenko was finally released. The polygraph operator concluded (inevitably) that Nosenko had lied.⁴⁷ Given that an increased number of questions asked related to Nosenko’s assertions about Oswald, this event takes on a sinister significance.

Angleton never accepted responsibility for Nosenko’s horrific treatment and imprisonment. He told the HSCA that “the Counterintelligence Staff had no jurisdiction whatsoever over Nosenko. Nobody in the Counterintelligence Staff ever interviewed him or saw him.”⁴⁸ This is disputed by Angleton’s former protégé Bagley and another unnamed CIA officer who had formally studied the matter, who said that, beyond any doubt, Angleton approved of the incarceration of Nosenko. According to the unnamed officer “it could not have happened unless Jim signed off on it, unless he agreed.”⁴⁹

Nosenko’s imprisonment had a wearing effect on his captors and other professionals within the intelligence agency. Bruce Solie, of the Office of Security, was finally assigned by Helms to do what no one had yet done: conduct a full, non-threatening debriefing of Nosenko. In other words, someone was finally assigned to simply hear the man out. This effort lasted nine months, culminating in a third lie detector test that did not include the intimidation tactics of the first two tests. In this third test, Nosenko was deemed to be telling the truth. This caused an immediate feud between those who believed

Nosenko was genuine, and the Counterintelligence staff under Angleton. Richard Helms found himself caught in the middle. As CIA director, he needed to do what was in the best longterm interests of the Agency. But he also needed to protect Angleton's assertion that Nosenko was lying about Oswald (lest the CIA be accused of participating in the assassination of President Kennedy). Helms described this affair as the most "frustrating in my life."⁵⁰

It is against the backdrop of this feud that Angleton's involvement with New Orleans District Attorney Jim Garrison's investigation into the Kennedy assassination began.

Angleton and Garrison

At a time when the agency was deeply involved in its own near civil war over Nosenko, it is especially interesting that Angleton's CI staff nonetheless had time to very much involve themselves with Garrison's case against Clay Shaw. When Whitten was asked if the CIA closely monitored Garrison's investigation, Whitten replied that "Rocca paid attention to it."⁵¹ Rocca was busy forwarding derogatory information on Garrison to CIA counsel Lawrence Houston. In addition, Rocca was receiving information from David Phillips regarding the CIA's control of the Cuban-exile training camps at Lake Pontchartrain.⁵² And in an act that can only have had sinister intent, Rocca's staff compiled information on the jurors sitting on Clay Shaw's trial!⁵³ The only purpose for tracing background information on a juror would be to use it against them, to either persuade them of a certain verdict during the trial (in other words, jury tampering), or to discredit them afterwards in an effort to undermine the credibility of the verdict if it did not go in the Agency's favor. We must view this as the most serious kind of offense and an abuse of power by the Agency.

Donovan Pratt, who worked in Research & Analysis (CI/RA)

under Rocca, was also very involved in this aspect. After Garrison had mentioned, on a WCBS broadcast in New York, the rash of suspicious deaths surrounding the Kennedy assassination, Pratt went into action within the CIA, countering, "If all of Garrison's statements are true, how come Shaw is alive and unharmed?" The CIA suggested that this point be passed "to a press contact who could use it editorially."⁵⁴ And most significantly, Pratt proposed that if Shaw's attorneys weren't already planning to talk with William Gurvich, who had left Garrison's office after stealing Garrison's master case file against Shaw, "We should try to assure that they do."⁵⁵ That gives rise to the question of how and why the CIA felt they had any power over Clay Shaw's attorneys. Were they working for or under the approval of the Agency?

We know from Victor Marchetti that during the trial of Clay Shaw, Richard Helms would open morning meetings with questions like, "Are we giving them all the help they need?" and "Is everything going all right down there ... yeah ... but talk with me after the meeting."⁵⁶ Edward Wegmann, one of Shaw's key defense attorneys, was getting help from Herbert "Jack" Miller, who was in turn corresponding with Houston's assistant Richard Lansdale, forwarding him "documents I received from Clay Shaw's attorney."⁵⁷ Miller was also an attorney for Gordon Novel, the man who had a personal relationship with James Angleton, one so open that Angleton had shown him the compromising photo of Hoover. And perhaps even more significantly, Miller was the personal attorney of Walter Sheridan.

Walter Sheridan was probably the single most damaging man to Garrison's case. Sheridan, then working for NBC, went to New Orleans and engaged the services of Gordon Novel, who was ostensibly the head of security for Garrison's office, to obtain information regarding Garrison's investigation. Sheridan then produced for NBC a special condemning Garrison and his case that was considered so one-sided that NBC, under the now-defunct (but sorely needed) Fairness Doctrine, was

obligated to provide Garrison a significant chunk of airtime for a rebuttal.

But much more significantly for our story, Sheridan was a former FBI man and former ONI man and former NSA Counterintelligence man. Recall that Angleton's CI/SIG unit was the liaison point with the NSA on many matters, and that Staff D, whose operatives had to be cleared by Angleton's staff, also worked closely with the NSA. According to a book published by Executive Intelligence Review (EIR), Sheridan had once been Chief of Counterintelligence at the NSA.⁵⁸ If that is true, and given that Angleton was deeply involved with the NSA already, it seems quite likely that Angleton and Sheridan would, *at the very least*, have known who each other were. But it's also possible, given their complimentary roles, that they may have been close associates.

Another man who did great damage to Garrison's case was journalist James Phelan. Phelan, who had once written a laudatory article on Garrison, flew to New Orleans to pursue the story. But once there, Phelan did all he could to sabotage Garrison's case, including trying to bribe Garrison's key witness and testifying for the defense on the stand. We now know that Phelan was an FBI informant, as well as a friend of one of the key players in the CIA's Castro assassination plots, Robert Maheu. Phelan wrote a book called *Scandals, Scamps and Scoundrels*, published by Random House, which contained a chapter on Garrison's investigation. Whom did Phelan credit with "shepherding" his book "through a preposterously long writer's block"? Bob Loomis, the Random House executive editor who would later bring us that error-filled book, *Case Closed*, by Gerald Posner. Gloria Loomis was Angleton's secretary for many years. Researcher and author Joan Mellen has stated that Gloria used to be married to Bob Loomis. Perhaps Loomis' lone-nut focus is not simply a product of ignorance.

Angleton and the Media

If Angleton did have dealings with Bob Loomis, that would hardly be extraordinary. Angleton was famous for having strong contacts in the media. His most famous and overt asset became Edward J. Epstein, one of the first people to publish a book (*Inquest*) criticizing the methods of the Warren Commission. At that time, it's difficult to suggest that Epstein was a willing, witting asset of the intelligence community. But with his later books, starting with *Counterplot* and with nearly all that followed, the influence of the CIA and Angleton in particular became more and more evident. After Angleton's death, Epstein openly admitted his long relationship with Angleton. Some in the research community are certain Epstein switched sides only after *Inquest* was published. But other early researchers claim they had their doubts about Epstein even before his first book was published, and suspected him of being an infiltrator in their midst. While his book is extremely readable, well-written and clear about the case, his conclusions don't go very far. He concludes, essentially, that some evidence was not available or not made clear to the Warren Commission, hence the problems we find today. But curiously, he protects the identity of Ray Rocca (he mentions him only as "R.G. Rocca") and his conclusions served to do what Angleton tried to get Allen Dulles to do with the Warren Report: leave the door open to a possible conspiracy. By the time his second book was written, Epstein had clearly been brought into the intelligence fold, possibly by Angleton or Rocca or some other member of the counterintelligence staff. I suggest Rocca because he may well have met him during the writing of his first book, as Rocca was extremely involved in the Warren Commission's investigation. And as we saw earlier, Rocca also had an intense interest in Garrison's case, and had members of his staff monitoring the case and suggesting strategies.

Whatever his relationship with Epstein, Angleton's dealings with other journalists as well did not go unnoticed. According

to Carl Bernstein's landmark exposé of the major media's cooperation with the CIA, Angleton's contacts with journalists were not limited to passing propaganda:

James Angleton ... ran a completely independent group of journalist-operatives who performed sensitive and frequently dangerous assignments; little is known about this group for the simple reason that Angleton kept only the vaguest of files.⁵⁹

When the *New York Times* performed its first significant expose of CIA operations in its 1966 series in an effort led by Tom Wicker, writers who had experience dealing with the CIA had been asked to answer some questions about the Agency. Angleton boasted that his operatives had given him copies of the questionnaire before responding to it. According to Harrison Salisbury,

Angleton said privately that he had his own men on *The Times*, men whom he could meet on street corners, men who weren't on his payroll but to whom he provided expense money. Never, he said, had he gone to *Times'* management about this. He just took the people he wanted and got what he wanted ... Angleton did, of course, count men on *The Times* as his friends, present or past. John Oakes had known him in the X-2 group of OSS ... Ben Welles regarded Angleton as "a good friend." They, too, had worked together in X-2 for OSS and had remained close. Welles was thought by many of his colleagues to be remarkably intimate with the CIA.⁶⁰

Oakes was an especially important contact to Angleton, as he was the chief of the *Times'* editorial page from 1961 to 1976. Arthur Sulzberger designated John Oakes liaison to the CIA back when the CIA was still known as CIG. Jim Hunt, one of Angleton's top deputies, in turn designated Alfred Corning Clark to serve as case officer to *New York Times* writers.⁶¹

Joe Alsop was another journalist who did not hesitate to print stories for the CIA whether they were true or not.⁶² Alsop never denied his ties to the agency either, saying, "I'm proud

they asked me and proud to have done it,” adding that “The notion that a newspaperman doesn’t have a duty to his country is perfect balls.”⁶³ Most interestingly, Alsop was one of the original people to pressure a reluctant Lyndon Johnson to create what became the Warren Commission.⁶⁴

People sometimes create an artificial distinction between powerful men in the Eastern Establishment and those in the CIA. These people mixed often at parties; they dined together, argued together, and on occasion, worked together. As Harrison Salisbury noted,

What really was more important than whether a piece of paper might turn up in the files of *The Times* or the CIA was an understanding of the personal relationships of the men who made the CIA ... and the men who made up *The New York Times* in those days. They were for the most part men of the same social and geographic circle ... they had married into each other’s families; they were Yale and Harvard and Princeton ... they were lawyers and bankers and businessmen and journalists. They were General Adler and Allen Dulles; Ben Welles and Walter Sullivan and James Angleton; they were John Oakes and his brother ... they were Kim Roosevelt, the CIA man who pulled off the Mossadegh coup and Sam Pope Brewer and Kennett Love; they were James Reston and his deputy in the Washington bureau until he left in 1961, Wallace Carroll, and Carroll’s intimate friend, Richard Helms, with whom he had worked in prewar UPI days in Europe; they were all the correspondents who had been wined and dined and flattered by Allen Dulles and Frank Wisner and Des FitzGerald ... and Tracy Barnes—Reston, Daniel, Frankel, Drew Middleton and Myself; they were Cy Sulzberger and Frank Wisner and the Bob Joyces and Allen Dulleses and Helmses and Colbys and station chiefs all over the world. They knew each other, they stayed at each other’s houses, they drank together and dined together and golfed together and traveled together and talked together and they knew each other’s secrets—a lot of them anyway.⁶⁵

The cordial relationships between press bigwigs and this group was not limited to the *New York Times*. Bill Moyers, McGeorge Bundy, Cord Meyer, Richard Salant (president of CBS News), Zbigniew Brzezinski, Paul Henze (CIA chief of station in Ethiopia) and Leonard Marks (director of USIA, the United States Information Agency) served together on a secret CIA task force. They explored a means to beam anti-Communist propaganda into China in 1964.⁶⁶ Journalists such as Jeremiah O'Leary and Hal Hendrix worked hand in hand with CIA propaganda chief David Phillips. CBS's founder and chairman of the board William S. Paley had a close relationship with Allen Dulles. Even Walter Cronkite had performed favors for the Agency. Is it any wonder that the true story of JFK's assassination has never emerged in the press, given the tight relationship between the Agency and even highly visible, well-respected journalists?

The Washington Post saw its fame and fortune rise when it cooperated with people such as Allen Dulles and Frank Wisner.⁶⁷ Ben Bradlee of the *Washington Post* married Tony Pinchot, the sister of CIA heavyweight Cord Meyer's wife Mary Pinchot Meyer. Bradlee himself had also served the CIA during the 1950s.⁶⁸ Angleton's relationship with the Meyers and Bradlees would reveal itself in the strangest of ways.

James Angleton and his wife Cecily were on their way over to see Mary Meyer when word of a murdered woman came over the radio. Cecily had a premonition that the woman killed had been Mary. After confirming that indeed, Meyer had been killed in a strange incident (the murder remains unsolved), the Angletons continued on to her home. James Angleton needed to retrieve something from the murdered woman: her diary.

Meyer had told two friends of her liaison with Kennedy, and of a diary she kept. She told James and Ann Truitt that she wanted to show the diary to her son when he came of age, and that the diary had information regarding her liaison with Kennedy. In the aftermath of Meyer's death, the Angletons,

Tony Pinchot Bradlee, her husband Ben Bradlee, and Cord Meyer searched the house. Tony found the diary locked inside a steel box with hundreds of letters. She gave it all to Angleton, who later told James Truitt he had taken the diary and related papers and burned them.⁶⁹

In a similarly strange scenario, after Win Scott's death in 1971, according to Scott's son Michael, Angleton hopped a plane to Mexico so hurriedly that he was detained for failing to bring a passport or visa. Angleton came to Win Scott's family demanding the manuscript Scott had been working on during the last years of his life. The manuscript was, essentially, the story of Scott's career in intelligence. The manuscript had a full chapter on Oswald's visit to Mexico City that contradicted in parts the CIA's record of Oswald's visit. The family finally found the manuscript after several days, accompanied by a note from Scott to Helms saying, "Dear Dick ... I am coming to Washington bringing the manifest. You may delete or destroy it in its entirety. Win."⁷⁰ Angleton also collected all the CIA materials Scott had kept at his home and in his personal safe. Goodpasture told Gunn that she thought Angleton and Win Scott "were friends from maybe World War II days."⁷¹ According to Cleveland Cram, Scott and Angleton were "very close collaborators."⁷² Was Angleton afraid Scott might have something incriminating relating to the Kennedy assassination that might come out after his death?

Angleton was a man obsessed with the secrets of others. In many ways, this obsession led to his ultimate downfall.

Angleton's Career Ends

Angleton's usefulness to the Agency peaked with the arrival of Golitsyn. For a time, it seemed that new avenues of information had been opened. But as Angleton came to voice his distrust of every defector that followed, the patience of others in the agency wore thin. And there was Golitsyn's insistence of

something Angleton had long suspected—that a high-level person in the agency was working as a mole for the Soviets. Angleton and his SIG unit destroyed the careers of several excellent CIA officers by pursuing a McCarthy-like witch hunt within the agency.

Angleton's treatment of Nosenko, and his disbelief in other defectors, led to a split between the CIA and the FBI. Perhaps by that time, Hoover knew enough about the assassinations of the '60s to be able to stand up to the CIA. Whatever the case, in 1970, the FBI formally severed all ties with the CIA. When the FBI essentially closed the door on the CIA, Angleton lost a huge amount of power within the agency. Their intelligence had allowed him to know things before others in the agency did, in a place where knowledge was currency.

Several DDPs had tried to cut Angleton's power down to size in the past. Richard Bissell had asked John Bross to draw up a reorganization plan, which Angleton vetoed. Bissell then fell from grace in the wake of the failed Bay of Pigs operation. Desmond FitzGerald tried to recommend a similar plan, but died on his tennis court before he could push it through.⁷³ Even Helms, one of Angleton's most loyal and longtime patrons, wanted to know what Angleton had done with all the money and resources he had thrown at him on behalf of Golitsyn. Angleton had Golitsyn put together all the evidence that the Sino-Soviet split was a deception. Helms, for his part, assembled a bunch of Chinese and Soviet experts to hear the evidence. By the end, Golitsyn's thesis was discarded and Angleton's star was on the decline. Helms finally had to tell Angleton that the Nixon White House had pronounced the Sino-Soviet split a reality, and essentially, to "drop Golitsyn."⁷⁴ Then, when Nixon ousted Helms in the wake of Helms' refusal to implicate the CIA in Watergate, Angleton lost his last protector.

When James Schlesinger came into the CIA as DCI, he asked all employees to submit to him any incidents in which they knew the CIA had acted illegally. Upon collecting this list that

later became known as “The Family Jewels,” he noted that many of the illegal activities related to Angleton’s activities. He set out to fire Angleton, but found himself, as so many had before him, entranced by Angleton’s apparent erudition, his knowledge of the business, and his warnings of what would happen without a diligent, watchful counterintelligence operation. After a few hours of this, Schlesinger reversed his decision and kept Angleton on staff. But Angleton’s time had come and gone. Schlesinger’s reign was short-lived, and when William Colby became DCI, Angleton had finally met his match. Colby was, unlike his predecessors, neither a longtime friend of Angleton’s nor a novice to intelligence. He was unimpressed by Angleton’s dire assertions and claims of secret knowledge. He knew from his recent first-hand experience in Vietnam how Counterintelligence clearance procedures could really hamper ongoing operations. And he knew that Angleton’s liaisons with foreign intelligence services had given Angleton unprecedented and unwarranted power both within the CIA and without. Colby removed from Counterintelligence the responsibility of clearing agents from operations. He stripped Angleton of his beloved Israeli desk. And in December of 1974, Colby confirmed to reporter Sy Hersh assertions that the CIA, and primarily Angleton’s units, had conducted illegal domestic operations. Colby summoned Angleton to his office and told him he would have to leave the agency. He also summarily fired Ray Rocca, Scotty Miler, and other Angleton loyalists within Counterintelligence.

It was at this moment that Angleton made one of his most famous statements: “A mansion has many rooms ... I’m not privy to Who Struck John.” The comment itself was recorded for posterity in the *New York Times*. Given the timing, and given Angleton’s erudition in matters of language, it seems unlikely that Angleton could not have noticed the allusion to the Kennedy assassination. Indeed, when asked under oath during a court case what his phrase had meant, Angleton said, “the ‘John’ does not refer to John F. Kennedy.” But, as Mark Lane noted, “He had not been asked if it did.”⁷⁵ Is it possible

that Angleton, having been fired for the first time in his life from a job that to him was his entire world, was in fact sending a warning shot across the bow to Colby of his own knowledge of the CIA's role in the assassination? The implication appears to have been, "Take me down, and I can take a lot more down with me."

Sy Hersh's article, which served Colby's immediate needs, had most likely unforeseen consequences. As had been done in 1963, cries went out not for a Senate investigation, but for an independent Warren Commission-like panel of people to investigate the claims of CIA abuses. But then President Gerald Ford, in typical fashion, fumbled not once, but twice. He fumbled first by appointing men like Nelson Rockefeller, whose lifelong cooperation with the CIA was not a secret in Washington; David Belin from the Warren Commission; and others guaranteed to produce a whitewash to a body that became known as the Rockefeller Commission. Confronted with his overwhelming Republican, pro-Establishment choices, Ford fumbled again, telling a set of newspaper editors that he needed people who could be trusted lest they stumble upon evidence of ... assassinations! Let's play that back one more time. A Warren Commission member says, be careful when you investigate the CIA's *domestic* abuses, because you might stumble upon *assassinations*. What other domestic assassination could Ford possibly have feared exposure of except the Kennedy assassination?

Not surprisingly, Colby moved swiftly to the rescue, hinting to reporter Daniel Schorr that Ford must have meant "foreign" assassinations. Schorr's report of this then led to the formation of both the Church Committee in the Senate (formally known as the Select Committee to Study Governmental Operations with Respect to Intelligence Activities) and the Pike Committee in the House (formally known as the House Select Committee on Intelligence). While some think of Colby as the destroyer of secrets, one could look at this another way and propose that he sacrificed himself (he was fired for revealing too many secrets) and some damaging information to protect the biggest secret of

all, the CIA's participation in the assassination of Kennedy.

The Rockefeller Commission did a small, limited investigation into the assassination of President Kennedy. At that time, a book had been published suggesting that Watergate burglars E. Howard Hunt and Frank Sturgis were depicted as tramps in a photo taken in Dealey Plaza shortly after the assassination. The Rockefeller report devoted a small section to debunking this claim. Curiously, just shortly after having been fired from the CIA, Ray Rocca was brought back on contract to work once again with David Belin on the Kennedy case.

The Rockefeller Commission members didn't feel they had a mandate to investigate assassinations and passed the buck, along with some evidence they had already gathered, to the Church Committee. The Church Committee in turn did a rather more substantial investigation of both foreign CIA assassination plots and the Kennedy assassination. But after a small report in Book V of their Final Report, they too passed the Kennedy assassination burden along, this time to the newly-formed House Select Committee on Assassinations, which had been voted into being in the wake of the first public airing of the Zapruder film on TV.

The House Select Committee lurched awkwardly, unable to get off to a running start. The committee's popular-with-staff but unpopular-with-CIA leader Richard Sprague was ousted after an intense media campaign that followed Sprague's asking the CIA for some sensitive information. The day after Oswald's friend George de Mohrenschildt was found dead Sprague quit in an effort to save what was left of the investigation.

The episode that is perhaps most damning of Angleton's ultimate involvement in the assassination cover-up, if not the assassination itself, occurred during the HSCA's investigation.

The Hunt Memorandum

In *The Spotlight* of August 14, 1978, a now famous article by

former Helms aide Victor Marchetti appeared. The headline was quite blunt: *CIA To Admit Hunt Involvement in Kennedy Slaying*. The article referred to a 1966 memo that had recently surfaced during the HSCA's investigation in which James Angleton notified Richard Helms that no cover story had ever been concocted to explain E. Howard Hunt's presence in Dallas on November 22, 1963, the day of Kennedy's assassination. The article stated that the CIA was planning a "limited hangout" since Hunt was already so exposed from his Watergate involvement as well as his role in the failed Bay of Pigs operation. Marchetti claimed that the Agency would allow Hunt to be exposed on live network TV. Although no live TV event ever transpired, one could argue that Marchetti's article itself *was* the limited hangout. And perhaps it had a dual purpose, because after it appeared, E. Howard Hunt successfully sued *The Spotlight* for libel, thereby putting an end to that episode. Or so it must have appeared at first. Instead, *Spotlight* owner Willis Carto and Mark Lane teamed up to appeal the case. The subsequent court case and the events leading up to it are forever captured in Mark Lane's excellent book *Plausible Denial*.

The case at first appeared to be lost when Marchetti confessed he had never seen the memo described in his article. But Lane found another writer who not only had written a similar story about the same memo, but also had actually viewed it. Joseph Trento, a man who often talked to James Angleton and their mutual friend, William Corson, confirmed under oath that he had indeed seen the memo, and that, in his significant experience with intelligence documents, he felt it was genuine.

Trento refused to tell Lane who had shown him the copy of the memo. At the time of the trial, Angleton was still alive and well. But several years after Angleton's death, Trento told author Dick Russell that his source for this document had been Angleton himself. "In 1978, Angleton called and asked me to come down for lunch at the Army-Navy Club," Russell recorded Trento as saying. "Did you know Howard Hunt was in Dallas on

the day of the assassination?” Angleton then asked Trento. Angleton said that Hunt had “possibly been sent there by a high-level Soviet mole inside the CIA.” According to Trento, Angleton arranged to have the memo delivered both to him and to the HSCA through Howard Baker. Trento told Russell,

I later came to conclude that the mole-sent-Hunt idea was, to use his phrase, disinformation; that Angleton was trying to protect his own connections to Hunt’s being in Dallas. ... My guess is, it was Angleton himself who sent Hunt to Dallas because he didn’t want to use anybody from his own shop. Hunt was still considered a hand-holder for the Cuban exiles, sort of Helms’ unbroken pet.⁷⁶

Curiously, at his trial, Hunt called several CIA people to testify on his behalf. One was his neighbor and longtime buddy Walter Kuzmak. But his last witness was no less than Angleton’s deputy, Scotty Miler!

When Angleton was questioned about this episode by the HSCA, he gave the standard response, which, it should be noted, is not a denial:

Miss Brady: Was there ever really any Agency document about Hunt’s whereabouts on November 22, 1963?

Angleton: I don’t remember any such thing.⁷⁷

But Angleton’s long-winded obfuscation on this point is even more interesting than his non-denial:

I want to explain the Hunt business. One of the things that this Joe Trento, the reporter, gave out that he learned from this Committee ... that they had a memorandum between myself and Dick Helms to the effect that I wrote a memo to Dick saying that Howard Hunt was in Dallas at the time of the assassination and I was suggesting or proposing a cover-up.

Now, when I was called before the Watergate Committee I was challenged about some such and such in the Executive Office Building. I didn’t even know what they were talking

about. I determined that there is where all the Watergate people were hanging about, Hunt.

I kept getting all these threatening telephone calls from Seymour Hersh of the *New York Times* and all of that. I couldn't honestly understand what they were talking about until the whole Hunt thing hit the fan and they arrested Hunt and so on.

Then a journalist came to me and told me that there was an inspector Bast. He called himself Inspector Bast, who is supposed to be a well-to-do man, a lawyer of some sort, a private investigator in McLean. And he had invited Colson to his swimming pool and that he had a hidden microphone in the shrubbery and that Colson told him that Angleton had recruited Hunt and was running Hunt in the White House as his agent and that Hunt reported to Angleton daily.

The curious thing here, and I never explained it to the press or to anybody, is the fact that my Deputy's name is Jim Hunt and I just let them go along, since they started the myth, let them live with it. But Jim Hunt being retired and playing golf, I saw no reason to give an explanation and ruin the 19th hole so to speak.⁷⁸

From the top: Angleton starts by changing the subject. Instead of responding to the question of the 1966 memo describing Hunt's lack of an alibi, Angleton moves to an allegation that is equally interesting, that he had been accused of running E. Howard Hunt in the White House in the days leading up to the Watergate breakin! He tries to deflect that sinister implication by saying that he had a deputy named Hunt, but didn't want to ruin his retirement by exposing him. But Jim Hunt was alive (and presumably still playing golf) when Angleton, without any compunction whatsoever, exposed him to the Church committee.⁷⁹

In other words, Angleton has not denied writing the Hunt memo, and has not denied running E. Howard Hunt in the White House. And the one assertion he does make, that he wanted to protect his deputy Jim Hunt in retirement, rings

hollow because a short time after this he exposed him anyway.

Returning to the Hunt memo, I have a slightly different take on Angleton's motive than Trento. At the time of the release of this memo, the noose was closing in on Angleton and his counterintelligence group in relation to Oswald. The more people dug into Oswald's past, the more often Angleton and his associates kept appearing. I believe Angleton was feeling the pinch, and, possibly fearing that the assassination was about to be pinned on himself, moved to show that the assassination's chain of conspirators went even higher, to Helms himself.

To the HSCA, Angleton expressed sympathy towards Hunt and the accusation of his involvement.⁸⁰ But none of what Angleton said amounted to a denial, and so Trento's version stands, uncontradicted by the principal player. Angleton had apparently been concerned that the CIA was vulnerable because E. Howard Hunt had been in Dallas the day of the assassination without an alibi. That's an amazing near-admission of the CIA's complicity in the act.

But the most significant comment of all came from someone many in the research community, until his death in 2002, secretly called "the highest living conspirator" in the assassination of President Kennedy, Richard Helms. Helms was deposed in the case of *The Spotlight v. Howard Hunt*. Let me allow Mark Lane to record Helms' response within his own prose:

The memorandum about which a portion of the case revolved was allegedly signed by Angleton and Helms. Snyder asked Helms if it was "reasonably possible that Mr. Angleton could have either engineered the Kennedy assassination or set the wheels in motion to cover it up or withhold information as a vest-pocket operation, that is without the knowledge of you as director or his immediate superior?" Snyder had asked three basic and important questions. Helms decided to answer two. He was silent as to whether Angleton could have covered up the facts. Helms began:

"Well, sir, I regard it as such a speculative question that I

don't know how to answer it," then he added, "I don't believe it is likely that Mr. Angleton (a) would have wanted to assassinate President Kennedy, or (b) that he would have taken off from the agency and done this without anybody's being aware of it." ... Ringing denials were absent that day.⁸¹

I'm sure no one ever "wants" to kill anyone. But throughout all of recorded history, people have been willing to commit murder as a means to an end. In other words, the first part of Helms' response means little. Helms' second comment, however, is most interesting. One can't help but wonder if Helms might have answered that differently had Angleton been dead, and not alive, at the time of the question. In this setting, Helms is unwilling to hang the burden of guilt solely on Angleton. Given the broad range of likely conspirators, his comment seems most appropriate, and not a denial of Angleton's own involvement, or for that matter, of his own.

¹ Ann Goodpasture ARRB Deposition, December 15, 1995, p. 90.

² Tom Mangold, *Cold Warrior* (New York: Simon & Schuster, 1991), p. 41.

³ Gerard Colby and Charlotte Dennett, *Thy Will Be Done* (New York: HarperCollins, 1995), pp. 325, 348, 354, 738-740.

⁴ Compare the Mexico City Report by Eddie Lopez and Dan Hardway (also called the Lopez Report), p. 109, with the quote from the deposition of "Scelso," now known to be John Whitten (hereafter known as the Whitten deposition), p. 31. In both she is described as "sort of the Majordomo of the Branch."

⁵ Scaleti's involvement is related in the Mexico City Report, and Roll's involvement is revealed in John Newman, *Oswald and the CIA* (New York: Carroll & Graf, 1995). Egerter's involvement is noted in both.

⁶ Goodpasture ARRB Deposition, pp. 9, 10.

⁷ Goodpasture ARRB deposition, p. 12.

⁸ Goodpasture ARRB deposition, p. 37.

⁹ Mark Riebling, *Wedge* (New York: Alfred A. Knopf, 1994), p.

145-146.

- [10](#) James Angleton HSCA deposition, October 5, 1978, p. 157.
- [11](#) Goodpasture ARRB deposition, pp. 13, 15.
- [12](#) Angleton HSCA deposition, p. 157.
- [13](#) Goodpasture ARRB deposition, p. 22.
- [14](#) Goodpasture ARRB deposition, p. 57.
- [15](#) "Deep snow" was the term given to this photo by David Phillip's friend, the FBI Legal Attaché in Mexico City, Clark Anderson. See the FBI memo from SA W.R. Heitman to SAIC, Dallas, dated 11/22/63 (released in 1994).
- [16](#) Goodpasture ARRB Deposition, pp. 19-20.
- [17](#) Goodpasture ARRB Deposition, p. 28.
- [18](#) Goodpasture ARRB deposition, p. 59.
- [19](#) See Gaeton Fonzi, *The Last Investigation* (New York: Thunder's Mouth Press, 1993) (much of the book is devoted to this topic), and Anthony Summers, *Not In Your Lifetime* (New York: Marlowe & Company, 1998), pp. 370-371.
- [20](#) Gordon Novel's *Playboy* deposition.
- [21](#) Fonzi, pp. 292-293.
- [22](#) Fonzi, p. 293.
- [23](#) Goodpasture ARRB deposition, p. 54.
- [24](#) Goodpasture ARRB deposition, pp. 39-40.
- [25](#) Whitten deposition, p. 75.
- [26](#) Whitten deposition, p. 76.
- [27](#) Raymond G. Rocca HSCA deposition, July 17, 1978, p. 83.
- [28](#) Rocca HSCA deposition, pp. 83-84.
- [29](#) Rocca HSCA deposition, pp. 84-85.
- [30](#) Goodpasture ARRB deposition, pp. 127-129, pp. 140-142.
- [31](#) Quoted in John Newman's *Probe* article titled "Oswald, the CIA and Mexico City: Fingerprints of Conspiracy" (September-October, 1999), p. 4.
- [32](#) Angleton Church Committee deposition of 6/19/75, pp. 78-79.
- [33](#) Angleton Church Committee deposition of 2/6/75, p. 31.
- [34](#) *Ibid.*
- [35](#) Angleton HSCA deposition, p. 89.
- [36](#) Whitten deposition, p. 73.

[37](#) Whitten deposition, p. 113.

[38](#) RIF #104-10004-10199, "Report on Oswald's Stay in Mexico," by John Whitten, 12/13/63, p. 19.

[39](#) RIF #104-10018-10040, "Summary of Oswald Case Prepared for Briefing Purposes," by RID/AN to CI/RA, 12/10/63, p. 16. Note that page numbering stopped after page 12, but as reproduced, this would be page 16.

[40](#) Whitten deposition, pp. 113-115.

[41](#) Angleton HSCA deposition, 6/19/75, p. 66.

[42](#) *Ibid.*

[43](#) David Martin, *Wilderness of Mirrors* (New York: Harper & Row, Publishers, 1980), p. 173.

[44](#) David Murphy HSCA deposition, August 9, 1978, p. 34. The numbering changes typeface halfway through, giving rise to the suspicion that the number was not the original page number, and that perhaps some editing of that transcript has taken place. This deposition was formerly marked TOP SECRET.

[45](#) Mangold, p. 188.

[46](#) Mangold, p. 189.

[47](#) *Ibid.*

[48](#) Angleton HSCA deposition, 10/5/78, p. 38.

[49](#) David Wise, *Molehunt* (New York: Avon Books, 1992), p. 157.

[50](#) Martin, p. 177.

[51](#) Whitten HSCA deposition, p. 164.

[52](#) William Davy, *Let Justice Be Done : New Light on the Jim Garrison Investigation* (Reston, VA: Jordan Publishing, 1999), pp. 30-31 and p. 285n41.

[53](#) Davy, p. 173.

[54](#) Davy, p. 139.

[55](#) Davy, p. 137.

[56](#) Davy, p. 130.

[57](#) Jim DiEugenio, "Bill and Ed's Washington Adventure," *Probe* July-August, 1997, p. 21.

[58](#) *Dope, Inc.* by the authors of *Executive Intelligence Review*, p. 448.

- [59](#) Carl Bernstein, "The CIA & the Media," *Rolling Stone* 10/20/77 reprint, p. 3.
- [60](#) Harrison Salisbury, *Without Fear or Favor* (New York: Times Books, 1980), p. 534.
- [61](#) Salisbury, pp. 596-597.
- [62](#) See Salisbury, pp. 501-502 for such an account.
- [63](#) Carl Bernstein, "The CIA and the Media," *Rolling Stone*, 10/2/77, reprint, p. 2.
- [64](#) For a long excerpt of the transcript of this conversation, see Donald Gibson's "The Creation of the Warren Commission," in this volume.
- [65](#) Salisbury, pp. 584-585.
- [66](#) Deborah Davis, *Katherine the Great : Katherine Graham and Her Washington Post Empire* (New York: Sheridan Square Press, 1991), p. 177.
- [67](#) Davis, p. 172.
- [68](#) See a document reprinted in Davis, *Katherine the Great* discussing Bradley's service to the CIA in Paris regarding the Rosenberg case, p. 286 and following.
- [69](#) Dick Russell, *The Man Who Knew Too Much* (New York: Carroll & Graf, 1992), p. 461.
- [70](#) Russell, pp. 460, 462.
- [71](#) Goodpasture ARRB deposition, p. 35.
- [72](#) Russell, p. 466.
- [73](#) Thomas Powers, *The Man Who Kept the Secrets* (New York: Pocket Books, 1979), p. 83.
- [74](#) Edward J. Epstein, *Deception: The Invisible War Between the KGB and the CIA* (New York: Simon & Schuster, 1989), p. 98.
- [75](#) Mark Lane, *Plausible Denial* (New York: Thunder's Mouth Press, 1991), p. 171.
- [76](#) Dick Russell, p. 476.
- [77](#) Angleton HSCA deposition, p. 121.
- [78](#) Excerpted from Angleton's HSCA deposition, pages 119-121.
- [79](#) Angleton Church Committee deposition 9/17/75, p. 65.
- [80](#) Angleton HSCA deposition 10/5/78, p. 121.

[81](#) Lane, p. 218.

SECTION 3

CONSPIRACY AND COVER-UP PROVEN

Introduction

The following sensational chapter owes itself completely to the work of the Review Board. One of the questions harped on by defenders of the Warren Commission is the question of conspiracy before the fact. In other words: What is the evidence for a plot being formed prior to November 22, 1963?

Arranged in chronological order, these essays show the working out of a plot on two levels before the murder. The first three show sinister forces manipulating Oswald well in advance of the assassination. The fourth reveals knowledge of the first, but more importantly, knowledge of an actual attempt on Kennedy's life.

In the first, we reprint an article originally published in *Probe*, but then redone and expanded for the author's book. Bill Davy's *Let Justice be Done* is based very much on the declassified documents concerning the Jim Garrison investigation. But the essay that appears here, on the Clinton-Jackson incident, goes beyond just the declassified record. The author actually conducted a field investigation on the ground in the very two towns where the episode took place. Those interviews plus the documents produce the best narrative description yet of this utterly fascinating incident that is tremendously suggestive and sinister in its connotations. Next, Gaeton Fonzi reveals the treatment of a key witness, Silvia Odio. Included is the declassified record of official investigator Gaeton Fonzi's first interview with Odio. This document appears here in book form for the first time.

The third and fourth essays are even more sinister. If it was

really Oswald at Silvia Odio's doorstep who was in Mexico City at the time? According to John Newman it was an imposter. And he shows how that multi-leveled, fiendishly clever scenario worked itself out. Newman's work constitutes the furthest inquiry into the depths of the Mexico City labyrinth yet produced. And it is the strongest indication of an upper-level CIA plot in advance of the assassination. The fourth article, by James DiEugenio, details the famous Rose Cheramie episode used by Oliver Stone as the opening for his film JFK. DiEugenio looked through reams of pages of new documents and put together nearly every possible angle in this episode and to explain its meaning to the ultimate degree. For the first time, we have a definite link—prior to the murder—between New Orleans subjects in the Garrison investigation and the actual hit team in Dallas.

The second half of this section offers four fascinating essays that clearly show a cover-up of the previously outlined conspiracy. Attorney Carol Hewitt offers a penetrating analysis of the actions of Ruth and Michael Paine and the FBI in covering up the ownership of the Minox spy camera originally found in Oswald's effects. This perceptive essay poses some of the most disturbing questions about who the Paines were and are and what their real purpose was in befriending the Oswalds. Doctors David Mantik and Cyril Wecht composed what is perhaps the most convincing argument as to what really happened to President Kennedy's brain during and after the autopsy. Clearly, what the HSCA offered the public as a representation of that organ has to be ersatz. If so, why and where is the actual specimen? Finally, Dr. Gary Aguilar offers new evidence on two more fascinating aspects of the medical case, namely CE 399, the so-called Magic Bullet that went through both President Kennedy and Governor Connally, and the X-ray evidence at the autopsy of JFK in Bethesda, Maryland. The new records examined by Aguilar are so strong that the reader wonders if the Warren Commission itself believed in the efficacy of that bullet. Concerning the latter, if Mantik and Wecht are correct about the true destiny of

Kennedy's brain, Aguilar's work on how the HSCA never examined or located the actual X-ray machine supports their theory completely.

License and Registration, Please

By Bill Davy

On a Wednesday afternoon in late August of 1963 the weather had cooled a bit and Jackson, Louisiana town barber Ed McGehee was taking advantage of it.¹ McGehee shut off his air conditioner and opened the front door to his shop. As he was relaxing in his barber chair, he heard the sounds of a car pulling up and a car door shutting. Although he couldn't see the car, as it had parked just outside his line of sight, almost immediately a young man walked through the doorway and requested a haircut—a young man McGehee would later identify as Lee Harvey Oswald. "A barbershop is a good place for a haircut and information," Oswald said as McGehee started to clip his hair. Oswald asked if there were any jobs available in Jackson. "Well, there are very slim pickins," McGehee said, "All we've got is the hospital which is a mental hospital." Oswald queried the barber further, "Do they have all kinds of jobs over there? Such as an electrician job?" After assuring Oswald that there were indeed electrician jobs at the hospital, McGehee referred Oswald to State Representative Reeves Morgan, whom he thought might help in Oswald's quest for employment. He also thought, mistakenly as it turned out, that it would benefit Oswald if he were a registered voter in the parish, and directed him to the Registrar of Voters in the nearby town of Clinton. As Oswald left the shop, McGehee turned his back to wash his hands. As he turned back around, he noticed the car that had arrived just prior to Oswald's appearance had also left.²

Reeves Morgan took notice of the chill in the air that evening

and burned some trash in the fireplace in his front parlor.³ Morgan didn't receive many visitors to his modest home in rural Jackson. The fact that there was no taxi service or bus routes to his home may have had a lot to do with that. So he would remember well the evening when he saw a car's headlights beaming up his driveway, followed shortly by a knock at his door. When Morgan opened the door the visitor introduced himself as Lee Oswald and asked Morgan if he could assist him in obtaining work as an electrician at the State Hospital. Morgan informed Oswald that he could not help him obtain a job ahead of his constituents, but he did advise him that he would have to take a Civil Service exam and that if he were a registered voter it would give him some extra points on his exam. After their conversation, Oswald left and Morgan heard the car drive off. A few days after Oswald's visit, Morgan spoke to a Mr. Gremillion, the business manager at the hospital. Gremillion told Morgan that although the hospital budget wouldn't allow him to fill the job at that time, there was indeed an opening for an electrician. After the assassination, Morgan would recognize the accused assassin as his visitor, and contacted the Baton Rouge office of the FBI. The agent who spoke to Morgan thanked him but said, "We already know he has been up in those parts," and ended the conversation. However, several days later, Morgan received a call from someone identifying himself as FBI. Inexplicably, the caller asked only for a description of the clothes Oswald was wearing.⁴

A Memorable Appearance

The next morning found the sidewalks of Clinton lined with local African-American citizens as a voter registration drive sponsored by the Congress of Racial Equality was in full swing. Tensions had escalated recently in this small town as reflected in several headlines, which appeared in the *Baton Rouge States Times*, starting on August 8, 1963, stating: "CORE Worker

From New York Held in Clinton.” And then next day on August 9, the headline read: “CORE Members Appear Before Judge.” And on August 10: “CORE Worker Seeks To Quash Charges.” August 16, the headline read: “Trial of CORE Man in Clinton Postponed.” And again on August 22: “Tension May Be Receding in Clinton.” With such a heightened sense of awareness amongst the townspeople, it is not surprising that a large number of residents took notice of the black Cadillac and its occupants as it pulled into town and parked across the street from the Registrar’s office on St. Helena Street.⁵ The chairman of the Clinton chapter of CORE, Corrie Collins, was monitoring the drive outside the Registrar’s office, when at approximately 10 a.m. he noticed the arrival of the car. Thinking it might be the FBI, Collins studied the car and its occupants closely. As the car came to a stop, he observed a young white male exit the rear of the car and enter the registration line, while the driver and the other passenger remained in the car. Later, while under oath at the trial of Clay Shaw in 1969 and in his testimony to the House Select Committee on Assassinations (HSCA) in 1978, Collins would identify the driver of the car as Clay Shaw and the passenger as David Ferrie. He identified the person in the registration line as Lee Harvey Oswald.⁶

William Dunn, a local farmer and CORE volunteer, would soon join Collins on the sidewalk. He too would testify before the same two investigative bodies, corroborating in full Collins’ statements.⁷

Henry Earl Palmer⁸ opened his Registrar’s office at 8:30 a.m. that morning just as he did every morning that the office was in operation, which at the time was just two and a half days a week: Thursday, Friday, and Saturday morning. By 10:30 he decided it was time for a coffee break and he walked down the stairs from his second-floor office, past the line of waiting applicants, and out into the street. He couldn’t help noticing Oswald sticking out like a sore thumb, the only white man in a long line of blacks.⁹ The second thing that caught his eye was

CORE worker Collins eyeing the black Cadillac. As Palmer was purchasing his coffee, one of his companions needled him, saying, "The Feds are watching you." "What do you mean?" asked Palmer. "The black Cadillac, those two men over there." Palmer's coffee shop buddies weren't the only ones who would remember the black car that day. Clinton resident Charlotte Greenup later recalled that "The black Cadillac stayed there for hours and hours."¹⁰ James Bell, a teenage CORE volunteer, when asked later why he would remember the car, replied, "When you're working with CORE, you begin to try to read people and automobiles as fast as you can."¹¹ Robert Thomas recalled seeing the car with "white men in it."¹² Eddie Lee Spears remembered seeing a black car in Clinton with three white men sitting in the car.¹³ Henry Burnell Clark, a twenty-nine-year-old grocery clerk, stated in an affidavit filed on September 12, 1967, that he "stepped out on the sidewalk in front of the Stewart and Carroll store, where I worked, shortly before the noon hour. And saw, coming from the direction of the bank, east of the store, and walking in a westerly direction toward me, a tall man in a dark business suit. He approached facing me, to a distance of about ten or twelve feet, and stepped off into the street. He crossed the street and entered a black automobile which had been parked at the curb." From a series of photos, Clark picked out Clay Shaw as the man that he saw. Clark particularly remembered him because, "He reminded me of a movie actor I remembered seeing on the screen, and because he was unusually tall, standing well over six feet."¹⁴ (Shaw, who measured six feet, four inches, did indeed bear a resemblance to actor Jeff Chandler). He also noticed a stranger using the pay phone that day. He remembered this individual because of his "unusual hair," which "stood up all directions on his head." Clark picked out a photo of David Ferrie as resembling this individual.¹⁵

With Palmer's curiosity sufficiently aroused, he approached the town Marshal John Manchester and requested he get a

“1028” or license number check on the car. What happened next must have been deemed so potentially explosive that the HSCA felt compelled to take Manchester’s testimony in Washington, D.C. in Executive Session, the only Clinton witness required to do so. On March 14, 1978, in Room 2237 of the Rayburn House Office Building, the following exchange took place between Manchester and staff counsel Jonathan Blackmer:

Blackmer: When Mr. Palmer drew your attention to the car, what, if anything, did you then do?

Manchester: I walked over, and as I would, or any police officer would do, I just checked the car out and I walked over and asked the driver would he please identify himself. He gave me his driver’s license, and I looked at his driver’s license and I asked him what his business was in town. He told me he was a representative of the International Trade Mart in New Orleans. This meant nothing to me, and I didn’t even know what the International Trade Mart was. I asked him was he there—I believe I asked him was he there with the voter registration drive, and he told me he had nothing to do with anything going on in town; any of the activities. I talked with the gentleman a few minutes and passed the time of day with him. He satisfied my curiosity as to why he was there and he wasn’t any part of this, or he wasn’t there to cause a disturbance, in other words, and so that is as far as it went. He satisfied my reason for checking him out.

Blackmer: The driver of the car identified himself, did he not, sir?

Manchester: Yes sir, he did.

Blackmer: What name did he give you?

Manchester: He gave Clay Shaw, which corresponded with his driver's license.¹⁶

Manchester would also identify the passenger as David Ferrie. Manchester reported back to Palmer what he had found out. Palmer testified before the HSCA that “[Manchester] had told me he had gone over and talked to the people in the car, and they were not federal men; that the man was a representative of the International Trade Mart in New Orleans, and I said, ‘What is he doing here?’ He said, ‘Trying to sell bananas, I guess,’ and laughed. After that I paid no more attention to the car.”¹⁷

But Palmer did pay attention to the young white man who waited patiently in line all day. After taking his afternoon break at about 3:30 (and again noting the black Cadillac parked outside), Palmer once again set about processing applicants, when he eventually came to Oswald. Palmer asked for identification and Oswald produced what Palmer described as “a separation paper from the Marine Corps, and it had the address on it, 10-something Camp Street, New Orleans. So I asked him where he lived. He told me he lived at the East Feliciana State Hospital [*sic*]. And I asked him who he lived with. He told me—I’m not positive about this name—but I think he said, Doctor Pierson.” (There is some ambiguity about the name of Oswald’s mysterious doctor. Dick Billings, who at the time was a reporter for *LIFE* magazine, wrote in a journal he kept of the Garrison investigation that, “It was determined by Garrison investigator, Lynn Loisel, that Oswald stated he was living with a Cuban doctor, Frank Silva.”¹⁸ Cuban born and from a well-to-do family, Silva was actually on the payroll of Tulane University. The HSCA took these allegations seriously and subpoenaed the hospital for a listing of the medical staff employed there in 1963. Ironically, both a Dr. Malcom Pierson and a Dr. Francisco Silva were listed in the records.¹⁹) Palmer then asked Oswald why he wanted to register and Oswald told him that he wanted a job at the hospital and was advised that

he would have a better chance of getting the job if he were a registered voter. Palmer assured him that wasn't the case. "In fact you don't need to be registered at all to get a job at the hospital," Palmer said. "I know people out of Mississippi that are working at Jackson." Oswald thanked him and walked outside and into the back seat of the waiting Cadillac—all duly noted by town Marshall Manchester.

When Palmer closed up at 6:00 that evening, he stopped by the local drugstore. The clerk, Gloria Wilson, standing in the door, noted, "Mr. Palmer, your CORE workers are riding in better cars than you." Palmer asked, "What do you mean?" The clerk answered, "Well that boy that stood in line all day with those Negroes got in the black Cadillac and left with those two men sitting here all day."²⁰ Again, it should be noted here that throughout the day as Palmer took his lunch and coffee breaks he would study the Cadillac. At the Clay Shaw trial and before the HSCA, Palmer would identify Shaw and Ferrie as the occupants of the car.

Many researchers, subsequently writing about this incident, have tried to build a case for Guy Banister as the driver of the black Cadillac and some have also proposed that Oswald's presence in Clinton was an attempted penetration of CORE in support of the FBI's COINTELPRO operation.²¹ One problem with this theory is that the FBI's COINTELPRO against the black liberation movement was not formally initiated until the issuance of J. Edgar Hoover's August 25, 1967 memo, which specifically targeted CORE and other black, nationalist organizations.²² The other problem with this hypothesis (and it's a big one) is that Clinton witness Henry Earl Palmer was personally acquainted with Banister. At the trial, when Palmer was shown a photograph of Guy Banister by assistant D.A. Andrew Sciambra, he was asked:

Sciambra: Do you know who the individual in that picture is?

Palmer: Yes, I do.

Sciambra: Who is it?

Palmer: Mr. Banister.

Sciambra: Where do you know Mr. Banister from?

Palmer: I knew Mr. Banister in the service in World War II.

Sciambra: Is there any possibility that Mr. Banister could have been the person in that automobile?

Palmer: I am sure I would have known Mr. Banister if I had seen him.

Further information on this point was elicited by HSCA counsel Blackmer, during this exchange, from Palmer's deposition:

Blackmer: Have you seen Guy Banister any time after 1943?

Palmer: I saw Guy one time at the Legislature down here, it must have been either—I think it was in 1960 I run into him in the Legislature.

Blackmer: And you recognized him?

Palmer: Oh yes, I knew him.

Blackmer: Did you see anyone who resembled Guy Banister in that black Cadillac parked across the street from your office?

Palmer: I couldn't say that anybody who looked like Guy Banister was in that car.

Blackmer: Had Guy Banister been in that car, did you get a good enough look at the car that you would have recognized him?

Palmer: I would have recognized Guy Banister. I knew Guy well enough that I would have recognized him. [23](#), [24](#)

Even HSCA Chief Counsel G. Robert Blakey, knew he was backed into a corner on this point and didn't even attempt to place Banister in Clinton in the HSCA final report. However, he tried to soft-peddle Shaw's presence with this bit of sophistry from the final report: "The committee found that the Clinton witnesses were credible and significant. It was the judgment of the committee that they were telling the truth, as they knew it ... If the witnesses were not only truthful, but accurate as well in their accounts, they established an association of an undetermined nature between Ferrie, Shaw and Oswald less than three months before the assassination ... [The committee] was therefore, inclined to believe that Oswald was in Clinton in

late August, early September 1963, and that he was in the company of David Ferrie, if not Clay Shaw."²⁵ Blakey later wrote in his 1981 book, *The Plot to Kill the President*, "The evidence we found persuasive was the testimony of six residents of Clinton, Louisiana. It was the committee's considered opinion that the witnesses were honest folks."²⁶

Because of the strength of the Clinton witnesses' testimony, Blakey knew he had no choice but to use them. However, when it came to other leads from this area Blakey exhibited a shameful lack of interest. For example, on April 4, 1977 the HSCA received a lead from a private investigator in Baton Rouge, Ronald Johnston, who claimed he knew of two people who had seen Oswald and Shaw together in the Clinton Courthouse. These individuals also maintained that the pair then went to the East Louisiana State Hospital.²⁷ It would not be until March 10, 1978 that any sort of follow-up investigation was conducted. This consisted of a brief interview with Johnston who told the Committee investigator he would get in touch with his informants.²⁸ Sadly, there are no records indicating any further HSCA contact with Johnston.

Return to Jackson

This episode did not end that day in Clinton, however. A return trip to Jackson and to the hospital was required.²⁹ Oswald, now informed of the insignificance of registered voter status, on the next day (presumably) applied for work at East Louisiana State Hospital. Around noon, Bobbie Dedon, a receptionist at the hospital, directed a man she would identify as Oswald to the personnel office.³⁰ Maxine Kemp would offer further proof that Oswald applied for work. Approximately a year after the assassination, Mrs. Kemp was in the personnel office listening to the radio when she heard a report concerning Oswald. Having heard rumors that Oswald applied

for work at the hospital, she decided to check the files. Upon checking the applicant files she indeed found a file titled, "Oswald, Lee." She noted the application was on the old type forms that were used in 1963, but she did not look at the information, such as references, etc. She put the file back and later when Garrison's investigators questioned her, she attempted to locate the file, but it was no longer among the existing records at the hospital.³¹ Mrs. Kemp did remember that a co-worker, Dale Booty, had also seen this file. When contacted by HSCA investigator Robert Buras, Mr. Booty claimed he could not remember the incident and repeated a mantra common to many witnesses in this case, "I prefer not to get involved."³²

MK/ULTRA in Jackson?

In 1978, John Marks published his groundbreaking work, *The Search for the Manchurian Candidate*. Using CIA documents he obtained under the Freedom of Information Act, Marks described a massive project undertaken by the Agency to control human behavior. Known as MKULTRA (as well as other code names), the project's most insidious effort at mind control was the administering of LSD to (mostly) unsuspecting victims. Marks, also describes how the CIA would fund LSD projects at some of the most influential and prestigious medical and educational institutions. Although Marks does not mention Tulane or East Louisiana State Hospital in his book, it appears that both institutions were conducting research along these lines. In 1975, the General Counsel to the Army, Charles D. Ablard, testified before a Senate Committee and said, "We have learned of a 1955 contract with Tulane University, which involved the administration of LSD, mescaline, and other drugs to mental patients, who then had electrodes implanted in their brains as a part of their medical treatment unrelated to an Army contract."³³ Also, Dr. Robert Heath, the former

Chairman of Tulane University Medical School's Department of Neurology and Psychiatry used LSD and electrode implantation in his research.³⁴ Most of Heath's subjects were from the East Louisiana State Hospital where a 133-bed ward was assigned specifically for his research.³⁵

Direct confirmation of these experiments comes from a former clinical director of East Louisiana Hospital, Dr. Alfred Butterworth, who conducted a number of LSD experiments in the 1960s.³⁶ From 1960 through 1963, Butterworth administered LSD not only to himself but also to criminal patients from Angola Prison. As Marks reveals, Sandoz Chemical would provide the LSD free of charge to MKULTRA researchers. Butterworth admitted that he received his LSD directly from Sandoz for free. In fact while at Fort Detrick, Butterworth worked with the infamous Dr. Sidney Gottlieb, the head of the CIA's Chemical Division. Although Butterworth would not work at Jackson until after Oswald's visit there, he nevertheless remembered that doctors and administrators wanted experience in using these drugs. In fact, instructing other doctors in the use of LSD for the treatment of mental disorders was Butterworth's specialty. Butterworth remembered seeing not only Dr. Silva (Oswald's supposed friend) at Jackson, but Clay Shaw's close associate Dr. Alton Ochsner as well. Butterworth recalled that Tulane University had a psychiatric unit at Jackson and that specifically people from Tulane were using LSD at Jackson. Recall that Dr. Ochsner was on the board of the Tulane Medical School and Dr. Silva was working directly for Tulane. It is also worth noting that a Dr. Rabenet from the hospital would frequently talk about the New Orleans Trade Mart, imparting the impression that he knew people there.³⁷ Of course the Trade Mart was where both Clay Shaw and his boss Lloyd Cobb worked.

The use of psychedelic drugs was apparently so pervasive at Jackson that the doctors nicknamed one of the departments the "Magic Mushroom Unit." Butterworth left Jackson in 1978,

eventually retiring to Mississippi. Whatever else Dr. Butterworth might have known, he took to the grave. He passed away in 1995 of prostate cancer.

Before we leave the East Louisiana State Hospital, a couple of points are worth mentioning here relative to David Ferrie. In 1968, Garrison's office interviewed a witness who had attended a function at Dr. Heath's home. At that party Dr. Silva introduced him to New Orleans anti-Castro activist Sergio Arcacha Smith.³⁸ Arcacha was Ferrie's CIA-connected colleague from New Orleans. Ferrie had worked for an airline company called South Central Airlines. One of the chief stockholders was a Cuban doctor named Abram Diaz.³⁹ In the 1960s, a Dr. Diaz was on staff at East Louisiana Hospital.⁴⁰ It is unclear at this point if it is the same doctor. It appears Ferrie was also closely acquainted with one of the patients at the hospital. Erick Crouchet, a former CAP cadet of Ferrie's, maintained a close relationship with Ferrie throughout the early 1960s.⁴¹ In August of 1963, Crouchet was admitted to Jackson where he remained until November of 1963, just after President Kennedy's assassination.⁴²

The Clinton Witnesses Redux

During the HSCA questioning of the Clinton/Jackson witnesses, another important point was educed. Just outside of Jackson is a large tract of land called Marydale Farm. Palmer, Manchester, Morgan and McGehee were all familiar with the unusual farm that employed a fair amount of Cubans. When asked if they knew who owned the land, they revealed a man named Cobb owned it. During cross-examination of Clay Shaw, assistant D.A. James Alcock asked Shaw about this farm. Shaw confirmed that he knew of the farm and that Shaw's associate, International Trade Mart president Lloyd Cobb, in fact owned it.⁴³ Cobb was a close associate of INCA's Ed Butler.⁴⁴ (INCA

was the leader of the propaganda smear against Oswald, painting him as a Communist.) Cobb himself was an archconservative who believed that a secret, liberal power structure was running the U.S. government. ⁴⁵ According to recently released CIA records, the CIA granted Cobb a covert security clearance on October 3, 1963 for use on a “cleared attorney’s panel.”⁴⁶ Cobb’s brother Alvin was a close friend of Guy Banister’s as well as a member of the Ku Klux Klan.⁴⁷ Lloyd Cobb’s Marydale Farms was a sprawling twelve-thousand-acre tract of land that mainly provided dairy products. But Marydale Farms may have served a dual purpose. McGehee, the Jackson town barber, recalled that he used to cut the hair of an imposing individual that he believed to be Cuban. This person told McGehee that he worked at Marydale Farms.⁴⁸ Reeves Morgan also recalled this same individual whom he had seen walking the streets of Jackson.⁴⁹ From a “mug book” both McGehee and Morgan identified this individual as Lawrence Howard.⁵⁰ Likewise, Henry Earl Palmer identified Howard as someone who was associated with Marydale Farms.⁵¹ Howard was an anti-Castro activist whose adventures had led him from Miami to New Orleans and Dallas. Howard also trained Cuban exiles at No Name Key in Florida and associated with those close to the Banister apparatus.⁵²

Reeves Morgan recalled a frightening and bizarre incident that occurred at the farm. On the day of the assassination, Morgan noticed the caretakers of the farm rounding up all of the cattle as if they were closing down the farm. When Morgan asked the caretakers what they were doing, he was warned to forget everything he had seen at the farm if he valued his health. Morgan reluctantly revealed this information in an interview with me in 1994. Over 30 years after the incident, it was clear that the fear was still with Morgan.⁵³

McGehee also recalled an equally bizarre incident. Shortly after his testimony at the Shaw trial McGehee was at home one

night when he noticed someone furtively trespassing on his property. He called the Marshal who arrested the man and took him to the local police station. McGehee followed them to the station and recalled that the man was unusually dressed in that he was wearing a business suit and carried a briefcase. The arrested suspect then asked that he be allowed a phone call. Surprisingly, he called the International Trade Mart in New Orleans. McGehee could only hear one end of the conversation of course, but he remembered the person on the other end of the phone loudly admonishing the caller.⁵⁴

Francis Fruge was a lieutenant with the Louisiana State Police in 1967. At that time he was detailed to work on the Garrison investigation. As part of his duties he participated in the interviewing of the Clinton/Jackson witnesses. In an interview with the HSCA, Fruge commented that the eight witnesses who eventually testified were “completely credible” echoing the committee’s sentiments. Fruge elaborated further, stating tantalizingly, “...there were others from the area who did not testify, but who were equally credible and equally enlightening as to the visit of Ferrie, Shaw and Oswald to the area in 1963.”⁵⁵

Since the Clinton/Jackson witnesses represent the most credible evidence of a Shaw/Ferrie/Oswald association, it is not surprising that they would come under attack. The first salvo came when disgruntled former Garrison aide Bill Gurvich and “journalist” Hugh Aynesworth drove to Clinton shortly before the Shaw trial. Their blatant attempts at badgering these witnesses were unsuccessful.⁵⁶ The next round was at the Shaw trial. Irving Dymond’s cross-examination of the “Country Folk” was virtually ineffective. Even the normally biased James Kirkwood had to concede that “the Clinton people had a strong effect on the press and spectators, and one presumed, the jury at the opening of the trial.”⁵⁷ And finally, author Gerald Posner attempts to deliver the knockout blow, but like his predecessors, ends up swinging at air. In *Case Closed*, Posner writes, “Since Garrison’s investigators uncovered the Clinton

witnesses, evidently no researcher has gained access to the witnesses' original statements. The author, however, obtained affidavits, handwritten statements, and summary memoranda to Garrison regarding the initial stories the witnesses told the investigators."⁵⁸ Posner's assertion that the Clinton witnesses were the discovery of Garrison and his team is false. District judge and later Congressman, John Rarick, spoke to both McGehee and Morgan shortly after the assassination about Oswald's visit. Rarick's findings were printed in a right-wing newspaper based out of Shreveport called *The Councillor*.⁵⁹ The article appeared before Garrison's investigation started.

At the Shaw trial the weather became a factor in determining the credibility of these witnesses and was subsequently picked up by Posner in his book. McGehee recalled he had opened his door and shut off his air conditioner on the day Oswald visited and Morgan remembered burning trash in his fireplace on the evening in question. Since it is typically hot in Louisiana in the summer months, both Posner and Shaw's attorney, Irvin Dymond, attempted to get mileage out of this. However, it is an argument that is easily rebutted by a cursory reading of the Shaw trial transcript and by talking to the witnesses themselves. (Something Posner conveniently neglected to do.) McGehee first testifies that Oswald showed up at his barbershop "along toward the evening."⁶⁰ Later he testifies that he remembered talking to the local farmers about the weather and how "we had cool nights in the last of August and the early part of September."⁶¹ A bit later McGehee says, "Well, we always discuss the weather in the barbershop—that is about the main topic of conversation—and we have farmers up in Jackson, quite a number of them, and they are always saying wasn't last night cool and all like that."⁶²

Q. I take it that this was a cool night that you saw Lee Oswald?

A. Yes, the night was rather cool.⁶³

McGehee always refers to the evening or the nights as being cool. Dymond trotted out weather statistics to try to discredit the testimony and Posner uses this in his argument. Yet both only used the daytime temperature readings of 90 degrees. Fortunately, assistant D.A. Jim Alcock, while cross-examining Shaw's defense expert, was able to elicit the fact that the evening temperatures dipped into the low 70s.⁶⁴ This whole issue about the weather is nothing but a distraction from the relevance of the testimony. Keep in mind that all McGehee said he did was open his door and shut off his air conditioner on a late afternoon or evening he perceived was cool enough to save a few bucks. As for Morgan, he testified that Oswald visited his house at night and he describes the weather as "it wasn't cold weather and it wasn't hot weather because when Oswald came to my house that evening I was burning trash out of my fireplace and it didn't feel too bad. It wasn't cold, it wasn't hot."⁶⁵ Morgan also had a very good reason for burning his trash—there was no trash pick-up service to his home! It was quite customary for Morgan to burn an accumulation of garbage in his fireplace no matter what time of year. Morgan himself and his son and daughter confirmed this for me.⁶⁶ Morgan's daughter, Mary, also confirmed seeing Oswald that night—she walked right by him on her way out of the house. And as a teenage girl might, she took notice of the young man in her front parlor. She has no doubt to this day that the visitor was Lee Harvey Oswald.⁶⁷ Mary's younger brother, Van, himself a young teenager at the time, also recalled the night of the mysterious visit. As is a young boy's wont, Van was "horsing around" by the cedar trees in the front yard of the Morgan house, when he took notice of the car coming up the drive. He remembered being impressed with the look of the car and waited outside while the visitor talked to his father. He noticed that the driver of the car waited as well. He couldn't make out the features of the driver in the darkness of early evening, but remembered one unforgettable characteristic—a shock of white hair. When the car left, Van asked his father if

the governor had just paid them a visit. When asked why he thought it was the governor, Van replied that he thought only the governor would come to their house in a *black Cadillac*.⁶⁸

¹ Edwin Lee McGehee's recounting of his meeting and conversation with Oswald is taken from his deposition before the House Select Committee on Assassinations, April 19, 1978, HSCA document #008506 and his testimony in the State of Louisiana vs. Clay L. Shaw, February 6, 1969.

² In McGehee's testimony and deposition he mentions seeing a green car containing a woman and a baby bassinet that seemed to arrive at the same time as Oswald. At no time does McGehee ever testify that he saw Oswald either enter or exit this car. McGehee told me that he felt this car was associated with someone who was using the laundromat across the street and was just coincidental to Oswald's arrival. Author's interview with Ed McGehee, August 26, 1994.

³ Reeves Morgan's recollections are taken from his HSCA deposition, April 19, 1978, HSCA document #008501 and State of Louisiana vs. Clay L. Shaw, February 6, 1969.

⁴ To date no record of Morgan's call has been produced by the FBI.

⁵ Indeed, Jim Garrison would later recall that the New Orleans D.A.'s office interviewed some 300 witnesses from East Feliciana Parish; see Garrison, *On The Trail Of The Assassins*, p. 108). Louisiana State Policeman Francis Fruge remembers seeing a pared-down list of 45+ witnesses from assistant D.A., Andrew Sciambra. See Fruge interview with HSCA, document #015044. Many of these interviews are now available at the National Archives.

⁶ Affidavit of Corrie Collins, November 7, 1978, HSCA document #013007. Also State of Louisiana vs. Clay L. Shaw, February 6, 1969.

⁷ Deposition of William Dunn, April 18, 1978, HSCA document #008497. Also State of Louisiana vs. Clay L. Shaw, February 7, 1969. Dunn's identification is a little problematic. Although he

has always maintained Shaw was in the car, he also once placed Banister operative Thomas Beckham in the front seat. Another witness, Andrew H. Dunne (apparently no relation) placed Shaw, Banister and Jack Ruby(!) in the car. However, the number of credible witnesses placing the three principals (Shaw, Ferrie and Oswald) in Clinton and Jackson cannot be ignored.

[8](#) Henry Earl Palmer's recollection of these events and conversations are taken from his HSCA deposition dated April 19, 1978, HSCA document #008499 and from *State of Louisiana vs. Clay L. Shaw*.

[9](#) There was actually another white man attempting to register that day named Estes Morgan. However, Morgan was a local, and was known to most residents.

[10](#) From *Rough Side of the Mountain*, a documentary work-in-progress by Richard Cohn and Carol Kachmer.

[11](#) *Ibid.*

[12](#) NODA memo from Simms and Ruiz to Ivon, January 29, 1968.

[13](#) NODA memo from Simms and Ruiz to Ivon, January 31, 1968.

[14](#) Affidavit of Henry Burnell Clark, September 12, 1967, HSCA document #006795.

[15](#) *Ibid.*

[16](#) Executive Session testimony of John Manchester, March 14, 1978, HSCA document #008503.

[17](#) Palmer deposition, HSCA document #008499. This bit of corroborating testimony could not be elicited during the Clay Shaw trial due to the hearsay rule.

[18](#) Billings journal, pp. 81-82, on file at the AARC.

[19](#) Medical staff records, East Louisiana State Hospital, HSCA document #006098. Silva, a Cuban exile formerly associated with Tulane Medical School, is now a prominent psychiatrist in Baton Rouge. According to Cuban intelligence, Silva was active in the anti-Castro cause and is believed to be related to Frank Bartes. Bartes took over as the Cuban delegate to the CRC from Sergio Arcacha Smith. He was also a close associate of

Carlos Bringuier, the head of the DRE who engaged in the street brawl with Oswald in August of 1963. As for Dr. Pierson, hospital records show Pierson was a former narcotics offender who listed Silva as a reference on his job application. Either choice of doctor by Oswald is compelling, as is his selection of hospitals. As we will see, several former employees have recalled experiments with psychedelic drugs, incidents of torture, and a general loose atmosphere in the hospital at that time. It is interesting to note that Tulane had an outreach program at the hospital.

[20](#) Ms. Wilson died in 1965, before the Garrison investigation started.

[21](#) Researchers Paul Hoch, Peter Dale Scott, Dick Russell, Phil Melanson, Henry Hurt, and Anthony Summers have all expressed this view at some point.

[22](#) Ward Churchill and Jim Vander Wall, *The COINTELPRO Papers*, (Boston: South End Press, 1990), pp. 92–93. It should also be noted that the purpose of Oswald’s visit was to find employment at the hospital in Jackson, *not* to disrupt the CORE drive in Clinton.

[23](#) State of Louisiana vs. Clay L. Shaw, February 6, 1969.

[24](#) Palmer deposition, HSCA document #008499.

[25](#) HSCA Report, pp. 142–145.

[26](#) G. Robert Blakey & Richard Billings, *The Plot to Kill the President* (New York: Times Books, 1981), p. 170.

[27](#) HSCA memo from Kenneth Klein to file, April 4, 1977, HSCA document #008269.

[28](#) HSCA interview with Ronald Johnston, March 10, 1978, HSCA document #006499.

[29](#) By noting the days of the week Palmer kept the registrar’s office open—Thursday, Friday, and a half day Saturday—it is possible to pinpoint the days of the week these incidents took place (assuming the events occurred sequentially). Oswald first arrives in Jackson in the early evening (see McGehee and Morgan). The following day Oswald et al. arrive in Clinton and stay all day. A third day is required for the return trip to Jackson. By working back from this point, it becomes clear that

Oswald's visit to the Jackson hospital was on a Friday (assuming their personnel department was not open on Saturdays). Therefore the Clinton visit took place on Thursday and the arrival at McGehee's and Morgan's on Wednesday.

[30](#) Deposition of Bobbie Dedon, May 19, 1978, HSCA document #008498. Also State of Louisiana vs. Clay L. Shaw, February 7, 1969.

[31](#) HSCA interview with Maxine Kemp dated February 16, 1978, HSCA document #006101. Also State of Louisiana vs. Clay L. Shaw, February 7, 1969.

[32](#) *Ibid.*

[33](#) Alan Schefflin and Edward Opton, Jr., *The Mind Manipulators* (London: Paddington Press Ltd., 1978), p. 192.

[34](#) *Ibid.*, p. 336-337.

[35](#) *Ibid.*

[36](#) Dr. Butterworth's revelations are from James DiEugenio's interview with Butterworth, August 29, 1994.

[37](#) NODA interviews with Pete Reeche, January 10, 1968 and January 22, 1968.

[38](#) *Ibid.*

[39](#) NODA interview with Rudy Spremich, December 13, 1966.

[40](#) Author's interviews with Edwin Lea McGehee and Reeves Morgan, August 26, 1994.

[41](#) Undated interview of Erick Crouchet by Shaw's defense team. From the Wegmann files at the National Archives.

[42](#) *Ibid.*

[43](#) Shaw testimony, State of Louisiana vs. Clay L. Shaw, February 27, 1969.

[44](#) NODA memo, undated, titled "Notes from Alberto Fowler."

[45](#) *Ibid.*

[46](#) CIA document dated June 5, 1968 from 1994 CIA Segregated Collection, Box 24, Folder L.

[47](#) HSCA interview with Joseph Oster, January 27, 1978.

[48](#) HSCA interview with McGehee, April 19, 1978, HSCA document #008506.

[49](#) HSCA interview with Morgan, April 19, 1978, HSCA document #008501.

- [50](#) HSCA interviews with McGehee and Morgan.
- [51](#) HSCA interview with Henry Earl Palmer, April 19, 1978, HSCA document #008499.
- [52](#) NODA interview with Lawrence Howard, February 26, 1968.
- [53](#) Author's interview with Reeves Morgan, August 26, 1994. Morgan also said that not long after his appearance at the Shaw trial, someone blew out the windows of his truck with a shotgun. Morgan was not in the truck at the time.
- [54](#) Author's interview with Edwin Lee McGehee, August 26, 1994.
- [55](#) HSCA interview with Francis Fruge, December 19, 1978, HSCA document #015044.
- [56](#) James Kirkwood, *American Grotesque* (New York: Simon & Schuster, 1970), pp. 220-223.
- [57](#) *Ibid.*, p. 220. According to Shaw juror, Bill Ricks the jury found the Clinton people most convincing. See *Rough Side of the Mountain*. The court reporter, Helen Dietrich, expressed similar views on the Clinton testimony. See *He Must Have Something*, a film by Steve Tyler.
- [58](#) Gerald Posner, *Case Closed* (New York: Anchor Books, 1994), p. 144. The documents Posner cites were in the possession of the late Edward Wegmann, one of Shaw's defense lawyers. Since there were no discovery laws in Louisiana at the time of the Shaw trial, one should ask how Garrison's files ended up in the possession of Shaw's lawyer.
- [59](#) Author's interview with Edwin Lea McGehee, August 26, 1994. Back issues of *The Councillor* are on file at the Northwestern State University Library, Louisiana.
- [60](#) State of Louisiana vs. Clay L. Shaw, February 6, 1969.
- [61](#) *Ibid.*
- [62](#) *Ibid.*
- [63](#) *Ibid.*
- [64](#) Testimony of Rex L. Kommer, State of Louisiana vs. Clay L. Shaw, February 21, 1969.
- [65](#) State of Louisiana vs. Clay L. Shaw, February 6, 1969.
- [66](#) Author's interviews with Reeves and Van Morgan, August 26, 1994 and Mary Morgan Jenkins, September 4, 1994.

[67](#) Author's interview with Mary Morgan Jenkins, September 4, 1994.

[68](#) Author's interview with Reeves and Van Morgan, August 26, 1994.

The Odio Incident & The Truth: A Long Time Coming

By Gaeton Fonzi

Today when I recall my first meeting and interview with Silvia Odio, I think this: Sometimes it takes time for the obvious to sink in. In retrospect, it seems surrealistic now that, then more than a dozen years after the death of John F. Kennedy, I was pursuing evidence that his assassination was a conspiracy. Why did I and, with few exceptions, the rest of the American public, refuse to face what had long been the blatant truth: that the Warren Commission's own evidence proved a conspiracy. I've now come to realize that there were two personal experiences that transformed the configurations of my thinking, marking the trail of my awareness from believing there was a conspiracy to knowing there was a conspiracy.

The first was in 1965 when as a journalist, in Philadelphia, I had two lengthy sessions with Arlen Specter. Primed by pioneer researcher Vince Salandria, I was the first journalist to confront Specter with detailed questions drawn from the Warren Commission's 26 volumes of evidence. Normally smooth and articulate, the fabricator of the single bullet theory shocked me with his sputtering, stumbling failure to explain the two most critical pieces of hard evidence that shout conspiracy: The locations of the holes in the back of Kennedy's jacket and shirt. Specter admitted then that those holes may be —just may be— "somewhat lower" than the so-called exit wound in Kennedy's throat. "That gave us a lot of concern," he admitted. Concern? Without a valid explanation for those holes,

the single bullet theory poofs away. Stunned, I walked out of Specter's office that day aware that my faith in the government would never be the same.

The other experience that formed the foundation of my knowing there was a conspiracy was developing evidence that Silvia Odio's story was true. Even the Warren Commission acknowledged that "the Odio incident," if proven, fatally demolished its lone-nut proclamation. In September 1964, with the report already in printed galley proofs, Odio's story was not yet fully investigated. The FBI had spent most of its efforts attempting to disparage her character. Staff Counsel Wesley Liebeler urged a resolution: "There are problems," he wrote in a memo. "Odio may well be right." The FBI dutifully provided the Commission with "evidence" that impugned Odio's story. However, before the Warren Commission finished its final report, the FBI told the Commission that its "evidence" wasn't valid and that there was no testimony contradicting Odio. Nevertheless, the Warren Commission used the invalid evidence in its final report to dismiss Odio's story.

My investigation with the House Select Committee on Assassinations revealed that there was evidence that proved Odio was telling the truth about three men visiting her almost two months before the assassination, that one of them resembled Oswald, was introduced to her as "Leon Oswald," and later, was said to have spoken about assassinating Kennedy. Aside from the fact that Silvia's younger sister was also present, confirmation also came from those to whom she had spoken of the incident prior to the assassination, among them a psychiatrist with an unassailable reputation.

Validating Silvia Odio's report that Oswald, or someone who closely resembled him (it matters not), appeared at her door in Dallas with two associates, one of whom would link Oswald to the assassination before the assassination, confirms—no, cries out without a shadow of a doubt—that there was a conspiracy to assassinate President John F. Kennedy.

But then, again, we've known that for a long time now, haven't we?

Oswald, the CIA and Mexico City: Fingerprints of Conspiracy

By John Newman, Ph.D.

The Assassination Records Review Board finished its search more than a year ago—a search for records relating to the murder of a president 36 years earlier. Surprisingly, the passage of time has not managed to erode or cover over all of the important evidence. On the contrary, the work of the Review Board has uncovered important new leads in the case. I will leave medical and ballistic forensics to others. I will confine myself to document forensics, an area for which the work of the Board has been nothing less than spectacular. More specifically, I will confine myself to the documentary record concerning Lee Harvey Oswald's 1963 visit to Mexico City.

In 1978, the House Select Committee on Assassinations completed its work, including a report on Oswald's activities in Mexico written by Eddie Lopez and Dan Hardway. Our first glimpses of their report began shortly after the 1993 passage of the JFK Records Act. Not even all the redactions of those early versions could hide the seminal discoveries in that work. While Lopez couched his words in careful language, he suggested that Oswald might have been impersonated while he was in Mexico City just weeks before the assassination. Lopez was more forthright when I interviewed him about this in 1995. Armed with more CIA documents and the first Russian commentary (Oleg Nechiporenko's book, *Passport to Assassination*), I went further in my own *Oswald and the CIA* (Carroll & Graf: 1995) in advancing the argument that Oswald was impersonated in the Mexican capitol. Specifically, someone pretending to be Oswald made a series of telephone calls between September 28 and October 1, allegedly to and from the Cuban and Soviet consulates in Mexico City.

I concluded then that based on the content of the CIA Mexico

City telephone transcripts alone, the speaker purporting to be Oswald was probably an impostor. I will not repeat my lengthy discussion here, other than to summarize it in this way: the speaker's words were incongruous with the experiences we can be reasonably certain Oswald underwent. For reasons still obscure, the CIA has lied consistently for these past several decades about the tapes from which those transcripts were made. The Agency concocted the story that the tapes were routinely destroyed before the assassination. It is perhaps true that some tapes were destroyed before the assassination. But Lopez uncovered FBI documents containing detailed accounts of how two of the tapes were listened to *after* the assassination by FBI agents familiar with Oswald's voice.

More evidence would come in time. Shortly after the passage of the JFK Records Act, the public gained access to a telephone transcript the day after the assassination in which FBI Director Hoover informs President Johnson that it is not Oswald's voice on the tapes. The Review Board diligently followed these leads and settled the matter when they found CIA documents in which *the Agency itself* explicitly states that some of the tapes were reviewed after the assassination. The CIA's continued silence on the matter of the tapes stands like a giant beacon, pointing the way forward to the investigator. The impersonation of Oswald in Mexico by someone who drew attention to an Oswald connection to a KGB assassination officer may prove to be the Rosetta Stone of this case.

Before going further, I once again pay tribute to Peter Dale Scott, who wrote of these matters as early as 1995, advancing his "Phase I/Phase II hypothesis" on largely deaf ears. I will not repeat his lengthy discussion here, other than to summarize it in this way: In Phase I, immediately after the assassination, previously planted evidence of a Cuban/Kremlin plot surfaced in Oswald's files. This in turn precipitated Phase II, in which a lone-nut cover-up was erected to prevent a nuclear war.

In *Oswald and the CIA*, I deliberately steered clear of the conspiracy vs. anti-conspiracy vortex in order to set out some of the facts concerning Oswald's pre-assassination files. Since

then, the cumulative weight of the evidence uncovered by the Review Board has led me to the conclusion that the Oswald impersonation can best be explained in terms of a plot to murder the president. What follows is a first stab at explaining, in a short and simple way, how those plotting the president's murder may have left their fingerprints in the files.

Puzzles and Pieces

Since Oswald would have no reason to arrange for his own impersonation, there are three possibilities concerning the purpose of this impersonation. First, it was only part of a legitimate intelligence operation. Two, it was only part of a conspiratorial plot; or the third alternative, which combines both: it was part of a legitimate intelligence operation manipulated by a plotter or plotters. These are three distinct puzzles. Into which one do the pieces fit most easily?

For the purposes of this discussion I will reject the proposition that it was only part of a crude conspiratorial plot, carried out by schemers unfamiliar with the inner workings of the U.S. intelligence community. By exposing themselves to such intense U.S. intelligence scrutiny, the conspirators would have put themselves at unacceptable risk and raised the chances that Oswald would not be in the Texas School Book Depository when the president's motorcade drove by. Thus we are left with two puzzles: an intelligence operation or a legitimate operation manipulated by plotters. Before deciding, let us examine the characteristics of some of the more unique-looking pieces.

The weirdest, most gangly piece is the September 28 phone transcript. In addition to the Oswald impersonator, there are two more speakers on this one. The phone call is between the Cuban Consulate and the Soviet Embassy at a time when *no one was in the Cuban Consulate* and the Soviets were in the middle of preparing a report to KGB HQ on Oswald's activities. The FBI confirmed that the Oswald character was played by

someone else. Another speaker in this transcript, the secretary in the Cuban Consulate, Silvia Duran, had to have been impersonated if, as she and her colleagues have repeatedly claimed and testified, the Cuban consulate was closed at the time of the telephone call.

This only leaves one other person, the man allegedly in the Soviet Embassy. If he is truly in the Soviet Embassy, then one could advance the argument that this was some sort of CIA penetration operation. If the Soviet man, too, was impersonated, then there was no legitimate intelligence operation even though it was probably designed to look like one. We should bear in mind that the CIA *has never publicly claimed* these phone calls were part of any intelligence operation and the Russians have no recollection of such a call. In fact, at the very time this phone call was supposed to have been made to the Soviet Embassy, the three staff members with whom Oswald had visited for an hour were still in the building, and in the process of assembling all of the details for a cable to KGB Central in Moscow. It is frustrating that, in 1999, when Boris Yeltsin handed over KGB files on Oswald to President Clinton, they did not include the Soviet Embassy cables that were sent at the time of this bogus three-person telephone call. Those contemporaneous cables could provide corroboration for the later Soviet (Nechiporenko-Kostikov) account.

The second puzzle piece is the October 1 telephone transcript, wherein the Oswald impersonator mentions a meeting with Valery Kostikov—a man known to the CIA as the chief of KGB assassination operations for the entire Western hemisphere. In fact, according to CIA cables and Kostikov himself, the real Oswald did meet Kostikov in Mexico. What, then, was the purpose of this impersonation? When we hold this second piece side-by-side with the first piece, we are drawn to this possibility of a plot to murder the president, an integral part of which was planting—in CIA channels—evidence of an international Communist conspiracy.

The third piece is a missing transcript. We know there was a

September 30 tape because of the recollection of the CIA translator who transcribed it. Her name is Mrs. Tarasoff and she remembers not only transcribing it but also the fact that the Oswald voice was the same as the September 28 voice—in other words the same Oswald impostor. This piece is all the more unique because Mrs. Tarasoff remembers the Oswald character asked the Soviets for money to help him defect, once again, to the Soviet Union.

Finally, this piece has another side to it as well: it concerns what a CIA officer at the Mexico City station had to say about it. His name was David Atlee Phillips and, in sworn testimony to the HSCA, he backed up Mrs. Tarasoff's claim about the tape and the request for money to assist in another defection to the Soviet Union. But the Phillips story has another twist. The day before his sworn testimony, Phillips told a different, more provocative version to Ron Kessler of the *Washington Post*. He told Kessler that on this tape Oswald asked for money in exchange for information. Why was this crucial transcript destroyed? What motivated Phillips to tell two different stories about this piece in less than 24 hours?

This third piece not only reinforces the likelihood that the plotters were seeking to ensure CIA sources would reveal a link between Oswald and the Soviets, but also invites us to ask questions about David Phillips. Indeed, one might ask, in view of the foregoing, what was Phillips doing during Oswald's visit and the subsequent exchange of cables with CIA HQ concerning Oswald's activities in Mexico?

The Phillips-Mexico City story is the fourth intriguing piece we have to fit in the puzzle. David Phillips had been working as a government service employee at level GS-14 since 1955. He was assigned to the CIA station in Mexico in September 1961, where he took over the covert action desk, spending much of his time on anti-Castro propaganda operations. In the days just before Oswald arrived in Mexico in September 1963, Phillips was promoted to grade 15 and assigned new duties as Chief of Cuban Operations, Mexico City. Within a few days of Oswald's departure but before the Mexico station had notified HQ of

Oswald's visit, we find Phillips back at HQ. On 7 October he traveled to the JMWAVE station in Miami, a nerve center for the Agency's operations against Cuba. CIA cable traffic indicates he was scheduled to arrive back in Mexico City on October 9.

At 7:43 p.m., on the previous evening, October 8, the CIA station in Mexico City sent a cable announcing Oswald's visit and his contact with Kostikov. In his HSCA testimony, Phillips claimed he signed off on the cable "because it spoke about Cuban matters." The cable—at least the one that exists today—*does not* speak of Cuban matters. Furthermore, how could he sign off on it *if he was still in Miami*? What motivated Phillips to tell stories about these cables which contradict the record?

We have to at least entertain the notion that Phillips told the truth—in which case the documentary record is fraudulent. The Chief Counsel for the House Select Committee on Assassinations, Richard Sprague, claimed that "the committee staff had learned that a CIA message describing Oswald's activities in Mexico to federal agencies such as the FBI had been rewritten to eliminate any mention of his request for Cuban and Soviet visas. The message was sent in October, more than a month before the Nov. 22, 1963 assassination." Sprague's comments were reported in the *Los Angeles Times* on January 1, 1977. Sprague was asked to resign as Chief Counsel on the last day of March, amid fierce media attacks.

The Phillips piece is fascinating for all that it does. First of all, it fits with the missing transcript piece by corroborating it. Secondly, together these two pieces help fill in the part of the puzzle in which we can discern plotters planting evidence linking Oswald to Cuba and the Kremlin. Finally, it fills in an adjacent part of the puzzle, by fitting with the claim of HSCA Chief Counsel Sprague, with respect to the rewriting of the CIA Mexico City cable record. In this section of the puzzle we can now see the outlines of a desperate post-assassination Agency effort to defuse this evidence by altering the record—in this case to hide what they knew about Oswald's Cuban activities.

Let us briefly review additional evidence supporting the

claim by Sprague and Phillips that the original cable traffic from Mexico discussed Oswald's visit to the Cuban Consulate. First, there is a 1975 memorandum by CIA Chief of Counterintelligence George T. Kalaris, which states explicitly that there were Mexico City cables in October, 1963 describing Oswald's "visits to the Soviet and Cuban Embassies." Second, the HSCA learned from a CIA employee in the CIA Mexico City station that they sent cables about Oswald's visit to the Cuban Consulate. Third, the CIA Chief of Station in Mexico, Win Scott, claimed in his manuscript, *Foul Foe*, that "every piece of information on Lee Harvey Oswald was reported immediately... to my headquarters by cable," and these cables covered "all his contacts with both the Cuban Consulate and the Soviets."

The foregoing pieces fit into a disturbing picture—not only in retrospect, but also in the hours after President Kennedy's murder. When the CIA cables surfaced linking Oswald to Cuba and to a KGB assassination officer (Kostikov), the effect was like a dormant virus awakening. The ensuing panic led the Agency to change and purge those cables and to spawn a number of cover stories. The CIA made the false claims that it did not know Oswald had visited the Cuban Consulate until after the assassination, and that the telephone intercepts (tapes) from Mexico had been routinely destroyed before the assassination. We will return to the ballooning virus shortly. First we must address the question: how did it lay dormant for six weeks? Why was action not taken on the Oswald-Kostikov information immediately? Why wasn't the FBI's espionage section informed of these developments? Why was Oswald not placed on the security index? Why was the president's limousine allowed to drive beneath the Texas School Book Depository?

The Dormant Virus

On October 10, 1963, the CIA informed the FBI by teletype that Oswald had been in Mexico City and had been in contact with

the Soviet Embassy there. The person who handled this teletype at FBI HQS was apparently Elbert T. Turner, for, just 18 days after the president's assassination, FBI Director Hoover directed censure and probation be imposed on him. This punishment was meted out for Turner's "failing to take action on CIA teletype (10/10/63). His failing to review file until after the assassination, his failing to instruct field to press more vigorously after subject [Oswald] made contact with Soviet Embassy, Mexico and his failure to have subject [Oswald] placed on Security Index."

On October 16, the Agency's Mexico station wrote a memorandum to local FBI and other governmental agencies which added the startling detail that Oswald had met with Kostikov. Two days later, on October 18, the FBI office in Mexico sent a cable to FBI HQS about the Oswald-Kostikov meeting. The person who handled this cable at FBI HQS was apparently Leonard M. Linton, for 18 days after the assassination Hoover directed that censure be imposed on him "for delay in handling incoming 10/18/63 telegram from Mexico City and for not putting subject on Security Index."

Also on October 18, the Immigration and Naturalization Service (INS) office in Dallas, which had heard about Oswald's Soviet Embassy contact through INS channels, relayed the story to FBI agent Hosty. Again, 18 days after the assassination, Hoover imposed censure and probation against Hosty for, among other things, "holding investigation in abeyance after being in receipt of information that subject [Oswald] had been in contact with Soviet Embassy, Mexico City."

How is it that the FBI was informed of Oswald's actions in Mexico and took no action? How was it that such a deadly virus was able to lay completely dormant until the president's assassination? Here the work of the Review Board has proved spectacular. We now know that the FBI "FLASH" on Oswald, which had been in effect since Oswald's defection in 1959 and which required "any information or inquiry" on Oswald to be passed immediately to "Espionage Section, Division Five," was

suddenly canceled on *October 9, 1963!* After nearly four years, the FLASH, or “STOP” as it was also known in the FBI, was removed on Oswald just hours before the first CIA cable on Oswald in Mexico arrived.

Who turned off the alarm switch on Oswald at the FBI literally an instant before it would have gone off? His name was apparently Marvin Gheesling, for 18 days after the assassination, Hoover imposed censure and probation against Gheesling for “removing stop on Oswald in Ident on 10/9/63” and various other failures. Is Gheesling’s removal of the flag on Oswald enough to explain the Bureau’s failure to act? There was probably something else which had lulled the bureau to sleep—perhaps an intelligence operation against Cuba or the FPCC involving Oswald about which the Bureau had been informed. We will return to this possibility in a moment.

If someone turned off the lights around Oswald in the FBI, what about the CIA? Here we run into the problem of a probably fraudulent record. It is replete with intrigue from the moment the virus—i.e., the cable from Mexico announcing Oswald’s activities there—was received at CIA HQS. First of all, the extant record indicates that CIA HQS informed its station in Mexico that HQS had received no information on Oswald since May 1962—more than 18 months earlier when Oswald was still in the Soviet Union. The truth, of course, is that the CIA was in possession of all the latest FBI reports on Oswald’s Cuban escapades in Dallas and New Orleans, and more than a dozen officers and as many different CIA branches actually signed off after reading these reports. Why did CIA HQS lie to its station in Mexico? The answer can probably be found in asking this question: What was hidden by this lie? And the answer is Oswald’s Cuban activities.

More than this hanky-panky was going on at CIA HQS at the time of Oswald’s trip to Mexico. His files were bifurcated, and the incoming reports were filed in a new location concerning FPCC activities. This bifurcation occurred just before Oswald left for Mexico. In fact, on September 16, the day before Oswald stood in line for a tourist pass to Mexico, the CIA sent a

memorandum to the FBI. The memorandum stated that the Agency was considering action against the FPCC in foreign countries and were thinking of “planting deceptive information which might embarrass” the FPCC. Does this piece fit into our puzzle too?

The Virus Activated

Kennedy’s assassination, of course, triggered the virus. In the first hours after the assassination, government agencies, including the CIA and FBI, scrambled through their files to see what they had on Lee Harvey Oswald. Imagine their concern to learn that they had been keeping extensive files for four years on this Marine Communist defector, who had openly threatened to give U.S. military secrets to the Soviets. Imagine their horror to find the cables they were in receipt of, just six weeks earlier, linking this Commie-defector-saboteur to Cuba and a KGB assassination officer. Imagine their consternation to learn that no one *had done anything*, let alone put him on the security index.

Naturally one of the first things done was to listen to the Mexico City tapes. Imagine the puzzlement and anxiety which ran through the minds of those few who were privy to the startling discovery that it was *not* Oswald’s voice on those tapes. It would have looked then very much like it looks today: someone wanted to make sure that Oswald’s Cuban and KGB contacts in Mexico were fully documented inside US intelligence channels. The day after the president’s murder, as Hoover was reassuring President Johnson that Oswald shot JFK, the first thing Johnson asked about was Mexico City. And, perhaps for the first time in his career as FBI Director, Hoover admitted he was confused. He informed LBJ that the voice was not Oswald’s and added, “In other words, it appears that there is a second person who was at the Soviet Embassy down there.”

The knowledge that someone impersonated Oswald was held

very close. Hoover did inform James Rowley, the head of the U.S. Secret Service, but only a handful of people in the FBI were privy to this arcane and horrific detail. Just who in the CIA knew about it is not clear, but we do know that in the days following the assassination, the CIA undertook an intricate effort to hush it up. Part of the effort to do so was the invention of the story that the Mexico City tapes had been routinely destroyed before the assassination. This lie permitted the concoction of another cover story: that the CIA knew nothing of Oswald's activities in the Cuban Consulate in Mexico until *after* the assassination. Finally, as discussed above, it appears the CIA also went as far as to rewrite the cables betraying their knowledge—and thus their culpability—of the whole episode.

FBI Director Hoover decided to go along with this CIA cover-up. He was not thrilled about doing so. We know the FBI listened to the Mexico tapes and therefore understood the Cuban connection. Yet all details of the Cuban story were excised from the detailed memoranda concerning Hoover's punishments of his subordinates. Furthermore, the FBI never publicly contradicted the false CIA claim that the tapes had been destroyed before the assassination. Finally, Hoover was apparently still fuming over the CIA Mexico City lies just seven weeks later. He happened to be reading a memo from his subordinates, discussing how to keep abreast of CIA operations in the U.S., when he scrawled this on the memo: "O.K., but I hope you are not being taken in. I can't forget the CIA withholding the French espionage activities in the USA nor the false story re Oswald's trip to Mexico, only to mention two instances of their double-dealing."

It would appear that the Warren Commission, too, went along with the CIA's lies and cover-ups concerning Oswald in Mexico City. Researchers have heard rumors for years that Warren Commission lawyers actually listened to one or more of the Mexico City tapes. At the first Experts Conference of the Review Board in May of 1995, Warren Commission counsel David Slawson said he "was not at liberty" to discuss whether he had listened to the tapes. When the Board assured him he

could discuss the matter he simply repeated his refusal to talk. In view of the enormity of this particular cover-up, it is a small wonder that the discoveries of the HSCA investigations were kept under lock and key for so long.

From the foregoing it seems that Peter Scott's phase-one phase-two analysis is reasonable. In the early going after JFK's murder, the Cuban-Kremlin backed plot and concerns—if only fleeting—about an upcoming World War III precipitated a lone-nut official explanation to bury the whole affair. In other words, the world's most powerful law enforcement and intelligence agencies were prevented from doing their jobs, and were instead prodded into a massive cover-up. Given the punishment being doled out by Hoover at the FBI, it is no surprise that there was no chorus demanding a real investigation. Instead, there were only excuses explaining why it was all right to have done nothing.

Rose Cheramie: How She Predicted the JFK Assassination

By James DiEugenio

On November 20, 1963, Lt. Francis Fruge of the Louisiana State Police received a phone call from Moosa Memorial Hospital in Eunice. A Mrs. Louise Guillory, the hospital administrator, told him that there was an accident victim in the emergency ward. Guillory knew that Fruge worked the narcotics detail and she felt that the woman was under the influence of drugs.

Fruge immediately left for the hospital. When he got there he encountered a middle-aged white female sitting down in the waiting room outside emergency. There were no serious injuries, only bruises and abrasions. She was only partly coherent. But Moosa was a private hospital and since the woman seemed bereft of funds, Guillory had called Fruge to

see what he could do to help. The woman identified herself to Fruge as Rose Cheramie.

Fruge had no choice at the time except to place Cheramie in the Eunice City Jail. He then went out to attend the Eunice Police Department's Annual Ball. About an hour later a police officer came over to the function and told Fruge that Cheramie was undergoing withdrawal symptoms. Fruge came back and, after recognizing the condition, called a local doctor, Dr. Derouin, from the coroner's office. Derouin administered a sedative via syringe to calm her down. The doctor then suggested that she be removed from the jail and taken to the state facility in Jackson. After Fruge agreed, Derouin called the facility at about midnight on the 20th and made arrangements for her delivery there. Afterwards, Fruge called Charity Hospital in Lafayette and ordered an ambulance for the transport to the hospital.

Fruge accompanied Cheramie to the hospital. And, according to his House Select Committee deposition, it was at this point that Rose began to relate her fascinating and astonishing tale. Calmed by the sedative and (according to Fruge) quite lucid, she began to respond to some routine questions with some quite unusual answers. She told him that she was en route from Florida to Dallas with two men who looked Cuban or Italian. The men told her that they were going to kill the president in Dallas in just a few days. Cheramie herself was not part of the plot but apparently the men were also part of a large dope ring with Rose, since Cheramie's function was as a courier of funds for heroin, which was to be dropped off to her by a seaman coming into the port of Galveston. She was to pick up the money for the drugs from a man who was holding her child. It seemed a quite intricate dope ring since she was then to transport the heroin to Mexico. The two men were supposed to accompany her to Mexico but the whole transaction got short-circuited on Highway 190 near Eunice. In the confines of a seedy bar called the Silver Slipper Lounge, Cheramie's two friends were met by a third party. And although some have written that she was thrown out of the vehicle and hit by an

oncoming car, according to Fruge, Rose said that an argument took place inside the Silver Slipper, and that the two men and the manager, Mac Manual, threw her out. While hitchhiking on the 190, she was hit by a car driven by one Frank Odom. It was Odom who then delivered her to Moosa. As Fruge so memorably recalled to Jonathan Blackmer of the HSCA, Cheramie summed up her itinerary in Dallas in the following manner: "She said she was going to, number one, pick up some money, pick up her baby, and to kill Kennedy." (p. 9 of Fruge's 4/18/78 deposition)

At the hospital, Cheramie again predicted the assassination. On November 22nd, several nurses were watching television with Cheramie. According to these witnesses, "...during the telecast moments before Kennedy was shot Rose Cheramie stated to them, 'This is when it is going to happen' and at that moment Kennedy was assassinated. The nurses, in turn, told others of Cheramie's prognostication." (Memo of Frank Meloche to Louis Ivon, 5/22/67. Although the Dallas motorcade was not broadcast live on the major networks, the nurses were likely referring to the spot reports that circulated through local channels in the vicinity of the trip. Of course, the assassination itself was reported on by network television almost immediately after it happened.) Further, according to a psychiatrist there, Dr. Victor Weiss, Rose "...told him that she knew both Ruby and Oswald and had seen them sitting together on occasions at Ruby's club." (*Ibid.*, 3/13/67) In fact, Fruge later confirmed the fact that she had worked as a stripper for Ruby. (Louisiana State Police report of 4/4/67.)

Fruge had discounted Cheramie's earlier comments to him as drug-induced delusions. Or, as he said to Blackmer, "When she came out with the Kennedy business, I just said, wait a minute, wait a minute, something's wrong here somewhere." (Fruge, HSCA deposition, p. 9) He further described her in this manner:

Now, bear in mind that she talked: she'd talk for awhile, looks like the shots would have effect on her again and she'd go in, you know, she'd just get numb, and after awhile she'd just start

talking again. (*Ibid.*)

But apparently, at the time of the assassination Cheramie appeared fine. The word spread throughout the hospital that she had predicted Kennedy's murder in advance. Dr. Wayne Owen, who had been interning from LSU at the time, later told the *Madison Capital Times* that he and other interns were told of the plot in advance of the assassination. Amazingly, Cheramie even predicted the role of her former boss Jack Ruby because Owen was quoted as saying that one of the interns was told "...that one of the men involved in the plot was a man named Jack Rubinstein." (2/11/68) Owen said that they shrugged it off at the time. But when they learned that Rubinstein was Ruby they grew quite concerned. "We were all assured that something would be done about it by the FBI or someone. Yet we never heard anything." (*Ibid.*) In fact, Cheramie's association with Ruby was also revealed to Dr. Weiss. For in an interview with him after the assassination, Rose revealed that she had worked as a drug courier for Jack Ruby. (Memo of Frank Meloche to Jim Garrison, 2/23/67) In the same memo, there is further elaboration on this important point:

I believe she also mentioned that she worked in the nightclub for Ruby. And that she was forced to go to Florida with another man whom she did not name, to pick up a shipment of dope to take back to Dallas. She didn't want to do this thing but she had a young child and that they would hurt her child if she didn't.

These comments are, of course, very revealing about Ruby's role in both an intricate drug smuggling scheme and, at the least, his probable acquaintance with men who either had knowledge of, or were actually involved in, the assassination. This is a major point in this story, to which we will return later.

Although Fruge had discounted the Cheramie story on November 20th, the events of the 22nd made him a believer. Right after JFK's murder, Fruge "...called that hospital up in Jackson and told them by no way in the world to turn her loose

until I could get my hands on her.” (Fruge’s HSCA deposition, p. 12) So on November 25th, Fruge journeyed up to Jackson again to talk to Cheramie. This time he conducted a much more in-depth interview. Fruge found out that Cheramie had been traveling with the two men from Miami. He also found that the men seemed to be a part of the conspiracy rather than to be just aware of it. After the assassination, they were supposed to stop by a home in Dallas to pick up both around eight thousand dollars plus Rose’s baby. From there Cheramie was supposed to check into the Rice Hotel in Houston under an assumed name. Houston is in close proximity to Galveston, the town from which the drugs were coming in. From Houston, once the transaction was completed, the trio headed for Mexico.

How reliable a witness was Cheramie? Extremely. Fruge decided to have the drug deal aspect of her story checked out by the state troopers and U.S. Customs. The officers confirmed the name of the seaman on board the correct ship coming into Galveston. The Customs people checked the Rice Hotel and the reservations had been made for her under an assumed name. The contact who had the money and her baby was checked, and his name showed that he was an underworld, suspected narcotics dealer. Fruge checked Cheramie’s baggage and found that one box had baby clothes and shoes inside.

Fruge flew Cheramie from Louisiana to Houston on Tuesday, the 26th. In the back seat of the small Cessna 180, a newspaper was lying between them. One of the headlines read to the effect that “investigators or something had not been able to establish a relationship between Jack Ruby and Lee Harvey Oswald.” (Fruge’s HSCA deposition p. 19) When Cheramie read this headline, she started to giggle. She then added, “Them two queer sonsof-a-bitches. They’ve been shacking up for years.” (*Ibid.*) She added that she knew this to be true from her experience of working for Ruby. Fruge then had his superior call up Captain Will Fritz of the Dallas Police, to relay what an important witness Cheramie could be in his investigation. Fruge related what followed next:

Colonel Morgan called Captain Fritz up from Dallas and told

him what we had, the information that we had, that we had a person that had given us this information. And of course there again it was an old friend, and there was a little conversation. But anyway, when Colonel Morgan hung up, he turned around and told us they don't want her. They're not interested.

Früge then asked Cheramie if she wished to try telling her tale to the FBI. She declined. She did not wish to involve herself further. With this, the Cheramie investigation was now halted. Rose was released and Früge went back to Louisiana. So, just four days after the assassination, with an extremely and provably credible witness alive, with her potentially explosive testimony able to be checked out, the Cheramie testimony was now escorted out to pasture. Eyewitness testimony that Ruby knew Oswald, that Ruby was somehow involved in an international drug circle, that two Latins were aware of and perhaps involved in a plot to kill Kennedy and that Ruby probably knew the men this incredible lead—the type investigators pine for was being shunted aside by Fritz. It would stay offstage until Jim Garrison began to poke into the Kennedy case years later.

In his House Select Committee interview, Früge states that he was contacted by Frank Meloche of Garrison's staff who wanted to verify "the story of whether I'd brought a woman to the hospital in Jackson, a woman that had stated what we've talked about." (p. 24) Meloche evidently had heard of the Cheramie story from a friend of Dr. Victor Weiss, one A.H. Magruder. Magruder had gone on a hunting trip with Weiss in early 1964. Weiss had related the Cheramie story to him on their return while in his home in Francisville which is near the Clinton-Jackson area. (Meloche memo to Garrison of 2/23/67) Evidently, Magruder contacted the D.A.'s office shortly after his secret investigation of the Kennedy assassination was made public in February of 1967. (The Meloche memo of Magruder's information is the earliest memorandum I have been able to locate in the Garrison files concerning the Cheramie case.)

After Garrison read the Meloche memo containing Magruder's information he sent Meloche to meet with Früge in

Baton Rouge. After this, as Fruge noted in his HSCA deposition:

And I'd say maybe a couple or three days later is when Colonel Burbank said, "You're now working for Jim Garrison. You're assigned to him on the Kennedy assassination." (p. 25)

Garrison's first assignment to Fruge was to locate Cheramie. Fruge had not taken a mugshot of her or fingerprinted her. So he went back to Jackson and her medical records located there. He found out she was born in Houston. With the help of the local police he located her sister and found out Rose was now dead. She had been hit by a car in 1965, on a small highway between Tyler and Dayward, Texas. The sister, Mrs. Morris Wall, related the information that Rose had been killed on September 4th of that year while walking on Highway 155 about one and one-half miles east of Big Sandy, Texas at about 2:00 a.m.

Fruge and Frank Meloche then began an inquiry into Cheramie's death. Garrison actually wanted to exhume the body. This was refused by the local authorities who were generally unfriendly to Meloche and Fruge. There were other odd things about her death. First, if Rose were trying to hitchhike, Highway 155 was a poor choice. The highway was a farm-to-market road running parallel to U.S. highways 271 and 80. They would have been much better choices for Rose to hitchhike on. Fruge and Meloche also found out that the driver of the car that supposedly hit Rose was one Jerry Don Moore. Moore had been driving out of Big Sandy towards his home in Tyler. Moore's story is that while driving on 155, he noticed three or four suitcases lying along the yellow line in the middle of the road. He swerved to his right to avoid hitting them. In front of him was the prone body of a woman lying at a 90-degree angle to the highway with her head toward the road. Moore applied the brakes as hard as he could. Some reports on this accident quote Moore as saying that he wasn't sure he hit her (e.g., *Dateline Dallas* July 1994). But in Fruge's written summary of his interview with the investigating officer, one J.A.

Andrews, Fruge writes that although Moore attempted to avoid Cheramie, “he ran over the top of her skull.” After a rather cursory investigation, due to the reluctance of Cheramie’s family to pursue it, Andrews reluctantly closed the probe as an accidental death.

Furthermore, there are oddities in the extant medical records at Gladewater Hospital. Moore states that Rose was still alive at the scene. So he drove her to Big Sandy and asked for the nearest doctor. The doctor gave her a few shots before the ambulance arrived to take her to Gladewater. On Cheramie’s death certificate, in three different places, she is listed as DOA (dead on arrival). Yet also on this document, we are informed that a period of eight hours elapsed between the onset of injury and her death. This eight-hour time period would coincide with the time of death, which is listed as 11:00 a.m. So what happened at the hospital in the intervening hours?

According to researcher J. Gary Shaw in the book *Conspiracy of Silence*, the official autopsy of Cheramie has now disappeared. But in the records he *did* find, he discovered that in addition to her other injuries, she had suffered a “deep punctate stellate wound above her right forehead” (*Dateline Dallas*, Nov. 1993). Shaw researched this type of injury and found out that, according to medical textbooks, it often occurs as the result of a contact gunshot wound. When a gun is fired in contact with flesh, the resultant gasses, trapped between a layer of skin and the underlying bone, can cause a bursting, tearing effect on the surrounding tissue, leaving a star-shaped wound. (Punctate stellate means a star-shaped puncture.) Whatever the true facts of Cheramie’s passage, hers certainly does qualify as one of the mysterious deaths that surround the JFK murder.

As assistant counsel Jonathan Blackmer queried Fruge in his HSCA deposition: “After you learned of Rose Cheramie’s death, did you have occasion then to go back and interview the manager of the Silver Slipper Lounge in Eunice, Louisiana?” (p. 27) The manager was one Mac Manual. Manual told Fruge that he recalled the incident with Cheramie. After Fruge talked to

Manual the first time, he visited him again with a set of photos from Garrison's office. Fruge was so inexperienced with the JFK case that he did not even know most of the suspects depicted in the pictures. (*Ibid.* p. 28) This is the point at which the Cheramie story grows into genuine legal significance. The two photos Manual picked out of the stack were of Sergio Arcacha Smith and Emilio Santana. Manual's identification of the two Cuban exiles is reliable because, as Fruge told Blackmer, the two had been there *before*. In other words, Manual was not relying on a one-time sighting. How many times Manual had seen the pair is not certain, and Manual died before the HSCA geared up. But it was probably several times since Fruge strongly implies that Manual's bar was a stopover point for not just a drug ring but a prostitution ring from Miami. The two Cubans were a part of both apparently.

It should be noted at this point that there exists some confusion about Manual's identification of Santana. Writers like John Davis have said that the man's last name was 'Osanto'. This is based on Patricia Orr's summary of the Cheramie episode in Volume 10 of the HSCA volumes. Apparently Orr was working only from Fruge's April 18, 1978 deposition transcript. There, Fruge states that the second man was, to the best of his memory, Osanto. But this confusion is now cleared up with the declassification by the ARRB of the rest of the HSCA records. For in the summary of Fruge's deposition, and in the accompanying index, Blackmer notes that Fruge identified the *actual photos* that Manual picked out. The photos were of Smith and Santana.

With the identification of these two men, the Cheramie story now leads somewhere quite significant because Smith and Santana, even outside the Cheramie story, are quite compelling characters. As Fruge told Blackmer, he recalled Smith's name in 1978 because it kept coming up in the investigation. (*Ibid.* p. 30) Arcacha Smith has popped up in several different assassination books. Yet, in almost every instance, the discussion of Smith is relatively brief and sketchy.

Smith was born in Havana in 1923. He entered the United

States in 1945 on a student visa to attend college at Columbia in New York. He also studied international law at Havana University for three years. This was all in preparation for a career in Cuba's diplomatic corps under dictator Fulgencio Batista. Smith served as Cuban consul in Madrid, Rome, Mexico City, and Bombay, India. He later served as manager of the Lago Hotel in Caracas, Venezuela in 1954. After this, for the next five years, Smith switched over to the business sector. He concentrated on public relations and advertising for companies like Ford Motor and Gillette. During those years he visited America on a number of occasions which included a visit to the International House in New York. Smith grew wealthy enough from representing these companies to open up his own factory in Caracas in 1959. (The above synopsis was culled from Smith's own résumé and a 2/13/67 memorandum to Jim Garrison from Sgt. F. Sedgeber.)

When Castro succeeded in ousting Batista, many of the old regime's former employees fled the country before the takeover was complete. Some of them had the help of the American government. In a recently declassified HSCA memo, Guy Banister's investigator Jack Martin described what he said was a moving scene at Belle Chase Airfield in 1959 where two Navy jets flew in from Cuba, carrying Smith, his family and furnishings. So it appears from the moment Smith arrived in the States he was closely involved with the American government. In 1960, when the CIA began organizing a government in exile to oppose Castro, two friends of Smith's played prominent roles in it: Jose Miro Cardona and Manuel "Tony" Varona. This skeletal coalition, created by the CIA, was popularly referred to as the FRD. Smith became the chief New Orleans delegate to this organization prior to the Bay of Pigs invasion.

It was in New Orleans that Smith encountered many of the suspicious characters that would get him into trouble with Garrison. Almost immediately, Smith came into contact with the ad hoc intelligence community set up there by the CIA. As part of his Agency-connected functions, he encountered

electronics wizard Gordon Novel. Novel describes this meeting in his deposition for his libel lawsuit against *Playboy* magazine for printing Garrison's comments about him in that famous interview. The meeting was instigated by Ed Butler, the radio host of Dr. Alton Ochsner's INCA network. Smith was trying to arrange a citywide radio telethon to raise funds for the Cuban exile community. Novel's electronics skills would have come in handy in this endeavor. But further, in that same deposition, Novel describes a meeting about the telethon. What is interesting about the meeting is where it took place: in Guy Banister's office. This was a short walk for Smith. Why? Because when Banister was in the Balter Building, prior to moving to 544 Camp Street (the Newman Building), Smith's FRD office was also in the Balter Building. When Banister moved to Camp Street, so did Smith. At the meeting at the Balter Building, Novel described four people in attendance. There was himself, Banister, Smith and a quite interesting fourth gentleman that, as both Lisa Pease and Bill Davy have noted, fit the background and physical description of David Atlee Phillips. But Smith not only connects to Phillips, but to E. Howard Hunt. Because it was the Spanish-speaking Hunt who oversaw the formation of the FRD. Anyone as high up in that organization as Smith must have known Hunt. As both Davy and I have noted, more than one witness has placed Hunt at the Balter Building in New Orleans.

Smith was also close to Garrison's prime suspect, David Ferrie. In a polygraph test taken in Dallas on March 8, 1967, Smith admitted that Ferrie walked into his office and asked to train Cubans in advance of the Bay of Pigs. In the notes of reporter Dick Billings, dated 2/21/67, he writes that Ferrie and Smith helped train the Bay of Pigs invasion force with M-1 rifles and they masked the training as being sponsored by the Civil Air Patrol (CAP). But just in case, they were ready to produce an official who would testify that it was CIA sponsored.

The Bay of Pigs enters into another controversial event that directly connects Smith, Banister, and Oswald. Most Kennedy researchers are familiar with the famous Bolton Ford incident.

This occurred in January of 1961 in New Orleans when two young men, a Cuban and a Caucasian, visited a Ford dealership and asked about buying ten pickup trucks. They wanted to purchase the vehicles at cost since they were involved in a patriotic cause, namely the Friends of Democratic Cuba. The Cuban told the salesman that his name was Joseph Moore. His sidekick, the man who was actually going to do the buying, was named 'Oswald'. (The official story puts Oswald in Russia at the time.) One of the founders of the Friends of Democratic Cuba was Banister. Furthermore though, according to a declassified CIA memo of 10/26/67, "Arcacha Smith was also one of the promoters of a New Orleans organization known as the Friends of Democratic Cuba, Inc." In fact, according to the HSCA volumes (No. 10, p. 126) the FDC was "set up as the fundraising arm of Sergio Arcacha Smith's branch of the Cuban Revolutionary Council." (The CRC itself was the successor organization to Hunt's FRD.) And this particular report then goes on to note just how close Banister was to Arcacha Smith.

And there can be no doubt that Smith was plugged into the actual Bay of Pigs operation at a high level. He predicted the invasion three months in advance in a talk before the Junior Chamber of Commerce (*New Orleans Times-Picayune* 1/15/61). According to an interview he gave Gus Russo, Smith was also involved with one of the supposed diversionary sea attacks at the eastern end of the island. In that regard, he helped prepare the ill-fated voyage of Nino Diaz, which never completed its mission. A week before the invasion, Smith informed the New Orleans press that "preparations are almost complete for an anti-Castro Cuban invasion." He went on to add that the invasion "could begin this afternoon, tomorrow, anytime. We are just waiting for the signal." (*New Orleans Times-Picayune*, 4/11/61.) After the invasion, the press went out to ask him for a comment. Smith revealed that he knew the exact coded message for the launch, which came through his shortwave radio transmitter. It is almost needless to add that Ferrie was at Smith's home on the day of the invasion. (*Destiny Betrayed*, p. 365.)

After the Bay of Pigs, an embittered David Ferrie would take some of his CAP pals over to Smith's to discuss what went wrong. They went to Smith's because, amazingly, *Smith had actual film footage of the invasion*. (Sciambra memo to Garrison, 3/23/67.) Before the invasion, when the CIA wanted arms originally intended for the French OAS shifted to the Cuban operation, Smith was involved in the famous Houma raid on the Schlumberger bunkers along with Gordon Novel and Ferrie. A CIA memo of 6/9/67 reveals that Smith actually had a letter of marque, i.e., a clearance note from the Agency so he could not be arrested for any of his Agency-connected actions, like the Houma raid. Smith's connections to the CIA superstation in Miami, JM/WAVE, were revealed during a 1/24/67 talk with his landlord at 544 Camp, Sam Newman. Newman stated that Smith told him his funds came in from Miami. With friends, Smith went even further in defining his relationship with the Agency. To Richard and Jane Wolfe, "Arcacha stated he was under the thumb of the State Department. (In public he called it the State Dept., in private he referred to it as the CIA.)" (Memo from Gary Sanders to Lou Ivon, 1/13/68.)

After the Bay of Pigs, Hunt and the Agency reorganized the Cuban exile leadership. The FRD now became the Cuban Revolutionary Council (CRC). Again, Smith was the top New Orleans representative. According to the *New Orleans Times-Picayune* (12/10/61), Smith began soliciting funds for the CRC which would be eventually handled "by Dr. Miro Cardona, chairman of the revolutionary council in Miami, Fla." The four top New Orleans members of the CRC, whose pictures appeared in the paper with Smith, were Manuel Gil, Gilbert Melia, and, revealingly, Carlos Quiroga, whom we will discuss later. At about this time, Smith accompanied Banister in his switch from the Balter Building, and down the street to the Newman Building at 544 Camp. But later in 1962, several Cubans complained about Smith's leadership of the CRC and his close association with the homosexual Ferrie. Smith was actually accused of embezzling funds from the CRC. He was

then ousted and replaced by Luis Rabel. He moved to Texas, first to Houston and then to Dallas. Reportedly, at the time of the assassination he was living in Dallas.

Finally, to knit him in even more completely with the New Orleans intelligence group surrounding Oswald, Smith admitted in his abovementioned polygraph that he knew Clay Shaw and hit him up for funds for the CRC. Also, according to the notes of Garrison investigator Jim Rose, Shaw made many direct calls to Smith's attorney Frank Hernandez during the time of the Garrison probe when both men were suspects.

All of the above shows that Smith certainly warranted close inspection because of his direct relationship to the CIA and the people surrounding Oswald in New Orleans. But evidence exists that is even more suggestive. As most serious commentators have concluded, and as the work of John Newman and Bill Davy demonstrates, Oswald was being set up in advance for the assassination beginning with his sojourn in New Orleans in the summer of 1963. Smith knew and closely worked with the Cubans who were involved with Oswald in strange occurrences in New Orleans: Carlos Bringuier, Frank Bartes, and Dr. Frank Silva. Bringuier and Bartes were involved with Oswald in his famous street leafleting incident of August 9th in which Bringuier was supposedly upset about Oswald's allegedly switching sides from anti-Castro to pro-Castro in just a matter of days. When Bringuier heard about this, he accosted Oswald on the street and they engaged in some pushing and shoving. Oswald was later charged and fined in court while nothing happened to Bringuier. But as Bill Davy notes in *Let Justice Be Done*, there are at least three notable oddities about this event. First, on all of Oswald's leaflets prior to this, he had stamped either a post office box or his home address on the literature. But yet in this instance, the address read: FPCC, 544 Camp Street, New Orleans, LA. This, of course, was the address for Guy Banister's offices. Further, this particular piece of literature, entitled *The Crime Against Cuba*, had gone through three printings by 1963. Yet the edition handed out by Oswald in 1963 was from the first printing

issued in 1961. Where did Oswald get the 1961 edition, which was printed while he was in Russia? As I revealed in my book *Destiny Betrayed*, the CIA, in 1961, bulk-ordered this pamphlet from its author Corliss Lamont (p. 219). Did the CIA send their leftover copies to Banister in 1963 for Oswald's use and distribution?

Another oddity about the incident was that once Oswald arrived at the police station, he asked to be interviewed by the FBI. FBI agent John Quigley was dispatched to do the job. According to FBI employee William Walter, before Quigley left, he asked Walter to check and see if there was an existing file on Oswald. Walter did find a file on Oswald, which he said carried an 'informant' classification. The name of Warren De Brueys, the FBI's man on Cuban exile-CIA activity in New Orleans, was stamped on the file. (Davy, p. 287) What true leftist would be working with the FBI so closely?

Further, Oswald wrote to the Fair Play for Cuba Committee headquarters in New York informing them of this altercation. After all, he was their alleged member in the Cuban-exile-saturated New Orleans. As Davy points out, the problem with the letter is that it was written on August 4th, five days *before* the incident happened! (Davy, p. 38)

John Newman brings out another curious aspect about this likely staged incident. Although Bartes accompanied Bringuier to court to confront Oswald, and although Bartes claimed to have warned the FBI about Oswald, he later denied having any knowledge of Oswald at all. (Newman, *Oswald and the CIA*, p. 337) Why did he lie? As Davy points out, Bartes took over as Cuban delegate to the CRC when Arcacha Smith left town. (Davy, p. 300)

As pointed out in a conference in the Bahamas a few years ago by members of Castro's security forces, Bartes was supposed to be related to Dr. Frank Silva. Castro's agents added that Silva was a Cuban exile who was also active in the anti-Castro cause. Silva was on the payroll of Tulane University Medical School—Alton Ochsner's pride and joy—while he was listed on the staff of the hospital at Jackson, i.e., East Louisiana

State Hospital, the place where Fruge took Cheramie. Silva is interesting. When Oswald was being questioned by voter registrar, Henry E. Palmer, during his visit to the Clinton-Jackson area in late August of 1963, he allegedly stated that he lived in the area and that he was rooming with a Cuban doctor, Frank Silva. (*Ibid.*, p. 107) This startling piece of information cries out for explication. How could Oswald know about Silva's residency? One way could be through Sergio Arcacha Smith. For in 1968 Garrison's office interviewed a witness who had attended a get-together at another hospital member's home. To quote from Davy again: "At that party Dr. Silva introduced him to New Orleans anti-Castro activist, Sergio Arcacha Smith." As those who have read *Let Justice Be Done* know, the Oswald sighting referred to is one of the most extensively documented and incriminating incidents on record. It truly shows Oswald being manipulated by sinister forces prior to the assassination. So here we have Smith's three friends involved, however tangentially, in two such incidents within a few weeks of each other well in advance of the assassination. Just on the above evidence, William Gaudet's statement to the HSCA about Smith rings true: "Another vital person is Sergio Arcacha Smith. I know he knew Oswald and knows more about the Kennedy affair than he ever admitted." (*Ibid.*, p. 41)

There is another very close associate of Smith's who should undergo scrutiny: Carlos Quiroga. Quiroga was a Cuban exile security agent who worked with both Smith and Bringuier. According to Sam Newman, Quiroga was Smith's right-hand man. (Statement to Garrison of 1/24/68) Quiroga actually visited Oswald at his home in New Orleans. Although Quiroga said he was there to return leaflets dropped by Oswald on Canal Street, as Davy shows, it is much more likely he was *delivering* the material. (*Ibid.*, p. 39) When Quiroga was given a polygraph by Garrison he was asked a related question: "You have said you tried to infiltrate Oswald's 'organization'. Isn't it a fact that you knew that his "Fair Play for Cuba" activities were merely a cover?" When Quiroga replied in the negative, the polygraph indicated he was lying. (*Ibid.*) There are two

other interesting questions that Quiroga appears to have lied about: 1) "According to your own knowledge, did Sergio Arcacha know Lee Oswald?" and, 2) "Prior to the assassination of the President, did you ever see any of the guns which were used in the assassination?" (Davy, pp. 287-288) What makes this last shocker even more tantalizing is there is a recently declassified FBI memo that notes that a man named Quiroga, first name unspecified, was shipping a rifle similar to Oswald's through the Mexico-Texas border on November 22nd.

As noted above, Sergio Arcacha Smith left New Orleans sometime in late 1962, though, as Quiroga and others have stated, he stayed in close contact with his former colleagues in New Orleans after the move. It would seem that when he moved to Dallas, Smith got into the lucrative drug and prostitution business that ran interstate from Miami to Dallas. This trade seems to be an evolution of the gunrunning business that was ebbing in the last year of the Kennedy administration as Operation MONGOOSE wound down. It would have been quite natural for Smith and Emilio Santana to have hooked up with Jack Ruby in Dallas since Ruby had previously been involved in that gunrunning with CIA contract agent Thomas Eli Davis, as detailed by author Henry Hurt in *Reasonable Doubt*. Further, as Paris Flammonde notes in his book *The Kennedy Conspiracy*, one of the fascinating tidbits that Santana dumped on Garrison before he fled to Miami was that he knew of a trip taken by Shaw with Ruby to Cuba in 1959. Santana should know, since, as he related, he used to work for Shaw. (Flammonde, p. 167) If this is true, it provides a nexus point between Dallas and New Orleans, not just for the Cheramie story, but also for the assassination itself.

Santana is one of those mysterious characters about whom much misinformation has circulated. Although some have written that Santana actually said he was one of the assassins in Dealey Plaza, I have come across no information in Garrison's files to substantiate that statement. But according to Perry Russo, Santana was often at Ferrie's apartment. Russo described him as one of the scariest people he had ever met.

Russo actually feared him and tried to stay clear of him. Santana admitted working for the CIA to Garrison. Recently declassified documents show he worked under the Directorate of Plans, that is, the operational unit, from 1960 to 1963. Also, when asked on his polygraph if Bringuier cashed a check for him to put him up in a hotel in the summer of 1963, Santana replied in the negative. The indications on the machine were of deception to this response. According to Lou Ivon, when things got too hot in New Orleans in 1967, Santana fled to Miami and disappeared into the Cuban underground. This is interesting because, another Miami Cuban, Bernardo De Torres came to Garrison from Miami to infiltrate his investigation. De Torres then disappeared after the death of Ferrie back into Miami, never to surface again. According to an HSCA report, "De Torres has pictures of Dealey Plaza in a safe deposit box. These pictures were taken during the assassination of JFK. *Life* offered De Torres twenty or thirty thousand dollars but he refused." As Peter Dale Scott has noted in *Cocaine Politics*, De Torres eventually got into the Miami drug trade in a big way.

We will conclude with two final startling pieces of evidence about Smith and the assassination. When Richard Case Nagell got into contact with Garrison's office in early 1967, he was actually eager to be interviewed. Although he wished to speak to Garrison directly, the DA sent one William Martin to interview him in Springfield, Missouri. This turned out to be a mistake since, as it turned out, Martin was a CIA agent. Nagell later discovered this and decided to clam up. But in the first encounter with Martin, Nagell was quite forthcoming. After garnering from Martin that Garrison felt the assassination had much to do with Kennedy's Cuba policy and the failure of the Bay of Pigs, which inflamed the Cuban exile community against Kennedy, Nagell responded: "That is absolutely right, as a general picture, but of course there are some fine points here and there that you have not covered." (Memo, Martin to Garrison of 4/18/67) Nagell then offered to give to Garrison evidence "of such a nature as to wrap up and put a seal on the entire investigation." (*Ibid.*) Nagell went on to say that he had

been able to infiltrate the assassination plot and “make a tape recording of four voices in conversation concerning the plot, which ended in the assassination of President Kennedy.” (*Ibid.*) Martin recorded Nagell’s description of the contents of the tape:

Concerning the content of the tape recording in question, the subject stated that it was a tape recording made of a conversation of four individuals and that the tape was primarily in Spanish although on certain occasions in the tape certain of the participants lapsed into English. When questioned as to the identity of the persons speaking on the tape the subject stated openly that one of them was “Arcacha” and another individual whom the subject would only identify as “Q.” The subject did not wish to go into more detail concerning the tape at that time since he, all during our previous conversations, had indicated that our conversation could possibly be bugged. (*Ibid.*)

Arcacha has to be Sergio Arcacha Smith and the man named “Q” is very likely Carlos Quiroga. Unfortunately this tape has never surfaced and it is highly likely that Martin tipped off the CIA as to its existence. This was par for the course in the Garrison investigation.

Up to now, we have seen that Smith was connected to just about every major player involved with Oswald in New Orleans, from Dave Ferrie up to Phillips and Hunt. Through Bartes, Silva, Binguier and Quiroga, we have seen that Smith was closely related to people who seem to be in on the sinister setting up of Oswald prior to the assassination. Through Nagell, we have testimony that Smith was a part of this cabal at its lower level, and through Quiroga’s failed polygraph, it appears that Smith tried to conceal this fact by denying he knew Oswald and having his friends back him in that false claim. Through Rose Cheramie and Mac Manual we have evidence that Smith and Santana knew in advance that Kennedy was going to be killed in Dallas. But there is one more piece of evidence that makes Smith even a more fascinating character. In an earlier interview that Fruge did with HSCA

investigator Bob Buras, the state trooper tossed off an astonishing piece of information in an almost off-handed manner. At the bottom of page seven of Buras' summary of the interview, the following paragraph appears:

Mr. Fruge asked if this Committee had found that diagrams of the sewer system in Dealey Plaza were found in Arcacha Smith's apartment in Dallas. He thinks that captain Will Fritz might have mentioned something about that, but Mr. Fruge was not sure on this point.

If this is true, I do not have to tell the reader how important it could have been. If the diagrams existed and could have been produced in court, they are the kind of evidence that could be presented in a court of law to show the planning of a conspiracy, intent and premeditation. Linked with the De Torres photos and the evidence on the Nagell tape they tend to indicate that Smith's involvement in the assassination went even beyond the foreknowledge indicated by the Cheramie story. As has been shown here, newly released evidence strongly implies that Arcacha's involvement was likely operational.

(The last paragraph of this article was omitted. We called for an investigation of Smith. Unfortunately, Sergio Arcacha Smith died in July of 2000.)

The Paines' Participation in the Minox Camera Charade, Part 1

By Carol Hewett, Esq.

Almost every JFK assassination researcher is aware that the Dallas police found and inventoried a tiny high-tech Minox camera amongst Oswald's personal effects during the search of Ruth and Michael Paine's home after the assassination. This camera was later omitted from an inventory list once the FBI took over the investigation. What is not generally known is the Paines' role in the "appearance-disappearance" charade.

There were three separate inventory lists itemizing the evidence from the Paine household. This is typical of the routine procedures used by law enforcement in establishing chain of custody of physical evidence. First, there was the Dallas police list identifying a "small German camera and black case on chain and film." A pedometer and camera timer were also itemized. There was no mention of a light meter but there was mention of a "brown case (camera) with long chain."¹ Then there was the joint Dallas Police Department (DPD) and FBI list, which was prepared in response to the FBI's assertion of jurisdiction over the crime. The camera is described in aggregate Item #375 as a "Minox camera" together with a pedometer and a camera timer; there is no mention of a light meter. Rolls of undeveloped Minox film and two rolls of exposed Minox film were also inventoried as Item #377. An unidentified electronic device in a brown case was listed as an unsubmitted and unnumbered item as having come from the Beckley Street rooming house.² When the evidence was taken to Washington, D.C., the FBI Lab prepared its very own inventory by way of a third list; any reference to the Minox camera would disappear from this third list.³

There were four separate sets of photographs of the items removed from the Paine household and Beckley Street residence. First, there were the photos made by the Dallas Police Crime Lab before the evidence was turned over to the FBI which shows the evidence grouped together on the floor of the police station and which depicts the Minox camera.⁴ At the joint police and FBI inventory of November 26th, a second set of photographs were taken depicting each individual item or selectively grouped items with the numbered photos corresponding to the numbered items. The items ranged from #1 through #455 and required five rolls of film. It was understood that the FBI Lab would develop these five rolls of film and furnish a set to Police Chief Curry. This intact set of photos from the original five rolls disappeared from the National Archives—assuming that the FBI even turned it over to the Warren Commission or the Archives in the first place.⁵

The third set of photos consists of two rolls of microfilmed photos which the FBI Lab made after developing the photos jointly taken in Dallas; this microfilmed series was furnished to the Dallas Police which in turn furnished copies to other agencies, including the Secret Service.⁶ In a letter dated December 3, 1963, Police Chief Curry advises the FBI that items #164 through #360 were missing and apparently did not record; he requests the FBI to re-photograph the items.⁷ The fourth set of photos consist of the FBI's "re-photographed" items which were sent to the Dallas police to supplement the missing photos.⁸

Not only were there missing frames but some of those that existed had been altered. The Minox camera itemized in #375 of the joint inventory list ceased to exist in the set of microfilmed photos first returned to the Dallas Police by the FBI. Photo #375, which was supposed to be a group photo of the Minox—along with several other camera items—is now just a Minox light meter.⁹

It is generally unknown in the research community that

much, if not all, of the evidence seized from the Paine household and Beckley Street residence was “loaned” to the FBI on the weekend of the assassination even before the FBI took charge of the crime. The FBI assigned number #Q-5 to the Minox camera and/or Minox film at that time. The evidence was returned to the Dallas police after the FBI’s inspection. It was then turned over once again to the FBI on November 26th when the FBI assumed jurisdiction.¹⁰ We know that the Minox film recovered from the Paine household was in possession by the FBI as of November 25th, because on that date the FBI requested a comparison of the Minox film as recovered from the possessions of Oswald with Minox film designated as Specimen Q-5. The laboratory results were that Minox film Q-5 was not taken with the same camera as the other Minox film.¹¹ Was the FBI comparing the Minox film later designated as Item #377 with the cassette still remaining in the Minox camera recovered by the Dallas police?

The FBI’s early efforts to conceal the existence of the Minox camera did not stay secret for long. According to author Gary Savage, a controversy ensued within the first two months following the assassination when news reporters received information that the FBI had altered the inventory list. Furthermore, the FBI had pressured Dallas police detective Gus Rose to change his recollection of what he had found from a Minox camera to a Minox light meter. Detective Rose steadfastly refused to alter his findings and insisted that he found the camera in Oswald’s seabag the weekend after the assassination.¹²

The FBI was now squarely in the middle of an evidence tampering dilemma before the Warren Commission investigation was barely underway. One solution would be to produce the original camera, or *any* Minox camera for that matter, in order to resolve the discrepancy. This is precisely what the FBI did.

We now know that the controversy over the Minox camera reached the highest levels of the FBI because on January 27,

1964, Mr. William A. Branigan, Chief of the FBI's espionage section, telephoned SAC Gordon Shanklin in Dallas to point out the inconsistency in the inventory lists. Branigan also advised Shanklin that the FBI Lab in Washington did not have the Minox camera in its possession.¹³ On January 28, 1964, Shanklin responded by advising FBI Inspector Moore of the FBI Lab that no such Minox camera had been found—only a Minox light meter.¹⁴ This, of course was an outright lie on Shanklin's part. FBI Director J. Edgar Hoover apparently found this reply unacceptable because on January 30, 1964, Hoover sent a Teletype to Shanklin advising once again that the FBI Lab had all Minox related items except for the Minox camera. Hoover then instructed SAC Shanklin to immediately investigate this matter and to contact the Dallas Police, Mrs. Oswald and Mrs. Paine, if necessary.¹⁵

In an effort to "locate" the camera, Dallas FBI Agent Bardwell Odum on January 30, 1964 contacted Ruth Paine to inquire into whether the Paines owned a Minox camera.¹⁶ Ruth recollected that her husband had a Minox, which he had dropped into salt water several years ago. She was sure that he had thrown it away but she would ask him about it and get back to him. She also stated that the police took a Minox camera case along with a light meter belonging to Michael, which may or may not have been a Minox light meter.¹⁷ The next day on January 31, 1964, Ruth Paine called Odum to tell him that her husband still had the camera and that it was in a coffee can in the garage.¹⁸ If this were true, one would have to conclude that the local police not only did a poor job of searching the garage the weekend of the assassination but also fabricated the Minox camera on both its original inventory list and joint DPD/FBI list. Since this was not the case, the collusion of the Paines is readily apparent.

Odum went out to the Paine home that same day and both of the Paines were present. Mr. Paine advised Odum that he still had his Minox camera, that it had been dropped in salt water

several years ago and that he had repaired the water damage by cleaning the camera with kerosene.¹⁹ Kerosene, of course, would remove any pre-existing fingerprints. According to Paine, the camera seemed to be in good working order but “someone” had bent the shutter and now it was not working.²⁰ According to Odum’s typed report, Paine acknowledged having Minox film but indicated that such would be over five years old. He did not specify if the film was exposed or not.²¹

Paine recollected that when the law enforcement officers first searched his home, he gave them a drawer of his photographic equipment with everything in it except for the Minox camera. Paine went on to say that he had mentioned to the officers that the Minox camera was in the garage but they did not seem interested in it.²² This was preposterous for the police had in fact found a Minox camera as evidenced by their original inventory list and crime lab photos. Paine also acknowledged that the Minox light meter seized that weekend belonged to him.²³

Agent Odum “took” the camera, which was later marked as evidence on an inventory sheet as Exhibit “D-80 One Minox III camera, SN27259.”²⁴ The camera was shipped to the FBI Lab on 2/2/63.²⁵ Now, as of January 29th, the FBI finally had the physical evidence to match the original inventory list of the Dallas Police Department complete with the still-present film cassette. It would appear then, that the FBI had the camera all along. The FBI then attempted to conceal its existence and when caught in the act, the FBI embarked upon a charade with the full cooperation of Ruth and Michael Paine to “discover” the camera.

While present in the home on January 31st, Odum took the opportunity to ask Michael Paine about the “No Admittance” sign found in his garage by the Dallas police the weekend of the assassination. Paine denied having any knowledge of it.²⁶ This sign is identified in the joint DPD/FBI inventory as Item

#107.²⁷ Might such a sign be used by someone developing film in a darkroom? Did Michael Paine have darkroom skills?

On January 31, 1964, Odum Teletyped a report²⁸ to Washington setting forth the above “discovery” of the Minox camera but the Teletype contains one inconsistency: that the exposed film would not have been taken more than five years ago. This is just the opposite of the typewritten version of Odum’s report. Perhaps this was simply a typographical error or perhaps this flip-flop was deliberate in order to lend confusion regarding the date the photos in the Minox film cassette had been taken—photos that in all likelihood had already been developed by the FBI before January 31, 1964.

The report also advised Hoover that the Dallas Police “were aware that no such Minox camera was taken in the original search.” This was an outright falsehood on the part of the Dallas FBI field office, for a Minox camera was photographed and inventoried by the police. Moreover, the FBI’s own documents show that the Bureau was analyzing the Minox camera as early as November 25th! It bears mentioning that Odum and Agent-in-Charge Gordon Shanklin were extremely close according to James Hosty.²⁹ Are these Dallas FBI agents lying to Director J. Edgar Hoover? Or are they only making a paper trail that will cover Hoover?

Did the Paines have a prior relationship with Agent Odum that would allow the three of them to participate in a ruse that had evidentiary implications? In his testimony before the Warren Commission, Michael Paine commented that he knew “Bob” Odum, having seen him on a frequent basis and that he was introduced to him prior to November 22nd. Paine casually refers to Bardwell Odum’s nickname of “Bob,” suggesting a degree of familiarity.³⁰ Odum, incidentally, appeared to have an acquaintance with barbershop owner, Clifton Shasteen, who told the Warren Commission that he not only cut Oswald’s hair but that he cut Odum’s hair as well.³¹

As unbelievable as it may seem, the Minox camera was never a subject of inquiry or discussion by the Warren Commission.

At no time did Counsel Albert Jenner query the Paines about the camera during their days of testimony despite the controversy that had ensued over the camera in January 1964.

On August 9, 1978, the House Select Committee on Assassinations deposed Marina Oswald and questioned her about *two* Minox cameras, not one. Marina could not identify either camera.³² Of the two Minox cameras presented to her for identification, one was stored at the National Archives and the other came from an unidentified location.³³ From the HSCA record, the two cameras were described as follows:

Camera #1 Minox I: 3.5 F-15 mm, Serial #2339303 **which was not part of the material at the NARA** (National Archives Records Administration) and is 1.5 inches longer than the other Minox. (Note the 7-digit serial number.)

Camera #2 Minox D-80: **in the NARA**, which is 1.5 inches shorter than the other, no serial number. [Note that this camera must be the camera marked by Odum as a Minox III, Exhibit D-80 and hence it would have or should have serial #27259.]

The Paines were never questioned about the Minox camera(s) by the HSCA or the obvious assistance they gave to the FBI in January 1964. Where did the Minox I come from? Who owned it if Paine is claiming ownership of the Minox III? Why would Michael Paine lay claim to the Minox III model, if that were the one found in Oswald's seabag? Is it possible that Paine loaned his Minox to Oswald? This would explain how Paine feels comfortable claiming ownership to the Minox III yet later denies that the photos from the camera were his. Or perhaps Paine and Oswald both owned Minox cameras and the government has been in possession of both as a result of the January 1964 camera charade.

In 1977, newspaper reporter Earl Golz questioned Agent Warren De Brueys about the Minox camera. De Brueys disclaimed any knowledge or participation in concealing evidence but went on to say that "there were limitations as to

what I can say” because of the secrecy agreement which he signed before leaving the FBI.³⁴

The above scenario is perhaps the most well-documented instance of deliberate evidence tampering by the FBI. Michael Paine, Ruth Paine, Bardwell Odum and Warren De Brueys are still alive. They should be questioned under oath about the Minox camera. Any such questioning will only be effective if the present Director of the FBI voids the secrecy agreements entered into by the two former FBI agents.

¹ The first DPD inventory list, undated, was obtained from the Dallas Police Archives. It is attached to an undated joint statement of the officers, which in turn is followed by a supplementary report dated 11/23. The inventory list does not seem to distinguish between those items recovered on the 22nd and those items recovered on the 23rd pursuant to a search warrant. With respect to felonies, police officers have the power to search and seize what is in plain view. Closed containers, such as Lee Oswald’s boxes, envelopes, suitcases, and seabags, etc. would require a search warrant. While the weekend reports are somewhat sloppy in this regard, the indisputable fact remains that the Minox camera was recovered at that time regardless of whether it was the 22nd or the 23rd. This author has entertained the possibility that the police officers’ search on the 22nd went beyond proper legal limits and this was “rectified” by obtaining a search warrant the next morning.

² See Commission Exhibit #2003 at Vol. 24, p. 340. The evidence was delivered to the Dallas FBI office on 11/26. On forms supplied by the Dallas police, a detailed inventory list was prepared by police property clerk H.W. Hill and witnessed by FBI Agent Warren De Brueys and police captain J.M. English. The Minox camera is identified on Receipt No. 11192-G as one of the items voluntarily given to the police by Ruth Paine and Marina Oswald on the 22nd, suggesting that the first police search went beyond its permissible scope as is often the

case in criminal proceedings. The listing of the electronic device in the brown case from the Beckley Street address (set forth in the joint list at Receipt No. 11199-G) further clouds the issue of what items came from where and when—at least insofar as the weekend police search is concerned. The police department version in the Dallas Police Archives differs from the FBI's list of the 26th in only one respect: the Dallas list contains the signatures of the FBI agents receiving the property. The accompanying affidavit of Dallas officer H.H. Hill describes the process by which a joint inventory was made wherein FBI Agent De Brueys called out the items, one by one. [3](#) See evidence list set out in CD 735. Item 375 has been altered to omit the Minox camera and turn it into a Minox light meter. For some reason this list contains the Dallas field office file number instead of the Headquarters file number, suggesting that the FBI's own property list was prepared in Dallas before departure to Washington, D.C. We do know from an FBI document that Agent De Brueys delivered the evidence to the FBI Lab on November 27th. Another document suggests that a fourth list was prepared by the FBI Lab, which superseded all prior lists.

[4](#) *JFK First Day Evidence* by Gary Savage, pp. 208, 210.

[5](#) See 11/26/63 report of FBI Agent Ronald E. Brinkley describing how the photos were made with the DPD photo-record camera. Five rolls of photos were taken using 35mm Kodak High Contrast Copy microfilm. FBI agent James P. Hosty states in his recent book, *Assignment: Oswald*, p.77, that the photos were taken with a Minox camera. This is a mistake or falsehood on his part as Minox cameras use only Minox film. The documents setting forth the joint photo session with the Kodak film were supplied by Researcher John Armstrong and were obtained from the Dallas Police files. At Mr. Armstrong's request, the National Archives searched for these five rolls of photos and could not locate them.

[6](#) See FBI agent Robert Barrett's report of statement from Assistant Chief of Police, Charles Batchelor, dated 7/6/64, and available from the microfilmed collection of Dallas Police

Archives. See also FBI memo dated 11/29/63 from Branigan to Sullivan.

[7](#) Curry's 12/3/63 letter from the Dallas Police Archives furnished by Mr. Armstrong.

[8](#) Author's conversation with John Armstrong whose opinion is based in part upon an undated FBI document bearing Agent Wallace Heitman's name, referencing dates of 1/23/64 and 2/4/64 and referring to 85 photographs of Oswald's belongings.

[9](#) Indeed there are two separate photos of #375. One still in the possession of the Dallas Police Archives showing the surrounding items covered up by scraps of paper and the one in the National Archives showing a blowup of the Minox light meter all by itself; copies furnished to author by John Armstrong. The National Archives also has a copy of the same DPD group photos that Gary Savage depicts in his book. However, these photos were enlarged, then cropped to omit the Minox camera featured in the top 1/3 of the original photograph. A copy of the NARA cropped photo was furnished to the author by Anna Marie Kuhns-Walko.

[10](#) See deposition of FBI Lab expert, James C. Cadigan, NARA: HSCA Record No. 124-10086-10013.

[11](#) The author's copy of this document was furnished to her by John Armstrong without the benefit of a RIF cover sheet from the NARA. It appears to be part of a report prepared by Dallas FBI agent, Robert Gemberling. Note that the Minox film analysis was filed away in a New York City FBI field office file #65-22483 of the Espionage-Russia division. According to John Armstrong, a FOIA request failed to turn up this file.

[12](#) See Savage pp. 212-215, and transcript of Gus Rose's statement to the HSCA made on 4/13/78.

[13](#) FBI #105-82555-1643, memo dated 1/28/64.

[14](#) *Ibid.*

[15](#) FBI #105-82555-1580, Teletype dated 1/30/64, RIF citation omitted. This Teletype also clarifies the fact that there were two Minox cassettes, one of which contained film.

[16](#) Dallas FBI field office file, #100-10461, Odum report of 1/30/64 interview with Ruth dictated on 1/31/64 and typed on

2/3/64.

[17](#) *Ibid.*

[18](#) FBI #105-82555/#100-10461, report of 1/31/64 interview with Ruth Paine, dictated on 1/31/64 and typed on 2/1/64.

[19](#) *Ibid.*

[20](#) *Ibid.*

[21](#) *Ibid.*

[22](#) *Ibid.*

[23](#) *Ibid.*

[24](#) FBI #105-82555/#100-10461, Bulky Exhibit Inventory Receipts, two versions, dated 1/31/64 and 2/8/64.

[25](#) 2/2/64 cover letter with Airmail from Dallas to FBI Lab

[26](#) FBI #105-82555/#100-10461, report of 1/31/64 interview with Michael, dictated on 1/31/64 and typed on 2/3/64.

[27](#) See Warren Commission Exhibit #2003 at Vol. 24, p. 333.

[28](#) FBI #105-82555/#100-10461, teletype dated 1/31/64.

[29](#) *Assignment: Oswald*, p. 86, by James P. Hosty.

[30](#) See Warren Commission Vol. 9, p. 444.

[31](#) See Warren Commission Vol. 10, p. 313 and p. 325. It is not clear if Shasteen's relationship with Odum originated with the FBI investigation into the assassination or if it was pre-existing.

[32](#) See HSCA, Vol. 12, p. 373.

[33](#) See HSCA, Vol. 12, p. 390.

[34](#) See p. 211 of Gary Savage's book, *JFK: First Day Evidence* and *Dallas Morning News* reports by Earl Golz dated 6/15/78 and 8/7/78.

Minox Camera Part 2: Strange Photographs & Stranger FBI Moves

By Carol Hewett

In Part I we saw how the FBI deliberately set out to conceal the existence of the Minox camera found in Oswald's seabag on November 22nd or 23rd. When newspapers got wind of this in January 1964, the FBI "found" the camera at the Paine garage and claimed that the Minox belonged to Michael Paine. Years later, the HSCA questioned Marina Oswald about two cameras: Minox Model III: Serial #27259 and Minox Model I: Serial #2339303. Maybe one belonged to Oswald and the other to Michael Paine. This still does not excuse Michael from the preposterous story he provided FBI Agent Bardwell Odum as to how the Dallas police happened to overlook his camera.

In Part I, we saw that Minox film labeled Specimen Q-5 was determined to have come from a different Minox camera than the rest of the Minox film found in the Paine household. It is unclear as to whether any Minox camera was actually being examined. What precisely is Specimen Q-5? All further reference to this piece of evidence seems to have disappeared. Specimen Q-5 is now a metal fragment removed from President Kennedy's head.¹ Sgt. Gus Rose said that when he found the Minox camera, it still contained a film cassette cartridge.² Was this particular cartridge originally labeled Q-5 and then sent to New York City for comparison with the other Minox film?

In 1978, Alan J. Weberman, author of *Coup D'Etat in America*, filed a FOIA request and obtained copies of photographs developed from the Minox film—at least that is how the House Select Committee on Assassinations (HSCA) describes the photographs.³ Each photo was labeled Item #377 which, according to the joint police/FBI inventory list,

would mean that they were derived from either a roll of 35mm film and/or from a Minox film cassette.⁴ Eight of the photos are of military installations and mountain scenery.⁵ Photos such as these instead fit the FBI's own description of Item #376, which inventories eight legible military and mountain photos from one roll of 620 film.⁶ Is this another effort by the FBI to bury evidence of the Minox camera by cross-referencing to 620-type film?

The military photos were taken in a third world country where the indigenous people still used ox-drawn carts. The mountains depicted in the background appear to be from the Western Hemisphere. Is this crude military or paramilitary camp located in Latin America or the Caribbean? A point of special interest is the HSCA reaction to one photo in particular in which facial shots of CIA Soldier of Fortune Gerry Patrick Hemming are juxtaposed for comparison purposes with a photo of an American at the encampment. Hemming had CIA connections and was a long time cohort of Frank Sturgis of Watergate fame; both men served as anti-Castro paramilitary trainers.⁷ Indeed, since Hemming was also engaged in revolutionary activities in Nicaragua as of 1961, he was debriefed periodically by the CIA regarding military and other developments in Latin America.⁸ Hemming happened to know Lee Harvey Oswald when both were at El Toro in California in 1959.⁹ Did Hemming and Oswald meet up again at a foreignbased military installation in 1962 or 1963?

The remaining photos released under Weberman's FOIA request consist of 21 tourist type photos from Rome. Several depict the Roman Coliseum while others feature the Piazza of St. Peter's.¹⁰ Finally there is a photo of a whiskered cat on a checkered tile floor.

Regrettably, the Paines were never questioned by the Warren Commission or the HSCA about the series of photographs that depicted Rome, foreign military installations and a family pet. The pictures of Rome could have been taken by Michael during

his 1955 travels to Europe. His passport application indicated that he planned to go to Italy.¹¹ However, the Warren Commission never inquired into Michael's travels abroad, either as a civilian or enlisted serviceman.¹² Oswald had also indicated on his second passport application of 6/24/63 that he intended to travel to Italy.¹³ As for the cat, the Paines did in fact own a cat while living in Irving, which they gave away because of their little girl's allergies.¹⁴ There exists an unrelated picture of June Oswald as a toddler, presumably taken in Texas, playing with a kitten.¹⁵ So who owned the cat—the Paines or the Oswalds? Until the Paines come forward with the truth, all of this speculation is for naught.

The release of these photos in 1978 launched a probe by *Dallas Morning News* reporter Earl Golz who interviewed both Sgt. Gus Rose and Michael Paine.¹⁶ Rose stood steadfast by his original statement that he took a Minox camera into possession from Oswald's seabag immediately following the assassination. When the HSCA interviewed Rose, his story remained consistent with one added feature—he described how Ruth Paine watched him take possession of items from the seabag and she identified the contents as belonging to Oswald.¹⁷ Rose went on to describe how he was pressured by the FBI to change his story and the inventory list from discovery of a Minox camera to discovery of a Minox light meter; unfortunately he did not identify the FBI agent who applied this pressure. Michael Paine would tell Golz that the photographs were not his although it is not clear if he and Golz are referring to the military photos featured in the press or all of the photos, including those of Rome.

Golz also interviewed former FBI Agent Warren De Brueys in 1978 about the Minox camera. As described earlier, agent De Brueys disclaimed any knowledge or participation in concealing evidence but went on to say that “there were limitations to what I can say” because of his secrecy oath. Earl Golz also contacted the Minox Corporation in New York City

and was told that the Minox had been used extensively as a spy camera.¹⁸ Furthermore, the five-digit serial number of the Oswald/Paine camera was not one that had been distributed in the United States; cameras distributed in the United States had six-digit numbers. Unfortunately, reporter Golz did not ascertain whether such cameras would have been distributed in Europe, where they were manufactured. However, he learned one more bit of intriguing information: the Minox light meter was not available for commercial distribution in the U.S. prior to 1963. Assuming the light meter was really Michael Paine's, as he so claimed, when and where did he obtain it?

Michael Paine was questioned about the Minox camera during the 1994 PBS production of *Frontline*. According to author Gary Savage, Paine told *Frontline* that the camera was his and that following the assassination the camera and other photographic equipment was returned to him.¹⁹ However, the Minox III which was removed from his home by Agent Odum could not have been returned to him, because it was still with the National Archive in 1978 when Marina was questioned about it.²⁰ Indeed, the camera is still at the National Archive complete with Agent Odum's scratched initials and the date 1/31/64.²¹ Why was the Minox III camera not returned if it really belonged to the Paines in the first place? Did the Minox I really belong to Michael Paine while the Minox III belonged to Oswald? Or conversely, did the Minox I belong to Oswald and Oswald's Minox I camera was returned to Michael Paine from whose possession it would later disappear?

Paine had told *Frontline* that about five years after the assassination (i.e., 1968), most of the items which were returned to him were stolen. The stolen items included all of the photographs from that era.²² What photos is he referring to? Certainly the eight military installation photos could not have been returned because he denied ownership. Regardless, it is difficult to believe that a thief would steal old photographs. One has to wonder why Paine would be so willing to posture about the camera and the photos.

The author searched unsuccessfully for documents which would reveal a tracer on the two Minox cameras, or the location of the military scenes depicted in the developed photos. The FBI did a successful search of the serial number of the Paines' Stereo Realist camera so we should expect that the FBI did the same with the Minox equipment.

The subminiature Minox camera was developed in the Baltic country of Latvia in 1937. The Russians then took over manufacturing of the camera, during its short-lived occupation of Latvia in 1940. Since WWII, the camera has been produced exclusively in Germany.²³ The camera's precision and clarity of images together with its tiny size made it a perfect spy camera for intelligence agencies. However, since the 1950s, various models were made available to the public. These cameras ranged in length from 3.0" to 4.5" depending on whether they contained a built-in light meter. Since the Model I shown to Marina by the HSCA was 1.5" longer than the Model III, presumably it had the built-in light meter and thus would not have been manufactured until 1958. Model III would have required a separate light meter, which presumably was not available commercially in the U.S. until 1963.

The cameras were too expensive to have been purchased in the United States by Lee Harvey Oswald on his meager income. See for example the advertisement appearing in the 1972 Tulane University yearbook, which displays the Minox camera for sale for \$152.00. The Paines, on the other hand could have afforded such equipment. Then, too, perhaps Oswald acquired the camera while overseas at a discount price, which would in turn explain the odd serial number. For that matter, Michael Paine could have acquired it abroad as well during his 1955 travels. Or perhaps, both men were supplied with such cameras, by U.S. or foreign intelligence agencies. Only a serial number trace would answer these issues.

Unlike Oswald's Imperial Reflex camera, which could be held in one position only, the Minox could be held horizontally or vertically to shoot pictures. This versatile camera could be used for reproducing documents as well as for long-distance scenic

shots. The developed photos were roughly similar in proportion to a 3x5 photograph before any enlargement. This brings to mind the infamous Walker photo which was found amongst Oswald's possessions—a photo whose sharp image and dimensions are more in keeping with a Minox camera capability than Oswald's Imperial Reflex camera with which the photo was allegedly taken, at least according to the FBI. Now that we know that the FBI manipulated evidence, none of the FBI evidentiary analysis is to be trusted.

The Minox camera charade is not a trivial matter. Questions by the media arose in January 1964 at the same time that the Warren Commission was grappling in a secret executive session with the explosive issue of whether Oswald was an informant for the FBI. Were the FBI and the Warren Commission concerned that knowledge of Oswald's ownership of such a camera would support rumors that he was an intelligence operative? The suppression of this evidence in order to help suppress an unwanted rumor was reckless, irresponsible and illegal. However, when viewed in the context of Michael and Ruth Paine's cooperation with the FBI together with the context of the suppressed photographs, the Minox camera takes on major significance. The camera not only breathes life back into the rumor of Oswald as informer, it draws into question the Paines' role with the FBI, the Paines' relationship with Oswald, and the validity of other evidence incriminating Oswald.

[1](#) Commission Exhibit (CE) 2003, Warren Commission Hearings Volume (WCH) 24, p. 262.

[2](#) See original Dallas police inventory and p. 22 of Rose's transcribed statement to the HSCA dated 4/13/78, NARA citation omitted.

[3](#) NARA RIF: Box 243, HSCA agency file #013875.

[4](#) CE 2003, WCH 24, p. 340.

[5](#) NARA RIF: Box 243, HSCA agency file #013875.

[6](#) Commission Document (CD) 735, p. 56.

[7](#) See John Newman's excellent treatment of Gerry Patrick Hemming in Newman's Oswald and the CIA.

8 *Ibid.*

9 *Ibid.*

10 The author's son, who had studied ancient architecture, immediately recognized the coliseum and piazza from Rome. Together we confirmed this from his architectural books.

11 FBI File #105-126129-17, dated 12/16/63.

12 See generally Michael Paine's testimony in WCH 2, pp.384-429 and WCH 9, pp.434-461. Paine's military photos from Korea, incidentally, were taken with a stereo camera and made into color slides. FBI File #105-126128-10thNR115, 11thNR115.

13 LHO's 6/24/63 passport application, CE 781, WCH 17 pp. 666-667.

14 FBI File #105-126129-59, dated 3/20/64.

15 From unidentified news film footage following the assassination which researcher Vince Palamara provided to author.

16 *Dallas Morning News* reports by Earl Golz dated 6/15/78 and 8/7/78.

17 Page 14 of Rose's transcribed statement to the HSCA dated 4/13/78, NARA citation omitted.

18 *Dallas Morning News* reports by Earl Golz dated 6/15/78 and 8/7/78.

19 See pp. 214-215 of Gary Savage's, *JFK: First Day Evidence*.

20 See HSCA, Vol. 12, p. 373 and See HSCA, Vol. 12, p. 390.

21 Letter dated 11/21/96 and photo furnished to the author by NARA.

22 See pp. 214-215 of Gary Savage's, *JFK: First Day Evidence*.

23 The author is indebted to researcher Pam Middleton who furnished her background information about the Minox camera, which Pam had obtained from various camera books and catalogs.

Paradoxes of the JFK Assassination: The Brain Enigma

By David W. Mantik, M.D., Ph.D. and Cyril H. Wecht,
M.D., J.D.

Introduction

Like the vanishing of Alexei Romanov¹ and Jimmy Hoffa,² the disappearance of JFK's brain remains one of the great mysteries of the last century. Although no final solution can yet be certain, in this study one possibility emerges as probable.

Even though the autopsy pathologists, James J. Humes and J. Thornton Boswell, insist that they examined the authentic brain shortly after the assassination, they were not consistent about precisely when this examination took place. Even when questioned under oath by the Assassination Records Review Board (ARRB), Humes especially refused to be pinned down to a specific date—or even whether this event had occurred before or after JFK's burial at Arlington National Cemetery on Monday, November 25, 1963.

Douglas P. Horne, a former U.S. Navy officer who served as Chief Analyst for Military Records while with the ARRB, focused a new spotlight on this mystery. By proposing that two different brains had been autopsied on two separate dates, probably involving two (partially) different teams on each occasion, Horne was able to integrate a long list of previously incoherent data.³ Horne advanced three different lines of evidence for his conclusion: 1) timeline conflicts, 2) the appearance of the brain at the two examinations, and 3) conflicts in film and photographic techniques. Horne's case for two brains—one authentic and one a later substitute—remains extremely compelling. In fact, Jeremy Gunn, former Executive Director for the ARRB, found this conclusion so compelling that he publicly supported it. This present work, which was based directly on the extant X-rays themselves and which actually antedated the ARRB, hammered yet one more nail into the coffin of the official version of a single brain. Although the X-

ray evidence has been briefly cited previously (James Fetzer, *Murder in Dealey Plaza*, 2000, p. 261), the surprising range of evidence provided solely by the X-rays, as well as additional, simple experiments that corroborate these conclusions, have not previously appeared in print. The major purpose of this essay is to present this heretofore unpublished data, particularly as it pertains to the two-brain proposal and the whereabouts of the brain.

Eyewitness Reports

The compilations of Gary Aguilar, M.D., have convincingly shown that the Parkland Hospital physicians and nurses, and even the Bethesda autopsy personnel themselves, almost unanimously recalled a large hole at the low right rear of JFK's head (Tables I and II, Fetzer, p. 199). In particular, at least six of these Dallas physicians reported in their contemporaneous notes (and reprinted in the Warren Report) that cerebellar tissue, as seen in Trauma Room One, was damaged, displaced, or exposed. However, only one person specifically reported on the status of the left side of the brain: nurse Diana Bowron. Nurse Bowron, who packed the head wound with gauze squares before discharge, later recalled that two-thirds of the right brain was missing but also that about one-quarter of the left brain was absent (Harrison Livingstone, *Killing the Truth*, 1993, p. 195).

In their official autopsy reports (including a supplemental report for the brain) the pathologists never estimated how much brain was actually missing. However, they did state: "When viewed from the vertex, the left cerebral hemisphere is intact." Their autopsy report describes the skull defect as extending into the occipital area (Warren Report, pp. 501-502):

There is a large, irregular defect of the scalp and skull on the right involving chiefly the parietal bone but extending somewhat into the temporal and occipital regions. In this region there is an actual absence of scalp and bone producing

a defect, which measures 13 cm in greatest diameter.

Furthermore, in the drawing prepared by Navy artist H. Rydberg that Humes presented to the Warren Commission (Fetzer, Figure 5, p. 231), the skull defect extends into the occipital area. Both of these points of evidence suggest that the brain was damaged or missing near the right rear.

For JAMA (The Journal of the American Medical Association, May 27, 1992, p. 2798), Humes estimated that two-thirds of the right cerebrum was missing. In his official deposition with the ARRB, Boswell's estimate was similar; he admitted, "...probably half of one hemisphere was absent" (Transcript of Proceedings, ARRB, February 26, 1996, pp. 42-43). Later in this same deposition, Gunn asked (p. 190): "What percentage of President Kennedy's brain has been destroyed or removed?" Boswell replied: "Less than a third.... A third of the total." These replies are all consistent with one another.

At the autopsy, James Curtis Jenkins, who most likely received the brain from the pathologists, recalled that the brain was quite small (Harrison Livingstone, *High Treason II*, 1992, p. 243). Furthermore, he recalled that it was so damaged (especially near the circle of Willis, on the undersurface) that it was difficult to introduce needles into the blood vessels so as to perfuse the brain with formalin (Livingstone, 1992, p. 226).⁴

The lead radiology technologist, Jerrol Custer, could not recall seeing any brain at all when he peered into the large posterior skull defect. Autopsy team member Paul O'Connor recalled seeing very little brain tissue. These recollections are more consistent with a small residual brain volume than with the nearly intact (substitute) brain in the drawing published by the HSCA ([Figure 1](#)).

On the question of a visible bullet track in the brain, there are two mutually incompatible versions. This state of affairs would, of course, be expected if two brains had been involved. Boswell supplied the first description, apparently of the authentic brain, to the House Select Committee on Assassinations (HSCA):

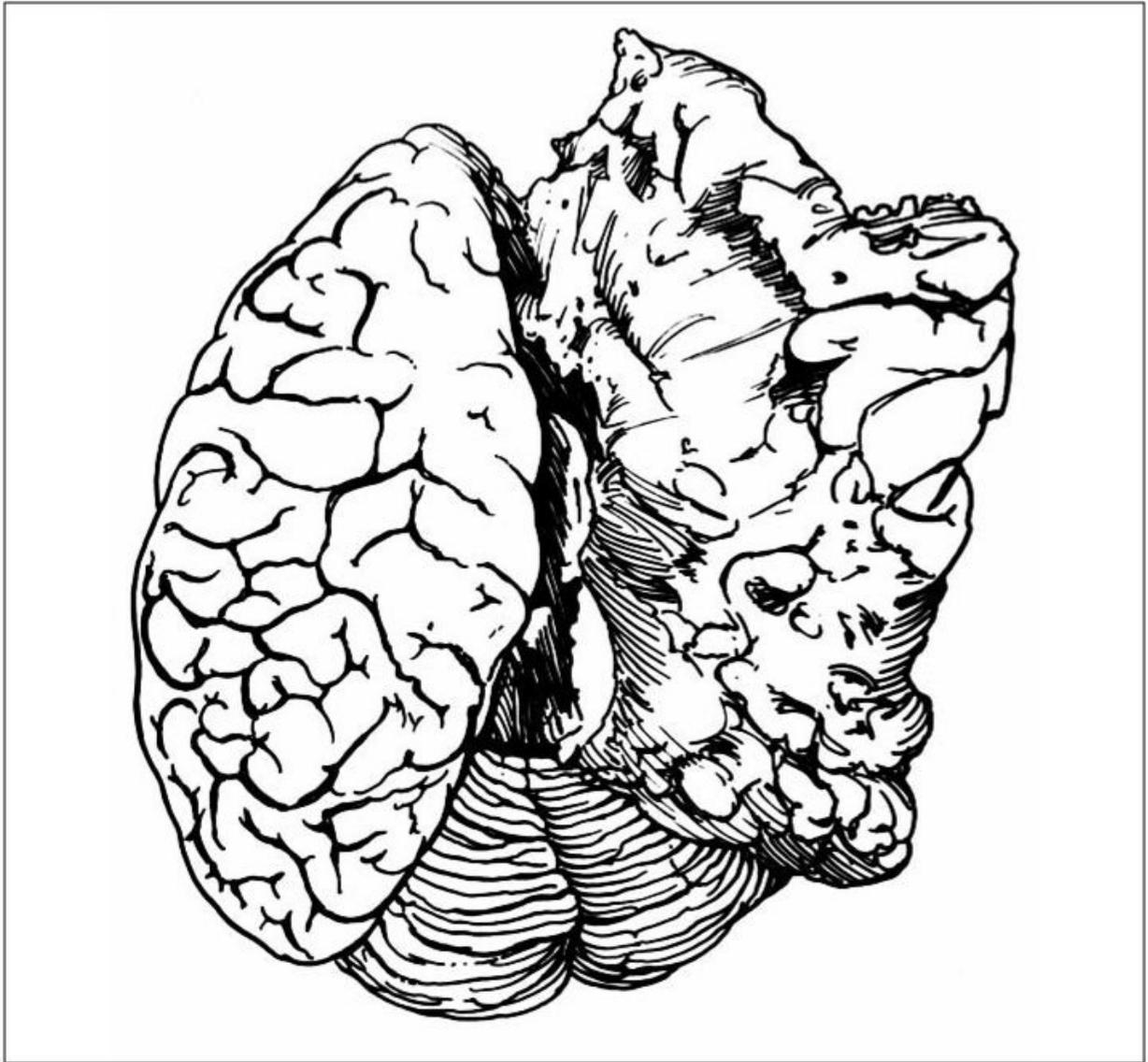
Boswell believes that the brain was so torn up it would not have shown a tract (*sic*) (HSCA Agency File 002061).⁵

On the other hand, Chester Boyers, Chief Petty Officer in charge of the Pathology Department, seemed to be describing the substitute brain:

I noted while cutting the tissue there is a definite picture of the way the missile passed. "A pencil effect," i.e., push a pencil through a piece of paper and note the results (HSCA Agency File 014834).

If a photograph of the brain had been taken at the original autopsy (November 22, 1963) the actual status of the authentic brain might be known. Sandra Spencer, a photographic technician at the secretive Naval Photographic Center, handled JFK autopsy photographs (Fetzer 2000, p. 241). For the ARRB (June 5, 1997) she recalled that one photograph from the autopsy of November 22 did show the brain lying beside the body. If that photograph ever did exist, it has long since vanished.

Figure 1: In 1979, the HSCA published this drawing based on the brain photographs. After viewing the actual photographs, we agreed that it was accurate. No other images exist in the public record. We are almost certain that this is the substitute brain.



The Unusually Large Brain Volume

The supplemental autopsy report (of the brain) describes a 1500 gm brain. The average size for an adult male (ages 40-49) is 1350 grams, while the upper limit of normal is 1605 gm (Jurgen Ludwig, *Current Methods of Autopsy Practice*, 1979, p. 666). Although the pathologists claimed that substantial missing brain tissue (as was agreed upon by virtually all eyewitnesses) was consistent with a residual brain mass of 1500 gm, this statement has never seemed credible, nor have

the pathologists offered any specific defense for this unexpected conclusion. On the contrary, if either two-thirds of the right cerebrum had been missing (as Humes told JAMA) or if half of the right hemisphere was absent (as Boswell told the ARRB), then a residual brain mass of 1500 gm would seem most unlikely.

Weight gain during formalin fixation has been suggested as an explanation for this paradox. Ludwig reports mean and maximum increases after formalin soaking as 8.8% and 19.2%. Correspondingly, mean and maximum increases after formalin perfusion are 5.7% and 31.8%.⁶ Although the military then, as now, usually employed both methods simultaneously, so that a substantial mass increase might have occurred, it is far from certain that JFK's brain was perfused. James Curtis Jenkins notes that this was difficult, but implies that it was done (Livingstone, 1992, p. 237). On an earlier occasion (to the HSCA on August 29, 1977), however, Jenkins could not even recall whether the brain had been removed. In Humes's deposition with the ARRB, Jeremy Gunn asked: "What did you do with the brain when it was removed from the cranium?" Humes replied:

Placed it in formalin. The blood vessels were somewhat disrupted. Normally we would inject the brain with formalin through the basal artery or some place. But some of these arteries were disrupted, and I can't recall—don't ask me exactly where the disruptions were. But the brain was damaged, and it didn't lend itself well to infusing it like we normally do. So we placed it in a very generous quantity of 10 per cent formalin in a, you know, specimen container.... I don't think we were able to inject it. I don't believe that we were. (Transcript of Proceedings, ARRB, College Park, Maryland, February 13, 1996, pp. 107-108.)

Even if perfusion had been attempted, the severe disruption and loss of the right hemisphere, that even Boswell recalled, would have made success quite unlikely, at least for that side. At most, the weight gain from perfusion would have affected

only the left side. However, the eyewitness evidence suggests that perfusion could not be done at all.

If the fresh brain weight had been recorded on November 22, 1963, this impasse would never have occurred. Unfortunately, and most inexplicably, that blank is empty on the Autopsy Descriptive Sheet. When later questioned by the ARRB about this odd departure from standard protocol, Boswell stated that he was quite certain that the brain had, in fact, been weighed (ARRB Transcript, pp. 49-50). If so, then this information was later lost. Furthermore, the suspicion that this loss was purposeful, in order to admit a substitute brain, remains real. Without the loss of this critical datum it would have been impossible to substitute a 1500 gm brain. In fact, Humes' notes, which may have included the fresh brain weight, had been entered into evidence but then later disappeared (Harold Weisberg, *Post-Mortem*, 1975, p. 54). Arlen Specter was in charge of this evidence, but these notes are not in Warren Commission File 371, where they should have been, nor anywhere else in the National Archives. Although Humes told the ARRB that he had burned all of his original notes (except for the Autopsy Descriptive Sheet), in his JAMA interview (p. 2799) he stated that he had first copied all of his notes from the autopsy before he burned anything:

“Well, it's true that I burned my original notes because they were stained with the President's blood, and I did not want them to become a collector's item, but I burned them after I had copied verbatim in my own handwriting, the entire contents.”

The Chain of Possession for the Brain⁷

In August 1977, retired Vice-Admiral (and physician) George W. Burkley⁸ was interviewed by the HSCA, which summarized their conversation:

Says he was responsible for saving the brain after it was fixed

in formalin. Burkley decided to keep the brain rather than put it back in the body as Dr. Humes wanted to do ... Dr. Burkley then indicated that he had all of this material in the Executive Office Building. Dr. Burkley said he took the brain and tissue sections ... to the National Archives and personally gave them to Eyelyn (*sic*) Lincoln (HSCA Agency File 002070).

In a subsequent interview for the HSCA on September 1, 1977, Andy Purdy and Jim Kelly summarized Burkley's comments:

Dr. Burkley told us that when the brain was removed, it was fixed at Bethesda. He recalls that it was placed in suspension in a white granite bucket and locked in a safe on the first floor of the main building at Bethesda Naval Hospital. Captain Stover from the NNMC School turned it over to him. He said he personally took it down to the White House where it was placed in a locked file cabinet by the Secret Service (HSCA Agency File 002217).

Burkley, who claimed to be in charge of the autopsy, made this statement in an affidavit (November 28, 1978):

The autopsy material was retained in a secure area and subsequently turned over by Captain Stover to me and a member of the Secret Service. We took this material immediately to the EOB Building where it was placed in a locked file cabinet by the Secret Service (HSCA Agency File 013416).

The recollections of Humes surfaced in his interview with JAMA (p. 2800):

"Shortly afterward, Humes turned over everything from the autopsy to Admiral Burkley—bullet fragments, microscopic slides, paraffin blocks of tissue, undeveloped film, X-rays—and the preserved, unsectioned President's brain ..."

"Burkley said he wanted everything," Humes says, "and he came out to Bethesda to get it. I gave it all to him in one package.... Admiral Burkley gave me a receipt for the autopsy materials, including the brain. It was my understanding that all the autopsy materials, except the brain, would be placed in the

National Archives. He told me that the family wanted to inter the brain with the President's body ..."

Several details are odd about Humes' statement: 1) He never submitted any such receipt(s) to either the Warren Commission or to the HSCA—in fact, he repeatedly claimed to have no papers at all left from the autopsy,⁹ and 2) The photographs and X-rays were never in his sole possession at all—they had been given to the Secret Service during the autopsy, and 3) The only date on the supplemental autopsy report of the brain, a handwritten one, is December 6, 1963, a date that was well after the burial. The most significant point for the present discussion, however, is that Humes clearly implied to JAMA that he had given the brain to Burkley sufficiently early so it could have been buried with the body (on Monday, November 25).

Like Humes, Boswell believed that the brain could have been buried with the body (JAMA, p. 2803):

Boswell says, "I believe that it [the brain] was buried with the body."

Humes says, "I don't know, but I do know that I personally handed it [the brain] over to Admiral Burkley and that he told me that the family intended to bury it with the body. I believe Admiral Burkley."

Quite contrary to the recollections of Navy pathologists Humes and Boswell, the third pathologist, Pierre Finck, who was borrowed from the Army (Armed Forces Institute of Pathology) and who wrote a memo in 1965 based on contemporaneous notes, recalled a distinctly later date for the brain autopsy:

Dr. Humes called me on 29 November 1963 that the three prosectors of the President's autopsy would examine the brain at the Naval Hospital. Cdr. Humes, Cdr. Boswell and myself examined the formalin fixed brain. The brain weighs 1500 grams ... photographs are taken by the Navy photographer ...

Since Finck was famous for his meticulous (even compulsive) note taking, this oddly later date—actually recorded in his

memo—must be taken seriously. The conflict in dates that emerges here, as well as the unreasonably large brain size, are just two items that Horne cites in support of the two-brain proposal.

All of the above suggests either that 1) the brain was returned to the Kennedys so that it could be buried with the body, or that 2) it was separately preserved, as Burkley implied. If the latter occurred then Burkley's affidavit of October 1978 describes where it went:

Sometime later I talked with Mrs. Lincoln about what had happened to the brain, which I had wanted saved after the autopsy for further examination, which has apparently never been done. Mrs. Lincoln told me she turned all the autopsy materials I had given her over to Angie Novello, who was Robert Kennedy's secretary, and that she never saw any of the materials again.

What is striking about Burkley's recollection here is that, contrary to his earlier statement, he no longer seems certain that the brain was preserved independently of the body. This would lend support to the possibility that it was, after all, buried with the body.

If the brain was buried with the body, as both Humes and Boswell suggest and as Burkley seems not to exclude, an astonishing scenario emerges. If the brain had been interred with the body on November 25, it would have spent only several days in formalin, rather than the more traditional several weeks. The primary purpose for several weeks of formalin fixation is to make the brain firmer for easier sectioning. Such a prompt burial of the brain would have required an examination of the authentic brain during that initial weekend or on Monday morning—well before it was fully fixed. If any comments were then made about the relatively unfixed state of the brain, they went unrecorded or were lost.

We turn next to the chain of possession of the brain after those early weeks. Burkley's letter of transfer of the autopsy materials (from the Secret Service to Robert Kennedy), dated

April 26, 1965, includes a detailed inventory that specifically includes:

1 stainless steel container, 7 by 8 inches in diameter (7 HSCA 23-36).

This is the only item on the list that is consistent with a gross specimen. This container is large enough for a brain—and it is unlikely that any other organ would have been separately preserved. Evidence of a brain present at the transfer of April 26, 1965, is also supported by Burkley, who said that he saw the container at that time (7 HSCA 23-36).¹⁰ Robert F. Kennedy took possession of a brain (purportedly JFK's) at the National Archives, as was documented in Burkley's letter (7 HSCA 23-36) to Evelyn Lincoln, who had been JFK's personal secretary and who was acting on behalf of RFK when she signed for the materials on April 26, 1965.

Then on October 29, 1966, a second transfer occurred: the Kennedys transferred the autopsy materials to the National Archives. This is documented by a letter of transfer from Burke Marshall, the Kennedy family attorney for these matters. Two days later, on October 31, 1966, a group of officials met at the Archives to open the footlocker that held the autopsy materials. Because the inventory list from April 26, 1965 (the first transfer) was found inside the footlocker, it was quickly recognized that six boxes of slides and the brain were missing. This meant that the brain was unavailable (although the brain photographs were present) for the inspection that occurred the next day (November 1, 1966) by the Naval medical staff. It was also not available for the 1968 Clark Panel, whose report was not actually released until January 17, 1969. Astonishingly, however, the striking observations of these official bodies (of the missing brain and tissue slides) did not become public knowledge. It was not until August 1972, after Wecht initially reviewed the autopsy materials, that the public first learned that the brain was gone. Wecht's discovery led to a front-page article by Fred Graham in the Sunday *New York Times* (August 27, 1972): "Mystery Cloaks Fate of Brain of Kennedy." The brain is still missing.

To assist in this mystery, the National Archives prepared a chain of custody of the brain for the HSCA (HSCA File 013273). This was reviewed in some detail (7 HSCA 23-33), with the conclusion that RFK had probably disposed of the missing materials.

Frank Mankiewicz, former press secretary for Robert F. Kennedy, introduced another possibility for the brain's whereabouts. During the Chicago symposium on the JFK assassination in 1993, (which both authors attended) Robert Tanenbaum recounted a possibility that Mankiewicz had raised with him while both were conversing in an HSCA office: Mankiewicz recalled that RFK had told him that the brain had been interred with the body at a later date.¹¹ John F. Kennedy's present burial site is not the same as the one used on November 25, 1963. The coffin was moved and reinterred on March 14, 1967—almost five months after the brain was first noted to be gone, and while RFK was still alive. Although the coffin was not opened at that time, a separate container for the brain could hypothetically have been interred beside the coffin.

John Metzler was Superintendent of Arlington National Cemetery from 1951 to 1972. His role in the initial burial was summarized by the HSCA (7 HSCA 32). The actual contact report (HSCA Agency File 008148) includes this statement:

At the time of the [initial] burial, Mr. Metzler watched the coffin being placed in a "Wilbur" (Wilbur Vault Company) vault. He saw the lid lowered and the vault sealed. The lid and vault had a "tongue and groove" system, which permitted a tight fit. There was tar present at the points of contact of the tongues and grooves, making the seal a permanent one. Mr. Metzler said the only way the vault could be opened subsequently would be by "breaking open" the lid or main part of the vault.

Mr. Metzler also supervised the reinterment in 1967. He was present at all times, both during the opening of the old site and during preparations for the new site, including the transfer (by crane) of the vault through a distance of 40 feet. He remained

until the new site was completely closed over. According to Metzler, the entire transfer process took “6-7 minutes.” And there was “no way” anything could have been put into the coffin or vault during the transfer without his seeing it. Nor could anything have been put in at any time between the initial burial and the transfer—because there was no evidence of damage to the vault to indicate that the sanctity of the vault had been violated. He also said that nothing other than the vault was placed into either the new or old holes.

The Military District of Washington also kept a detailed log of activities during the reinterment. In this very detailed listing there is no record of a brain, or of a brain container, ever being placed into the vault. An after action report was prepared by James R. Mason, Lt. Col., on March 20, 1967 (Memorandum ANCS-SE). This contains a fairly detailed list of events as well as maps. Attached to this memorandum is the detailed log in the Daily Staff Journal of the Headquarters Military District of Washington (Form DA 1594, pages 1-8, March 14, 1967, submitted by James R. Mason).

In summary, it is most unlikely that the brain was buried with the body during the reinterment. But the brain may have been buried with the body on November 25, 1963—the eyewitnesses do not exclude this. This possibility becomes more certain if Horne’s two-brain proposal is accepted. Furthermore, the motivation for introducing a surrogate brain would have become even stronger if the authentic brain had been buried with the body on Monday, November 25. It is even possible that the post-assassination plotters seized upon this unexpected opportunity, perhaps unwittingly given to them by RFK, to do precisely that—i.e., to introduce a surrogate brain that would support the notion of a single headshot from the rear. For those who wished to eliminate evidence of a frontal shot, this was their best opportunity.

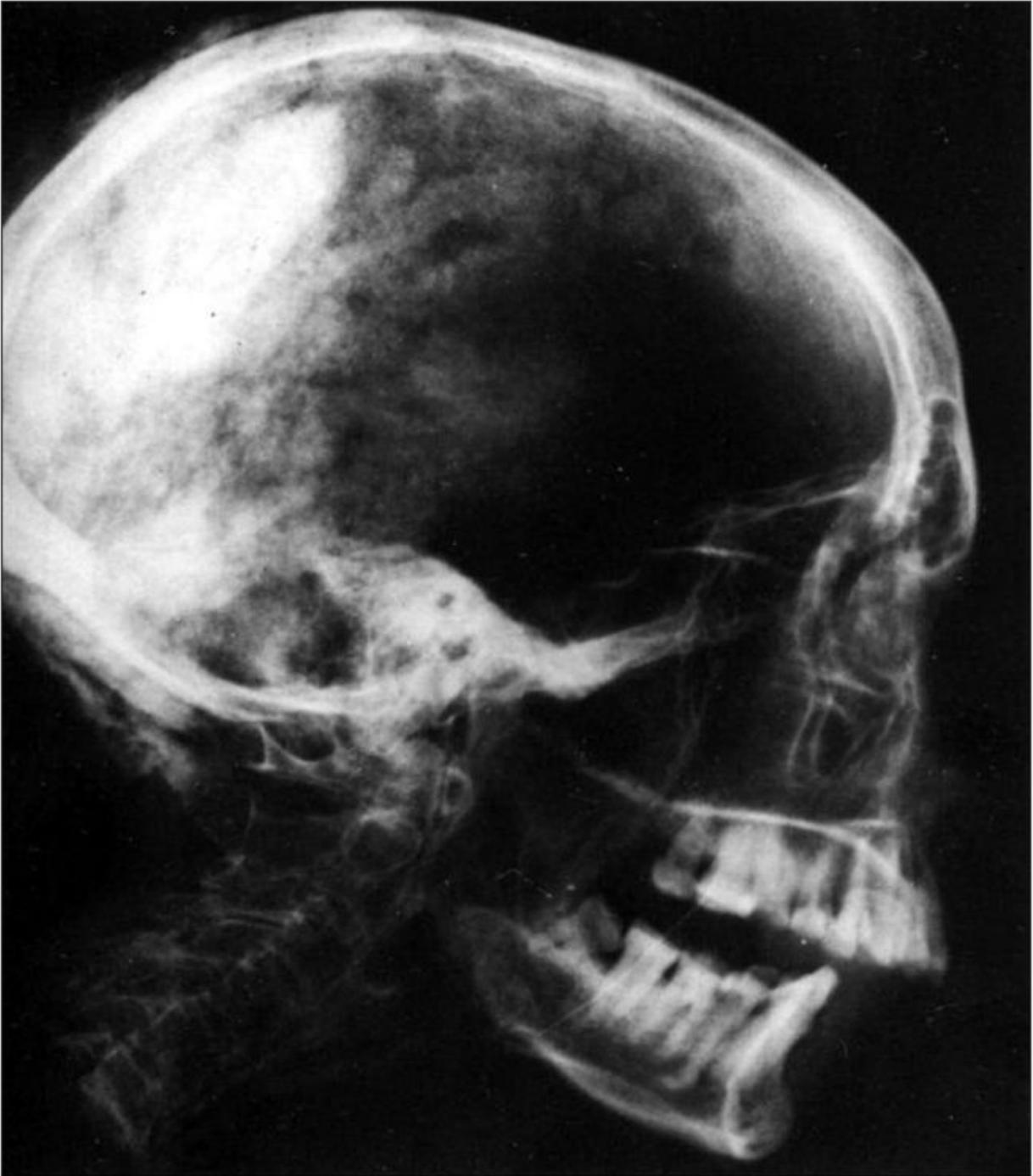
Measurements from the JFK Skull X-rays

Beginning in 1965, a University of Michigan expedition traveled to Egypt in order to X-ray mummies.¹² Their purpose was chiefly to look for clues of disease. Since James E. Harris, a geneticist and orthodontist, led the expedition they especially looked for dental anomalies. They noted that the skulls of the later pharaohs were largely devoid of brain. The later Egyptians removed the brain via the nose so that the brain could be independently preserved. A skull X-ray of an earlier mummy that shows the brain appears in [Figure 2](#). The white area near the rear of the skull, where gravity has attracted the brain, represents the brain. The brain looks small because it is dehydrated; like all human soft tissues, in its natural state it is mostly water. Both the white area at the rear and the very dark area at the front (which represents absent brain) are strikingly similar to the JFK autopsy X-rays. Although no frontal X-ray was published for this mummy, it would almost certainly have demonstrated the precise location of the brain on the frontal view—in marked contrast to the JFK frontal X-ray, which does not show any tissue corresponding to the white area that appears on the lateral X-rays. This puzzling issue is the subject of a separate, pending paper, but brief comments have previously been published (Fetzer 1998, pp. 153-158).

When the HSCA published its final report in 1979, they included the frontal X-ray and the right lateral X-ray. What struck many observers was the extremely dark area at the front of the lateral X-ray. Observing this dark area, laymen not familiar with skull X-rays concluded that part of the skull itself (i.e., the right lateral skull) was missing. Since these laymen were not acquainted with skull X-rays, they did not know that most of the X-rays in the beam are absorbed not by the bone, but rather by the brain itself. The dark area should instead have suggested to them that brain, rather than skull, was missing in this area.

[FIGURE 2](#): This X-ray is strikingly similar to the JFK lateral X-rays. Both contain dark areas of absent brain. Both contain areas that are quite lucent (white in prints). On the mummy,

the white area is the dehydrated brain, whereas on the X-ray, the white area cannot represent the brain but must rather be a deliberate artifact.



During Mantik's early visits to the National Archives, in order to make this conclusion more definitive, a small instrument called an optical densitometer was employed. Its purpose is very simple—merely to measure the transmission of light through a (usually one mm) circle on the X-rays. The clear areas (white in the published prints) transmitted light well and were consistent with dense tissue, usually bone. On the other hand, the dark areas transmitted little light and were consistent with little or no tissue. In particular, the air surrounding the X-rays was very dark and, as expected, showed the lowest transmission (greatest optical density) of any points on the X-rays.

Before these optical density measurements a controversy had persisted as to whether the skull in the X-rays contained any brain tissue at all. Until Mantik's work this question had never been specifically addressed by any official investigation. The ARRB, however, subsequently addressed this issue separately with Humes and then with Boswell. Both insisted that they had indeed removed the brain from the skull and that the X-rays had been taken prior to this.¹³ Taking a contrary position, some critics had proposed that conspirators had removed the brain before the X-rays were taken—presumably for the purpose of hiding evidence of multiple shots to the head. Since the brain contributes more than any other tissue to the absorption of X-rays by the skull, light transmission measurements at various points within the skull (as seen on the X-ray film) could show whether brain was present at all. Furthermore, Mantik recognized that it might even be possible to estimate the fraction of brain present at various points in the X-rays, particularly when measurements from all three skull X-rays were correlated. Such a correlation of all three X-rays would reduce the probability of error.

Mantik soon realized, however, that preliminary experiments in the radiology suite could, by themselves, go a long way toward deciding whether or not any brain was present in the autopsy X-rays. In order to address this issue several genuine human skulls were purchased from a medical supply company.

Tissue equivalent material (TEM™, available from W&T Medical Systems, Inc., of Ambler, PA) was used to simulate brain tissue. This material is commonly used in radiation oncology departments whenever human tissue needs to be simulated during X-ray treatments. For the present study, identical thicknesses of water and TEM were X-rayed and found quantitatively to produce the same absorption; in other words, as far as the X-rays were concerned, TEM acted just like water. In principle, for experiments simulating brain, it would be preferable to use brain equivalent tissue, which is nearly the same as fat. In fact, however, the linear absorption coefficient of fat (0.164 cm^{-1}) for X-rays is not very different from water (0.183 cm^{-1}), especially when compared to that of bone (0.344 cm^{-1}). The semiquantitative conclusions of these experiments would have been little affected by the small differences in linear absorption coefficients between water and fat. In other words, if real human brain had been substituted for TEM in these experiments the end result to the naked eye, and to the densitometer, too, would have changed only modestly.

FIGURE 3A. The experimental design for the lateral skull X-ray.

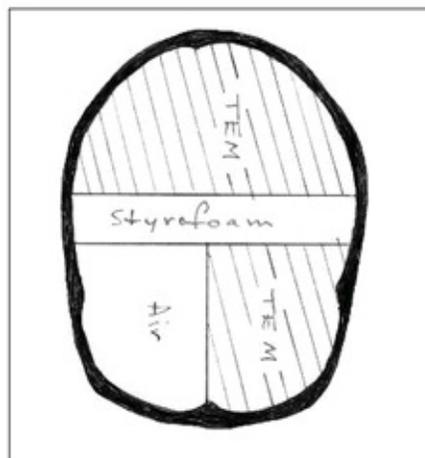
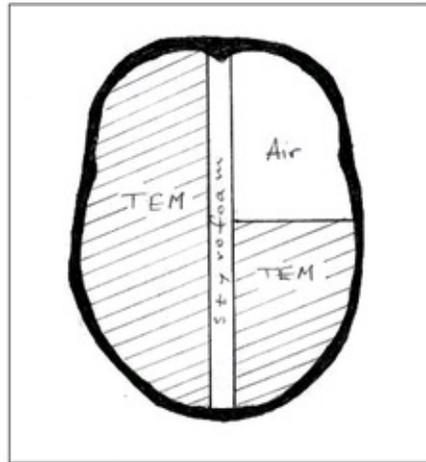


FIGURE 3B. The experimental design for the frontal skull X-ray.



The simplest possible experiment was done first (see [Figure 3B](#)): a human skull was placed on its side, then one side was completely filled with TEM while the other side was left empty. Frontal skull X-rays were then obtained—with quite conclusive results. The range of dark and white in this experimental X-ray was so extreme (see [Figure 4B](#)) that it was not possible simultaneously to obtain a proper exposure for both sides of the skull. This provided immediate confirmation of the overwhelming importance of brain for the image seen on a skull X-ray.

Back at the National Archives, it was first important to verify that brain had not simply been displaced from inside the skull to the outside. From the autopsy photographs that seemed most unlikely, but detailed viewing of the X-rays could confirm this. Since the air surrounding the skull looked very dark on the X-rays, the ordinary light box was not useful for seeing details inside this dark area. Instead, a bright light was used to enhance images in this area. (Using this approach, Gary Aguilar, M.D. later discovered a fourth bone fragment on the X-rays of the late arriving bone fragments; this fourth one was smaller than the others, which was why it had previously been overlooked.) With the bright light, the edge of the scalp could

easily be seen all the way around the skull. Since there was no excess soft tissue anywhere, it was clear that brain had not simply been displaced to the outside. This was consistent with the recollections of Humes in his deposition with the ARRB (p. 160).

Because of possible differences in exposure parameters and film characteristics, comparison of light transmission between different films does not permit valid estimates of tissue thickness, so instead comparisons were made between different points on the same film. In particular, the transmission between the air and the frontal, dark area in the JFK autopsy X-rays (see [Figure 5A](#)) could be compared.

FIGURE 4A. These lateral X-rays were taken in the radiology suite using a real human skullcap. The white portion was completely filled with TEM, while the gray portion was half filled with TEM. In the narrow center section, which appears dark, Styrofoam simulated air.

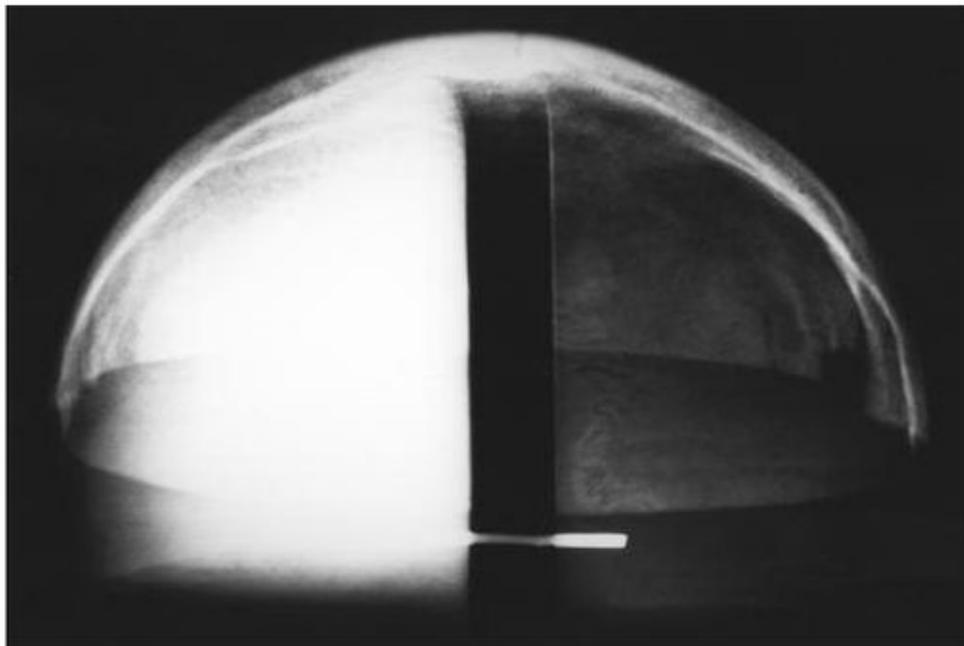
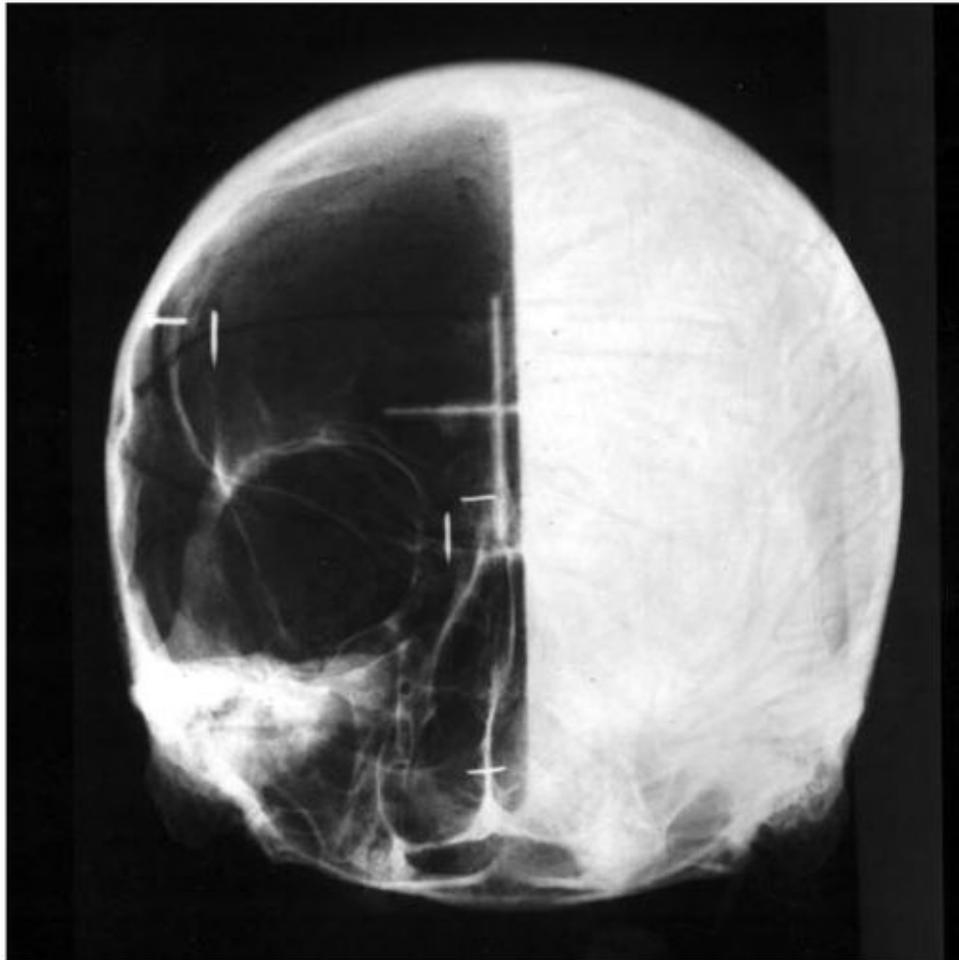


FIGURE 4B. The first frontal skull X-ray taken in the radiology suite. The white side is full of TEM while the dark side is empty. The frontal X-ray that corresponds to [Figure 3B](#) (and which was actually used for determining brain volumes) is not shown here.



This comparison showed that, although the surrounding air was slightly darker than the frontal area, the difference between the frontal area and the air was probably due to the skull itself. In other words, there appeared to be no brain at all in this dark frontal area. Furthermore, and even more meaningfully, this frontal area could be compared to the maxillary sinuses (see [Figure 6](#) for a CT scan image). This was interesting because an X-ray beam that passed through these

sinuses would traverse mostly air, the only tissues present being skin, soft tissue and rather thin bones. This proved to be an extremely useful comparison; it showed that the frontal area of the skull was actually darker than the sinuses, meaning that the frontal area contained less total tissue than the maxillary sinuses. This again suggested that the frontal area contained no brain. There was an obvious, and most important, corollary: if the brain was totally absent from this frontal area, then the left brain in this dark area was also absent. But this was grossly inconsistent with the brain photographs, in which the left brain was intact in this same area.

These were already stunning conclusions. The brain photographs (seven color positive transparencies and seven black and white negatives) showed a completely intact left brain and only modest tissue loss at most from the right side. This fist-sized dark area in the X-rays (which showed essentially no frontal brain tissue at all) was totally at odds with the photographs. Since the X-rays were certainly those of JFK (a conclusion reached by radiologists employed by the HSCA and with which we concurred), the only logical possibility was that the photographs of the brain could not be authentic. Because of its objectivity and simplicity, this observation—of skull X-rays that are grossly inconsistent with brain photographs—still constitutes one of the strongest proofs of deceit in the post-assassination cover-up.

Several more questions remained: 1) How much brain was actually present? 2) Does the amount of brain tissue vary within the skull X-rays? 3) Was cerebellar tissue missing at the low right rear, where the Parkland medical witnesses (including six physicians) saw massive trauma?

By integration of the data from the two laterals and from the one frontal X-ray, these questions could be answered. To assist in this interpretation, however, another experiment was first performed in the radiology suite. Again a real human skull was used, but three separate volumes were created within this single skull: 1) air alone (actually Styrofoam, which differs little from air), 2) a volume half filled with TEM, and 3) a volume

completely filled with TEM. This was done separately for a lateral X-ray and also for a frontal X-ray ([Figures 3A](#) and [3B](#)). The X-ray path lengths were measured to be very similar for each compartment; this assured that the X-ray image would not differ based merely on thickness.

This experiment showed not only what the X-ray should look like for each compartment, but optical density measurements were also obtained across the image of the skull. With this data, it was then possible to interpret similar measurements from the JFK skull X-rays with greater certainty.

The optical density measurements of the JFK skull X-rays showed that, except for the dark frontal area and a small area at the very top (superior) of the skull, some brain tissue was present in all areas. On the right side, the fraction of brain present ranged from 30 to 65% (of that expected for an intact brain), with the largest fractions near the nose and just superior to the 6.5mm object. On the frontal X-ray, symmetric sites (left vs. right) were compared. If the brain photographs were authentic, these measurements should have been very similar for most areas. In fact, they were not similar at all—each pair of symmetric sites showed less brain tissue on the right. That this result occurred was, in its own way, further corroboration of the reliability of these measurements—the witnesses after all had agreed that substantially more brain was missing on the right.

For sites on the left side of JFK's frontal X-ray, optical density measurements suggested that only 60 to 65% of normal brain tissue was present. Since the lateral JFK X-rays had shown no brain tissue in the frontal area (including the left side), these percentages for the left brain were not surprising—there was good consistency between optical density measurements from JFK's frontal and lateral X-rays.

The reader might well wonder why brain tissue was missing from the dark frontal area, whereas the eyewitnesses had reported missing tissue at the right rear. Only one explanation seems reasonable. Since the body had been transported supine (on its back) the jostling that inevitably occurred during

transport probably shifted the brain downward by gravity. Downward here would mean away from the front of the skull and toward the rear. But this only raised another question: Since the brain is surrounded by, and attached to, the lining of the skull (dura mater, which means tough mother), which is in turn tightly attached to the inner skull, why then had the brain shifted at all? The only reasonable possibility is that these attachments had been severely severed.¹⁴ But this raised David Lifton's¹⁵ hypothesis: Had the brain been tampered with in transit? Had it been cut loose from its moorings, thus permitting it to migrate? In the experience of Wecht, who has performed many thousands of autopsies, such movement of the brain, without severing its tight connections to the skull, is most unlikely. In other words, the simple fact that the brain lies at the rear of the skull in the lateral X-rays is, by itself, a striking anomaly not previously discussed or even noted. That such movement of the brain could have occurred—because the dura had been severed—is also supported by the detachment of the falx cerebri, which is a continuation of the inner layer of the dura. This falx separates the right and left hemispheres of the brain. That such a detachment had occurred was actually noted in the original Autopsy Descriptive Sheet (the falx was loose posterior to the coronal suture) and was reaffirmed by both Humes (p. 86) and Boswell (pp. 67–68) to the ARRB.

One final point is remarkable: the measurements showed that on the right side, at the level of the cerebellum, only about 30% of the normally expected brain tissue remained. It was fortunate that this site could be evaluated at all, but it occurred because there was a dark band on the frontal X-ray just below the right orbit, where posterior bone appeared to be absent. This site is very dark, which is indicative of little, if any, residual brain tissue. Its optical density is surely very different from the symmetric site on the left side. That this loss of brain tissue occurs at such a low level is compelling support for the Parkland medical witnesses who described significant trauma at this level, just where the cerebellum should lie. It is also in

dramatic disagreement with the pathologists, who described a front to back laceration of the brain that lay only 4.5 cm deep (see Figure 5 for this level), which lies far above this site of missing cerebellum. This discrepancy between the X-rays and the pathologists' described laceration in the (presumed substituted) brain therefore constitutes yet one more supporting pillar for the two-brain proposal.

FIGURE 5A. JFK's right lateral X-ray, as originally enhanced and published by the HSCA. The dark area at the front (encircled by a continuous line) is essentially devoid of brain tissue. The arrow above the frontal sinus identifies the 7 x 2mm metal fragment that was removed at the autopsy. The straight line across the top of the skull represents the level of the laceration (4.5 cm from the top of the brain) as described by the pathologists. The white area at the rear (encircled by a broken line) is anomalous and almost certainly was not present on the original X-ray.¹⁶ The arrow at the rear identifies the corresponding site for the 6.5mm object. The more inferior straight line represents the approximate path of an X-ray beam through the dark band (as seen on the frontal X-ray) just inferior to the right orbit; at the rear, this line passes through the usual site for the cerebellum. The small continuous circle around the ear canal identifies the petrous bones, whose optical densities are significant, but which are not discussed here.

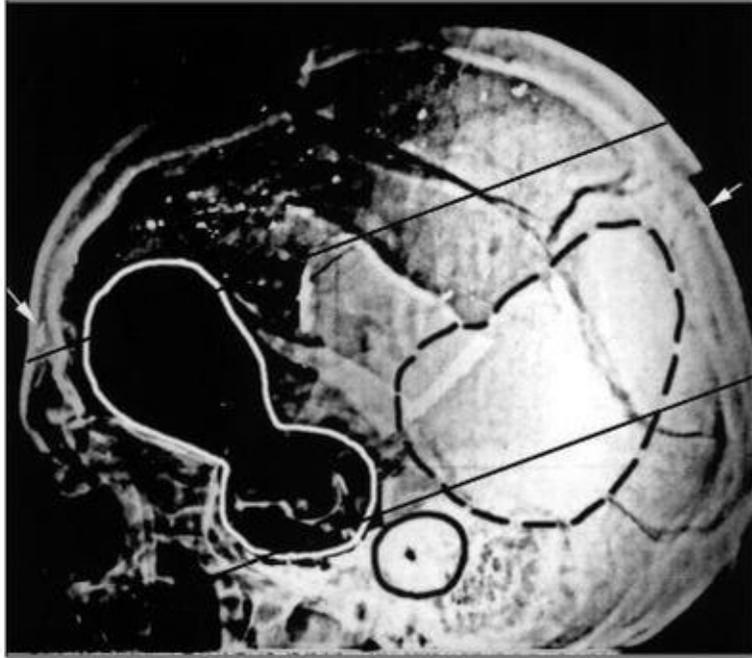


FIGURE 5B. JFK's frontal X-ray, as enhanced and published by the HSCA. The 6.5 mm (white) object seen within the right orbit is almost certainly a deliberate artifact that was added to the original X-ray;¹⁷ the latter was then lost or destroyed.

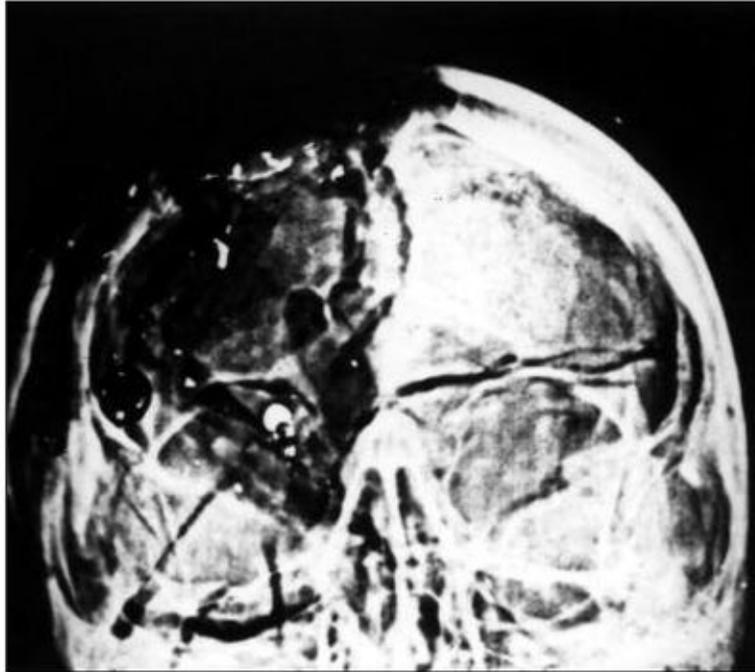


Figure 6. This CT scan was taken through the maxillary sinuses of a patient. Note how much air is present. On the lateral JFK X-ray, absorption of X-rays in the dark frontal area was less than for X-rays through the maxillary sinuses on the same film (as measured by optical densitometry). This is yet another proof of how little tissue existed in the dark frontal area—on both left and right sides. This fist-sized area at the front of the skull contains essentially no brain tissue, in total disagreement with the brain photographs.



Conclusions

The disappearance of the authentic brain (which is now known to be detectable on the skull X-rays) and the very prompt appearance of a substitute brain (as seen in the brain photographs) strongly imply that this substitution occurred very soon after the assassination. This is all consistent with the burial of the authentic brain with the body on Monday, November 25, a matter that Robert Kennedy himself could have arranged without the knowledge of either Admiral

Burkley or the pathologists.

There is one final concern. If there was a surrogate brain, it also has disappeared. It is most unlikely that RFK would knowingly have buried a fraudulent brain with JFK's body, e.g., at the reinterment several years later. Burke Marshall recalled (7 HSCA 33) that RFK feared that these autopsy materials would go on public display (e.g., at the Smithsonian) and that he (RFK) wished to dispose of the materials to prevent this. Marshall believes that RFK disposed of these items himself and the HSCA concluded (7 HSCA 33) that such a disposal is most likely what happened.

Our present state of knowledge differs from the HSCA, however, in that two brains must now disappear. The results of this essay strongly suggest that the authentic brain disappeared very promptly after November 22. In that case, the authentic brain could have been buried with the body on November 25, 1963, just as the pathologists have implied and just as RFK would have wished. The disappearance of the authentic brain, as presented here, is compatible with the conclusions of the HSCA. Where the present discussion differs, however, is that a second brain (the surrogate one) must now also vanish—but this should not have been difficult. Even had RFK remained ignorant (an unlikely scenario, since he later had possession of the large container that most likely held a brain), it is not likely that RFK would have wanted even a surrogate brain placed on public display as if it were his brother's. Most likely, RFK placed the authentic brain into the coffin for initial burial on Monday, November 25, and was therefore fully aware that a surrogate brain had later surreptitiously appeared. His later actions should therefore be viewed in light of this probable knowledge. Furthermore, if anyone cognizant of (or instrumental in) the post-assassination cover-up had learned of the deliberate loss of the surrogate brain, he (or she) would hardly have objected; such a loss would only have increased the probability that the ruse of substitution would succeed. One possible disposition would have been the simple return of the surrogate brain to its

original site in the pathology department—though that assumed the risk of subsequent unwanted discovery and exposure. Alternatively, if RFK understood the role that the surrogate brain had played, as he probably did, he could have used any convenient waste disposal site, thus creating the current black hole in the history of the JFK assassination.

Another possibility for the disposal of the substitute brain became public when the National Archives released new documents in 1999, well after the sunset of the ARRB. These documents describe how the damaged casket (the one used between Dallas and Bethesda) was dropped into the sea to a depth of 9000 feet off the Delaware-Maryland coast, into a site that was used as a military dump (*Washington Post*, May 31, 1999). This event purportedly occurred on February 16, 1966, months before the Halloween discovery of the missing brain during the same year. Curiously, Evelyn Lincoln recalled for the HSCA (HSCA Agency File 009823, July 5, 1978) that RFK had come to the Archives about four or five times during the period of 1965 to 1966.

Finally, there is a possibility that a portion of the authentic brain was not buried with the body. In an ARRB interview with Ken Vrtacnik (November 13, 1996), he reports that a section of JFK's brain was seen during 1964 to 1965 at the AFIP's National Museum of Health and Medicine, located in downtown Washington, D.C., at Seventh and Independence.¹⁸ Horne believes that this section most likely derived from the authentic brain.¹⁹ The argument that this came from the authentic brain, rather than from the surrogate brain, is that Stringer, the autopsy photographer, describes sectioning of the authentic brain, but the pathologists claimed that no sectioning was performed on the (presumed surrogate) brain. The whereabouts of this tissue section is currently unknown.

Acknowledgments: Special thanks go to Kathleen A. Cunningham for her unfailing assistance and her detailed knowledge of these matters. She brought many critical sources to our attention. Based on his experiences with the ARRB,

Douglas P. Horne provided critical comments that greatly increased the accuracy of this essay. At the National Archives, Steven Tilley, David Paynter, and Martha Murphy spent many boring hours at our sides during these observations; we are grateful for their patience. Mr. Burke Marshall, Esq., despite problems with his health on the latter occasion, twice granted permission for these studies. Those who reviewed earlier drafts of the optical density studies and who provided invaluable insights included Gary Aguilar, M.D.; Douglas DeSalles, M.D.; Steven Majewski, Ph.D.; Paul Hoch, Ph.D.; John Szabo, M.D.; and Joseph Riley, Ph.D. The conclusions herein are ours alone, however, as are any errors.

A Chronology of Events by Cyril H. Wecht, M.D., J.D. and Benjamin Wecht

Year	Date	Event
1963	November 22	JFK assassination
	November 24	Tissue sections of the body are processed (C. Boyers).
	November 24-25	Brain photos are taken (J. Stringer).
	November 25	Funeral and interment (probably including authentic brain)
	November 26 to	December 6 (approx.) Clossen types the (substitute) brain autopsy report.
	November 29	Humes phones Finck: (substitute) brain autopsy is pending.

	December 2	6 paraffin blocks of brain taken & 12 sections cut (C. Boyers)
	December 6	Handwritten date at top of brain autopsy report
1964	September 27	The Warren Report is released.
1965	April 26	Letter of transfer (from George Burkley to RFK) for autopsy materials, including inventory; Burkley sees a 7" x 8" steel container, which he says was the brain container.
	February 16	JFK casket is dropped into the sea (possibly including the brain and tissue slides).
	October 29	Paper transfer, via Burke Marshall letter, of autopsy materials from RFK to the National Archives
	October 31	The footlocker is opened at the National Archives and the brain is first noted to be missing. The public is not informed.
	November 1	Review of autopsy materials at National Archives by Naval medical personnel (Humes, Boswell, Ebersole, Stringer).
1966–1969		Garrison investigates in New Orleans.
1967	March 14	Reinterment at Arlington—the body is moved about 40 feet.
	October 3	The Secret Service sends the putative original autopsy protocol to the National

Archives—even though this had been listed as present in the above inventory of April 26!

- | | | |
|------|---------------|---|
| 1968 | April 4 | Martin Luther King is assassinated. |
| | June 5 | RFK is assassinated. |
| 1969 | January 21 | Clark Panel report is released (the review occurred in 1968). |
| 1972 | January 8 | John Lattimer, M.D., reviews the autopsy materials. |
| | August 23, 24 | Wecht reviews autopsy materials and first publicly reports that the brain is missing. Wecht publishes several papers disagreeing with the Warren Report and especially with the single bullet theory. |
| 1975 | May 7 | Wecht testifies before Rockefeller Commission for 5 hours. The HSCA investigates. The final report, released in 1979, concludes that there was a probable conspiracy. |
| 1991 | December 18 | Oliver Stone's movie <i>JFK</i> is released. Wecht serves as a technical consultant. |
| 1992 | May 27 | JAMA publishes interviews with Humes and Boswell. |
| | October 7 | JAMA publishes interview with Finck. |
| 1993 | October 21 | Mantik begins review of autopsy materials at the National Archives, including an initial visit with Wecht. Optical density studies of X-rays begin. Mantik discovers that the left lateral |

skull X-ray has no Kodak ID number.
ARRB releases assassination-related documents.

- 1997 September Mantik's essay on the faked 6.5mm object appears (James Fetzer, *Assassination Science*, 1998, pp. 120-137).
- 1998 November 9 Deb Riechmann of the Associated Press reports on Horne's two-brain proposal.
- November 10 George Lardner, in the *Washington Post*, reports in even greater detail on the two-brain proposal.
- 2000 September *Murder in Dealey Plaza*, edited by Fetzer, appears.
- 2001 April 12 While at the National Archives, Mantik discovers additional, independent proof that the left lateral X-ray must be a copy.

[1](#) Robert K. Massie, *The Romanovs: the Final Chapter*, 1995. As a personal aside, Mantik's maternal grandfather served in the Czar's army. When called up for a second tour of duty, he defected.

[2](#) Joseph Franco with Richard Hammer, *Hoffa's Man: The Rise and Fall of Jimmy Hoffa as Witnessed by His Strongest Arm*, 1987, pp. 306-308. Franco's own eyewitness account of the known last sighting of Hoffa is strikingly different from the official version. As a personal aside, Mantik was living in Detroit, only several miles away, at the time of Hoffa's disappearance from Telegraph and Nineteen Mile Road. Coincidentally, during the writing of this essay, the *Los Angeles Times* (September 8, 2001) carried a front-page article: "DNA

Yields Clue in Jimmy Hoffa Disappearance.” The mystery is not yet solved, however.

[3](#) See Horne’s essay, “Evidence of a Government Cover-Up: Two Different Brain Specimens in President Kennedy’s Autopsy” (James Fetzer, *Murder in Dealey Plaza*, 2000, p. 299). Harry Livingstone (*Killing Kennedy*, 1995, p. 267) had previously suggested that the brain had been switched. Robert Livingston, M.D. (no kin), a world-renowned expert on brain anatomy, had also previously stated (James Fetzer, *Assassination Science*, 1998, p. 161–166) that the brain in the autopsy photographs could not be authentic. Mantik, too, had stated his strong suspicions, based on the X-rays, that the brain photographs could not be authentic. However, Horne did what no one else had done: he proposed a detailed scenario that integrated all of the known data.

[4](#) One researcher had previously named a specific pathology resident who might have assisted Jenkins in inserting these needles and who might therefore be able to comment on the appearance of the brain. However, in a letter to Mantik (October 12, 2001) this physician (now at the University of Kentucky) reported that, although he was responsible for routine operation of the department, he had not assisted with any part of the autopsy.

[5](#) Boswell repeated this statement, almost verbatim, to the ARRB (p. 193).

[6](#) When immersed in formalin, brain weight increases by about 2% per day (Samuil M. Blinkov, Il’ya I. Glezer, *The Human Brain in Figures and Tables: A Quantitative Handbook*, 1968, pp. 3 and 277). If an immersed brain had been examined on Monday, November 25, it would have gained only about 6% in weight, almost certainly too little to account for the reported 1500 grams. Perfusion, had it been possible for both hemispheres, might have increased the weight by an additional 12%.

[7](#) See the Chronology of Events for the time line of this chain of possession.

[8](#) Burkley was a Rear Admiral at the time that he was military

physician to the president.

[9](#) Humes did submit photocopies of two receipts to the ARRB, both signed by Burkley, one dated November 24, 1963, for the original and six copies of the autopsy report, and a second dated November 25, 1963, for a final copy given to Burkley himself. Humes did not comment on where the originals were (ARRB Transcript, p. 12). Humes did admit to the ARRB that he had no receipt for the brain (p. 153).

[10](#) This refers to volume 7 of the 12 volumes of supporting evidence published by the House Select Committee on Assassinations (HSCA); the second number (or numbers) identifies the page(s).

[11](#) In a letter to Mantik (October 9, 2001), Mankiewicz clarified that this possibility had been raised with him, not by RFK himself, but rather by a journalist close to the Kennedy family.

[12](#) James E. Harris and Kent R. Weeks, *X-Raying the Pharaohs*, 1973. Egyptologist Bob Brier (then of Long Island University), after reviewing the skull X-rays, commented on this 3300-year-old (possible) murder mystery, suggesting that it had been an assassination. He told the *Los Angeles Times* (January 18, 1997, p. B1) that King Tutankhamen had been killed (at age 20) by a blow to the back of the head. He believes that Tut's regent, Aye, who later assumed the throne, orchestrated the murder. Others, including Harris, dispute this scenario. Tut is the ruler most often associated with ancient Egyptian opulence, due to the discovery of his tomb in 1922 by Howard Carter and his sponsor, Lord Carnarvon.

[13](#) Curiously, however, they had opposite recollections as to whether any cutting of scalp or bone was required in order to remove the brain. Humes told the ARRB (pp. 101-102) that both scalp and bone first had to be cut, but Boswell denied that either was necessary (p. 104). In this disagreement James Curtis Jenkins (Livingstone 1992, p. 226) seemed to side with Boswell; Jenkins recalled that it was not necessary to surgically remove the brain from the skull and that, at the autopsy, Humes had said, "This brain fell out in my hands. The brain stem has been surgically cut." Humes denied this latter point in

his deposition (p. 209).

[14](#) Humes was never asked to explain why the brain was all lying at the back of the skull (as seen in the X-rays), when it should have been near its normal position, as judged from the nature of the injury to the brain in the autopsy photographs and as would normally have been expected from the strength of its dural attachments.

[15](#) David S. Lifton, *Best Evidence*, 1980.

[16](#) See David W. Mantik, "Optical Density Measurements of the JFK Autopsy X-rays" (James Fetzer, *Assassination Science*, 1998, pp. 153-158).

[17](#) See David W. Mantik, "The President John F. Kennedy Skull X-rays: Regarding the Magical Appearance of the Largest 'Metal' Fragment" (James Fetzer, *Assassination Science*, 1998, pp. 120-137).

[18](#) Ironically, Humes recalled for the ARRB (p. 41) that the only course he ever took in forensic pathology was at this same site, exactly ten years before the assassination. The site now houses the Hirshhorn Museum.

[19](#) Horne offered this opinion in a critique (October 24, 2001) that was handwritten on a draft of this essay.

The Magical Bullet of the Kennedy Assassination

By Gary L. Aguilar

Introduction

House Select Committee on Assassinations investigator Gaeton Fonzi tells the tale that one day, while sitting around the HSCA's offices during the reinvestigation of the JFK assassination in the late '70s, HSCA counsel D. Andy Purdy walked in after a high-level meeting and announced, "Well, we're going with the Single Bullet Theory."

Though this Warren Commission theory had long been scorned by skeptics, the "SBT," as it is sometimes referred to,

was the *sine qua non* of the Warren Commission's case against Oswald. It offered a way of explaining how Kennedy and his limo mate, Governor John Connally, can both be seen in an 8 mm movie of the murder being struck during too short a time span for a single assassin to have fired twice. The SBT said Oswald did it with a single, lucky bullet, formally identified as Warren Commission Exhibit #399. Skeptics preferred to call it the "magic bullet." It was the famous missile that had apparently turned up at the hospital with negligible damage to itself, after having left seven flesh wounds in two men and two broken bones in its wake. (I will have more to say about its bona fides later.)

How on earth, Fonzi wondered, could people as sharp as the HSCA's savvy criminal investigators have bought *that* theory? There was at least one possible good reason: the improbable SBT offered the only way to explain known events without invoking an exquisitely choreographed and executed plot that depended on Oswald, the last person a conspirator or conspirators would ever have picked because, among numerous other deficiencies, he was a notoriously lousy shot. So, it had to be that the loner got lucky.

JFK'S Injuries and Oswald: A Conflict?

I thought of Purdy's magic bullet/SBT dilemma when I lifted the phone to call him for the first time in 1994. At the time I placed the call, I was pursuing another conflicted conundrum in the official HSCA record having to do with the location of JFK's skull injuries. The Warren Commission reported that the treating doctors in Dallas maintained that JFK sustained a rearward, gaping skull wound. The senior treating surgeon at the hospital where JFK was taken was Parkland Hospital's Kemp Clark, M.D., Professor and Director of Neurological Surgery. Dr. Clark's description, as published by the Warren Commission, typified the descriptions of all the Dallas doctors. He said JFK's skull wound was "... in the *occipital region* of the

skull ... Through the head wound, blood and brain were extruding ... There was a large wound in the right *occipitoparietal region*, from which profuse bleeding was occurring ... Both cerebral and *cerebellar* tissue were extruding from the wound.”¹ On the day of the assassination, Clark also described the wound in a handwritten hospital note, writing, “a large 3x3 cm remnant of cerebral tissue present ... there was a smaller amount of *cerebellar* tissue present also ... There was a large wound beginning in the right *occiput* extending into the parietal region ... Much of the skull appeared gone at the brief examination ... ”² “Occiput” refers to the area at the very back of the head, in the vicinity of the “occipital” skull bone, a low bone at the bottom rear of the skull. “Cerebellar tissue” comes from the “cerebellum,” a lobe of the brain found in the very bottom rear portion of the brain.

The wounds described by the Dallas doctors, including the professor of brain surgery who pronounced JFK dead and signed the death certificate, seemed an unlikely outcome for a shot from Oswald’s position: behind JFK. Swearing by the doctors in Dallas, skeptics of the official version marked Oswald innocent. They reasoned that if he’d really been shot from behind, the gaping wound would have been at the bullet’s exit, in front, not in the rear. That’s what bullets usually do. However, the official autopsy photographs, which the Warren Commission never saw, show no damage to the backside of JFK’s skull and scalp. Thus, they apparently proved Dallas wrong and Oswald still a likely suspect.

HSCA Solves the Mystery

The HSCA clearly understood the implications of a clash between credible witnesses and hard, photographic evidence. After investigating, the HSCA dealt a blow to the skeptics. It wrote, “Critics of the Warren Commission’s medical evidence findings have found [*sic*] on the observations recorded by the Parkland Hospital doctors. They believe it is unlikely that

trained medical personnel could be so consistently in error regarding the nature of the wound, even though their recollections were not based on careful examinations of the wounds ...”³ Drawing upon what it said were “staff interviews with persons present at the autopsy,” the HSCA countered that, “In disagreement with the observations of the Parkland doctors are the 26 people present at the autopsy. *All of those interviewed* who attended the autopsy corroborated the general location of the wounds as depicted in the photographs; *none had differing accounts* ... it appears more probable that the observations of the Parkland doctors are incorrect.”⁴ [Emphasis added]

The HSCA’s finding was devastating to those who believed that Parkland Hospital witnesses proved a different wound, a different bullet trajectory, and, most importantly, perhaps even a different gunman than Oswald. The now-validated autopsy photos showed that, except for a small red spot in the upper back of JFK’s scalp, said by some to be the real entrance wound, the backside of JFK’s scalp was completely undamaged. The only visible damage was a gaping skull and scalp defect to the right of midline, in front of JFK’s right ear.⁵ A shot from behind would certainly fit with the gaping wound in these photos. They effectively removed a weight-bearing pillar supporting the conspiracists’ construction—the reports from Kennedy’s emergency room. The respected *Journal of the American Medical Association* offered a common sense explanation for the failure in Dallas: the surgeons were busy trying to save JFK’s life in an emergency; they weren’t focused on accurately observing the precise nature of his wounds.⁶

Moreover, the refuting autopsy witnesses included some physicians, and they were in a much better position than the trauma team. They calmly watched as the pathologists explored JFK’s wounds over a period of several hours. But the HSCA’s proof—the autopsy witnesses’ interviews themselves—did not appear anywhere in the 12 volumes the HSCA published. They were sealed as state secrets. Had it not been for the

Assassination Records Review Board's interest in this area, these non-sensitive interviews were to have remained inaccessible until the required declassification date, sometime in 2028. No one would have guessed the surprise that lay in store with their early release.

Suppressed Evidence Supports Dallas Doctors

It turns out that it was not true that 26 autopsy witnesses refuted the Dallas doctors. The HSCA had interviewed perhaps 15 autopsy witnesses. None of them had disagreed with the descriptions given by the Dallas doctors. On the contrary, whereas over 20 witnesses at Parkland said JFK's skull defect was posterior (in the rear), nearly as many of the witnesses at the autopsy had said the same thing, over 40 in all. A review of public Warren Commission documents, other public interviews and the HSCA interviews disclosed the same thing: a remarkable agreement between witnesses both in Dallas and in the morgue that JFK's greatest skull damage was in the back of his head. In fact, the suppressed interviews revealed that not a single one of the autopsy witnesses did what the HSCA said they had all done—corroborate the fatal wounds in the photographs.⁷ They refuted them instead.

Purdy Allays Suspicions

How did the HSCA get the story so wrong, I wondered. Was it a case like the Single Bullet Theory, which was invoked because no easy alternative was available? Since Purdy had conducted most of the secret interviews, I was keen to ask him about it.

Purdy was sharp and eloquent on the phone, though not terribly concerned by the HSCA's misstatement. He explained it was unimportant to the facts in the case, and was probably just an innocent error by an unknown HSCA writer. What was important, he said, was that the HSCA had tried without

success to find any medical evidence supporting conspiracy. The new witness statements could be discarded in favor of more solid evidence, such as the autopsy report and the autopsy photographs. Moreover, he took comfort in the fact the autopsy doctors who took the pictures never disputed what was in them, which they surely would have if they didn't represent JFK's true injuries. Open and shut, he thought.

But the divergence between the witnesses and the autopsy photographs was scarcely trivial. Not only did both Dallas and autopsy witnesses—over 40 in all—agree that JFK's gaping skull wound was in the right rear, the pictures seemed to prove, against long odds, that they were all wrong, and yet all wrong in the same way. Needless to say, one does not expect perfect recall of these sorts of things. But neither does one expect 40 good witnesses in two different locations to make exactly the same mistake. The witnesses, after all, were highly trained professionals, working in their professional capacities and in accustomed circumstances, uninfluenced by drugs, alcohol or other factors that would degrade their recall. Moreover, the photos apparently proved something that had been overlooked even by the experts of the Clark Panel and the HSCA: the original autopsy report had described JFK's head damage in much the same way the witnesses had—*parietotemporooccipital*, which is a fancy way of saying right rearward. A conflicted conundrum.

Autopsy Photographs Offer Solution to Conflicts

Reflecting on it afterward, it occurred to me that Purdy, and perhaps other HSCA's forensic consultants, focused on the autopsy photographs to provide a reasonable shortcut through a forest of confusing and contradictory medical evidence. It was impossible for them to imagine there could be anything false or misleading about the pictures. After all, the HSCA had received a report from its own panel of photography experts endorsing the authenticity of the autopsy pictures. (More on

this later.) Perhaps like the SBT, dismissing 40 witnesses was considered the least implausible, even the best possible, solution to a hopeless conflict. The HSCA in general, and Purdy in particular, may also have welcomed the photographic shortcut for another reason. Since the pictures could be used to keep Oswald in the dock, they wouldn't elicit a hostile reaction from official quarters.

Moreover, by using the photographs and, to a lesser extent, the X-rays as the gold standard to prove JFK's pathologists fallible, the HSCA wasn't breaking any new ground. In 1968 a group of experts commissioned by Attorney General Ramsey Clark had already done so. Whereas the autopsy report said the fatal bullet had entered JFK's skull low, through the occipital bone, the so-called Clark Panel decided that the photographs and X-rays proved the pathologists were wrong—that bullet had really entered 100 mm (10 cm), or four inches higher, and through a different bone, the parietal bone. Though the discovery got little attention in 1968, the rebuke was quite astounding. And it set a precedent for the HSCA's probe.

For although JFK's pathologists were then actively teaching resident physicians how to be pathologists, which includes a detailed understanding of anatomy, the photographs and X-rays seemed to prove that they didn't know what first-year medical students need to know to pass the first anatomy course: that the top of the head is *not* the same as the bottom, the parietal bone is *not* the occipital bone. The magnitude of the error can perhaps be best understood if one realizes that area of the rear of the skull, in which this four-inch error was supposedly made, measures—from top to bottom—only about five inches (12 cm)!

But the photographs and X-rays seemed to be above all suspicion. The HSCA's own panel of forensic experts backed up the esteemed members of the Clark Panel on this point. The Clark Panel, however, had only examined the autopsy photos and X-rays, not witness accounts. So the HSCA's only real new contribution was that, like JFK's pathologists, the witnesses were fallible, too, and were to be ignored about the autopsy evidence. However, the HSCA panel didn't reject the autopsy

witness accounts Purdy had gathered; they never saw them.

In a public conference hosted by the Coalition on Political Assassinations in 1994, I slide-projected copies of the interviews Purdy had conducted with autopsy witnesses during a speech. The chair of the HSCA's forensic panel, Michael Baden, M.D., and Cyril Wecht, M.D., J.D., his fellow panelist, were speaking on the same program and were sitting beside me on the stage. When I projected the HSCA documents and diagrams, both Baden and Wecht admitted they were seeing this evidence for the first time. It was part of the forensic evidence they were supposed to have evaluated in 1978. Would this information have made a difference to their conclusions? It is possible that if the HSCA had realized that both Dallas and morgue witnesses fully agreed about JFK's gaping rearward skull damage, that they might have looked a little harder at the autopsy photographs that seemed to prove them all wrong.

Nevertheless, by the end of 1978, it was official dogma that the entrance site for the fatal skull shot was four inches higher than originally specified in the autopsy report. And that the autopsy report and the witnesses were mistaken about a gaping wound in the back of JFK's skull.

The Doctors Dissent

JFK's pathologists never accepted the verdict that they had made such a stupid mistake about the fatal inshoot.⁸ Before Humes testified to the HSCA for the first time, Purdy privately confronted Humes with the Clark Panel's findings. In Purdy's memo about the recorded interview, kept secret until the mid-1990s, Purdy wrote, "Regarding the location of the entrance wound in the President's head, I asked him whether the wound was in the upper or lower part of the head. Dr. Humes said that it was in the 'lower head' area ... I cited to him the Clark Panel's recitation of their determination that the autopsy doctors had miscalculated the location of the head wound by a vertical distance of approximately 100 millimeters (they said

the autopsy doctors placed the wound that much lower than it really was). *Dr. Humes stated categorically that his physical measurements are correct and emphasized that he had access to the body itself and made the measurements of the actual head region. In addition, he said that photographs and X-rays have inherent limitations which are not present when one is examining the subject.*⁹ [Emphasis added] The HSCA reported that Finck saw things much the same way: “Dr. Finck believed strongly that the observations of the autopsy pathologist were more valid than those of individuals who might subsequently examine photographs.”¹⁰

Humes wouldn't back down later when he appeared before the HSCA's forensics experts. Gazing at the autopsy photographs with Humes under oath, the forensic panelists repeatedly asked him whether the high red spot visible in the back of JFK's head was an entrance wound. Humes said no in several ways, finally answering, “I can assure you that as we reflected the scalp to get to this point,” the high, red spot, “there was no defect corresponding to this in the skull at any point. I don't know what that is. It could be to me clotted blood. I don't, I just don't know what it is, but it certainly was not any wound of entrance.”¹¹ Boswell, who was sitting alongside Humes and testifying with him, likewise insisted the entrance wound was low, and that the high spot on the pictures was not an entrance wound.

During their HSCA and ARRB testimonies, Humes and Boswell also offered an explanation that might solve the mystery of both the low location of the entrance wound and the rearward skull damage. Boswell said that when he first examined JFK's skull wound he found that, measuring fore to aft, 17 cm of bone was missing.¹² This is a gigantic bony defect. Boswell documented that dimension in the only original document from the night of the autopsy that was not later destroyed: Boswell's so-called “face sheet.”¹³ Thus, the skull damage was massive and, as he elaborated to the HSCA, and as he diagrammed it on the night of the autopsy and again for the

ARRB in the late 1990s,¹⁴ it went from the very rear of JFK's skull to nearly the edge of his forehead.¹⁵

About the low rear bullet wound, Boswell explained to the HSCA that it wasn't a matter of a small bullet hole in an otherwise intact plate of bone. Rather, the bullet hole was detectable at the bottom of the continuous, 17 cm skull defect. A fragment of bone that arrived late during the autopsy fit like a puzzle piece to complete a bullet hole in the low, occipital bone. But above the bullet hole, when they first examined JFK, was nothing but pure air—17 cm of bone had been blasted away, including a portion of the entrance wound.

Andy Purdy reported this in a once-secret memo of an interview, "Dr. Boswell said the wound was fairly low in the back of the head and that the bone was completely gone above the entry wound. He said that during the autopsy, a piece of skull fragment was brought in which included a portion which corresponded to the missing half of the entry wound in the head."¹⁶ Boswell put it similarly under oath to the HSCA, "There was a shelf and then a little hole, came up on the side and then one of the smaller of the two fragments in the X-ray, when that arrived, we were able to fit that down there (in the occipital bone site of the entrance wound) and complete the circumference of that (entrance) bone wound."¹⁷ In a recorded call I deposited with the National Archives, Boswell told me the same thing in 1993.

Thus, the bullet wound was quite low in the back of JFK's skull. And above it wasn't bone, but a gaping absence of bone. Hence, it is easier to see how so many witnesses were struck by that gaping rearward damage. But if the bony defect measured 17 cm, why didn't the witnesses also note the more forward damage? While no certain answer seems possible, it may be that the abundance of longer, bloody hair on the top of JFK's skull made the rearward defect easier to appreciate than the damage on the top and front. But why then don't the autopsy photographs show the gaping rearward wound the witnesses described?

During sworn appearances before the HSCA and the ARRB, Boswell gave a simple and even obvious explanation for that, too: he was holding a flap of scalp up, covering the hole in the back of the head when the picture was snapped. He told the HSCA that there was a laceration that “tore right down to that point,” and Boswell indicated a spot on the low backside of JFK’s scalp.¹⁸ Elaborating further to the ARRB, he explained that, while a large segment of bone measuring 10 cm x 17 cm was missing when JFK’s skull was first examined, “the scalp could be closed from side to side so that it didn’t appear that there was any scalp actually—scalp missing [*sic*].”¹⁹ The image showing the backside of JFK’s scalp intact, Boswell explained, shows “the scalp of President Kennedy [being] pulled forward” in order to take the photograph of the bullet wound.²⁰ He emphasized, however, that behind JFK’s right ear, under the stretched scalp flap, skull bone was missing.

This “innocent” explanation has the advantage of obviating need for sustaining the difficult argument for direct tampering with selected autopsy pictures. It does not, however, speak to the issue of missing images. With the members of the autopsy team having repeatedly, and independently, testified that pictures they took are missing, and with photo technicians having testified that images they developed are gone, there is reason to suspect images have been removed. The case is strengthened by additional factors, too. Although the central purpose of taking the photographs was to document the wound that killed JFK, unless some images of it are missing, one is constrained to conclude that the autopsy team was astute enough to document JFK’s injuries with photographs, but that it didn’t take the obvious photographs that were necessary. If indeed the backside of JFK’s scalp is being pulled over the blasted defect in the back of JFK’s skull in the surviving photograph, is it likely that they would have forgotten to drop the flap to capture the wound in all its glory with just another click of the shutter? As we will see, the record supports the theory some pictures are missing.

If the photo file had indeed been culled, it must have happened years before the HSCA was established and reported it had authenticated the images. That they might not have was suggested by a recent ARRB discovery that had languished in secret documents: the HSCA never did really authenticate JFK's autopsy X-rays.

Did HSCA Authenticate the Photographs?

In support of its reconstruction of the murder evidence, the HSCA declared it had authenticated the autopsy photographs. However, the HSCA admitted that its authentication was not quite complete: "Because the Department of Defense was unable to locate the camera and lens that were used to take these [autopsy] photographs, the [photographic] panel was unable to engage in an analysis similar to the one undertaken with the Oswald backyard pictures that was designed to determine whether a particular camera in issue had been used to take the photographs that were the subject of inquiry."²¹

In effect, the HSCA was saying that it was unhappy the original camera was unavailable to totally close the loop. Nevertheless, it expressed satisfaction the loop had been closed enough for confidence in the images because it had found features in the extant images that showed a kind of internal consistency one would find only in authentic images. Those consistencies essentially comprise virtually the entire HSCA case for "authentication." But there was an important part of the story the HSCA didn't tell.

Luckily, the JFK Review Board's Doug Horne did tell it, after he excavated that part of the story from suppressed HSCA files. It is a rather different story than the one implied by the HSCA's comment, "Because the Department of Defense was unable to locate the camera and lens that were used to take these [autopsy] photographs." Regarding that sentence, Horne wrote, "By late 1997, enough related documents had been located and assembled by the authors to bring into serious doubt the

accuracy of the HSCA's [statement]." [22](#) It was not precisely true the Department of Defense had been unable to locate the camera used to take JFK's autopsy photographs.

Apparently, the DoD *had* found the camera. The DoD wrote the HSCA that "the only [camera] in use at the National Naval Medical Center in 1963" [23](#) had been sent to the HSCA for study. The HSCA, however, wasn't pleased with the DoD's camera. In a letter asking the Secretary of Defense to look for another one, HSCA chief counsel Robert Blakey explained the problem: "[O]ur photographic experts have determined that this camera, or at least the particular lens and shutter attached to it, could not have been used to take [JFK's] autopsy pictures." [24](#) Whereas the HSCA had publicly claimed the original autopsy camera could not be found, the suppressed record suggests that camera *was* found, and that it was tested. And it also found that it couldn't be matched to Kennedy's images. The HSCA staff elected not to share any of this information with the public nor its panel of forensic consultants.

Horne reported that Kodak, which did work for the Review Board, found no evidence the current autopsy images had been falsified. And as Horne emphasized in his memo, the HSCA's misstatement, as misleading as it is, may not be as sinister as it seems at first blush. The type of camera used was a "view" camera. It had a flat, square back that houses the double-sided film packs, and an attached bellows. Attached to the front of the bellows are an interchangeable lens and a shutter mechanism, which may be switched out for different tasks. The lens and shutter used in 1963 may have been replaced by the time the DoD fetched the camera for the HSCA in 1977. And so a different lens or shutter *might* explain why the camera didn't match JFK's photographs. But unfortunately, there is no certainty that a different lens and shutter *do* explain the mismatch. Horne searched through the files for the tests the HSCA conducted that proved a mismatch, but could find none. He also searched for the camera, and reported it has vanished.

So while Horne was unable to confirm an innocent explanation for the mismatch, he was unable to exclude the obvious, sinister explanation: photo tampering. The Kodak finding that the extant images reveal no tampering proves that the extant images themselves have no internal inconsistencies that would prove tampering. It cannot, however, prove that no images are missing, which, evidence suggests, may well be the case. Nor can it disprove that a different camera than had been supposed took the extant images. Nor, even, can it disprove another possibility: that the current inventory is an entirely separate set of internally consistent images, but a different set than the one that may have originally existed.

FBI Witnesses: JFK's Autopsy Photos Doctorred

The theory of some kind of photographic “doctoring,” therefore, is not mere lunacy; it has significant support in the record. In fact, the word “doctorred” was precisely the word the FBI agent who was present at the autopsy used when he was shown JFK’s autopsy photographs by the JFK Review Board in 1997.

ARRB Counsel Gunn asked agent Francis O’Neill: “I’d like to ask you whether that photograph resembles what you saw from the back of the head at the time of the autopsy?”

O’Neill: “This looks like it’s been doctorred in some way²⁵ ... I specifically do not recall those—I mean, being that clean or that fixed up. To me, it looks like these pictures have been ... It would appear to me that there was a—more of a massive wound”²⁶

Similarly, Gunn asked agent Sibert, “Mr. Sibert, does that photograph [of the back of JFK’s head] correspond to your recollection of the back of President Kennedy’s head?”

Sibert: “Well, I don’t have a recollection of it being that intact, as compared with these other pictures. I don’t remember seeing anything that was like this photo (126) ... I don’t recall anything like this at all during the autopsy. There

was much—well, the wound was more pronounced. And it looks like it could have been reconstructed or something, as compared with what my recollection was”[27](#)

Whether the current images of JFK’s autopsy really were “doctored” will probably forever remain unconfirmed. But discrepancies between what witnesses saw and what the images show is not the only problem with Kennedy’s autopsy films. There is also reason to suppose some of the images that were taken on the night of the autopsy have disappeared.

Missing Autopsy Photographs

Released files have revealed that all three of JFK’s pathologists, both autopsy photographers, White House photographer Robert Knudsen, and National Photographic Center (NPC) employee Sandra Spencer, have testified that some JFK autopsy photos are missing. [2829303132333435](#) Both Knudsen and Spencer claimed that they developed color negative film, but no such film currently exists in the “authentic” inventory.[36](#) Spencer claimed, from NPC film she has kept in her personal possession since the time she worked on photographs from JFK’s morgue, that the current film on which JFK’s images appear was *not* in use at the NPC when she developed JFK’s autopsy photographs at the NPC.[37](#)

Two FBI agents who saw the autopsy images of JFK’s skull wound testified under oath to the Board that JFK’s fatal skull wound looked nothing at all like the photographs that showed the backside of JFK’s skull and scalp intact. Instead, they claimed a sizable rearward skull defect was present,[3839](#) a defect that was corroborated by numerous witnesses from both Dallas and the autopsy, including neurosurgeons and pathologists.[404142434445464748495051525354](#)

This apparently compromised set of autopsy images formed a significant basis for the Clark Panel’s and the HSCA’s

determination that Oswald was responsible for JFK's wounds. But whether the images accurately reflect JFK's skull damage is another question altogether.

Though sometimes dismissed as unreliable, the reigning authority on eyewitness testimony, Elizabeth Loftus, claims witnesses often give *very* reliable information.⁵⁵ Loftus has also identified the factors that degrade witness accuracy. Principal among them are: poor lighting, short duration of event or long duration between the event and questions about it, unimportance of fact to the witness, violence, witness stress or drug/alcohol influence, and the absence of specialized training on the witness's part.⁵⁶ Absent these factors, Loftus' studies show witnesses are very reliable. With respect to JFK's skull damage, none of Loftus' adverse circumstances were present that would explain how the witnesses at Parkland Hospital and at the morgue might have been wrong. They were working as highly trained experts in their usual capacity, circumstances and setting. Overwhelmingly, the odds favor the witnesses.

This leaves us only two reasonable possibilities: either 40+ witnesses from two different locations made the same mistake about JFK's rearward skull injury, or JFK's autopsy photographic inventory, described as culled by eight witnesses, has been falsified or culled in some manner that masks the rearward skull damage so many credible witnesses described. The HSCA's inauthentic authentication of JFK's autopsy photographs is likely to encourage skeptics.

Was Commission Exhibit #399 Really Found at Parkland Hospital?

The only nearly intact bullet found that supposedly linked Oswald to the crime was a bullet that was picked up off a Parkland Hospital stretcher by hospital employee, Darrell Tomlinson. As the Warren Commission would later reconstruct it via the Single Bullet Theory, that bullet was said to have

passed through JFK from his back to his throat. After exiting JFK's throat, the same bullet then passed forward, causing all of Governor Connally's five wounds before falling out onto a stretcher at Parkland.

After finding the bullet, Tomlinson gave it to his boss O.P. Wright, who in turn, handed it over to Secret Service Agent Richard Johnsen. Johnsen then passed the bullet to James Rowley, the chief of the Secret Service, and Rowley gave the bullet to FBI agent Elmer Lee Todd, who carried it to the FBI's crime lab. Without exploring the fact that the HSCA discovered that there was another witness who was apparently with Tomlinson when the bullet was found (Nathan Pool), what concerns us here is whether the bullet currently in evidence, Commission Exhibit #399, is the same bullet Tomlinson/Wright handled on the day of the murder.

Warren Commission Exhibit #2011 describes some of the research done on #399 for the Commission. CE #2011 consists of the last two pages, of three, of an FBI memorandum dated July 7, 1964 which is entitled, simply, "RE: LEE HARVEY OSWALD." Exhibit #2011 says that on June 12, 1964 FBI agent Bardwell Odum showed the Mannlicher-Carcano bullet (CE #399) to Parkland Hospital employees, Darrell Tomlinson and O.P. Wright. It also says that both men said the bullet "appears to be the same one" they found on the day of the assassination, but that neither could "positively identify" it.

"Positive identification" means that identification can be made positively by a witness, as, say, when a witness has initialed an item of evidence, a common FBI practice used to insure an unbroken chain of possession. Understandably, neither Tomlinson nor Wright inscribed their initials on the bullet they found. But that they claimed, so soon after the murder, that the bullet Odum showed them looked like the one they had found was valuable evidence that it was indeed the same one that was found the day of the murder.

However, CE #2011 included other information that raised questions about the bullet. As first noted by Ray Marcus,⁵⁷ it reports that on June 24, 1964 FBI agent Todd, who received

the bullet from Rowley, returned with presumably the same bullet to get Secret Service agents Johnsen and Rowley to identify it. CE #2011 reports that both Johnsen and Rowley advised Todd that they “could not identify this bullet as the one” they saw on the day of the assassination. No comment appears about the failure being merely a failure to “positively identify” the shell, or that CE #399 “appeared to be the same” bullet they handled the day JFK died.

The other peculiarity about this episode is that #2011 reports it was Todd who received the bullet from Rowley on 11/22/63. Then on June 24th it was Todd who returned with what should have been the same bullet to show Rowley. Didn't they by then sort of know one another? Had it truly been the same bullet, wouldn't there have been some acknowledgement, as there had been for Tomlinson and Wright in the same document, that Rowley and Johnsen saw at least a resemblance? There was no such acknowledgement. And there the conflicted story lay until Josiah Thompson's book *Six Seconds in Dallas* was published in 1967.

Thompson reported that he interviewed Wright in November 1966. As Thompson recalled the episode, “(B)efore any photos were shown or he was asked for any description of #399 (Wright) said: ‘That bullet had a pointed tip.’ I (Thompson) said, ‘Pointed tip?’ He said, “Yeah, I'll show you. It was like this one here,’ he said, reaching into his desk and pulling out the .30 caliber bullet pictured in *Six Seconds*.”[5859](#) (See p. 175.) After Thompson showed Wright the various bullet photos and finally #399, Wright asked, “Is that the bullet I was supposed to have had?”[60](#)

Thus in 1964 the Warren Commission, or rather the FBI, claimed Wright believed the original bullet resembled #399. In 1967 Thompson claimed Wright believed the bullet he saw on November 22nd looked like a different bullet than #399. Recent FBI releases prompted by the JFK Review Board support Thompson.

A 6/20/64 FBI AIRTEL memorandum from SAC, Dallas to J.

Edgar Hoover contains the statement, "For information WFO (FBI Washington Field Office), neither DARRELL C. TOMLINSON [*sic*], who found bullet at Parkland Hospital, Dallas, nor O.P. WRIGHT, Personnel Officer, Parkland Hospital, who obtained bullet from TOMLINSON and gave to Special Service, at Dallas 11/22/63, can identify bullet ..." Whereas #2011 claimed Tomlinson and Wright had said the bullet the FBI showed them in June 1964 "appears to be the same" bullet they found on the day of the assassination, nowhere in this previously classified memo, which was written before CE #2011, is there any mention that either of the Parkland employees saw a resemblance.

I wondered whether perhaps there might be more information on this somewhere in the files. There should have been, for example, some original "302s"—the raw FBI field reports from the interviews with Tomlinson and Wright. Perhaps there, I thought, I'd find a comment about there being a resemblance between the bullets.

In early 1998, an associate, Kathy Cunningham, told me she was going to the National Archives, and so I asked her to search for any additional files that might shed light on this story. She looked and found none. I contacted the JFK Review Board's Jeremy Gunn for any information he might be able to locate. On May 18, 1998, the Review Board's Eileen Sullivan, writing on Gunn's behalf, wrote "[W]e have attempted, unsuccessfully, to find any additional records that would account for the problem you suggest."⁶¹ Undaunted, I wrote the FBI directly, and was referred to the National Archives. I then wrote Mr. Steve Tilley at the National Archives.

On Mr. Tilley's behalf, Mr. Stuart Culy, an archivist at the National Archives, made a search. On July 16, 1999 Culy wrote that he searched for the FBI records within the HSCA files as well as in the FBI records, all without success. He was able to determine, however, that the serial numbers on the FBI documents I had ran "concurrently, with no gaps, which indicated that no material is missing from these files."⁶² In

other words, the earliest FBI report did not mention that either Tomlinson or Wright had said there was a similarity between the bullet found at Parkland Hospital and the bullet later in evidence, CE #399. The internal record suggested exactly the opposite.

Thus, no contemporaneous FBI record supports the claim in Commission Exhibit #2011 that either Tomlinson or Wright said #399 resembled the bullet that they saw on the day JFK died. Instead, the earliest account suggests that both they and Secret Service Agents Johnsen and Rowley, saw no resemblance. Josiah Thompson's assertion about Wright, which might have been dismissed by Warren loyalists citing the earlier FBI evidence in #2011, is now supported by an even earlier FBI memo, one that was suppressed. The FBI's contention in #2011 that Tomlinson and Wright saw a resemblance appears to have been pure invention.

A Visit With Bardwell Odum

At a dead end, I called Josiah Thompson and laid out the whole story. He was quiet for a moment, then answered, "What does Bardwell Odum have to say?"

"Odum? You mean the FBI agent who, according to the FBI's memo, said Tomlinson and Wright saw a resemblance? How the hell do I know!"

"Why don't we find out," he answered.

In about 15 minutes, Thompson had located and faxed me Odum's home address and phone number. I wrote Odum, sending him the documents, and I followed up with a trip to Odum's home in a suburb of Dallas. Thompson joined me.

On November 24, 2001, a gregarious, witty man greeted us warmly at his front door. Long retired from the FBI, he had lots of stories to tell, but none more interesting than the one he told about CE #2011. As he had already told me on the phone, he admitted that he had never taken any bullet around to show to Parkland Hospital employees. Moreover, he had been

personally acquainted with O.P. Wright, and would certainly not have forgotten such an episode if it had ever happened. Had he ever done so, moreover, he said he would have filed a report, and some evidence of it would remain in the files. But as the National Archives reported, I already had all the files, and in sequence. None were missing. And none reported Odum had carried CE 399 to the witnesses for identification purposes. One question remains, however: If the FBI did in fact adjust Tomlinson and Wright's testimonies with an inauthentic claim of bullet similarity, why didn't it also adjust Johnsen and Rowley's? While it is unlikely a certain answer to this will ever be found, the FBI authors of #2011 might well have thought that Secret Service agents would have been more likely to read the FBI reports involving them than would a couple of Parkland Hospital employees.

Conclusions

Warren Commission loyalists have a point that should not be lost on skeptics: When they argue, as some skeptics have, that *all* the Oswald-implicating, false JFK assassination evidence is the result of conspirators' machinations, the cast of necessary co-conspirators expands to preposterous dimensions. One needn't posit that myriad coconspirators charged off in the wrong direction, but only that, early on, a few who were influential did. J. Edgar Hoover and Allen Dulles, men of enormous power and influence, no doubt inspired the men who conducted the investigation by expressing an early preference for the Lone Nut solution. They then sat back as men under their sway—the FBI and CIA men to whom the Warren Commission had given exclusive investigative authority—foraged for evidence.

The result was predictable. Regarding the FBI's investigation, the HSCA concluded, "It must be said that the FBI generally exhausted its resources in confirming its case against Oswald as the lone assassin, a case that Director J.

Edgar Hoover, at least, seemed determined to make within 24 hours of the assassination.”⁶³ Allen Dulles biographer Peter Grose observed, “Allen [Dulles] systematically used his influence to keep the commission safely within bounds ... and from the start, before any evidence was reviewed, he pressed for the final verdict that Oswald had been a crazed lone gunman, not the agent of a national or international conspiracy.”⁶⁴ The Warren Commission was captive of the FBI/CIA evidence because it lacked its own investigators, and therefore, the ability to independently check what it was given.

We remain dependent to a large extent on that evidence even today. Hoover’s preferences were honored in CE #2011 when the FBI airbrushed out disfiguring blemishes in CE #399’s appearance so as to leave the nearly perfect semblance of authentic physical evidence linking Oswald to the crime. The HSCA swore allegiance to JFK’s autopsy photographs, and so followed the lead set by the influential Clark Panel. Unfortunately, the very autopsy photographs that formed so large a basis of the Clark Panel’s findings cannot be authenticated, and they have been impugned by myriad credible witnesses, some of whom have even called the images “doctored.”

Ironically, despite the fact the HSCA concluded there *had been* a conspiracy, the JFK Act has proved that the HSCA, like the FBI it derided for mischiefmaking, was not above making a little mischief of its own. Not unlike the FBI’s adventure with CE #399, the HSCA, too, took a shortcut to the hasty conclusions preferred by its brass. But because of its sensitive dependence on prior, uncertain evidence—the FBI’s “magic bullet,” and “authentic” autopsy photographs and the like—the HSCA brass, like the Warren Commissioners before them, were constrained to go along with the Single Bullet Theory and the indisputability of the autopsy photographs that tightened the noose around Oswald.

One way to look at it is that some of the failings that plagued both the Warren Commission and the HSCA occurred for the

same reason: hurried investigators were trying to explain complex and conflicted evidence that was infinitely less clear to them than were the crystal clear preferences of their superiors, or of prior, respected authorities.

[1](#) Warren Commission Exhibit, #392.

[2](#) Warren Commission Exhibit #392. WC Vol. 17:9-10.

[3](#) HSCA, Vol. 7:37.

[4](#) HSCA, Vol. 7:39.

[5](#) HSCA, Vol. 7:37-39.

[6](#) Breo, Dennis. "JFK Part II." *JAMA*. 5/27/92.

[7](#) A detailed discussion of these witnesses and JFK's autopsy photographs appears in: Gary Aguilar, *The Converging Medical Case for Conspiracy in the Death of JFK*, an essay in a book edited by James H. Fetzer entitled, *Murder in Dealey Plaza*. Chicago: Catfeet Press, 2000, p. 175-219. Also discussed in: Gary L. Aguilar, M.D., Cyril Wecht, M.D., J.D., *The Medical Case for Conspiracy*. In: Charles A. Crenshaw, M.D., *Trauma Room One—The JFK Medical Coverup Exposed*. New York: Paraview Press, 2000, p. 170-287.

[8](#) HSCA, Vol. 7:246-260.

[9](#) Purdy interview of James H. Humes, M.D. Agency file #002070, record #180-10093-10429. P. 7-9.

[10](#) HSCA, Vol. 7:115.

[11](#) HSCA, Vol. 7:254.

[12](#) HSCA, Vol. 7:246-260.

[13](#) The destruction of original autopsy notes from the night of the autopsy is discussed in detail in: Gary L. Aguilar, M.D., Cyril Wecht, M.D., J.D., *The Medical Case for Conspiracy*. In: Charles A. Crenshaw, M.D., *Trauma Room One—The JFK Medical Coverup Exposed*. New York: Paraview Press, 2000.

[14](#) See reproductions of Boswell's depictions for the ARRB, reproduced in: Gary Aguilar, *The Converging Medical Case for Conspiracy in the Death of JFK*, an essay in a book edited by James H. Fetzer entitled, *Murder in Dealey Plaza*. Chicago: Catfeet Press, 2000, p. 186. See also: Gary L. Aguilar, M.D.,

Cyril Wecht, M.D., J.D., *The Medical Case for Conspiracy*. In: Charles A. Crenshaw, M.D., *Trauma Room One—The JFK Medical Coverup Exposed*. New York: Paraview Press, 2000, p. 282-283.

[15](#) A detailed discussion of these witnesses and JFK's autopsy photographs appears in: Gary Aguilar, *The Converging Medical Case for Conspiracy in the Death of JFK*, an essay in a book edited by James H. Fetzer entitled, *Murder in Dealey Plaza*. Chicago: Catfeet Press, 2000, p. 175-219. Also discussed in: Gary L. Aguilar, M.D., Cyril Wecht, M.D., J.D., *The Medical Case for Conspiracy*. In: Charles A. Crenshaw, M.D., *Trauma Room One—The JFK Medical Coverup Exposed*. New York: Paraview Press, 2000, p. 170-287.

[16](#) Purdy interview of J. Thornton Boswell, M.D. HSCA. Record #180-10093-10430. Agency file #002071, page 6.

[17](#) HSCA, Vol. 7:260.

[18](#) HSCA testimony of J. Thornton Boswell, HSCA vol. 7:246.

[19](#) ARRB testimony J. Thornton Boswell, College Park, Maryland, 2/26/96, p. 60.

[20](#) ARRB testimony J. Thornton Boswell, College Park, Maryland, 2/26/96, p. 160.

[21](#) HSCA, Vol. 6:226, footnote #1.

[22](#) Memorandum for File, written by Doug Horne for the JFK Review Board, entitled, "Unanswered Questions Raised by the HSCA's Analysis and Conclusions Regarding the Camera Identified by the Navy and the department of Defense as the Camera Used at President Kennedy's Autopsy," p. 24.

[23](#) This sentence is taken from a letter sent by John G. Kester, Assistant to Secretary of Defense Brown for HSCA-related matters in response to the HSCA's request for the camera used at the autopsy. Cited in Memorandum for File, written by Doug Horne for the JFK Review Board, entitled, "Unanswered Questions Raised by the HSCA's Analysis and Conclusions Regarding the Camera Identified by the Navy and the department of Defense as the Camera Used at President Kennedy's Autopsy," p. 4.

[24](#) *Ibid.*

[25](#) FBI agent Francis X. O'Neill. Sworn testimony before the ARRB, 9/12/97, p. 158.

[26](#) FBI agent Francis X. O'Neill. Sworn testimony before the ARRB, 9/12/97, p. 161-162.

[27](#) FBI agent James W. Sibert. Sworn testimony before the ARRB, 9/11/97, p. 128.

[28](#) In formerly secret testimony first taken 20 years ago, Dr. Finck described to the Select Committee how he had photographed the beveling in JFK's skull bone to prove that the low wound in occipital bone was an entrance wound. As he explained, only images of bone, and not soft tissue (scalp) images, would have shown cratering, or beveling. (Soft tissue will not demonstrate beveling, just as a BB "wound" through a carpet will not show the beveling of one through a plate of glass.) In the following exchange, Dr. Finck was being asked by the Select Committee's forensic consultants whether the images being shown were those Dr. Finck had claimed were missing:

(HSCA counsel D. Andy) **PURDY:** We have here a black and white blow-up of that same spot [a spot on the rear of JFK's scalp he claimed was the location of the bullet's entrance]. You previously mentioned that your attempt here was to photograph the crater, I think was the word that you used. **FINCK:** In the bone, not in the scalp, because to determine the direction of the projectile the bone is a very good source of information so I emphasize the photographs of the crater seen from the inside the skull. What you are showing me is soft tissue wound [*sic*] in the scalp.

A few moments later, the following exchange occurred: **CHARLES PETTY, M.D.:** If I understand you correctly, Dr. Finck, you wanted particularly to have a photograph made of the external aspect of the skull from the back to show that there was no cratering to the outside of the skull.

FINCK: Absolutely.

PETTY: Did you ever see such a photograph?

FINCK: I don't think so and I brought with me memorandum referring to the examination of photographs in 1967... and as I

can recall I never saw pictures of the outer aspect of the wound of entry in the back of the head and inner aspect in the skull in order to show a crater although

I was there asking for these photographs. I don't remember seeing those photographs.

PETTY: All right. Let me ask you one other question. In order to expose that area where the wound was present in the bone, did you have to or did someone have to dissect the scalp off of the bone in order to show this?

FINCK: Yes.

PETTY: Was this a difficult dissection and did it go very low into the head so as to expose the external aspect of the posterior cranial fascia [*sic*—meant “fossa”]?

FINCK: I don't remember the difficulty involved in separating the scalp from the skull but this was done in order to have a clear view of the outside and inside to show the crater from the inside ... the skull had to be separated from it in order to show in the back of the head the wound in the bone.” (HSCA interview with Finck, p. 90-91. Agency File #013617)

Evidence that these key documentary photographs of JFK's fatal wound were indeed taken dates to the Warren Commission. During his Commission testimony, while discussing the beveling that was visible in the bone where the bullet entered, Commander Humes claimed, “This wound then had the characteristics of wound of entrance from this direction through the two tables of the skull.”

ARLEN SPECTER: When you say ‘this direction,’ will you specify that direction in relationship to the skull?

HUMES: At that point I mean only from without the skull to within ... and incidentally photographs illustrating this [beveling] phenomenon from both the external surface of the skull and from the internal surface were prepared. (Warren Commission Vol. #2:363)

(Another witness supported Finck's contention that he had worked with the photographer that night. Dr. Robert Karnie, M.D., a Bethesda pathologist who was present during the

autopsy, was interviewed by the HSCA. It reported, “He [Karnei] said he does ‘remember him [Finck] working with probes and arranging for photographs.’”—HSCA Agency File #002198, p. 6.)

The fact no such skull photographs currently exist is a problem whose significance was apparently realized very early on. Dr. Humes’ testimony about these missing images appears to have been what was being referred to in a suppressed 1967 LBJ memo that reported, “There is this unfortunate reference in the Warren Commission report by Dr. Hinn [almost certainly Humes, there was no “Dr. Hinn,” or any other doctor with a name like it] to a[n autopsy] picture that just does not exist as far as we know.” Alternatively, the memo may have been referring to photographs of the interior of JFK’s chest which Humes also discussed with the Warren Commission, and which are also missing. (Source is from memo titled, “President Johnson’s notes on Conversation with Acting Attorney General Ramsey Clark—January 26, 1967—6:29 p.m.” Obtained by Kathy Cunningham from the Lyndon B. Johnson Library. Copy available by request.)

[29](#) In a once-secret memo, HSCA counsel, D. Andy Purdy, J.D., reported that chief autopsy photographer, “[John] STRINGER [*sic*] said it was his recollection that all the photographs he had taken were *not* present in 1966 (when Stringer first saw the photographs). HSCA rec. #180-10093-10429. Agency file #002070, p. 11. Stringer apparently was not satisfied with the explanation given him for the missing photos, for the HSCA reported, “He [Stringer] noted that the receipt he had said some of the film holders [*sic*] had no film in one side of the cassettes. He said the receipt said this happened in two or three of the film holders where one side only was allegedly loaded. He said he could understand it if the film holders were reported to have poorly exposed or defective film but could not believe that there were any sides on the film holders which were not loaded with film...”

[30](#) There are no photographs of the interior of Kennedy’s chest in the “complete” set of autopsy images at the National

Archives. However every autopsy participant who was asked recalled that photographs were taken of the interior of JFK's body, as they should have been to document the passage of the non-fatal bullet through JFK's chest. Stringer told the HSCA he recalled taking "at least two exposures of the body cavity." D. Andy Purdy interview with John Stringer, HSCA rec. #180-10093-10429. Agency file #002070, p. 2.

[31](#) An HSCA memo reported that James Humes, M.D., JFK's chief autopsy pathologist, "... specifically recall[ed photographs] ... were taken of the President's chest ... [these photographs] do not exist." HSCA record #180-10093-10429), Agency file #002070, p. 17.

[32](#) Regarding J. Thornton Boswell, M.D., the pathologist who was second in command after Humes, the HSCA claimed "... he [Boswell] thought they photographed '... the exposed thoracic cavity and lung ...' but [he] doesn't remember ever seeing those photographs." D. Andy Purdy interview of J. Thornton Boswell. HSCA record #180-10093-10430. Agency file #002071, p. 6.

[33](#) Robert Karnei, M.D., a physician witness who was not a member of the autopsy team, told the HSCA, "He [Karnei] recalls them putting the probe in and taking pictures (the body was on the side at the time) [*sic*]." D. Andy Purdy. HSCA, JFK Collection. RG #233, file #002198, p. 5.

[34](#) Floyd Reibe, the assistant autopsy photographer, was reported to have told the HSCA, "he thought he took about six pictures—"I think it was three film packs"—of internal portions of the body." In: David, Lifton, *Best Evidence*. New York: Carroll & Graf, 1980, p. 638.

[35](#) The question naturally arises, did anyone ever see autopsy images that have since disappeared? The answer, apparently, is, yes. In a previously suppressed interview, former White House photographer, Robert Knudsen, told the HSCA he developed negatives from JFK's autopsy which he examined in the course of his work on November 23, 1963. During the HSCA's investigation, he was shown the complete photographic inventory. Knudsen repeatedly insisted, against pressure, that

in 1963 he saw at least one image not in the inventory he was shown in 1978—an image with a metal probe through JFK’s body that entered the back at a lower position than it exited through the throat wound. HSCA Agency File #014028, and HSCA Agency File #002198, p. 5.

[36](#) Memorandum for File, written by Doug Horne for the JFK Review Board, entitled, “Unanswered Questions Raised by the HSCA’s Analysis and Conclusions Regarding the Camera Identified by the Navy and the Department of Defense as the Camera Used at President Kennedy’s Autopsy,” p. 24.

[37](#) Memorandum for File, written by Doug Horne for the JFK Review Board, entitled, “Unanswered Questions Raised by the HSCA’s Analysis and Conclusions Regarding the Camera Identified by the Navy and the Department of Defense as the Camera Used at President Kennedy’s Autopsy,” p. 24.

[38](#) Recently released Review Board-conducted interviews with the two FBI agents who were present during JFK’s autopsy provides perhaps the most direct indictment of the autopsy image of JFK’s skull which shows no damage to the rear of JFK’s skull. The interviewer, T. Jeremy Gunn, J.D., Ph.D. (history) asked former FBI agent Francis X. O’Neill: “I’d like to ask you whether that photograph resembles what you saw from the back of the head at the time of the autopsy?” O’Neill: “This looks like it’s been doctored in some way (p. 158) ... I specifically do not recall those—I mean, being that clean or that fixed up. To me, it looks like these pictures have been ... It would appear to me that there was a—more of a massive wound ...” (pages 161-162—FBI agent, Francis X. O’Neill. Sworn testimony before the ARRB, 9/12/97.)

[39](#) Similarly, Gunn interviewed the only other FBI agent who was present at the autopsy, James Sibert:

GUNN: Mr. Sibert, does that photograph (of the back of JFK’s head) correspond to your recollection of the back of President Kennedy’s head?

SIBERT: Well, I don’t have a recollection of it being that intact, as compared with these other pictures. I don’t remember seeing anything that was like this photo (126) ... I

don't recall anything like this at all during the autopsy. There was much—Well, the wound was more pronounced. And it looks like it could have been reconstructed or something, as compared with what my recollection was ... (p. 128) FBI agent, James W. Sibert. Sworn testimony before the ARRB, 9/11/97.

[40](#) (The full listing, which needs updating with the statements gathered from the Assassinations Records Review Board is available at: <http://home.cynet.net/jfk/ag6.htm>], or by mail, or fax by request.)

Kemp Clark, M.D., the chairman of the department of neurosurgery at the highly respected university teaching hospital in Dallas (Parkland), examined JFK and pronounced him dead. In a note prepared on the day of the murder, and published in the Warren Report, Dr. Clark described JFK's skull wound was "There was a large wound in the right occipitoparietal region." and that "Both cerebral and cerebellar tissue were extruding from the wound." (WC, CE#392)

[41](#) Warren Commission Hearings: V6H33-37. ROBERT McCLELLAND, M.D.

In testimony at Parkland taken before Arlen Specter on 3/21/64, McClelland described the head wound: "...I could very closely examine the head wound, and I noted that the *right posterior portion of the skull had been extremely blasted. It had been shattered ... so that the parietal bone was protruded up through the scalp and seemed to be fractured almost along its right posterior half, as well as some of the occipital bone being fractured in its lateral half*, and this sprung open the bones that I mentioned in such a way that you could actually look down into the skull cavity itself and see that probably a third or so, at least, of the *brain tissue, posterior cerebral tissue and some of the cerebellar tissue had been blasted out...*" (WC, 6H33) Later he said, "...unfortunately the loss of blood and the *loss of cerebral and cerebellar tissues* were so great that the efforts [to save Kennedy's life] were of no avail." (emphasis added throughout) (WC, 6H34)

[42](#) (CE #392—WC, 17H4-5) CHARLES JAMES CARRICO, M.D.: On the day of the assassination he wrote in longhand, "[the

skull] wound had avulsed the calvarium and shredded brain tissue present with profuse oozing ... attempts to control *slow oozing from cerebral and cerebellar tissue* via packs instituted..." [Emphasis added] (CE# 392, WC, 17H4-5)

Arlen Specter for the Warren Commission asked Dr. Carrico, "Will you describe as specifically as you can the head wound which you have already mentioned briefly?"

Dr. Carrico: "Sure. This was a 5 by 71 cm [*sic*—the author feels certain that Dr. Carrico must have said "5 by 7" cm] *defect in the posterior skull, the occipital region.* [Emphasis added] There was an absence of the calvarium or skull in this area, with shredded tissue, brain tissue present..."

Specter: "Was any other wound observed on the head in addition to this large opening where the skull was absent?"

Carrico: "No other wound on the head." (WC, V3:361)

[43](#) PAUL PETERS, M.D., a resident physician at Parkland described the head wound to the Warren Commission's Arlen Specter under oath as, "... I noticed that there was *a large defect in the occiput ... It seemed to me that in the right occipitalparietal area that there was a large defect.*" [Emphasis added] (WC, 6H71)

[44](#) RONALD COY JONES was a senior General Surgery resident physician at Parkland Hospital. Under oath he told the Warren Commission's Arlen Specter, "... he had a large wound in the right posterior side of the head ... There was *large defect in the back side of the head* as the President lay on the cart with what appeared to be some brain hanging out of this wound with multiple pieces of skull noted next with the brain and with a tremendous amount of clot and blood." (WC, 53H54) A few minutes later he described "*what appeared to be an exit wound in the posterior portion of the skull.*" (Emphasis added throughout) (WC-V6:56)

[45](#) WC, Exhibit #392 MARION THOMAS JENKINS, M.D.—In a contemporaneous note dated 11/22/63, Jenkins described "*a great laceration on the right side of the head (temporal and occipital) [sic], causing a great defect in the skull plate so that there was herniation and laceration of great areas of the brain,*

even to the extent that the cerebellum had protruded from the wound.” (WC, Exhibit #392)

[46](#) MALCOLM PERRY, M.D. In a note written at Parkland Hospital and dated 11/22/63, Perry described the head wound as, “*A large wound of the right posterior cranium...*” (WC, 17H6—CE#392)

Describing Kennedy’s appearance to the Warren Commission’s Arlen Specter Dr. Perry stated, “*Yes, there was a large avulsive wound on the right posterior cranium...*” (WC, V3H368)

Later to Specter: “*...I noted a large avulsive wound of the right parietal occipital area, in which both scalp and portions of skull were absent, and there was severe laceration of underlying brain tissue...*” (WC, 3H372)

In an interview with the HSCA’s Andy Purdy in 1/11/78 Mr. Purdy reported that “*Dr. Perry...believed the head wound was located on the “occipital parietal” [sic] region of the skull and that the right posterior aspect of the skull was missing...*” (HSCA, Vol. 7:292-293)

Perry told Mr. Purdy: “*I looked at the head wound briefly by leaning over the table and noticed that the parietal occipital head wound was largely avulsive and there was visible brain tissue in the macard and some cerebellum seen...*” [Emphasis added throughout] (HSCA, Vol. 7:302, interview with Purdy 1/11/78.)

[47](#) GENE AIKIN, M.D., an anesthesiologist at Parkland told the Warren Commission under oath, “*The back of the right occipitalparietal portion of his head was shattered with brain substance extruding.*” (WC, 6H65.) He later opined, “*I assume the right occipitalparietal region was the exit, so to speak, that he had probably been hit on the other side of the head, or at least tangentially in the back of the head....*” [Emphasis added throughout] (WC, 6H67)

[48](#) CHARLES RUFUS BAXTER, M.D., a resident physician at Parkland in a handwritten note prepared on 11/22/63 and published in the Warren Report (p. 523) Baxter wrote, “*...the right temporal and occipital bones were missing* (emphasis

added) and the brain was lying on the table...” (Warren Commission Exhibit #392. In: *Warren Report*, p. 523.)

[49](#) A full compilation of the witnesses may be found at [50](#) SECRET SERVICE AGENT CLINTON J. HILL: after seeing the President’s skull wound in Dealey Plaza, and after returning with the body to Bethesda, he was “summoned ... down to the morgue to view the body (again) and to witness the damage of the gunshot wounds.”—as SS agent Kellerman put it in his 11/29/63 report. (WC, CE #1024, Kellerman report of 11/29/63. In: WC, V18:26-27) Hill reported, “When I arrived the autopsy had been completed and...I observed another wound (in addition to the throat wound) on *the right rear portion of the skull.*” (WC, CE #1024, 18H744) (emphasis added)

[51](#) Typical of such HSCA witnesses was James Curtis Jenkins, a Ph.D. candidate in pathology who worked as a laboratory technologist with JFK’s autopsy team. The HSCA’s Jim Kelly and Andy Purdy reported that Jenkins “said he saw a head wound in the ...middle temporal region back to the occipital.” HSCA interview with Curtis Jenkins, Jim Kelly and Andy Purdy, 8/29/77. JFK Collection, RG 233, Document #002193, p. 4.

[52](#) The Warren Commission reported that after observing the autopsy Secret Service agent, Clinton J. Hill reported, “I observed another wound [in addition to JFK’s throat wound] on the right rear portion of the skull. Warren Commission Exhibit, CE #1024, V.18:744 (18H744).

[53](#) Jan Gail Rudnicki, a lab assistant on the night of the autopsy, was interviewed on 5/2/78 by HSCA counsel, Mark Flanagan, J.D. Flanagan reported Rudnicki told him, the “back-right quadrant of the head was missing.” HSCA record #180-10105-10397, agency file number #014461, p. 2.

[54](#) Philip C. Wehle, Commanding Officer of the military District of Washington, D.C., was interviewed by HSCA counsel, D. Andy Purdy, J.D. on 8/19/77. Purdy’s formerly suppressed memo reported that “(Wehle) noted that the wound was in the back of the head so he would not see it because the President was lying face up ...” HSCA record #10010042, agency file #002086, p. 2.

Several of the autopsy witnesses, including two FBI agents, prepared diagrams for the HSCA that depicted JFK's skull with a right-rearward gaping skull wound. These diagrams were also suppressed. Thus in HSCA interviews and diagrams, as well as in Warren Commission interviews, JFK's autopsy witnesses reported—as overwhelmingly as had Parkland witnesses—that JFK's skull wound was in the right rear.

[55](#) Elizabeth F. Loftus. *Eyewitness Testimony*. Cambridge: Harvard University Press, 1996, p. 25-28.

[56](#) Elizabeth Loftus, James M. Doyle. *Eyewitness Testimony: Civil and Criminal*, Second Edition. Charlottesville: The Michie Company, 1992.

[57](#) See Ray Marcus monograph, *The Bastard Bullet*.

[58](#) Email message from Josiah Thompson, 12/10/99.

[59](#) Josiah Thompson. *Six Seconds in Dallas*. New York: Bernard Geis Associates for Random House, 1967, p. 175.

[60](#) Email message from Josiah Thompson, 12/10/99.

[61](#) 5/11/98 email message from Eileen Sullivan re: "Your letter to Jeremy Gunn, April 4, 1998."

[62](#) Personal letter from Stuart Culy, archivist, National Archives, July 16, 1999.

[63](#) *The Final Assassinations Report—Report of the Select Committee on Assassinations*, U.S. House of Representatives. New York: Bantam Books edition, 1979, p. 150.

[64](#) In Peter Gross's biography, *Gentleman Spy: The Life of Allen Dulles*. Amherst: The University of Massachusetts Press, 1994, p. 544.

SECTION 4

THE FAILURE OF THE FOURTH ESTATE

Introduction

The editors of *Probe* strongly felt that a major reason that the cover-ups of these assassinations were allowed to stay in place was that the media was so compliant in them. We published many articles exposing the faults, distortions, and outright falsehoods that the press offered to the public on the subject. We also noted how certain authors who went along with these campaigns carried favor and position in the media. But we went even further than that. We showed how certain of these journalists actually worked for and with elements of the intelligence community i.e., the FBI and the CIA. We felt this was an extremely important subject to inform our readers about and we spent a lot of time and effort exposing this cozy relationship of which most of the public remains unaware. Lisa Pease launches this section with a capsule overview of the ties between the CIA and certain journalists who have reported on the JFK assassination, and shows how this fits in with a longstanding program of Agency influence in the press. We then discuss three specific writers. The late James Phelan wrote and talked often about the Kennedy assassination, specifically the Garrison investigation. He always denied he was associated with any aspect of the intelligence community. The ARRB has now exposed that as a lie. Phelan not only informed on Garrison to the FBI, he actually offered them documents that Garrison gave to him. Jim DiEugenio examines that and other aspects of his curious career. Bill Davy analyzes a report that another favored journalist, Gerald Posner, did for the *New York Times* on some of the new documents

declassified by the Review Board. As Davy shows, Posner's reporting cannot be trusted on the JFK case. Finally, DiEugenio brings into focus and dissects a related aspect to the JFK assassination: the second, posthumous murder of Kennedy's character. This, in some ways, is as important as the assassination itself. Jim offers the reasons why in his controversial essay that generated more responses than any other piece *Probe* ever printed. It is a gripping look at a fascinating phenomenon and its practitioners, culminating in a discussion of Seymour Hersh's travesty of a book.

The editors would like to add one telling anecdote to preface this section. Art Kunkin was the editor and publisher of the *LA Free Press*, a truly independent newspaper with a large circulation in the '60s. He himself went to New Orleans to cover the trial of Clay Shaw. Dozens of journalists flew in to report on that legal proceeding and rented hotel rooms or cottages. With one exception. James Phelan rented a house. Why? At the end of each day in court, he would invite the assembled reporters to his home and serve them refreshments. Afterwards, he would offer the main points for them to hammer home in their articles to be submitted for the morning issues. On the day Garrison showed the Zapruder film, the journalists were shocked in their chairs. The DA was correct, Oswald did not kill Kennedy; it was a conspiracy. That night Phelan was the first person to offer up the jet-effect theory to explain away what their eyes had seen. The amount of tissue and blood escaping out of Kennedy's head rocketed him backward in the back seat of his car. Forget that the amount of escaping blood and tissue could not possibly move a 180-pound man that fast, or the directions of the escaping fluids being wrong, or that it was not just his head that moved—it was his whole body going up first and then backwards. His audience did not have the film with which to cross check Phelan's edict. Could a common, ordinary reporter have thought up such an ingenious explanation that quickly? Highly unlikely. Who gave him this technical information then? Probably the same people who were paying for the house. See, Phelan himself was not

covering the trial. Nevertheless, he was putting out the daily spin to the national newspapers who, in turn, were bestowing Phelan's angles on an unsuspecting public. It was a covert, sophisticated form of propaganda. But Phelan was always a clever operator who generally managed to keep his agenda hidden. That's why he was so valuable to his benefactors. And so pernicious to the public.

The Media and the Assassination

By Lisa Pease

"Half the truth is often a great lie."

—Benjamin Franklin

In the popular 1998 movie *The Truman Show* (starring Jim Carrey and directed by Peter Weir), a character named Christof created a huge, fully contained bubble environment in which the title character Truman Burbank has been raised since birth. Truman doesn't know it, but Christof has been broadcasting every moment of Truman's life to the world on television by means of thousands of hidden cameras. Truman's only knowledge of the world comes from the one Christof has built for him, and as Christof so succinctly put it, "We accept the reality of the world with which we are presented." When Truman attempts to leave his hometown to see the rest of the world, he notices that the place he has lived in all his life presents him with strange obstacles to his escape and irrational coincidences. Truman's faith in his world serves to imprison him for most of the film. But when he finally comes to believe that the truth is other than what he has been presented with, Truman's mental freedom enables him to achieve physical freedom.

How many of us realize that, to some degree, we also live in a

world that is not wholly as it appears? And like Truman's world, the barriers to our discovering the reality of that which goes on around us are not so much physical as psychological. The media presents to us a version of the world that does not tell the full story, and as Benjamin Franklin once said, "Half the truth is often a great lie." If, as the famous biblical quotation engraved in the wall at CIA headquarters says, the truth will set us free, then what do lies do to us? Keep us imprisoned, like Truman, in a fictitious bubble where we are "protected" from the real world? The lesson of *The Truman Show* is especially relevant to those who wish to make sense of the media's reportage on the assassination of President Kennedy. The truth is out there and it is not hard to find, but we must seek it out for ourselves. As this article will show, it is unlikely that the truth will ever be given to us freely by the media.

One of the first questions people raise when confronted with evidence of conspiracy in the Kennedy assassination is this: if any of the evidence for conspiracy is valid, why haven't the major media organizations told us? Wouldn't breaking the story about a conspiracy be a career-maker for an investigative reporter?

On the surface of it, the question appears to be legitimate. We assume that the purpose of the news media is to give us facts about newsworthy events to help us interpret life in our time. But is that a legitimate assumption?

Thomas Jefferson used to hold the opinion that the purpose of the media was to tell us the truth. His opinion changed radically once he knew more about the events being (mis)represented. Jefferson realized the importance of the press and the threat a less-than-honest press presents to a nation. In 1787, Jefferson said, "the basis of our government is the opinion of the people," and given a choice between "a government without newspapers or newspapers without government," he would choose the latter. In 1799, having learned a bit more, he wrote, "Our citizens may be deceived for a while and have been deceived; but as long as the press can be protected, we may trust to them for light." But by 1807, the

veil of idealism had completely fallen from Jefferson's eyes:

Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. The real extent of this misinformation is known only to those who are in situations to confront facts within their knowledge with the lies of the day. I really look with commiseration over the great body of my fellow citizens, who, reading newspapers, live and die in the belief that they have known something of what has been passing in the world in their time; whereas the accounts they have read in newspapers are just as true a history of any other period of the world as of the present, except that the real names of the day are affixed to their fables. General facts may indeed be collected from them, such as that Europe is now at war, that Bonaparte has been a successful warrior ... but no details can be relied on. I will add that the man who never looks into a newspaper is better informed than he who reads them; inasmuch as he who knows nothing is nearer to truth than he whose mind is filled with falsehoods and errors ...

Perhaps an editor might begin a reformation in some way such as this. Divide his paper into four chapters, heading the first, Truths; second, Probabilities; third, Possibilities; fourth, Lies. The first chapter would be very short.¹

One might be tempted to dismiss Jefferson's comments as overly cynical and not applicable to our time. But our situation is very similar. Today, most people get their news from television. A 1992 study conducted by the Center for the Study of Communication at the University of Massachusetts at Amherst found that people who watched a lot of TV news had more incorrect answers regarding facts of the day than those who watched very little TV news.

So the question becomes not can we trust the media, but rather, why *can't* we? Respected reporter George Seldes figured this out in the course of his own journalism career after many hard lessons. He was sent to Mexico in 1927 by the *Chicago Tribune* to report on the state of affairs there. At that

time, the oil companies and oil stockholders were engaged in an all-out effort to get rid of Mexico's President Plutarco Calles, who was seen at that time as a social reformer who needed to be ousted. A *New York Times* reporter told Seldes, "There is only one side to this story: we are all anti-Calles." Calles was called, at that time (by fellow reporters in Mexico), anything from "Arab" to "Bolshevik" to a "high-degree Mason" and "a crook." After doing his own investigation, Seldes found a number of people who had come to radically different conclusions, namely, that Calles was a great emancipator for his people, working to restore land to Mexicans that had been taken from them by Standard Oil and other companies. When Seldes returned from Mexico, he wrote 20 stories for his paper, a series of pro and con articles on ten subjects. For example, he wrote two pieces titled respectively, "Why the U.S. Should Seize Mexico" and "Why the U.S. Should Not Seize Mexico." The first few pro and con articles were printed as is, but shortly thereafter, only the anti-Mexico ones were printed.² The media owners were actively deciding not to present both sides of the debate. And when Seldes realized that many media owners were also stakeholders in oil companies that had a lot to gain or lose depending on how the Mexican rebellion turned out, Seldes understood why the propaganda campaign was being conducted. He condensed his learning into this simple advice:

My own motto for many years has simply been this: *take nothing for granted*. If you take nothing for granted, and try to find the facts, you will soon be safe from false propaganda; you will recognize propaganda, true or false, and you will be able to accept the truth.

...If you look for the social-economic motive you will not have to wait for history to tell you what was propaganda and what was the truth.³

In the early 1900s, an American journalist named John Swinton responded to a toast to the "independent press" with this surprisingly honest and devastating rebuke:

There is no such thing, at this date of the world's history, in America, as an independent press. You know it and I know it. There is not one of you who dares to write your honest opinions, and if you did, you know beforehand that it would never appear in print. I am paid weekly for keeping my honest opinion out of the paper I am connected with. Others of you are paid similar salaries for similar things, and any of you who would be so foolish as to write honest opinions would be out on the streets looking for another job.

If I allowed my honest opinions to appear in one issue of my paper, before twenty-four hours my occupation would be gone. The business of the journalists is to destroy the truth, to lie outright, to pervert, to vilify, to fawn at the feet of mammon, and to sell his country and his race for his daily bread. You know it and I know it, and what folly is this toasting an independent press?

We are the tools and vassals of rich men behind the scenes. We are the jumping jacks, they pull the strings and we dance. Our talents, our possibilities and our lives are all the property of other men. We are intellectual prostitutes."⁴

Journalists who have tried to stand up and tell the truth about very important events have typically met with doom. April Oliver met a journalistic "Valley of Death" when she and co-producer Jack Smith created a CNN special by that name about the use of nerve gas in the Vietnam War. After calls from Richard Helms, Henry Kissinger and Colin Powell, CNN lost its nerve and pulled the story. When Gary Webb reported in the *San Jose Mercury Times* about the CIA's connection to the drug trade in Los Angeles, Webb was ultimately forced out of his job. Award-winning CBS producer Kristina Borjesson was handed her walking papers upon the discovery that she had been collecting massive evidence indicating a missile had struck TWA Flight 800. Several stories along these lines are detailed by Borjesson in her book *Into the Buzzsaw* (Prometheus Books, 2002). The buzzsaw, as she describes it, is what you walk into when you reach out for an important story. The system will rip

you to shreds.

So what triggers this buzzsaw? Ask Robert Parry, the former Associated Press man turned *Newsweek* reporter who found himself suddenly *persona non grata* when he surfaced the news that National Security staffers had been phonying up records of chronologies to protect Reagan from accusations of direct knowledge of the Iran-Contra affair. *Newsweek*, to their initial credit, ran the story. But when the story hit the stands, Parry suddenly found his world turned upside down. At a talk, years later, Parry recounted this experience, and his understanding of why the buzzsaw sprang into action in his case:

And the reaction was incredible. Many of my colleagues in the press attacked us. The *Wall Street Journal*, not just in its editorial pages but its news columns attacked us ... and *Newsweek* decided that they wanted to retract the story ...

So anyway, here we are, and the problem is—it's hard to understand if you haven't lived in Washington, it may not make a lot of sense, but I'll explain it anyway—there were three choices at this point:

Choice "A" was to tell the truth, to say that the President had violated a variety of laws, committed felonies, and violated our constitutional safeguards about the way we carry out wars in our country, and impeach him. Option A.

Then there was Option "B"—to tell the truth and have Congress sort of say well, it's okay with us, which creates a dangerous precedent for the future. That is, that now presidents would say well hey, look at the Reagan example, you know, if he can wage war privately, why can't I? So that was Option "B."

And then there was Option "C"—to pretend it didn't happen, or to pretend that, say, some Lieutenant Colonel had done it all. So Washington, I guess understandably, settled on Option "C."

And it didn't hit me until one evening in March of '87. The Tower board had just come out with its report, which basically said that the President was a little bit asleep at the switch. But hey, you know, it was really these crazy nuts who did it. And we

had one of these *Newsweek* dinners—they're fancy affairs—and it was at the Bureau Chief's house, and they're catered, and there's a tuxedoed waiter, and he pours the wine, there's nice food, and I was new. I came out of AP, which is kind of a working class/working man's kind of news organization, so I wasn't used to this. And we had as our guest that evening, Brent Scowcroft, who had been on the Tower Board. And Dick Cheney, who was going to be the ranking minority figure on the house Iran-Contra Committee. And we're going through this little delightful dinner, and at one point Brent Scowcroft says, "Well, I probably shouldn't be saying this, but if I were advising Admirable Poindexter, and he had told the President about the diversion, I'd advise him to say that he hadn't." And being new to this whole sort of game, I stopped eating, and looked across the table and said "General! You're not suggesting that the Admiral should commit perjury, are you?" And there was kind of like an embarrassed little silence at the table, and the editor of *Newsweek*, who was sitting next to me, says—I hope partly jokingly but I don't know—he says, "Sometimes we have to do what's good for the country."

So with that little bit of context, let's go back to November of 1963. The country had made it through the harrowing October 1962 missile crisis, when the U.S. and the Soviet Union nearly came to nuclear blows over Cuba. The press determined (initially) that a man who had ties to the Soviet Union was suspected of killing the president. If people in the press did sniff an early whiff of conspiracy, would they have printed it? Even if the reporter on the ground had written such a story, wouldn't his or her editor have said not to run that story for the "good of the country"? Who would have had the guts to inflame an already very tense situation in the wake of a slain President?

Then, as the years went by, each media outlet became more and more entrenched in reporting the Oswald-did-it version of events. Which of them would have had the guts to stand up and say hey, did we have that story wrong—here's the real truth! How often do people in power in your own lives come forward and admit egregious error? Even if the media reporters and

organizations were truly free to report whatever they wanted (which as we have seen is definitely not the case), the media would have been hard-pressed to retract all its earlier stories and defend a new position.

There are those that argue further though, saying, no secret stays secret forever. To that point, we would do well to remember we have never yet learned the identity of “Deep Throat,” the famous informer who gave Bob Woodward and Carl Bernstein guidance as they uncovered the Watergate story. Still others will point to Woodward and Bernstein as examples of reporters who were brave and did stand up to tell the truth. But those who have done extensive research on the Watergate episode will tell you that Woodward and Bernstein may well have served as pawns to others who wanted to portray the events in a particular light.⁵

But that’s not the end of why we can’t trust the press, especially in the case of the Kennedy assassination. There is a much more insidious reason. The CIA has enormous control over the press, and this little-known fact has only briefly and sporadically been reported on in the mainstream media outlets. The CIA’s relationship with the press bears examination, as it was used directly and provably in this case to shape reporting on the issues surrounding the Kennedy assassination.

Controlling the Media

Everything is quiet. There is no trouble here. There will be no war. I wish to return.

—Fredrick Remington, writing his employer William Randolph Hearst from Havana in 1897.

Please remain. You furnish the pictures and I’ll furnish the war.

—William Randolph Hearst’s response to Remington regarding what became known as the Spanish-American War.⁶

The famous exchange above indicates the unprecedented power a media owner has. In this case, a few extremely wealthy individuals, notably Hearst and Joseph Pulitzer, were able to manipulate the government into the Spanish-American War by inflaming public opinion with propaganda and yellow journalism.

For a short time in the early part of the twentieth century, there was a great diversity of opinions present in the media: “muckraking,” as its detractors called investigative reporting, was at its zenith. Ida Tarbell had won international fame with her brilliant exposé of the Standard Oil Company, serialized in *McClure’s* magazine before becoming a book. Upton Sinclair exposed the hideous practices of the meat packaging industry through *The Jungle*, a work which was serialized in the socialist newspaper *Appeal to Reason*, a year before being published as a book. But as World War I broke out, criticizing the establishment became taboo, and the U.S. Post Office refused to deliver *Appeal to Reason* and other similar publications. Advertisers pressured the media to lighten up. And fairly quickly, muckracking disappeared from the scene, never to return to the same degree. From time to time, journalists like George Seldes, I.F. Stone, and more recently Robert Parry, would self-publish when they realized they could not tell the truth boldly and fully in other people’s publications. But these small circulation newsletters and journals could never compete with media giants such as CBS or the *New York Times*.

The Establishment in this country knew early on how important it was to control the press. Just as the representative form of government was set up to prevent direct democracy, or rather, “mob rule,” so too did the press have to be protected from what Walter Lippmann called “the defective organization of public opinion.”⁷ Truth could be a powerful weapon, one the elites were loath to share with masses. But keeping the truth out of the press presented a quandary. The elites themselves needed to know what the truth was. How could the elites get the information and still manage to keep it hidden from the rest of

the world? As Lippmann (who served in an intelligence unit designed to aid the U.S. negotiating team in Paris as WWI ended) argued, in his essay *Public Opinion*, “representative government cannot be worked successfully, no matter what the basis of election, unless there is an independent, expert organization for making the unseen facts [of the new world] intelligible to those who have to make the decisions.” ⁸ In a 1937 work, Harold Lasswell, one of the fathers of modern communication theory, made a similar and more explicit suggestion: “Propaganda must be coordinated with information and espionage services which can supply material to the propagandists and report progress of propaganda work.” Lasswell, Lippman, and others presaged what William “Wild Bill” Donovan would eventually recommend to President Franklin Roosevelt as World War II unfolded.

In 1940, Roosevelt sent Donovan to Europe to scope out what was happening in Germany and elsewhere. When Donovan returned, he recommended the creation of the Office of Strategic Services, the OSS, predecessor to today’s Central Intelligence Agency. In his “Memorandum of Establishment of Service of Strategic Information,” (dated June 10, 1941) Donovan outlined to Roosevelt that, in addition to setting up a formal intelligence service to gather and process information regarding the Nazis in Germany, “there is another element in modern warfare” that the Germans were mastering that posed a far more insidious, serious threat, “and that is the psychological attack against the moral and spiritual defenses of a nation.”⁹ Donovan urged the President to create and fund an organization to actively engage in propaganda and other actions that could be used to demoralize the enemy. To Donovan, propaganda was just one item in the psychological warfare toolbox, which to him consisted of anything, physical or intellectual, that could be used to break the will of the enemy. As the OSS War Report states, “On the one hand, [Donovan] saw it as conditioning the minds of the people as a whole; on the other, he conceived of it as a strategic weapon

for the exploitation of particular objectives, whether political or military.”¹⁰ Some activities were downright sinister. The definition of psychological warfare included “propaganda, sabotage, guerilla activities, bribery, blackmail, assassination...”¹¹ Note that a great majority of Donovan’s assets were journalists. While Americans don’t typically associate journalists with assassinations, we should understand why journalists in foreign countries are often assumed to be spies, and are sometimes abducted and even killed, thanks to this precedent set during WWII.

During WWII, the OSS had several separate offices responsible for various activities relating to propaganda, covert action and psychological warfare. When WWII came to a close, several of these groups were combined into the Office of Policy Coordination (OPC), an innocuous-sounding organization set up under the auspices of the State Department and led by Frank Wisner that sought to continue the covert action that Donovan had envisioned as necessary to successful psychological warfare operations. Under Wisner, the OPC became the fastest growing unit within the nascent CIA, rising in personnel from 302 in 1949 to 2,812 in 1952, along with 3,142 overseas contract personnel. In the same period, the budget rose from \$4.7 million to \$82 million.¹²

From his seat at the head of OPC, Wisner kept the highly secret and valuable “Propaganda Assets Inventory,” more commonly known as “Wisner’s Wurlitzer.” The inventory represented a network of more than 800 news and public information organizations and individuals—opinion makers that could be called upon at any time to play the tune of Wisner’s making.¹³ The network included journalists, columnists, book publishers, editors, entire organizations such as Radio Free Europe, and stringers across multiple news organizations. When the OPC was combined with the Office of Special Operations (OSO) to form what we now call the CIA, the media assets came with it.

Tom Braden became an early head of propaganda operations when the CIA was formed. Braden, who once wrote an article titled "I'm Glad the CIA is 'Immoral'" (and years later, recommended the abolishment of the CIA¹⁴), also headed up QKOPERA, the code name for the Congress of Cultural Freedom.¹⁵ This body was set up to combat Communist efforts to paint America as culturally bereft. The Congress sponsored artists, writers, poets, musicians and other cultural figures, some with their consent, and some without. The CIA did not limit itself to propagandizing about news items. The CIA sponsored Olympic athletes, scientists, and anyone who could be used to promote the notion of the superiority of American culture. The psychological warfare campaign was an all-out assault on people's ability to think and feel freely not just in Communist countries, but all over the globe.

Highly regarded journalists were especially valuable to Wisner and the CIA's efforts because they had the luxury of being able to write material that top policy makers would actually read. As former CIA officer Miles Copeland noted, "the President of the United States, the Secretary of State, Congressmen and even the Director of the CIA himself will read, believe, and be impressed by a report from Cy Sulzberger, Arnaud de Borchgrave, or Stewart Alsop when they don't even bother to read a CIA report on the same subject."¹⁶ And although the CIA did not have legal authority to propagandize Americans, that didn't stop them from trying to fan winds abroad that would blow back across to America. The *New York Times* reported that the CIA had a formal operation known as KMFORGET in which stories planted by the agency in one country would be clipped and mailed to media in other countries, and "such efforts enhanced the likelihood that the stories would be seen by an American correspondent and transmitted home."¹⁷ CIA operative Darrell Garwood shared the information that the CIA was very concerned about domestic perceptions of the Agency, despite the prohibition from it acting against U.S. citizens: "In order to achieve its self-

perceived objectives, the CIA believed it was not enough to be immune from congressional or judicial control. The agency felt it was also imperative that anti-CIA sentiment and leftist leanings in general had to be defused and combated on every front. To this end, the CIA infiltrated the groves of academia, the missionary corps, the editorial boards of influential journal and book publishers, and any other quarters where public attitudes could be effectively influenced.” [18](#) In the '70s, the CIA was exposed as having illegally spied on Americans and having infiltrated many anti-war organizations. The CIA specifically targeted *Ramparts*, one of the few large circulation magazines to talk openly about the holes in the official story regarding the Kennedy assassination.

Stewart Alsop, who, along with his brother Joseph, was a CIA conduit for information on occasion, gave us a special perspective on the CIA's targeting of reporters for assets: “The key relationship of the Washington press is, of course, its relationship with the government. But the relationship of the press with the press is also important—much more important than most outsiders realize.”[19](#) Often, as a major story breaks, reporters who are removed from the events get their stories from other journalists. Naturally, the respected journalists or those with the greatest access to information are given plenty of credibility by fellow journalists. For example, press clubs were a focus of CIA activity. A former CIA official told how the manager of the Mexico City press club was a CIA agent who took advantage of his position to influence other journalists. “He used to work very successfully,” the CIA man explained to the *New York Times*. “Some guys are lazy. They'd be sitting at the bar and he'd slip them things and they'd phone it in.”[20](#)

The CIA also realized the threat that honest journalists could be to covert actions. For example, during the Guatemala campaign, *New York Times* reporter Sydney Gruson was kept out of Guatemala. This happened when Allen Dulles complained to the *Times* that neither he nor his brother, John Foster Dulles, believed that Gruson was capable of reporting with

“objectivity” on the upcoming revolution (which was manufactured and conducted by the CIA). Arthur Hays Sulzberger complied with the CIA’s request and kept Gruson in Mexico City on the pretense that there might be some spillover action in Mexico.²¹

Although the OSS had made extensive *ad hoc* use of journalists, Wisner realized that the CIA’s efforts in this area required a more formalized approach. Together with input from his friend and *Washington Post* publisher Phil Graham, Wisner created Operation MOCKINGBIRD. Appropriately named after a bird that can imitate the calls of other birds, MOCKINGBIRD was exposed by Deborah Davis in her book *Katherine the Great*, detailing the life of Katherine Graham, Phil Graham’s wife and the eventual longtime owner of the *Washington Post*. Davis wrote:

[A]ccording to a former CIA analyst who had worked on MOCKINGBIRD, each journalist was a separate “operation,” requiring a code name, a field supervisor, and a field office, at an annual cost of tens or hundreds of thousands of dollars—there has never been an accurate accounting.²²

Davis wrote that Wisner “owned” respected members of *Newsweek*, CBS, the *New York Times* and many others, according to a former CIA analyst who had worked with MOCKINGBIRD. Carl Bernstein reported similar information in his famous *Rolling Stone* piece from October, 1977, entitled *The CIA and the Media*, in which he outlined how members of all the major media in this country owed some allegiance, whether paid or as volunteers, to the CIA. According to Bernstein, some of the many who have served the CIA wittingly are William Paley, the longtime top executive of CBS; Henry Luce of the Time Inc. empire; and Arthur Hays Sulzberger of the *New York Times*. Also included are members of ABC, NBC, the Associated Press (AP), United Press International (UPI), Reuters, Hearst Newspapers, Scripps-Howard, *Newsweek*, the Mutual Broadcasting System, the *Miami Herald*, the *Saturday Evening Post* and the John Hay Whitneyowned *New York*

Herald-Tribune. Bernstein noted that the most valuable relationships the CIA had were with CBS and the *New York Times*. The only major media absent from his piece was his own former employer, the *Washington Post*. Davis' book does much to show that both Phil and Kate Graham, in addition to senior editor Benjamin Bradlee, were supportive of the CIA. In Bradlee's case, he visited the Rosenbergs' prosecutors in New York by order of "the head of the CIA in Paris," after which he wrote an "Operational Memorandum" outlining the case against the Rosenbergs that was then disseminated to 40 different countries across four continents.²³ Bradlee later became friendly with Richard Helms, and notified Phil Graham when Helms' grandfather put *Newsweek* on the block. (*The Washington Post* subsequently purchased *Newsweek*.)

How did the CIA pay for all of these propaganda efforts? By skimming off the Marshall Plan funds. Wisner and his group called the funds "candy." CIA agent Gilbert Greenway recalled, "We couldn't spend it all. I remember once meeting with Wisner and the comptroller. My God, I said, how can we spend that? There were no limits, and nobody had to account for it. It was amazing."²⁴

James Jesus Angleton, head of the CIA's Counterintelligence department for 25 years, kept his own slush fund that he did not have to account for which was used in part to pay journalists. According to Bernstein, "Angleton ran a completely independent group of journalist-operatives who performed sensitive and frequently dangerous assignments."²⁵

One could write a book on the CIA's relationship with the media, culture, science, sports, religion (priests were used as cover, and the CIA maintains a close relationship with the Vatican) and other areas in which the CIA leveraged assets to make a dramatic impact around the world. The Church Committee in the '70s devoted a large section in its final report to these activities, and even so, only scratched the surface. But

let's focus now on the specific relationships between the CIA and the media as they pertain to the reporting on the assassination of President Kennedy.

The CIA and the Assassination Reportage

Day one coverage of the assassination included reports that “six to eight shots” were fired in Dealey Plaza. But soon, the reports were all consistent—three shots fired. How and why was the story changed? Similarly, Kennedy's throat wound went through a rapid evolution. In Tom Wicker's original article for the *New York Times* on the assassination, Wicker stated that:

Mr. Kennedy was hit by a bullet in the throat, just below the Adam's apple, they said. This wound had the appearance of a bullet's entry...²⁶

Within a few days, however, the official story had changed: the bullet wound in the throat had morphed into an exit wound. Years later, curiously, Wicker would list for Walter Karp of *Harper's* magazine the hazards to journalists who challenged the official story regarding matters of importance to powerful people. His list included “lost access, complaints to editors and publishers, social penalties, leaks to competitors, a variety of responses no one wants.”²⁷ One wonders if Wicker encountered any of these personally after initially reporting the throat wound to be an entrance wound, given the *Times'* close relationship with the CIA. “It is a bitter irony of source journalism,” Karp wrote, “that the most esteemed journalists are precisely the most servile. For it is by making themselves useful to the powerful that they gain access to the ‘best’ sources.” So before we blindly trust our most esteemed journalists, let's remember Karp's information.

Dan Rather of CBS was the first to break the news that the President was dead. Howard Bliss, in his book *Now the News*, wrote that within CBS and elsewhere, there has always been a

mystery as to how it was that Rather was the first to break this news on CBS radio and how CBS television was the first television network to report this. CBS was also the key to tracking down Abraham Zapruder, the man who filmed the assassination from Dealey Plaza. Rather was the first to see the Zapruder film, and gave a description of what he saw on that film that has never matched what the public saw in that film. Rather described Kennedy's head falling "forward with considerable force."²⁸ But all of us who have seen the film know that Kennedy's head goes back and to the left. Was the film edited since that first time Rather saw it? Or was Rather somehow that wrong about what he saw? Did CBS' close relationship with the CIA have anything to do with these events? CBS' Walter Cronkite, whose heartbreaking announcement of Kennedy's death is seared forever in our collective consciousness, was said to have been on the CIA's list of assets by Sam Jaffe.²⁹ Sam Jaffe was an FBI informant who was also working with the CIA.³⁰ The CIA was forbidden to operate domestically, but the FBI of course was not. On occasion, the CIA asked the FBI to work with an operative, presumably because anything of importance reported to the FBI would be forwarded back to CIA through the FBI liaison office.³¹

C.D. Jackson ordered Richard Stolley to acquire the Zapruder film for *Life* magazine. C.D. Jackson was a former OSS operative, as well as a friend of Allen Dulles. Could that CIA relationship have had anything to do with the purchase, which effectively kept the film locked up and away from public view for many years?

Hugh Aynesworth was one of the Dallas reporters who covered the events immediately following the assassination of President Kennedy for his paper. Was it just a coincidence that Aynesworth had applied to work at the CIA one month prior to this event?

Priscilla Johnson had obtained an interview of Lee Harvey Oswald during his stay in the Soviet Union. She had also made

friends with a defector highly prized by the CIA: Stalin's daughter. After the assassination, she additionally made friends with Marina Oswald and later wrote the book *Marina and Lee* which Marina deemed a pack of lies. CIA documents have since revealed an *ad hoc* relationship with Priscilla Johnson, and a confidence expressed in 1962 by CIA officer Donald Jameson, chief of the CIA's Soviet Russia/Covert Action division, that "Miss Johnson can be encouraged to write pretty much the articles we want."³²

Priscilla married George McMillan. McMillan wrote a book about the Martin Luther King assassination in which he claimed that James Earl Ray alone shot King. Never mind that McMillan himself had told a reporter before he began his work that he did not plan to investigate the assassination, and that he was therefore free to write a book solely about Ray's life. The reporter who published that comment in 1969 was the same one that reviewed his book in 1976: Jeremiah O'Leary, yet another acknowledged CIA media asset.³³ The book came out as the newly formed House Select Committee on Assassinations, formed to investigate the assassinations of John Kennedy and Martin Luther King, was struggling to get a budget that would enable it to accomplish its monumental task. O'Leary, who was friends with David Atlee Phillips, the CIA's propaganda master, wrote a glowing review of George's book, ending with this breathtakingly obvious propaganda motive: "The House Select Committee, among others, should take the reporting of George McMillan into account when it begins probing the murder of King. McMillan has done a good deal of the committee's work already when it comes to deciding whether the world knows all there is to know about Ray and why he set out to kill Dr. King ..."³⁴ So we have a CIA asset pushing a book by another man with possible ties through his wife to the CIA saying James Earl Ray acted alone. Coincidence, or conspiracy?

Seth Kantor was another journalist who wrote early accounts of the assassination, having been present in Dealey Plaza the

day Kennedy was shot. He was asked by his Scripps-Howard editor in Washington to call Hal Hendrix at his Florida home for some background on Oswald. Hendrix provided all kinds of details about Oswald's so-called defection, his time in Russia, and more that would soon become public knowledge. Years later, Kantor found in long-suppressed evidence that this call had been scrubbed from the list of calls he had made that day. Why had the call been purged? Kantor suspected it was because Hal Hendrix was known to be deeply connected to the CIA. (Hendrix's Agency connection was exposed during the Church Committee's investigation into the CIA's coup plotting against Chilean leader Salvador Allende.) David Phillips, the high-level CIA propaganda chief mentioned earlier, who had been seen with Oswald by an associate a short month before the assassination, was a friend of Hal Hendrix. Did Phillips give Hendrix the info on Oswald to pass to Kantor?

When Jim Garrison started his investigation into the Kennedy assassination, ultimately arresting and prosecuting Clay Shaw for participation in the assassination plot, an NBC White Paper special was produced with the express purpose of shooting Garrison down. Is it a coincidence that Walter Sheridan, the NBC producer of a special on Garrison that was deemed so one-sided that Garrison was given time on-air to rebut it, used to work for the NSA? NSA is a group so secret that only Department D, the group that conducted assassination plots within the CIA, knew about the group and worked with it.

When Garrison's investigation took off in 1967, the CIA sent out worldwide to all Station Chiefs a directive for their media assets. The full text of this directive is published in the back of James DiEugenio's book *Destiny Betrayed: JFK, Cuba and the Garrison Case*. Consider the following excerpts, as they pertain directly to this case:

RE: Concerning Criticism of the Warren Report

1. Our Concern. From the day of President Kennedy's assassination on, there has been speculation about the

responsibility for his murder. Although this was stemmed for a time by the Warren Commission report, ... there has been a new wave of books and articles criticizing the Commission's findings. In most cases the critics have speculated as to the existence of some kind of conspiracy, and often they have implied that the Commission itself was involved.

2. This trend of opinion is a matter of concern to the U.S. government, including our organization. ... Our organization itself is directly involved: among other facts, we contributed information to the investigation. Conspiracy theories have frequently thrown suspicion on our organization, for example by falsely alleging that Lee Harvey Oswald worked for us. The aim of this dispatch is to provide material countering and discrediting the claims of the conspiracy theorists, so as to inhibit the circulation of such claims in other countries. Background information is supplied in a classified section and in a number of unclassified attachments.

3. Action. We do not recommend that discussion of the assassination question be initiated where it is not already taking place. Where discussion is active [business] addresses are requested:

a. To discuss the publicity problem with liaison and friendly elite contacts (especially politicians and editors), pointing out that the Warren Commission made as thorough an investigation as humanly possible, that the charges of the critics are without serious foundation, and that further speculative discussion only plays into the hands of the opposition. Point out also that parts of the conspiracy talk appear to be deliberately generated by Communist propagandists. Urge them to use their influence to discourage unfounded and irresponsible speculation.

b. To employ propaganda assets to [negate] and refute the attacks of the critics. Book reviews and feature articles are particularly appropriate for this purpose. The unclassified attachments to this guidance should provide useful background material for passing to assets. Our play should point out, as applicable, that the critics are (I) wedded to theories adopted

before the evidence was in, (II) politically interested, (III) financially interested, (IV) hasty and inaccurate in their research, or (V) infatuated with their own theories. In the course of discussions of the whole phenomenon of criticism, a useful strategy may be to single out Epstein's theory [from his pro-conspiracy book *Inquest*] for attack, using the attached Fletcher Knebel article and Spectator piece for background. (Although Mark Lane's book is much less convincing than Epstein's and comes off badly where confronted by knowledgeable critics, it is also much more difficult to answer as a whole, as one becomes lost in a morass of unrelated details.)

4. In private to media discussions not directed at any particular writer, or in attacking publications, which may be yet forthcoming, the following arguments should be useful:

a. No significant new evidence has emerged which the Commission did not consider. ...

b. Critics usually overvalue particular items and ignore others. They tend to place more emphasis on the recollections of individual witnesses ... A close examination of the Commission's records will usually show that the conflicting eyewitness accounts are quoted out of context, or were discarded by the Commission for good and sufficient reason.

c. Conspiracy on the large scale often suggested would be impossible to conceal in the United States... Note that Robert Kennedy, Attorney General at the time and John F. Kennedy's brother, would be the last man to overlook or conceal any conspiracy ...

d. Critics have often been enticed by a form of intellectual pride: they light on some theory and fall in love with it...

e. Oswald would not have been any sensible person's choice for a coconspirator. He was a "loner," mixed up, of questionable reliability and an unknown quantity to any professional intelligence service ...

f. As to charges that the Commission's report was a rush job, it emerged three months after the deadline originally set. But to the degree that the Commission tried to speed up its

reporting, this was largely due to the pressure of irresponsible speculation already appearing, in some cases coming from the same critics who, refusing to admit their errors, are now putting out new criticisms.

g. Such vague accusations as that, "more than ten people have died mysteriously," can always be explained in some natural way e.g.: the individuals concerned have for the most part died of natural causes. The Commission staff questioned 418 witnesses (the FBI interviewed far more people, conducted 25,000 interviews and reinterviews), and in such a large group, a certain number of deaths are to be expected. (When Penn Jones, one of the originators of the "ten mysterious deaths" line, appeared on television, it emerged that two of the deaths on his list were from heart attacks; one from cancer, one was from a head-on collision on a bridge, and one occurred when a driver drifted into a bridge abutment.)

5. Where possible, counter speculation by encouraging reference to the Commission's Report itself. Open-minded foreign readers should still be impressed by the care, thoroughness, objectivity and speed with which the Commission worked. Reviewers of other books might be encouraged to add to their account the idea that, checking back with the report itself, they found it far superior to the work of its critics.³⁵

Do these sentiments sound familiar? If you've been reading anti-conspiracy literature, they should. These themes are often hit hard and repeatedly in such literature. This document was marked for destruction, but somehow survived. How many other such directives will we never see because destruction instructions were followed?

Who received these instructions, ultimately? While the answer to that question cannot easily be proven, as the CIA never acknowledges outright its assets and works hard to protect their anonymity, it is indeed curious how many of the anti-conspiracy crowd have significant ties to the CIA.

Consider the journalists most vocally nipping at Garrison's

heels throughout his investigation: Hugh Aynesworth, James Phelan, and Edward Epstein. Would it be simply coincidence if all of them were found to have a relationship with the CIA?

Aynesworth was the same Dallas journalist already discussed who had applied to work for the CIA in October of 1963. Whether or not he was accepted is not as significant as his already expressed preference for employment. And according to Bernstein and others, many journalists were happy to serve in volunteer roles for the agency. During the Garrison investigation, Aynesworth was informing to both the FBI and the White House on Garrison's actions. This hardly gives him credibility as an impartial journalistic observer, and calls into question the motive for his near rabid attacks in *Newsweek* on the man.

James Phelan, the second journalist in this anti-Garrison triumvirate, was also informing to the FBI on Garrison's activities. Phelan's activities also went beyond journalism. He tried to bribe a key Garrison witness to get him to change his story. Even more importantly, Phelan was a good friend of Robert Maheu, the man given the job of formulating CIA plans to assassinate Castro. Garrison was pointing the finger at the CIA and anti-Castro Cubans whom he believed worked in concert to assassinate President Kennedy. It's hard to imagine Phelan would let his friend be implicated. It's easier to imagine that Maheu was close to Phelan because he trusted him to keep his and the CIA's secrets.

Edward Epstein, the third anti-Garrison triumvirate member, wrote an article which quickly grew into the book *Counterplot*. The book mocked Garrison's case against Clay Shaw. But was Epstein an impartial observer? In another surviving message from CIA headquarters to its operatives, Epstein's pre-*Counterplot* article was recommended as source material for the anti-Garrison campaign. In later days, Epstein confessed openly to his close working relationship with the CIA, although he claimed that relationship began with his work on his next book, *Legend*, in which Epstein tried to suggest that the assassination was really the result of a Soviet conspiracy.

One has to ask, is it just a coincidence that each of these journalists has provable ties to the CIA? Or worse, is it simply the case that so many journalists are affiliated with the CIA that it would have been hard *not* to find such an association? Although the first suggestion is chilling, the latter possibility is even more disturbing!

Epstein was a contributor to *Readers Digest*, another organization with a proven relationship to the CIA.³⁶ When Epstein interviewed the famous Soviet defector Yuri Nosenko, the CIA provided *Readers Digest* with Donald Jameson as a consultant—the same man who had said of Priscilla Johnson McMillan that she could be persuaded to write whatever the CIA wanted her to. One of Jameson’s roles was to bring Soviet defectors to selected journalists. This was one of the ways in which the CIA planted stories in magazines and books. (The CIA had already published *The Penskovkiy Papers*, a supposed diary of a defector which was later proven to be a work of CIA fiction.) When Epstein wanted to verify Nosenko’s veracity, he called James Angleton, the then-ousted longtime head of the CIA’s counterintelligence unit. Epstein had already encountered Angleton’s close associate Ray Rocca during his research for his first book, *Inquest*, a lukewarm account of how the Warren Commission had made mistakes in reaching its conclusion.

Epstein is of special interest because he was an active and early member of the JFK assassination research community. Was he there out of genuine interest, or might he have been a plant, reporting back on what was discovered and injecting his own (or others) opinions into the research community? Members of the research community have expressed vehement opinions on both sides (some saying he was clearly a plant, others suggesting he was blackmailed into “changing his story” to support the agency. The latter case is harder to believe as his writing shows a clear and apparently sincere appreciation for the Agency.)

After the Garrison investigation ended, in 1970 a curious event transpired. John Leonard had written reviews in the *New*

York Times of two Kennedy assassination books: Jim Garrison's first book, *Heritage of Stone*, and James Kirkwood's near love-letter to Clay Shaw, *American Grottesque*. In the review, headlined "Who Killed John F. Kennedy?" Leonard had included two paragraphs that detailed some of the remaining mysteries about the case, as well as Leonard's own expressed view that "Something stinks about this whole affair..." Within hours, however, these two paragraphs were removed from the paper, and an altered headline of "The Shaw-Garrison Affair" was substituted. Despite his best efforts, Leonard was never able to find out who had made the changes to his piece. "We've every right to be paranoid," Leonard said.³⁷

Jump ahead to the time of the House Select Committee on Assassinations (HSCA). While the Warren Commission failed to truly investigate the crime, the HSCA's efforts can be recognized as more diligent in many ways. But in the end, Robert Blakely and Richard Billings got the first book out on the HSCA's investigation, enabling them to put the first spin on the report, which concluded there was a probable conspiracy. And how did they spin it? By saying that the conspiracy was mob-based. Blakey became the leader of the HSCA after Dick Sprague was ousted in what appeared to the research community to be a coordinated media campaign. Sprague had threatened to subpoena CIA records and officials and conduct an honest, no-holds-barred investigation of possible Agency involvement in the case. Shortly thereafter, press reports of alleged abuses of his past position (which later proved false) worked to oust Sprague from the committee chairmanship. In the wake of his departure came Blakey, who openly expressed his trust for the CIA, saying he had worked with them for 20 years. As for Richard Billings, he was very close to the CIA and had even gone on the dangerous Bayo-Pawley CIA mission with Cuban exiles to Cuba. Coincidence, or conspiracy?

Fast forward to the 1990s. Three books by two authors friendly with U.S. intelligence purport yet again that Lee Harvey Oswald, James Earl Ray and Sirhan Sirhan all acted

alone. (As you will see in other parts of this volume, in each of these cases the facts support a conspiracy conclusion with likely government involvement.) The two authors are Gerald Posner and Dan Moldea. Posner became famous for his work on the Josef Mengele case, in which he tried to explain how the CIA never could quite catch up with this horrific perpetrator of Nazi atrocities. After that, he wrote a book on the Chinese drug trade, and thanked the various intelligence sources that provided him the access necessary to do his research. He followed that book with *The Bio Assassins*, a fictional novel glorifying an old-time CIA operative stuck in a newfangled bureaucratic post-Cold War Agency. His next book was *Hitler's Children*. How the heck does one find the children of Nazi higher-ups if not with great help from intelligence services? His first three books were published by McGraw-Hill. *Hitler's Children* was published by Random House, and marks his first work under the aegis of Robert Loomis, whose wife Gloria (according to Joan Mellen) was James Angleton's secretary of many years. Loomis was responsible for Jim Phelan's book in which he recounts his experiences on the Garrison case, among others. Loomis' next book with Posner was *Case Closed*, Posner's widely promoted but not widely respected work on the JFK case. David Wrone, a respected history professor, described *Case Closed* as "so theory driven, so rife with speculation, and so frequently unable to conform his text with the factual content in his sources that it stands as one of the stellar instances of irresponsible publishing on the subject."³⁸

Posner and Loomis teamed up yet again in the late '90s to produce *Killing the Dream*, Posner's book on the Martin Luther King assassination. It comes as no surprise to find he believes James Earl Ray killed MLK and that there was no government participation in a conspiracy.

Dan Moldea (discussed at length elsewhere in this volume) wrote one of the few books on the Robert Kennedy assassination. A former professed proponent of conspiracy in that case, Moldea wrote that not only did Sirhan act alone, but that he admitted to shooting Kennedy, a statement that Sirhan,

those present during this conversation, and Sirhan's lawyer vehemently deny Sirhan ever made. Moldea is close to the man most often suspected of being the real assassin in that case, Thane Eugene Cesar. Moldea is also close to Carl Shoffler, the cop who was the first on the scene to capture the Watergate 'burglars' and who, as Jim Hougan and others have shown, has ties to the intelligence community. Moldea also includes in his pantheon of heroes Walter Sheridan, who was discussed earlier in this volume. As you will see, Moldea's objectivity must, as with the others listed here, be called into question.

Are you feeling queasy yet? If the CIA is using its own media assets to cover up the truth about the Kennedy assassination, what is the secret they so desperately need to protect? Did David Ferrie know it? Did George de Mohrenschildt? Both died under mysterious circumstances directly following meetings with reporters.

David Ferrie's last (known) visitor was *Washington Post* national security reporter George Lardner, Jr. Lardner claimed he left David Ferrie at 4 a.m. the day Garrison had decided to call Ferrie before the Grand Jury. There is no reason to suspect Lardner had a hand in Ferrie's death, but the coroner thought the body indicated an earlier death, and claimed 4 a.m. was the "latest possible time" of his death. In a similarly bizarre circumstance, Edward Epstein was the last person to talk with Oswald associate and CIA asset George de Mohrenschildt just prior to his alleged suicide—on the very day Gaeton Fonzi of the House Select Committee on Assassinations had come to de Mohrenschildt's Florida home to speak with de Mohrenschildt. These events may truly be bizarre coincidences. But it's not impossible to believe that someone was monitoring the activities of Ferrie and de Mohrenschildt through these journalists, and if information was to come out that might be particularly sensitive, someone may have seen fit to silence the witnesses.

Ralph McGehee, a former CIA operative who eventually quit the Agency in disgust over the operations he had learned about

during his 25-year career there, obtained a document from 1991 through the Freedom of Information Act (FOIA) regarding the operations of the CIA's Public Affairs Office (PAO). In no small terms, the Agency boldly announces the culmination of its press operations:

PAO now has relationships with reporters from every major wire service, newspaper, news weekly, and television network in the nation. This has helped turn some "intelligence failure" stories into "intelligence success" stories ... In many instances, we have persuaded reporters to postpone, change, hold, or even scrap stories ...

Bear these relationships in mind as you read or watch the next installment relative to the Kennedy assassination. Bear in mind George Seldes' admonition to *take nothing for granted*. Realize that if the CIA was behind the assassination, we are not going to hear about it through the CIA-controlled media.

1 George Seldes, *The Facts Are... : A Guide to Falsehood and Propaganda in the Press and Radio* (New York: In Fact, Inc., 1943), p. 6.

2 Seldes, pp. 10-12.

3 Seldes, p. 71.

4 <http://reportersnotebook.com/swinton.html>, quoting from Richard O. Boyer and Herbert M. Morais, *Labor's Untold Story* (New York: United Electrical, Radio & Machine Workers of America, 1955/1979)

5 See Jim Hougan, *Secret Agenda: Watergate, Deep Throat and the CIA* (New York: Random House, 1984) and Adrian Havill, *Deep Truth: The Lives of Bob Woodward and Carl Bernstein* (New York: Birch Lane Press, 1993).

6 W.A. Swanberg, *Citizen Hearst* (New York: Bantam Books, 1963). The quotes can be found on page 127. Three chapters show how Hearst nearly single-handedly, through his Journal, manufactured the war.

7 Christopher Simpson, *Science of Coercion: Communication Research & Psychological Warfare 1945-1960* (New York:

Oxford University Press, 1994), p. 17.

[8](#) *Ibid.*

[9](#) *War Report of the OSS* (New York: Walker & Co., 1976), p. 7. The report was compiled by Kermit Roosevelt and many others within the OSS.

[10](#) *War Report of the OSS*, p. 10.

[11](#) *War Report of the OSS*, p. 33.

[12](#) Frances Stonor Saunders, *The Cultural Cold War: The CIA and the World of Arts and Letters* (New York: The New Press, 2000), p. 41.

[13](#) Joseph Crewden, "Worldwide Propaganda Network Built by the CIA," *New York Times*, 12/26/77, p. 1.

[14](#) Darrell Garwood, *Under Cover: Thirty-five Years of CIA Deception* (New York: Grove Press, Inc., 1985), p. 291.

[15](#) Saunders, p. 86. The two-letter code QK at the beginning of QKOPERA is of great interest, as Clay Shaw and later E. Howard Hunt were cleared for an as yet unrevealed project codenamed QKENCHANT. QKHILLTOP was a mind control project in the 1950s. QKACTIVE was a project of the Soviet Russia division in the early '60s for running attempted penetrations of the Soviet Union. So far, it is still unclear to me what the QK indicates. In many cases, the first two letters signify a country. But in other cases, the two letters signify a project, such as the MK operations of MKULTRA, MKNAOMI, MKDELTA, all of which signify different mind control operations. It should also be noted that "Q" clearance is the highest level of clearance in some areas of government, and that QJWIN was the codename for a CIA-sponsored assassin. Someday, we may yet find out what kind of operation QKENCHANT was.

[16](#) Miles Copeland, *The Real Spy World* (London: Sphere Books, 1978), p. 50.

[17](#) *New York Times*, 12/25/77, p. 12.

[18](#) Garwood, p. 250.

[19](#) Stewart Alsop, *The Center* (New York: Harper and Row, 1968, Popular Library Edition) p. 156.

[20](#) *New York Times*, 12/25/77, p. 12.

[21](#) *Ibid.*

[22](#) Deborah Davis, *Katherine the Great* (New York: Sheridan Square Press, 1991), p. 130.

[23](#) Davis, p. 133.

[24](#) Saunders, p. 105.

[25](#) Carl Bernstein, "The CIA and the Media," *Rolling Stone* (10/20/77), p. 3 of the reprint.

[26](#) David Lifton, *Best Evidence*, quoting Tom Wicker, *New York Times*, November 23, 1963.

[27](#) Martin A. Lee and Norman Solomon, *Unreliable Sources* (New York: Lyle Stuart, 1990), p. 18.

[28](#) Robert Hennelly & Jerry Policoff, "JFK: How the Media Assassinated the Real Story," available at

<http://www.RealHistoryArchives.com/collections/assassinations/stone-JKF.htm>.

[29](#) *New York Times*, 1/28/76.

[30](#) *New York Times*, 1/23/76.

[31](#) In the newly released files, there is a curious tale of how Herbert Itkin was hired by the FBI at Richard Helms' request from CIA.

[32](#) CIA contact report on Priscilla Johnson of 12/11/62, signed by Donald Jameson, Chief SR/CA (Soviet Russia/Covert Action).

[33](#) Bernstein, p. 3.

[34](#) Jeremiah O'Leary, *Washington Star* (12/12/76), quoted in *Murder in Memphis* by Mark Lane and Dick Gregory (New York: Thunder's Mouth Press, 1993 ed.), p. 231.

[35](#) CIA Document #1035-960, marked "PSYCH," presumably for Psychological Warfare Operations, in the division "CS," the Clandestine Services, sometimes known as the "dirty tricks" department.

[36](#) See John Heidenry, *The Kingdom and the Power* (New York: Norton, 1993). He devotes large sections of the book this relationship, and has a small but interesting section on Epstein, and another on JFK assassination author Henry Hurt as well.

[37](#) Hennelly and Policoff, *ibid.*

[38](#) David Wrone, *Journal of Southern History* 6 (February 1995), pp. 186-188. The review can be found on the Internet at

Jim Phelan: Final Exposure

By James DiEugenio

The late James Phelan was a nationally known and distributed reporter for over 20 years, from about the mid-'50s to the late '70s. He retired in the '90s and lived in Temecula, California until his death in 1997. At the peak years of his career, Phelan wrote for *True*, *Time*, *Fortune*, *The Reporter*, *Saturday Evening Post*, and *New York Times Magazine*. Although Phelan liked to refer to himself as a freelancer, he was a staff writer for the *Saturday Evening Post* for about seven years in the 1960s. In the '70s, he was writing almost exclusively for *New York Times Magazine*.

As anyone with knowledge of the CIA and the media will know, the *Saturday Evening Post* and *New York Times*, as well as the Luce press, which Phelan contributed to, have been exposed as having ties to the intelligence community. The publications are prominently mentioned in Carl Bernstein's famous *Rolling Stone* article, entitled *The CIA and the Media*. It should also be noted that the *Saturday Evening Post* has had ties to the FBI. For instance, correspondent Harold Martin was used by the Bureau as a friendly conduit for favorable stories to be passed to.

Because of his writings on the Kennedy assassination in the *Post*, *New York Times*, and his book *Scandals, Scamps, and Scoundrels*, many had harbored suspicions about Phelan's independence as a writer. What made him even more suspicious was the company he kept throughout the years. For instance, his editor at Random House was the infamous Bob Loomis. According to Jim Marrs, Loomis was closely tied to the CIA. Loomis also edited the recent Norman Mailer and Gerald Posner books depicting Oswald as a lone gunman (Phelan was a source for Posner). According to writer Joan Mellen, Loomis'

former wife, Gloria, worked for CIA Counterintelligence Chief James Angleton. Tom Wicker, longtime Warren Commission defender, wrote the introduction for Phelan's 1982 book. While reporting on Garrison over a period of years, Phelan indiscriminately chummed around with people like Hugh Aynesworth, Walter Sheridan, Rick Townley, and David Chandler. Yet if one questioned his bona fides, Phelan vehemently denied that he was tied to the FBI, CIA or any government agency. He often intimated possible lawsuits in the face of these suggestions.

With the release of new documents under the JFK Act, Phelan was exposed as a bully using these tactics. So far, two full documents and a partial report have been released revealing that Phelan was informing to the FBI and turning over documents to them as a result of his interviews with Garrison in early 1967. The most interesting contact sheet is the one uncovered by crack researcher Anna Marie Kuhns-Walko. In this April 3, 1967 memo by R.E. Wick to Cartha DeLoach, Wick writes that he agreed to see Phelan reluctantly: "Although we have stayed away from [Phelan's name crossed out] it was felt that we should hear what he has to say and so Leinbaugh, in my office, talked to him." Phelan seemed to have tried to pump Garrison for details about his New Orleans investigation and then was disappointed when Garrison would not stay on that topic but would return to the faults of the Warren Report.

Phelan also wrote much on Howard Hughes. In fact, his first piece for the *Post* was about Hughes. In 1962, Phelan wrote a story detailing a "loan" from Hughes to Nixon's brother Donald. This story hurt Nixon in his losing race against Pat Brown for governor. But Phelan's most famous work on Hughes was his 1976 "instant book" on the eccentric, invisible billionaire, *Howard Hughes: The Hidden Years*. To say the least, it is a curious work. It came out within months of Hughes' reputed death. Phelan stated that two lower-level members of Hughes' entourage spilled out the story of the reclusive loner's last years to Phelan in an apartment he rented for them near Long Beach, Phelan's home at the time. Phelan's

editor was again Loomis and it was a top-secret project of Random House. Only Loomis and one other person there knew about it. All dealings between New York and California were done either in person or by hand-delivery, no mail or phone contact.

The result is a book out of Dickens. It is a picaresque observation of an eccentric slowly slipping into dementia with touches of humor slipped in occasionally. Phelan seems to have bought everything the two assistants told him and relied on it *in toto*. The book has no footnotes or bibliography or even an index. Phelan begins by decrying the “cult of conspiracy” that had grown up around Hughes and, ironically, chides Norman Mailer who in a recent essay had noted Hughes’ close ties to the CIA.

Peter Scott had written that it is difficult to delineate where Hughes’ companies ended and the CIA began. Robert Maheu, a friend and source for Phelan, had gone from the Company to Hughes. Incredibly the CIA is mentioned in only two passages in the entire book. The first is when Maheu’s role as Hughes’ CEO is introduced and then again when the Glomar Explorer episode is sketched. In an interview he did for *Penthouse* in 1977, Phelan was asked about Woodward and Bernstein and the possibility that Robert Bennett (Mullen Company executive, Hughes employee, and CIA asset throughout the Watergate affair) was “Deep Throat.” Phelan discounted this. He said that Bennett “inherited E. Howard Hunt” and Mullen served as a “cover for two CIA agents working abroad.” He said he had interviewed Bennett “and found him to be very forthcoming.”

As declassified CIA documents now reveal, Phelan didn’t do his homework in regard to any of these subjects. In that same interview, Phelan praises the work of Woodward and Bernstein, who were being deliberately led off the trail of the CIA by Agency asset Bennett. In *Scandals, Scamps, and Scoundrels*, Phelan chalks up Watergate solely to Nixon’s obsessive and quirky personality. This was well after the publication of Fred Thompson’s book *At That Point in Time* which details the role played by the Mullen Company and Bennett in the Watergate

affair.

As with his 1967 caricaturing of Garrison, those interested in what really happened at Watergate and what really transpired between the CIA and Hughes had to settle for personality sketches, vague generalities, and Phelan's own cleverly disguised biases. On the two great traumatic shocks to the system—Watergate and the JFK conspiracy—Phelan was anything but what Random House billed him as: an investigative reporter.

The Real James Phelan

Patricia Lambert's book *False Witness* tries to make a journalistic hero out of longtime FBI informant Phelan. Contrast such a notion with the man portrayed below. Excerpted here are parts of a report written about Phelan by a private investigator hired to interview Phelan about his work for the government, in this case the FDA.

Phelan is an investigative reporter who had previously worked several years for the *Saturday Evening Post* magazine. Many of Phelan's articles were highly favorable to positions taken by the U.S. government. Because of Phelan's favorable [Clay] Shaw articles ... and his defense testimony at Shaw's trial, coupled with recently released Freedom of Information Act material about the U.S. government's covert use of the *Saturday Evening Post* and some of its reporters ... questions arise about whether or not Phelan was being directed by government agents to sabotage Garrison's prosecution of Shaw.

In addition, FDA documents recently released through FOIA directly prove that, in 1963, two months before Kennedy's assassination, the *Saturday Evening Post* had been in direct communication with the FDA about the FDA's criminal investigation of Scientology and its use of E-meters. Additional secret FDA documents, written in

early and mid-March 1964, immediately after Phelan conducted lengthy in-person interviews of L. Ron Hubbard allegedly solely for the *Post*, prove that Phelan himself secretly furnished transcripts of his interviews of Hubbard to the FDA with the knowledge and consent of its Chief Inspector in Washington D.C.

The purpose of the interview was to attempt to learn about Phelan's alleged involvement as an investigative reporter who was possibly directed by, and as a reporter who shared his confidential interviews with, covert investigative and intelligence agencies of the United States government.

This investigator knocked at the door, and it was answered by Phelan. I identified myself as a private investigator from Los Angeles... Phelan read my card and asked me what I wanted. I told him that I had learned that Phelan had interviewed Clay Shaw for a *Penthouse* magazine interview that appeared in the November 1969 issue. I told Phelan that I wanted to interview him as he was one of the few reporters ... to have personally interviewed Shaw.

I then asked Phelan what he knew about any reporters who had assisted the CIA in planting stories. Phelan stated that there was no doubt that some reporters were used by the CIA but that he had no firsthand knowledge of this. Phelan then stated that his personal ethics as a reporter would never allow him to ever compromise a story or a source for a story and that he would never reveal the contents of any story, prior to its publication, to anyone, especially to anyone connected to any governmental agency.

Phelan stated that a reporter friend of his was used by the CIA for years. He refused to identify the reporter.

I then showed Phelan three FBI documents that had been obtained under FOIA. I directed Phelan to the sections of the documents, which identified Ralph McGill ... and Harold Martina... "correspondent for the *Saturday*

Evening Post” as being directly and willfully involved in a secret FBI counterintelligence program to destroy the Ku Klux Klan by printing FBI prepared material ... in the *Saturday Evening Post*.

As Phelan slowly read the three FBI documents he seemed to grow uneasy about discussing the FBI covert use of the two reporters, especially Harold Martin of the *Saturday Evening Post*. Phelan started shifting in his chair and began stroking one of his arms in a nervous manner.

At this point, Phelan asked me for the first time who I was working for. I told Phelan that the identity of this client was confidential but that his investigation had not targeted Phelan. This seemed to put Phelan somewhat at ease. I then told Phelan that this investigation was focusing in on the *Saturday Evening Post* being used by the FBI, CIA and other ... agencies to plant false stories that the public read and believed and planted stories that these agencies then quoted as being factual in official reports to other agencies, particularly to INTERPOL in their reports to foreign governments. Phelan then stated that he fully understood how the system worked and I did not have to explain it further.

Phelan then volunteered that he had testified as a defense witness at Clay Shaw’s trial in New Orleans. Phelan then gave a detailed story as to how Garrison was mentally ill and had used the District Attorney’s office to wrongly accuse Shaw of conspiring to assassinate the president. Phelan stated that his wife was a clinical psychologist and agreed that Garrison was truly crazy.

I asked Phelan about connections between Guy Banister, Ferrie, and Oswald. He stated that Banister and Ferrie were definitely connected and that Oswald was definitely connected to Banister.

Phelan stated that several witnesses testified that Clay Shaw used the alias of Clay Bertrand. Phelan stated that in his opinion, it’s not believable for Shaw to have used

Bertrand as an alias. (Phelan didn't seem to understand that closet homosexuals, such as Shaw, frequently attempt to hide their true identity when in public and when it's in their interest to do so.)

I then decided that it was the appropriate time to begin the "hard ball" confrontation portion of Phelan's interview. I showed Phelan a photocopy of an article that appeared in the *Saturday Evening Post* in mid-March 1964. The article was written by Phelan and has a photograph of L. Ron Hubbard ... Upon seeing the article Phelan stated that Hubbard was really a kook. Phelan then started describing his interview of Hubbard without any questions being asked by myself. Phelan stated that Hubbard's name had been in the news quite a lot during that time period ... Phelan stated that he also wanted to interview Hubbard regarding allegations that Scientologists were practicing medicine without a license.

Phelan then bragged about how he had gotten Hubbard to open up to him during the interview. Phelan stated that during the first day, he asked very complimentary type of questions of Hubbard and that Hubbard opened up to him. Phelan described these questions as being softball type of questions.

I then asked Phelan for the name of the person who had assigned him to write the *Saturday Evening Post* story about Hubbard. Phelan stated that, because it was so long ago, he could not recall. However, when he was describing the interview of Hubbard, he vividly recalled numerous minor details about Hubbard ...

I then asked if he had ever been assigned to write a story on behalf of the FBI, CIA, or FDA. Phelan answered that that had never happened. I then showed Phelan a photocopy of a letter dated September 10, 1963. [The letter is from Steve Spencer of the *Saturday Evening Post* to the FDA consenting that their magazine be used by that agency in its attack on Hubbard.]

Phelan read the letter very slowly and appeared to become very nervous. He then stated that he didn't know Steven Spencer and didn't know anything about the letter. I then asked Phelan if he had ever been asked by anyone in the government to furnish either his notes about a story or interview notes he made during a story to them prior to the story being printed. He said that had never happened. I then asked Phelan if he had ever furnished the transcripts of his interview of L. Ron Hubbard to the FDA prior to the *Saturday Evening Post* story being published. Phelan answered that that had absolutely never happened. I then handed Phelan three documents that had been released via the FOIA. [The documents all show that this was precisely what Phelan had done in conjunction with an arrangement apparently worked out previously by Spencer between the magazine and the FDA.]

As Phelan read the three documents he started breathing very heavily and started making some types of moaning sounds. He then grabbed one arm and stroked it. I then asked Phelan why his name was on the government letters if he hadn't in fact released the transcripts of his interview with Hubbard prior to his story being published. The only answer that Phelan could give was that he had a very bad memory. I then pointed out that Phelan had impressed me with his amazing feats of memory during the long interview.

At that time Mrs. Phelan walked into the living room, and in my opinion, [Phelan] attempted to stall me from asking any more questions by interjecting Mrs. Phelan into the interview. I immediately explained the investigation to Mrs. Phelan and remarked about what an excellent memory her husband had. Before he could stop her from answering, Mrs. Phelan stated that her husband has an excellent memory and that "everyone" always compliments him on his memory.

It appeared obvious to me that Phelan had lied to me

when he told me that he had not furnished the Hubbard transcript to the government. In addition, based on the totality of the interview and the various documents obtained via FOIA, it appeared to me that the *Saturday Evening Post*, and some of its reporters, including James Phelan, have willingly cooperated in secret counterintelligence operations on behalf of the government as far back as 1963.

Case Distorted: Posner, Connick, and the *New York Times*

By Bill Davy

When the *New York Times* published Gerald Posner's article entitled, "GARRISON GUILTY: Another Case Closed" (*New York Times Magazine*, August 6, 1995), they managed to convict a second person without benefit of a trial. The first was Lee Harvey Oswald, whose guilt the *Times* has trumpeted over the years by virtue of its unwavering support of the Warren Report.

The *Times* certainly picked the right person for the job of ferreting out contradictions in the late Jim Garrison's files. Posner's book *Case Closed* is rife with contradictions, sloppy research, and distortions. What is surprising is that the *Times* found all of this newsworthy. The contradictions found in the files of the Warren Commission and the House Select Committee on Assassinations (HSCA) would fill volumes. Where were the *Times* and Posner when the HSCA released their files in 1993? Had they been at the National Archives they would have found suppressed evidence *supporting* the Garrison case. Was Posner too busy at the time to examine these files? Apparently he now has more time on his hands to allow him to first attend the Assassination Records and Review Board hearings in New Orleans and then to examine Garrison's files.

Why was Posner allowed access to these files? New Orleans District Attorney, Harry Connick is on record as stating that only representatives of the government would be allowed to review these records. Does Posner qualify under this criteria? According to his article, Posner was personally invited by Connick to review the files. It is difficult to comment on the specific allegations that Posner raises without benefit of actually seeing the files. However, it is possible to rebut some of the most egregious distortions. First it might be instructive to look at what Posner claims he examined.

In 1978 two investigators from the HSCA were dispatched to Connick's office to inventory the Garrison files. It took the HSCA staffers four days to inventory the five-drawer file cabinet. The inventory list itself is 23 pages long. Assuming Posner did not graduate *summa cum laude* from Evelyn Wood, did he have enough time to adequately review *all* of the files? Even if he did, the Connick files represent only a small portion of the entire Garrison probe output. The Garrison family had approximately a dozen boxes of the late DA's files. (These *were* turned over to the ARRB.) Garrison himself submitted hundreds of pages of documents to the HSCA in the late 1970s (available at the National Archives since 1993). Additional Garrison materials fill several file cabinets at the Assassination Archives and Research Center in Washington, D.C. The Georgetown University Library is home to the Richard Billings Papers, yet another vast collection of Garrison work product. This, combined with the 3,000+ page transcript of the Clay Shaw trial and the newly-found Grand Jury testimony, amounts to an avalanche of investigative materials. Did Posner examine all of the materials (mentioned above), in order to put the Connick files in the proper context? Doubtful.

Posner begins his article by confidently informing the reader that "on the eve of the public release of some of Garrison's files, it is finally possible to settle whether the case against [Clay] Shaw was a fraud." Consider what Posner is saying here. He can finally settle the case by looking at *some* of the files.

One wonders if he employed this same methodology while writing *Case Closed*.

Continuing with the article, we are told:

Garrison persisted in following leads even when they were quickly discredited. ...That an eccentric homosexual, David Ferrie, taught Oswald how to shoot and had visited Texas on the evening of the assassination. And that Oswald, together with some flamboyant homosexuals, had visited a local attorney, Dean Andrews, who claimed his legal bill was paid by a man known only as "Clay Bertrand." Using these assertions, Garrison soon said the plot to kill the President was "a homosexual thrill-killing." (He claimed that Oswald was a "switch-hitter" and that Jack Ruby was gay.)

It is now a documented fact that Oswald was in David Ferrie's Civil Air Patrol (CAP) unit. A photograph showing the two at a CAP barbecue was presented during a PBS documentary [*Frontline* 11/16/93, "Who Was Lee Harvey Oswald?"] Furthermore, Ferrie would occasionally drill his cadets in the use of firearms. It is a matter of public record that Ferrie visited Texas on the evening of the assassination. Ferrie himself admitted this. Oswald's visits to attorney Dean Andrews' office are not taken from Garrison, but rather from Andrews' sworn testimony before the Warren Commission. The bit of business about the plot being a "homosexual thrill-killing" is from an article by James Phelan supposedly quoting Garrison. Readers of *Probe* will recall that Phelan has some credibility problems. I don't doubt that Garrison suspected Oswald was a "switch-hitter." Given his association with aggressive homosexuals like Clay Shaw and David Ferrie, one would have to at least consider the hypothesis. Norman Mailer certainly gave it serious consideration in *Oswald's Tale*. There also appears to be indications that Ruby was indeed gay, but so what?

Posner writes:

The source of the Ferrie story was a private investigator, Jack Martin, an alcoholic who had been in prisons and mental

institutions. Within a week of the assassination, he confessed to the FBI that he had concocted the account while drunk.

True enough I suppose, although Martin actually recanted his story the weekend of the assassination, telling the FBI that he had contracted a case of “telephonitis” while drunk. What Posner *doesn't* tell us is that at the same time Martin was backtracking to the FBI (and presumably while he was sober), he was writing to the FAA:

Don't your case records on Ferrie show that this guy Oswald was a member of Ferrie's phony CAP squadron? Remember all of those large group pictures. Wasn't his picture in these? ... Furthermore, was not this the person (Oswald) that Ferrie helped to get into the Marine Corps?" [Letter from Martin to Richard Robey, FAA, 11/25/63]

Andrews, Posner tells us, later recanted his “yarn” after the FBI failed to find anyone in New Orleans who ever heard the name “Bertrand,” and that according to Garrison's files, Andrews was emphatic in his denial that Shaw was Bertrand. Again, what is important here is what Posner ignores (or doesn't know). An FBI memo dated March 2, 1967 from Cartha DeLoach to Clyde Tolson states:

The AG then asked whether the FBI knew anything about Shaw. I told him Shaw's name had come up in our investigation in December 1963 as a result of several parties furnishing information concerning Shaw. [FBI document # 62-109060-4635]

FBI agent Regis Kennedy testified under oath at the Shaw trial that the FBI was looking for a Clay Bertrand, in connection with the assassination, *prior* to his interview with Dean Andrews. [Shaw trial, 2/17/69] A Justice Department spokesman, commenting on the Shaw/Bertrand controversy, is quoted in the *New York Times* as saying “Yeah. He's the same guy.” [*New York Times* 3/3/67] Finally, the FBI had reports in February of 1967 (before Shaw's arrest) from two sources that Shaw was Bertrand. [FBI document #62-109060-4720]

Andrews was later convicted of perjury for his equivocating before the Grand Jury. Andrews' reluctance to name the real "Bertrand" seems to have come from a genuine fear rather than a desire to mislead. British journalist Anthony Summers interviewed Andrews several years later and wrote:

He has since said that to reveal the truth about his caller would endanger his life, and my own brief contact with Andrews confirmed that the fear is still with him today. [Summers, *Conspiracy*. New York: McGraw-Hill, 1980. p. 340].

Posner next tries to discredit Vernon Bundy, the heroin addict who testified at the preliminary hearing and trial that he saw Oswald and Shaw together by the Lake Pontchartrain seawall. Bundy specifically remembered Shaw because of his slight limp. Posner reveals, with a flourish:

I discovered a March 16, 1967, transcript of an interview between Bundy and three Garrison investigators. In that talk, only two weeks after Shaw's arrest, Bundy described the "Oswald" character as a "real junkie" and said his name was "Pete." Not once in a 12-page typewritten statement did Bundy mention any unusual walk or gait.

By the time of his testimony, he had dropped any inconsistencies, and his memory had "improved" favorably for the prosecution.

One has to wonder about the accuracy of what Posner is describing here. Because I discovered a memorandum, dated March 16, 1967, written by William Gurvich, one of the three Garrison investigators Posner cites. (The other two were Charles Jonau and Clancey Navarre.) At no point does Bundy waver from his identification of Shaw or Oswald. As for Bundy never mentioning Shaw's gait, had Posner dug a little deeper he might have found a memo from Assistant DA John Volz, also from March 16th, where he writes:

In order to get a more positive identification, I proceeded with Bundy out of the Prison and milled around the foyer of the Criminal District Court Building near the elevators. As soon as

Shaw emerged from the Sheriff's office Bundy said, "That's him, I'm sure of it. He had the same limp when I saw him on the Lakefront."

It might also interest Posner to know that Bundy testified at the preliminary hearing on March 17, 1967.

Finally, Posner tries to deliver a knockout punch by attempting to discredit the Clinton/Jackson witnesses. But here Posner is just up to the same old tricks that he used in *Case Closed*. Posner writes:

The most telling abuse shown by the files probably concerns four witnesses from Clinton, La., who were used to bolster a sighting of Oswald, Ferrie and Shaw. The witnesses gave almost uniform trial testimony, saying that during a Congress of Racial Equality voter-registration drive in the late summer of 1963, a black Cadillac, driven by Shaw, stopped in town. Ferrie and Oswald were passengers. This testimony seemed strong. Yet, the files confirm suspicions that the witnesses initially gave dramatically conflicting statements to investigators. Some had failed to identify Oswald, Shaw or Ferrie. Others had described the Cadillac as an "old and beat-up Nash or a Kaiser," or instead of three men in the car, they originally said four, or two, or a woman with a baby. Some swore the Oswald look-alike was in a voter-registration line, while a few thought he applied for a job at a mental institution, and another claimed to have cut his hair. Several placed the sightings in October, when Oswald was in Dallas, and two thought Jack Ruby drove the car. Moreover, the files reveal new information that Garrison's investigators had tried in vain to find support for the alleged sighting. They had combed the Clinton area; more than 100 local residents failed to recall a dark car or strangers in the small town. At a separate meeting of 60 CORE volunteers, investigators explained the story and projected pictures of Oswald, Shaw and Ferrie. No one remembered the incident.

As in *Case Closed*, Posner combines witness recollections of *four* separate events that transpired over a course of *three*

days at *four* different locations. I, too, have seen these memos and Lea McGehee did indeed cut Oswald's hair. Makes sense. After all, he was the town barber in Jackson. (Not Clinton, as Posner would have us believe.) McGehee also recalled a Nash or Kaiser arriving *coincidental* to Oswald's arrival. At no time does McGehee ever claim Oswald got into or out of that car. The two CORE workers were uniform in their identification of the principals. The Clinton registrar of voters, Henry Earl Palmer, did indeed originally state that he thought the incident may have taken place in October. What Posner *doesn't* tell us is that in that same memo Palmer says the incident could have taken place as early as September 1st.

None of this should come as a surprise to readers of *Case Closed*. For instance, let's look at how Posner covers the Shaw trial in his book. He devotes all of three paragraphs to a complex case that lasted over a month and generated in excess of 3,000 pages of transcript. And how accurate are those three paragraphs? From *Case Closed* (softcover edition, pp. 447-448):

Despite his promises of spectacular disclosures, Garrison presented the same basic prosecution he had in the 1967 preliminary hearing. Yet this time the problems in his case were readily apparent. Russo testified again that he had seen Ferrie, Oswald, and Shaw at the party, but said they might not have been planning a conspiracy but instead just "shooting the bull." Then Dean Andrews took the stand and admitted that Clay Bertrand was an invented character. Trying to prevent his case from falling apart, Garrison introduced the Clinton, Louisiana witnesses ... Although they were not relevant in determining Shaw's guilt or innocence, he called Marina Oswald, Bethesda pathologist, Pierre Finck, and witnesses from Dealey Plaza.

Even a cursory glance at James Kirkwood's book, *American Grotesque* (New York: Simon and Schuster, 1970) will reveal how far-off base Posner is here. (I have to assume Posner read the book, since he footnotes and quotes from it in *Case Closed*.)

The Clinton/Jackson people were the *first* witnesses to appear, followed by several New Orleans policemen, then Charles Steele, Vernon Bundy, and Charles Spiesel. Russo is called next, some four days into the trial. Dean Andrews, Marina Oswald, and Pierre Finck were not called until days later, no doubt due to the fact all three were *defense* witnesses, *not* State witnesses as Posner writes. Whether Posner purposefully juxtaposed these events—as he did with the Clinton witnesses—it strains one’s credulity to consider this book was nominated for a Pulitzer.

In their zeal to close the case, the *Times* has once again disserved the American people. Both Posner and the *Times* have some more homework to do before they can hope to render a verdict of “Case Closed.”

The Posthumous Assassination of John F. Kennedy

By James DiEugenio

There can be no doubt that the right wing hated the Kennedys and Martin Luther King. There is also little doubt that those who hated JFK had a role in covering up his death. One could use Secret Service agent Elmer Moore as an example. As revealed in *Probe* (Vol. 4 No. 3, pp. 20-21), Moore told one Jim Gochenaur how he was in charge of the Dallas doctors’ testimony in the JFK case. One of his assignments as liaison for the Warren Commission seems to have been to talk Dr. Malcolm Perry out of his original statement that the throat wound was one of entry, which would have indicated an assassin in front of Kennedy. Gochenaur also told the Church Committee how Moore went into a tirade against Kennedy—how he was a pinko selling us out to the Communists. Moore’s rant went on for hours, and Gochenaur was frightened by the time Moore drove him home.

But there is another more insidious strain of the right wing in

America. These are the conservatives who sometimes disguise themselves as Democrats, as liberals, as “internationalists.” This group is comprised of men like Averill Harriman, Henry Stimson and John Foster Dulles. The common rubric used to catalog them is the “Eastern Establishment.” The Kennedy brothers were constantly at odds with them. In 1962, Bobby clashed with Dean Acheson during the missile crisis. Acheson wanted a surprise attack; Bobby rejected it saying his brother would not go down in history as another Tojo. In 1961, JFK disobeyed their advice at the Bay of Pigs and refused to add air support to the invasion. Kennedy was punished for this in an article in *Fortune* magazine by Time-Life employee Charles Murphy. The article blamed Kennedy for the failure of the plan. Kennedy stripped Murphy of his Air Force reserve status, but that didn’t matter; his loyalty was to Allen Dulles anyway. In 1963, Kennedy crossed the Rubicon and actually printed money out of the Treasury, bypassing that crown jewel of Wall Street, the Federal Reserve Board. And as Donald Gibson has written, a member of this group, Jock Whitney, was probably the first to put out the cover story about that Krazy Kid Oswald on 11/22/63 (*Probe* Vol. 4 No. 1).

In 1964, author Morris Bealle, a genuine conservative and critic of the Eastern Establishment, wrote a novel called *Guns of the Regressive Right*, depicting how that elite group had gotten rid of Kennedy. There certainly is a lot of evidence to substantiate that claim. There were few tears shed by most right-wing groups over Kennedy’s death. Five years later, they played hardball again. King and Bobby Kennedy were shot. One would think the coup was complete. The war was over.

That would be underestimating these people. They are in it for the long haul. The power elite realizes that, in a very real and pragmatic sense, assassination isn’t enough. You have to cover it up afterwards, and then be ready to smother any legacy that might linger. The latter is quite important since assassination is futile if a man’s ideas live on through others. This is why the CIA’s Bill Harvey once contemplated getting rid

of not only Castro, but his brother Raul and Che Guevara as part of a single operation.

The smothering effect afterward must hold, since the assassinated leader cannot be allowed to become a martyr or legend. To use a prominent example, in 1973, right after the CIA and ITT disposed of Salvador Allende and his Chilean government, the State Department announced (falsely) that the U.S. had nothing to do with the coup. Later on, one of the CIA agents involved in that operation stated that Allende had killed himself and his mistress in the presidential palace. This was another deception. But it did subliminally equate Allende's demise with the death of Adolf Hitler.

The latter tactic is quite prevalent in covert operations. The use of sex as a discrediting device is often used by the CIA and its allies. As John Newman noted in *Oswald and the CIA*, the Agency tried to discredit its own asset June Cobb in the wake of the Kennedy assassination. It did the same to Silvia Duran, Cuban embassy worker in Mexico City who talked to Oswald or an impersonator in 1963. In *Probe* (Vol. 4 No. 4, p. 9) we have seen how journalist (and CIA applicant) Hugh Aynesworth and the *New York Herald Tribune* tried to smear Mark Lane with compromising photographs. If one goes to New Orleans, one will still meet those who say that Jim Garrison indicted Clay Shaw because he was himself gay and jealous of Shaw's position in the homosexual underworld. And we all know how the FBI tried to drive King to suicide by blackmailing him with clandestinely made "sex tapes."

What precipitated these posthumous and personal attacks on the Kennedys? Something happened in the '70s that necessitated the "second assassination" from the right—i.e., the use of scandal to stamp out Kennedy's reputation and legacy. That something was the Church Committee. Belated revelations about the CIA's role in Watergate, and later of the CIA's illegal domestic operations created a critical firestorm demanding a full-scale investigation of the CIA. The fallout from Watergate had produced large Democratic majorities in

both houses of Congress via the 1974 elections. This majority, combined with some of the moderate Republicans, managed to form special congressional committees. The committee in the Senate was headed by Idaho's Frank Church. Other leading lights on that committee were Minnesota's Walter Mondale, Colorado's Gary Hart, Tennessee's Howard Baker, and Pennsylvania's Richard Schweiker.

As writers Kate Olmsted and Loch Johnson have shown, the Church Committee was obstructed by two of the CIA's most potent allies: the major media and friendly public figures. In the latter category, Olmsted especially highlights the deadly role of Henry Kissinger. But as Victor Marchetti revealed to me, there was also something else at work behind the scenes. In an interview in his son's office in 1993, Marchetti told me that he never thought the Agency was in danger at that time. He stated that the CIA had infiltrated the staff of Church's committee and was intent on giving up documents only in certain areas. In Watergate terminology, it was a "limited-hangout" solution to the problem of controlling damage.

The issue that had ignited so much public interest in the hearings had been that of assassination. CIA Director Bill Colby stated that the CIA had never plotted such things domestically—a brilliant tactical stroke that was not appreciated until much later. First, it put the focus on the plots against foreign leaders that could be explained as excesses of anti-Communist zealotry (which is precisely what the drafters of Church's report did). Second, all probes into the assassinations of JFK, RFK, and MLK would be off-limits. The Church Committee would concentrate on the performance of the intelligence community in *investigating* the death of JFK; not complicity in the assassination itself. This distinction was crucial. As Colby must have understood, the Agency and its allies could ride out exposure of plots against Marxists and villains like Castro, Patrice Lumumba of the Congo and Rafael Trujillo of the Dominican Republic. The exposure of domestic plots against political leaders would have been lethal.

Colby's gambit, plus the strictures put on the investigation as outlined by Marchetti above, enabled the intelligence community to ride out the storm. The path chosen for limited exposure was quite clever. The most documentation given up by the CIA was on the Castro assassination plots. Further, the Agency decided to give up many documents on both the employment of the Mafia to kill Fidel, and the AM/LASH plots, that is, the enlistment of a Cuban national close to Castro to try and kill him. Again, not enough credit has been given to the wisdom of these choices. In intelligence parlance, there is a familiar phrase: muddying the waters. This means that by confusing and confounding the listener with diverse and prolific amounts of information, the main point becomes obfuscated. Since none of the Mafia plots succeeded, one could claim they were ineffectual. The huge amount of publicity garnered by them could eventually be deflected onto the Mob's role in them and not the Agency's. The AM/LASH plots, exposed in even more copious documentation, could be used in a similar way. If Castro knew about these plots, couldn't he then claim turnabout and use the same tactics by employing a Communist in the U.S. to kill Kennedy? This, or a combination of the two, has been what writers like Jean Davison and Jack Anderson have been foisting on the public for years.

The political fallout from the Church Committee was intense. The CIA took quite a few hits, though it emerged intact. Eastern Establishment-GOP mainstay Allen Dulles was implicated in the authorization of two assassination plots, Lumumba and Castro. Even Republican icon Dwight Eisenhower was implicated:

The chain of events revealed by the documents and testimony is strong enough to permit a reasonable inference that the plot to assassinate Lumumba was authorized by President Eisenhower.

Nixon is shown as obsessed with getting rid of the Allende regime in Chile. And since he had already been disgraced with

Watergate, his defenders, like William Safire of the *New York Times*, felt that this was piling on. As we shall see, Safire struck back through Judith Exner.

The plots against Castro took center stage. They seemed full of sensational, fantastic revelations right out of a James Bond movie: poison pills, exploding seashells, contaminated diving suits etc. But no matter how hard they tried, the media moguls could not tie the Kennedys to them. Not even the CIA's 1967 Inspector General's report, commissioned by Richard Helms for LBJ, implicated the Kennedys.

The Inspector General's Report (which is quite thorough and methodical), and the Church Committee's report dealing with assassinations (entitled *Alleged Assassination Plots Involving Foreign Leaders*) are both quite clear on this point. For instance, when the former report was analyzing the published details of a Drew Pearson-Jack Anderson 1967 leak about the Castro plots, it labeled the Pearson-Anderson insinuation about Robert Kennedy's "approval" of the plots as "not true." It later goes on to say that the role played by Robert Kennedy in Pearson's story is "a garbled account." What had happened was that through the FBI's discovery of a wiretapping favor done for Maheu's contact in the plots (Chicago mobster Sam Giancana), Hoover had learned of the CIA-Mob link and forwarded his knowledge to Robert Kennedy. Kennedy turned it over to Courtney Evans, his FBI liaison, and asked him to get back with all the known details. He was finally briefed on it in May of 1962. There can be no doubt about his reaction. As one of Bobby's CIA briefers stated: "If you have seen Mr. Kennedy's eyes get steely and his jaw set and his voice get low and precise, you get a definite feeling of unhappiness."

In a memo of a meeting Hoover had with RFK after this briefing, Hoover wrote, "The Attorney General told me he wanted to advise me of a situation in the Giancana case which had *considerably disturbed* him" [emphasis added]. For his own part, Hoover wrote of his talk about the matter with the AG:

I expressed great astonishment at this [the association] in view of the bad reputation of Maheu and the horrible judgment in using a man of Giancana's background for such a project. The Attorney General shared the same views.

Kennedy had made it clear to the CIA that if they were to have any more of these types of ideas about using these characters, they would have to go through the Justice Department first, i.e., him. But what RFK did not know is that, as the I.G. Report states:

It should be noted that the briefing of Kennedy was restricted to Phase One of the operation, which had ended about a year earlier. Phase

Two was already underway at the time of the briefing, but Kennedy was not told of it.

In fact, on the same day that RFK was briefed, the CIA's Sheffield Edwards (one of the briefers) along with William Harvey agreed to falsify the record by saying all future plots had to be authorized by the Director of the CIA. They weren't. John McCone was deliberately kept out of the loop by Dick Helms and Harvey. Harvey admitted to the Church Committee that the Edwards memo was a deliberately false record, a cover story. In fact, Harvey had already taken over the plots when Edwards told Robert Kennedy they were terminated.

On the question of authorization, every official from Kennedy's administration testified that JFK never knew of any plots, or authorized them. This includes Dean Rusk, Max Taylor, John McCone (*Alleged Assassination Plots* pp. 154-161). Even McGeorge Bundy, about whom many have had suspicions, denied that Kennedy had ever approved them or been informed of any plots (*Ibid.*, p. 156). To conclude the matter, the two people in on them at this time (1962) said the same—Richard Helms (*Ibid.*, pp. 148-152) and Bill Harvey (pp. 153-154).

The CIA *did* try to coax approval from him. The Church Committee took testimony from two people who were quite compelling on this point. They were Tad Szulc, a reporter for

the *New York Times*, Washington bureau, and Sen. George Smathers of Florida. In late 1961, Szulc had been called in to speak with the president at the request of Richard Goodwin and Robert Kennedy. After a general discussion of Cuban matters, JFK asked him, "What would you think if I ordered Castro to be assassinated?" Szulc said he didn't think it would help foster change in Cuba, and he didn't think Americans should be associated with such matters. Kennedy replied, "I agree with you completely." Szulc testified that:

He went on for a few minutes to make the point how strongly he and his brothers felt that the United States should never be in a situation of having recourse to assassination.

Szulc's notes of the meeting state:

JFK then said he was testing me, that he felt the same way—he added "I'm glad you feel the same way"—because indeed the U.S. morally must not be part (*sic*) to assassinations.

The Church Committee also heard testimony from Smathers, who stated that once when it was brought up in his presence (presumably by the CIA-friendly Smathers), Kennedy got so mad he smashed a dinner plate and told him he did want to hear of such things again. (*Alleged Assassination Plots*, p. 124.) Smathers furthered this portrait later when he stated that:

President Kennedy seemed "horrified" at the idea of political assassination. "I remember him saying that the CIA frequently did things he didn't know about, and he was unhappy about it. He complained that the CIA was almost autonomous. He told me he believed the CIA had arranged to have Diem and Trujillo bumped off. He was pretty well shocked about that. He thought it was a stupid thing to do, and he wanted to get control of what the CIA was doing." (*The Assassinations: Dallas and Beyond* pp. 379-380)

Such statements not only absolve Kennedy, they actually provide a motive for the CIA to get rid of him, which is probably why the media ignored them.

The fact that Kennedy had clean hands was a bitter pill to

swallow. The establishment organized a furious counterattack. Frank Church was accused of being a partisan. The Democrats were charged with “protecting” the Kennedys. There was an exchange of letters in the press between David Eisenhower and one of Bobby Kennedy’s sons over the issue. Finally, a solution appeared. Her name was Judith Campbell Exner.

All of this essential background is usually left out of any discussion of the following. It can’t be. As we shall see, in many ways it is crucial to an understanding of some events that—without this *précis*—seem to take place in a vacuum: motiveless, random, out of place; yet in Exner’s case, recurring at regular intervals. As we shall see, the promulgators of the following are *very* aware of the results of the Church Committee.

The committee had found that Hoover had a meeting with President Kennedy on March 22, 1962. Through his investigation of Sam Giancana, the Director had discovered that an acquaintance of his (Campbell) had called Kennedy at the White House on numerous occasions. Once Kennedy was told of this, the calls to the White House stopped. Campbell’s name was included in the first draft of the report. But in deference to her privacy and the fact that she denied ever communicating any messages between the two, the committee—by a unanimous vote—did not name her in the final draft. She was referred to there as a “close friend.” Some staffers, perhaps the CIA plants to which Marchetti referred, leaked her name to the *Washington Post*. Significantly, *four days* before the final report was issued, the *Post* printed her name in an article about her. This did the trick. The *Times* and *Post* used this to weaken the impact of Church’s report. No less than *two dozen* stories were printed in those two newspapers about Exner. Altogether, those two establishment bastions kept her name in the papers for *six months*. William Safire of the *New York Times*, a former Nixon speechwriter, screamed there could be no “whitewash” of this matter and made it his personal agenda to use Exner as JFK’s connection to the plots.

He himself wrote five columns on the subject. *Time* magazine did a feature on her. *Newsweek*, the *Post*'s sister publication did two. Exner—via the *Times* and *Post*—became a media sensation.

Riding the wave, Exner now took advantage of the publicity and decided to write a book. Literary mogul Scott Meredith was her agent, and reportedly sold serialization rights to the book, sight unseen, to the *National Enquirer* for \$150,000. The book outline was prepared by Meredith's office and was approved by Exner's attorney. A co-author was arranged for.

The co-author turned out to be Ovid Demaris. This is significant. Demaris is usually described as a veteran crime writer of such books as *Captive City* and *The Green Felt Jungle*. This is true as far as it goes, but it does not go far enough.

In his prologue, Demaris writes that he was in the midst of a multi-city tour for his previous book when he heard about Exner's story. The previous book was an oral biography of Hoover entitled *The Director*. In the Hoover book, Demaris has some disparaging remarks about the Church Committee: it was politically motivated, inspired by "rehashes of old charges," and was "flogging a dead horse." Demaris was also unhappy with the many books on Watergate and the fall of Richard Nixon. He characterizes them with the following: "While some of their tall tales may be true, they are not unaware that truth that is stranger than fiction will sell better in a market already jaded by exotic overexposure."

Demaris' book on Hoover can only be called sympathetic. This is immediately indicated by his choice of interviewees. They include high-level FBI administrators like Robert E. Wick, John P. Mohr, and Mark Felt; former Attorney General Richard Kleindienst; Hoover publicity flack Louis Nichols, who named one of his sons after his boss; and actor Efrem Zimbalist, who starred in ABC's glamorized series on the Bureau. In the entire book, there are eight pages on Hoover's infamous COINTELPRO operations, i.e., the infiltration, disruption, and occasional destruction of domestic political movements.

In Hoover's disputes with the Kennedys, there can be no doubt where Demaris stands. Speaking of Hoover's reputed blackmailing of presidents, he writes: "It is possible that one or two were intimidated by their own guilty conscience..." He sums up Hoover by saying, "He was, whatever his failings, an extraordinary man, truly one of a kind." The above gives us a hint of why Demaris hooked up with Exner. But a previous work of his is more valuable in that regard.

In 1968 Demaris co-authored with Gary Wills a book titled *Jack Ruby*. The book is, to say the least, a rather shallow portrait of Ruby based on a string of conversations with people with whom the nightclub owner worked. The profile that emerges is in total concordance with the Warren Commission view of Ruby as a dim, emotional hustler who killed Oswald because he admired Jack and Jackie so much and wished to spare the widow the ordeal of a trial. Other events are also in line with the Warren Report: the shooting is from the sixth floor. Oswald killed Tippit. Ruby went straight down the Commerce Street ramp on November 24th to kill Oswald.

The authors' honesty and acuity are quite suspect in that one of their chief sources is Dallas Deputy DA Bill Alexander, notorious for his close relationship with FBI-CIA journalist and cover-up artist Hugh Aynesworth. Striking also is the fact that they described one of the doctors treating Ruby as "having performed LSD experiments on an elephant" and left it at that. If they had dug a little deeper, they would have found out that the man was longtime CIA doctor Louis J. West, who also treated Aldous Huxley. It was West's diagnosis that Ruby was a "candidate suitable for treatment" that allowed him to be put on drugs.

Demaris and Wills spend much of their time ridiculing the critics of the Warren Report, especially Mark Lane. They also attack Nancy Perrin Rich, a witness who calls attention to Ruby's very important gunrunning into Cuba. At the end, the book reveals that Demaris was "standing close to Jack Ruby when he shot Oswald." In fact, he was the first person to identify Ruby. He then began interviewing witnesses and got

especially close to Ruby's lawyers. The authors are especially thankful to Elmer Gertz, the same Gertz who has been revealed in *Probe* as a lawyer for CIA asset Gordon Novel, whose attorneys were "clandestinely remunerated" for their services. Gertz also wrote a book on Ruby. It is an equally gaseous whitewash that also goes out of its way to attack the critics, again singling out Mark Lane.

To make the picture complete, in his prologue to the Exner book, Demaris writes about his new task at hand:

Legends are not easily surrendered. The press will fight to preserve its manufactured illusions, its Camelots and Good Ships Lollipop, and God help anyone who inadvertently threatens them.

God, or rather the *Washington Post* and a good review from the *New York Times*, helped them to the tune of over 145,000 books sold, including a mass market paperback sale. Demaris later adds, characterizing the book's approach,

She has a story to tell that is unique, and I would gladly topple all the Camelots, and King Arthurs, or Sir Lancelots, to give her that chance ... Francis Ford Coppola, who directed *The Godfather*, says it best: Men of power and the criminals in our society are distinguished only by their situation, not their morality.

In other words, as far as Exner and he are concerned, there is little difference between the Kennedys, Sam Giancana, and Johnny Roselli.

The book itself is more of the same. The aim is to make Exner as attractive as possible; more personally attractive than those around her, especially Kennedy, his clan, and circle. Giancana and Roselli are just your average Italian-American good guys. To Exner, they might as well have owned Domino's Pizza. And Demaris places her frankness beyond question. She says that she will tell the truth, even about people and events she doesn't care to. It is her vow to tell the whole story. Exner

inherited a lot of money from her grandmother (in the 20-year adult span of the book, she only mentions one job of a few weeks' duration). In her early years, she gravitated toward the Hollywood acting colony since her sister and first husband were thespians. She fell in with the California-Malibu jet set: Dean Martin, Frank Sinatra, Sammy Davis and all. She said she preferred the company of men to women, and her book shows it. She is flying from one to another so often that, at times, it is hard to keep track of where she is: Los Angeles, Palm Springs, Miami, Chicago, Washington, etc. She met JFK through Sinatra. Kennedy immediately fell for her. According to Exner, it was not just physical. Kennedy became a "dopey mooner" in her hands. He talked of leaving his wife for her. At times the pressures of his life got so intense he wanted to escape with her to a deserted island. Since he couldn't bear to lose her, whenever there was friction in the relationship, Kennedy poured on the charm to smooth it out. Even when Hoover confronted him with the Exner-Giancana association, Kennedy insisted on seeing her. At one time, he asked her to board Air Force One with him. She wouldn't because she wanted to spare Jackie's dignity.

There is one scene in the book that caps her aforementioned personal appeal vs. JFK's. It crystallizes the Errol Flynn/Don Juan image that Exner wishes to construct out of Kennedy. It is used by some authors of the type we will discuss, most notably CIA-FBI toady and *New York Times-Washington Post* veteran Ron Kessler in his book *Sins of the Father*. On the first day of the Democratic convention in Los Angeles in 1960, Kennedy sends for Exner. She arrives at the hotel but several people are there, including Kennedy's sister. He assures her that they will all be leaving momentarily and that he wants to be alone with her in his moment of victory. Eventually most of the visitors leave except for two: a tall skinny secretarial type, and Kennedy's adviser Ken O'Donnell. As JFK and Exner slip into the bedroom, the secretary type slips into the bathroom. Exner is puzzled. Kennedy/Flynn then suggests a *ménage à trois*. Exner is outraged, "I can't tell you how disappointed I am in

you.” Kennedy is in love with her though. Sweetly, he eventually calms her down and they later resume their relationship.

There was something about this hotel scene that bothered me. Something was off and I couldn’t put my finger on it until later. I then realized that Exner had left Ken O’Donnell in the suite before the fireworks began. I couldn’t understand why. Was Kenny, with the boss’ permission, going to make it a foursome? Was he there because he liked to watch and Kennedy understood? Was he going to take pictures so Kennedy/Flynn could admire his handiwork later? Or was he just there to give JFK a ride home since he would be too tired to drive? None of the above. Kennedy asks Exner to give *O’Donnell* a ride home. When she drops him off, Exner has Ken make an incomplete pass at her. That’s when I realized why Ken had not just called a cab while waiting around. O’Donnell had been one of those who wouldn’t ratify Exner’s visits to the White House. So Exner and Demaris have to make a lecher out of him in order to weaken his credibility and preserve theirs.

Although *Judith Exner: My Story*, is thin and prosaic, it runs on for 300 pages. Evidently, Demaris didn’t ask enough tough questions because in 1988 Exner’s story started growing arms and legs. In the February 29, 1988 issue of *People* magazine, Kennedy’s picture appeared on the cover. The magazine now did what the Church Committee could not: it linked Kennedy with the plots to kill Castro. The story billed Exner as “the link between JFK and the Mob.”

Exner’s writer for her new rendition was none other than Kitty Kelley, the woman who shattered the nonfiction category forever by reducing it to tabloid standards. Significantly, the article was entitled “The Dark Side of Camelot,” a phrase used by Ron Rosenbaum (who will be discussed later) and the title of the upcoming book by Sy Hersh, of whom Kelley is a great admirer. In this new version, Exner now said that she was seeing Sam Giancana at Kennedy’s bidding. She even helped arrange meetings between JFK and Giancana and JFK and

Roselli. Some of the meetings took place at 1600 Pennsylvania Avenue. Why would Kennedy need personal consultation with gangsters like Sam and John? To cinch elections on his ruthless way to the White House and later arrange the liquidation of Castro. Kelley adds that the latter meetings were done for Operation MONGOOSE. But Exner's time sequence does not jibe with the lifespan of that operation and, as the record shows, Castro's assassination was not on the MONGOOSE agenda. In spite of that explicit record, Kelley adds that historians have never been able to pinpoint Kennedy's role in those plots, thereby ignoring the abundant evidence unearthed by the Church Committee, which says he had none. Nevertheless, Kelley and Exner will now exhume the hidden history of those times for *People*. Let's examine their excavation.

Exner says that Kennedy needed help in West Virginia in the 1960 primary. So her first secret assignment for Kennedy was to arrange a meeting with "Sam Flood" for JFK. (By a coincidence, Kennedy also knew Giancana by the very same alias that Exner did, even though he had 15 others.) After the meeting, with Exner waiting outside, Kennedy emerged beaming. He was so exuberant he wanted to pay for a mink coat for his girl. And of course, he won the election. On the heels of this success, Exner arranged another meeting between Kennedy and Giancana. (In an insider aside, Exner assures us that Giancana called the president "Jack.") In the ensuing exchanges of sealed envelopes between the two, Exner didn't open any of them. In another aside, Kennedy cutely tells her, "Don't let him [Giancana] turn your head."

Later, JFK wanted meetings with Roselli too. After a series of these, the meetings stopped. Retroactively, Exner finally realized that, unbeknownst to her, she was arranging the plots to kill Castro.

The trusting Kelley never seemed curious enough to ask the skeptical questions that any researcher would pose. For instance, the Kennedy family's worth at that time was estimated to be between 400 and 600 million. With that kind of

money, why would they need someone like Giancana to buy a state as sparsely populated as West Virginia? Was he supposed to rally up the squirrel vote? Kelley never asked what Bobby Kennedy's reaction was to seeing Giancana at the White House. But considering his efforts against Giancana, it must have been something like, "Geez Sam, I guess our surveillance slipped. I didn't know you were going to be here tonight." Or to his brother: "Jack, this is going to make me look like a hypocrite. Also, it will compromise my case against this guy in court when he shows the judge that photo of us three sitting here." Finally, Kelley has no questions about a glaring inconsistency in her scenario. In the course of these ongoing meetings, probably at the first one, wouldn't nice guy Sam say, "Jack, I really appreciate the dinner, but this is all kind of redundant. See, I'm already working with Bob Maheu at CIA to kill Fidel." Evidently, Exner was so convincing that neither Kelley nor her editors ever entertained any doubts. Or to hopeless cynics like myself, maybe they didn't want to blow the hundred grand they had invested in their cover story.

In a later biography of Kelley entitled *Poison Pen*, author George Capozzi revealed some rather startling information. Kelley didn't even write the article. She and Exner fought like cats and dogs because Kelley was trying to milk her for information about Frank Sinatra: information for the upcoming biography the writer was preparing. Consequently, Exner would not cooperate with her and the article was prepped by its editors.

Whatever its origins, the article does ask one pertinent question: why did Exner not tell Demaris these startling details back in 1977? Why did she wait eleven years to bare her soul? Exner says she was afraid and needed to protect herself. Unfortunately, this rings a bit hollow since Giancana and Roselli were both dead when she wrote her book, and the Church Committee spilled all the beans on the plots to kill Castro in 1975. This leaves only the Kennedys to fear, and it's clear she doesn't give a damn about them.

But for those still skeptical, she adds the other (clinching)

reason for breaking the silence: her doctor told her she had terminal cancer and she had only 36 months to live. The article ends in a crescendo:

Now that I know I'm dying and nothing more can happen to me, I want to be completely honest. I don't think I should have to die with the secret of what I did for Jack Kennedy, or what he did with the power of his presidency. I feel that I am finally free of the past.

Perhaps Exner sued her doctor, because she died in September 1999, nearly a decade beyond the projected three years. She again shows up in the pages of the January 1997 *Vanity Fair* which again bills her as "facing her death." This time she was teamed with another questionable expert on Kennedy's Cuba policy—Hollywood gossip columnist Liz Smith. And evidently, the previous fear of death wasn't enough to squeeze the whole story out of her. She still has a few goodies to add.

The choice of Smith in 1997 is as revealing as Demaris in 1977 and Kelley in 1988. Smith writes for the *New York Post*, which is literally a tabloid in both format and approach. Like Kelley, Smith is a big fan of Sy Hersh. In fact, her column has released several "teaser" items about his upcoming books. In the past she has also flacked for Tony Summers. What do those two writers have that other Kennedy researchers, say John Newman, do not? They have both pushed the angle that the Kennedys were somehow involved with the death of Marilyn Monroe. Smith dutifully mentions both authors in her *Vanity Fair* piece and writes, as fact, that RFK was at Marilyn's the day she died. Exner herself claimed that Summers had offered to supply a new "foreword should she write another book" and Smith sent Exner to see Hersh who, predictably, also endorsed her story.

In the article, Smith seems conscious of her questionable qualifications to address the serious subjects of Kennedy and Cuba and the Church Committee. Throughout, she sprinkles little aphorisms to neutralize any attacks. She quotes Oscar Wilde when she says that history is merely yesterday's gossip.

Later on she notes that “today’s gossip is tomorrow’s headline,” a bit self-serving considering her profession. Rising to an Exner-like crescendo near the end, she quotes the ancient Greek historian Herodotus, who felt that history “is what people have said to me and what I’ve heard, that I must write down.” She leaves out the fact that Herodotus did not have access to the National Archives, 3.5 million pages of newly declassified documents, and the on-the-record testimony of the principals involved via Senator Frank Church.

Like the *Washington Post* and *New York Times*, Smith has her hatchet out for the Church Committee. About the most extensive investigation of the CIA and FBI ever, she says that it was a “little nothing of a half-assed investigation,” that the report was written by “aides and underlings” and that they asked Exner “rather pointless questions.” She finishes them off by characterizing it as “the pathetic 1975 Church hearings,” the implication being that Smith—between interviews of Barbara Streisand and Julia Roberts—has been digging through the newly declassified record and will now set us straight.

But her only source is Exner. And, like Kelley, Smith seems to avoid asking the tough questions, probably because these two have been pals since 1977. At one point she calls her a “real star.” None of the inconsistencies or absurdities I have noted make it to the article. In fact, Smith adds more of her own. As with Demaris, one of her aims is to make Exner a victim of the press so that she can imply that the “liberal media” is “protecting” the Kennedys. As demonstrated above, this is preposterous. Exner was a media creation used by that press to pummel the Kennedys, whom the *Times* and *Post*—and their ally the CIA—never liked. To camouflage this, Smith claims that after her book came out, the Exners “fled” to California. Yet, according to Demaris, Exner and her husband were already *in* California when he met them to start work on the book. Smith can actually write the Orwellian statement that Safire—author of no less than five pro-Exner columns—“derided” Exner’s story. Again, contradicting her book, Exner now says she never went to bed with Giancana. In fact, in the *Vanity Fair* version,

the whole scene where he proposes to her is different from the book. In the revisionist go-round the suggestion is that good Italian Catholics, even though they may be murdering mobsters, don't believe in premarital sex.

What are the new revelations about the Kennedys that merited Exner's meeting with Smith for a catered dinner at the five-star Four Seasons Hotel in Newport Beach? There are two. First, she forgot to add that Bobby's crimefighting campaign was a mirage. Not only did he not mind JFK's White House meetings with Giancana, he encouraged her in arranging them. For *Vanity Fair*, she remembers RFK's words to her about the subject:

You know I used to be at the White House having lunch or dinner with Jack, and Bobby would often come by. He'd squeeze my shoulder solicitously and ask, "Judy, are you O.K. carrying those messages for us to Chicago? Do you still feel comfortable doing it?"

This about the man who had such heavy surveillance on Giancana that the mobster went to court to stop those six FBI agents from following him everywhere, including the putting green of the golf course.

The other revelation is something that she earlier forgot: Kennedy impregnated her and she had an abortion. There are some problems with this that the never-curious Smith doesn't bother to pursue. In 1977, in her book, Exner stated that there was no abortion; that this was a canard made up by the FBI in order to harass her. In fact, it is the one scene in the book that has emotional force. Consider for yourself:

"A what?" I yelled, speaking to them for the first time since the day they had broken into my apartment ... "You people are insane! I didn't have an abortion. How dare you walk in here and accuse me of that... You get out of this room right now!"

She then adds:

If I could have killed that man, I would have on the spot. There

is nothing heinous about having an abortion today, but in 1963, my God, it was the sin of the century. They knew precisely what they were doing when they falsely accused me of something like that.

Another problem with this story is how Exner knows it was JFK's child. She deduces this from the fact she had been with no one else during the whole time, "not ever" she assures us. Trying to remain a gentleman, I will only refer the reader to approximately the second half of the book, which details a rather active social life on her part.

Finally, what raises this latest revelation to a jocular level is Exner's description of Kennedy's reaction to her pregnancy when she informs him of the news. Again, let us use Exner's own words as quoted by Smith:

So Jack said, "Do you think Sam would help us? Would you ask Sam? Would you mind asking?" I was surprised, but said I'd ask. So I called Sam and we had dinner. I told him what I needed. He blew sky-high. "Damn him! Damn that Kennedy." He loved to be theatrical, and he always enjoyed picking on Jack.

Smith was so carried away by that cute, cuddly Italian mobster that she never bothered to ponder the fact that zillionaires in America have always had quiet, discreet ways to solve such personal problems. How about a private jet to a secretive Swiss clinic? They don't need Mafia chieftains to help them. Especially one with six FBI agents following him around ready to squeal on Kennedy the minute Hoover wants them to.

There is one revelation in the article that does not come off "tongue-in-cheek."

After talking to Smith's pal Hersh, Exner calls Smith back. She states that the Kennedy-Giancana talks could be released under the JFK Act. She then adds: "I hope they will. *The government wants me to talk again.*" [Emphasis added.]

No surprise, Smith did not ask Exner what she meant by that last comment. This sent the following flurry of questions

bursting through my brain: *Who* in the government wants her to talk? Since she had just talked to Hersh, was it he who relayed this to her? And what on earth does that stunning adverb “again” signify? Does this mean the government pushed her in 1977 or in 1988?

In retrospect, the recurring intervals of Exner’s appearances are suggestive. Although the *Post* surfaced her in 1975, her book did not come out until two years later, near the 15th anniversary of Kennedy’s assassination. The 1988 *People* version—boosted by two *Times* stories previewing its release—seemed timed to get the jump on other stories for the 25th anniversary. (As we shall see, Ron Rosenbaum filled this role for the 20th anniversary.) The latest edition, with Exner aware of the JFK Act, was done at the beginning of what was originally to be the last year of the Review Board. Smith wrote the piece before an extra year was granted by Congress. Smith’s friendliness with Hersh seems to further this, for according to the ARRB’s original timetable, the *Vanity Fair* piece would arrive at the beginning of its last year and Hersh’s attack book in October, right when the Review Board was originally set to shut down. This would make a nice pincers movement with which to smother the Board’s serious and blockbuster work amid sexy smears about abortions and Marilyn Monroe (Hersh).

In historical perspective, the *Times* and Safire, and the *Post* and Ben Bradlee (who, as we shall see, also embraced Exner) opened the floodgates to all kinds of *National Enquirer* type stories about JFK’s private life. Rumors about Monroe, numerous secretaries, these all started to get tossed about. A prominent one emerged just a year after Exner. It was promulgated again by Bradlee’s *Post*, via *The National Enquirer*.

Mary Pinchot was the niece of that early conservationist hero Gifford Pinchot. She married CIA officer and Allen Dulles protégé Cord Meyer. Mary’s sister was named Tony and was married to Ben Bradlee. Mary and Cord divorced in 1956 and

he later went on to become a CIA-associated reporter for various papers including the *Chicago Tribune*. In the fall of 1964, while walking along the towpath of the C & O Canal in Georgetown, Mary Pinchot Meyer was murdered by being shot through the face. A suspicious-acting black man was apprehended nearby and was identified by a witness as being the nearest person to Meyer before she was killed. At the trial, the man was acquitted through the efforts of a very good defense attorney, mainly due to the circumstantial nature of the case. Many years after Mary's death, the *National Enquirer* revealed that she had been a girlfriend of Kennedy.

Before getting into all the details of this story and its aftermath, it is necessary to note a bit about Ben Bradlee's actions in both the Exner and Meyer stories. Bradlee warrants attention, not just because of his personal involvement in the matters under discussion, but because he was the editor of the *Washington Post* in 1976 when the *Enquirer* broke the story. As with the Exner story, once the Meyer story broke, the *Post* gave it its imprimatur by filling out certain elements of the story and giving it respectable, mainstream play. 35 years later, the essentials I have drawn out above are really all that can be known for certain about this tale. All the remaining details are hazy, confusing, or contested. This is not surprising since two of the people involved in shaping the story are CIA counterintelligence chief James Angleton and Ben Bradlee. Relating to the Kennedy murder, much has been written about the former. Little has been written about Bradlee.

Bradlee's background, and his need to hide it, are important in his role with Kennedy and in the origin and evolution of the Mary Meyer story. Bradlee has always tried to suggest that he had a fairly normal, middle-class WASP background in Massachusetts. In fact, in his book *Conversations With Kennedy*, there is a charming subtext by Bradlee implying that Kennedy comes from a high social stratum to which Bradlee can't relate. For instance, Bradlee makes Kennedy out to be a fashion plate, changing shirts two or three times a day. Bradlee

has to remind him that common folk sometimes wear the same shirt two days in a row, like he does. When he and Kennedy are talking about the tax code, they commiserate over there not being enough tax breaks for middle-class people like Bradley.

Having swallowed this, I was surprised to learn that Bradley's family spent each summer with the Astors in Maine (the Astor Foundation owned *Newsweek*, which is how Bradley got started there). I was also surprised that one of Bradley's early mentors was Walter Lippmann, the fabled adviser to presidents and confidant of OSS chief Bill Donovan. And on his father's side, the Bradlees went back *five generations* at Harvard. His father married into the law firm of Cravath, Swain & Moore—John McCloy's firm. In other words, Bradley was Boston Brahmin all the way. David Halberstam once described a typical Saturday morning in the Bradley household as follows: 9:00 a.m.—French lesson, 10:00 a.m.—piano recital, 11:00 a.m.—horseback riding, 12:00 p.m.—ice skating. Bradley's first marriage was into another wealthy, Massachusetts family, the Saltonstalls. Bradley may or may not have succeeded in deceiving Kennedy about who he was (I hope not). But the fact that he feels the need to hide all this—and more—from the reader is instructive to the matter at hand. As we will see, Bradley's writings on the Meyer story are at odds with other renditions. And no one has ever bothered to point out the many discrepancies or a possible motive for them.

We now come to the most relevant part of the Meyer story: the circumstances surrounding her lost diary, which supposedly contained notes on her affair with Kennedy. No one today can say what happened to it, or what it actually contained. To begin to explain why, let me summarize the account about the matter given by Bradley in his 1995 autobiography *A Good Life*.

The night of the Meyer murder, at his home, Bradley got a call from Anne Truitt, Mary's artist friend and then the wife of Jim Truitt, *Newsweek's* Tokyo correspondent. Mary had told Anne to retrieve the diary in case anything happened to her. The next morning, Ben and Tony went to Mary's house. Once

inside they discovered James Angleton there (Bradlee provides no explanation as to why he was there). No diary is found. But later in the day the Bradlees decide to go to Mary's art studio, which is down the alley in their garage. They again discover Angleton there in the process of picking the lock. Embarrassed, the super spook walks off. The Bradlees make a pass through the studio and don't find the diary. But an hour later, Tony secured it. In Bradlee's telling, there is only a diary. Bradlee writes that, although Kennedy's name was not in it, it was clear that he was the person having an affair with her. Bradlee decides not to make the diary public, and a day or so later gives it to Angleton because he felt he would be able to ensure that it would be permanently destroyed. Years later, when Tony Bradlee asked Angleton how he had destroyed the diary, he admitted he hadn't. She demands it back. He gives it to her and she burns it with a friend (not named) as a witness.

Bradlee's version was sharply criticized in a letter to the *Los Angeles Times* published on November 12, 1995. The letter was from Anne Truitt and Angleton's widow Cicely. They write that Mary's instructions to Anne had been that the diary should be entrusted to James Angleton himself and that Anne Truitt called for Angleton that night and found him at Bradlee's house (it's not specified how she found out he was there). Angleton and Cicely were there because the Bradlees had asked them to come over after Mary's death. Once Truitt got Angleton on the phone, she told him for the first time about Mary's wishes. At this point, the Angletons, Tony Bradlee, and another (unnamed) person make a search at Mary's home. Again, the diary is not there. The search continued in the garage-studio (time not specified). In this version, several papers *and* the diary are discovered. Tony Bradlee gives it all to Angleton and asks him to burn it. Angleton burns the papers only. He "safeguarded" the diary. Years later, Tony asked for the diary. Angleton gave it to her. She burned it, and the witness was Anne Truitt.

The longest treatment of this whole affair was one of the earliest. Ron Rosenbaum did a story for *New Times* in 1976. In

his version, the Angletons went to Mary's the day she died. When no one answered, they entered the house and from her answering service, they found out that she was dead. They proceeded to the Bradlees' home to make funeral arrangements. Later that night, Jim Angleton returned to Mary's, but only to retrieve her kittens. The Truitts then called the Angletons (the time is not mentioned). In Rosenbaum's version, it is the Truitts who are entrusted with the diary. In an even more serious difference, the search for the diary occurs *five days* after the murder. This time the search party includes the Angletons, Tony Bradlee and—making their first appearances—Mary's ex-husband Cord Meyer, and Mary's old college roomie Ann Chamberlain. The search goes on for hours amid drinking and even dishwashing by Angleton. The diary is not found. Later (at an unspecified time), Tony Bradlee finds it in the studio, this time in a locked steel box. And this time, there are "hundreds" of letters, not just several. In the Rosenbaum version, Angleton says that he burned the whole package. Yet Rosenbaum also writes that other unnamed sources say the contents were sent to the Pinchot estate in Milford, Pennsylvania.

I could also quote other versions of the diary search e.g., the sketchy one in the book *Katherine the Great*. But the point is clear that someone—perhaps more than one—is lying. The versions are not reconcilable. And they can't be chalked up to memory lapses, not for such an unusual, even singular event. It is striking that even the time frame and principals involved change between versions. Concerning the former, if the call from the Truitts came the night of Mary's death, why wait five days to search for the diary? About the latter, either all the people who say they were there were not, or are lying about the presence of others. Rosenbaum got interviews with some of the principals, Angleton, Bradlee, and others who gave him bits of information. (Cord Meyer would seem to be a source.) Yet in his detailed account he can, with a straight face, write that the bonds among those involved in the search were so strong that years later, some of them attended a séance to attempt to

establish contact with Mary's departed spirit. Can anyone imagine Angleton or Bradlee sitting through a séance? (I *could* imagine Angleton arranging a fake one.)

That Rosenbaum can unabashedly write such a thing tells us a good deal about him. The fact that he never notes any of the discrepancies in the story that he himself presents tells us even more. For example, he relates that Tony Bradlee found the diary. Yet in the article, in the presented notes of an interview with her, she seems to refer to more than one person being with her at that time. Also, in those notes, Tony states that they were all honor-bound not to look at the diary. Yet Rosenbaum says that Angleton read, indexed, and took notes on everything she found.

As is his bent, Rosenbaum seems intent on not probing key parts of the story. The man who thinks Oswald shot at Kennedy (and believes John Davis' *Mafia Kingfish* is as close as we will get to a conspiracy alternative to Oswald), does not ask the question as to why the Truitts seem to be siding with Angleton. That is, unlike Bradlee's version, there are no hints of Angleton breaking into places unexpectedly. Also indicative of this is that Angleton, a source for Rosenbaum in 1976, said the diary was to be entrusted to the Truitts, yet Anne Truitt signed off on the 1995 *Los Angeles Times* letter saying it was meant to be handled by Angleton himself. Both cannot be true. This is interesting because it implies a relationship between the two couples. And his wife's loyalty to Angleton is proven.

As noted earlier, Jim Truitt gave this curious tale its first public airing in 1976, on the heels of the Church Committee. From there, the *Washington Post* (under Bradlee) picked it up. There had been an apparent falling out between Truitt and Bradlee, and Truitt said that he wanted to show that Bradlee was not the crusader for truth that Watergate or his book on Kennedy had made him out to be. In the *National Enquirer*, Truitt stated that Mary had revealed her affair with Kennedy *while she was alive* to he and his wife. He then went further. In one of their romps in the White House, Mary had offered Kennedy a couple

of marijuana joints, but coke-sniffer Kennedy said, "This isn't like cocaine. I'll get you some of that."

The chemical addition to the story was later picked up by drug guru Tim Leary in his book, *Flashbacks*. Exner-like, the angle grew appendages. Leary went beyond grass and cocaine. According to Leary, Mary Meyer was consulting with him about how to conduct acid sessions and how to get psychedelic drugs in 1962. Leary met her on several occasions and she said that she and a small circle of friends had turned on several times. She also had one other friend who was "a very important man" whom she also wanted to turn on. After Kennedy's assassination, Mary called Leary and met with him. She was cryptic but she did say, "They couldn't control him any more. He was changing too fast. He was learning too much." The implication being that a "turned on" JFK was behind the moves toward peace in 1963. Leary learned about Meyer's murder in 1965, but did not pull it all together until the 1976 Jim Truitt disclosure. With Leary, the end (for now) of the Meyer story paints JFK as the total '60s swinger: pot, coke, acid, women, and unbeknownst to Kennedy, Leary has fulfilled his own fantasy by being Kennedy's guide on his magical mystery tour toward peace.

But there is a big problem with Leary, his story, and those who use it (like biographers David Horowitz and Peter Collier). Leary did not mention Mary in any of his books until *Flashbacks* in 1983, more than two decades after he met Mary. It's not like he did not have the opportunity to do so. Leary was a prolific author who got almost anything he wanted published. He appears to have published over 40 books. Of those, at least 25 were published between 1962, when he says he met Mary, and 1983, when he first mentions her. Some of these books are month-to-month chronicles, e.g., *High Priest*. I could not find Mary mentioned, even vaguely, in any of the books. This is improbable considering the vivid, unforgettable portrait that Leary drew in 1983. This striking-looking woman walks in unannounced, mentions her powerful CIA friends in Washington, and later starts dumping out the CIA's secret operations to

control American elections to him. Leary, who mentioned many of those he turned on throughout his books, and thanks those who believed in him, deemed this unimportant. That is, until the 20th anniversary of JFK's death. (Which is when Rosenbaum wrote his ugly satire on the Kennedy research community for *Texas Monthly*, which in turn got him a guest spot on *Nightline*.) This is also when Leary began hooking up with Gordon Liddy, doing carnival-type debates across college campuses, an act which managed to rehabilitate both of them and put them back in the public eye.

There is another problem with Leary's book: the Phil Graham anecdote. In his book, Leary has Mary tell him that the cat was out of the bag as far as she and JFK were concerned. The reason was that a well-known friend of hers had blabbed about them in public. This is an apparent reference to *Post* owner Phil Graham's outburst at a convention in Phoenix, Arizona in 1963. This famous incident (which preceded his later alleged mental breakdown) included—according to Leary—a reference to Kennedy and Mary Meyer. The story of Graham's attendance at this convention and what he did and said has been described in different ways in different books. Unfortunately for Leary, his dating of the convention does not jibe with any that I have seen. In 1986, Tony Chaitkin tracked down the correct date, time, and place of the meeting. No one had done it correctly up to that time. But Chaitkin and his associates went one step further. They interviewed people who were there. None of the attendees recalled anything said about Mary Meyer.

To me, this apocryphal anecdote and Leary's book seem ways to bolster a tale that needed to be recycled and souped up before its chinks began to show. Leary's reason for being a part of the effort may be because he was never enamored of the Kennedys' approach to the drug problem, which was antagonistic to Leary personally and a lot less liberal in its approach. Leary was quite frank about this in his book *High Priest* (p. 67), and later in the book, *Changing My Mind* (pp. 143 ff.). Whatever his motives, Leary's retroactive endorsement is just not credible.

As mentioned previously, Bradlee states in his book that Kennedy's name was *not* in the diary. Yet his wife told the *National Enquirer* that, although she only looked at it briefly, Kennedy's name *was* there. According to an interview with writer Debbie Davis, Ben Bradlee once told television personality David Frost that the diary was not even a diary but in fact a sketchbook.

In this regard, Tony Bradlee made a telling comment to the *National Enquirer* in 1976. In the notes written up from her interview, after she has discussed (with a bit of ambiguity) whether or not Kennedy's name was in the diary, she is quoted as saying: "But the diary was destroyed. I'll tell you that much is true." The suggestion in the last sentence is that everything else is not. Or, at least, the diary's destruction is all she knows for a fact.

If Mary's own sister is not forthright, then who among the rest is? Don't rely on Rosenbaum to find out. He is a friend of both Angleton and the *Post*. Consider the man who helped him write his 1976 Mary Meyer piece, Philip Nobile. When I interviewed Deborah Davis about the attempted censorship of her book, which exposed the *Post's* ties to the CIA, she told me that her troubles began with a whispering campaign to her publisher. The whisperer was Rosenbaum's partner Nobile. When that wasn't enough, Nobile talked to Alexander Cockburn of the *Village Voice*. Cockburn printed the rumors that her book was unfounded and that she had cried in her publishers' office when challenged on this. Both accounts were untrue. But Cockburn was not an unbiased observer. As Nobile must have known, his live-in girlfriend at the time was Kay Graham's daughter. It is odd that Rosenbaum would choose to write on such a controversial subject with someone who seems to be such a friend to the *Post*. Related to that, in his 1991 reflections on the 1976 article, and in the article itself, he tries to insinuate that these people—Bradlee, the Truitts, the Angletons—are actually friends of Kennedy. In addition, Rosenbaum and others never seemed to ask why those involved

all seemed so eager to violate Mary's privacy by reading the diary. In no version I have read was that ever part of Mary's instructions. And Angleton, the man with whom the Truitts seem to side against Bradlee, supposedly went through them like an archivist.

The Truitts' trust for and seeming loyalty to the Angletons is particularly interesting. In Rosenbaum's 1976 piece, the following passage appears:

The Truitts were still in Tokyo when they received word of the towpath murder, and the responsibility for the diary was communicated to their mutual friend James Angleton through still uncertain channels.

With the quiet skill of a cardsharp, Rosenbaum avoids an important detail. Namely, how the Truitts found out about Mary's death in the middle of the night halfway around the world. Someone must have either called or wired them. Why is this matter never addressed in any version? The logical choice as contacts would be the Angletons. This is apparently off-limits for Ron. If he drew attention to his lack of curiosity on this matter, it would hint that something is being papered over in order to conceal a point.

If that were so, then a previous occurrence in Jim Truitt's career would bear mentioning, since it quite closely resembles what he did later in 1976. In August of 1961, Truitt had called Bradlee and said he had evidence that Kennedy had been previously married before his wedding to Jackie, and that this fact had been covered up. Both Bradlee and Truitt pursued the story. But before they printed it they asked Kennedy about it. He referred them to Pierre Salinger, his press secretary. Salinger had already heard the charge from right-wing commentator Fulton Lewis. He had all his points lined up and proved the story false. Bradlee's account in *Conversations With Kennedy* (pp. 43-49) seems to suggest that Truitt and Bradlee still worked on the story after they were shown it was wrong.

Also intriguing is a flourish added in Rosenbaum's version, which appears heavily reliant on the Truitts and Angletons as

sources. Rosenbaum writes that Mary's diary, although usually laid upon her bedroom bookcase, was found in a locked steel box in her studio. Rosenbaum doesn't probe as to why it was not found in its usual resting place. The locked steel box is not a part of any other version of the story I know, including Tony Bradley's, and, in all versions, she supposedly found the diary. Of course, a locked box suggests intrigue, but it strains reality. Are we to believe that every time Mary wanted to make a diary entry she would first fumble for her keys? Even in her own bedroom while she's living alone?

Of course, Rosenbaum makes nothing of the two most obvious paradoxes in the entire tale. Almost everyone agrees that, while the Meyers were married, she was knowledgeable about his CIA activities and that Cord Meyer was close to Angleton. Reportedly, the liberal Mary grew disenchanted with Cord, his cohorts, and the Agency shop talk. She wanted to become her own person, hence her interest in painting. She also admired Kennedy's policies. If the above is true, why would she entrust the secrets of her diary to, of all people, Jim Angleton? This, plus the fact that Angleton's wife Cicely and Anne Truitt now say that Angleton found out about his "inheritance" of the diary on the transcontinental call, seem to suggest some sort of collusion between the couples. Or else why would Anne Truitt switch the "entrustment" of the diary from her to Angleton, as she did in 1995, as if they were interchangeable? And if Mary had instructed the diary be given to Angleton, why would he then turn it over to Tony Bradley?

Finally, let us assume for a moment that the diary *did* record the Kennedy-Meyer affair and/or the pot smoking. If that were so, does anyone who knows anything about the CIA think that Angleton would not have found a way to get it into the press? Or did I just answer my own question? If no such entries existed, Angleton would do the next best thing. He would call on his friend Jim Truitt to accomplish it for him through the *National Enquirer*, and into the mainstream via Kennedy's false friend Bradley at the *Post*. For good measure, Truitt poured on the pot angle which does not figure in the Exner story. Need I

add that the Meyer story came out right after the Exner story, on the heels of the Church Committee's report. And Ron Rosenbaum, an unquestioning backer of Exner, was there to unquestioningly accept the package on Meyer.

When Mary Meyer died in 1964, Angleton had just finished—with the help of Richard Helms and Allen Dulles—the CIA's Warren Commission cover-up. As we shall see, Angleton will also figure in another packaged "Kennedy brothers affair," namely Marilyn Monroe.

On September 25, 1997, ABC used its news magazine program *20/20* to take an unusual journalistic step. In the first segment of the program, Peter Jennings took pains to discredit documents that were about to be used by its own contracted reporter for an upcoming show scheduled for broadcast. The contracted reporter was Seymour Hersh. The documents purported to show a secret deal involving Marilyn Monroe, Sam Giancana, and President John F. Kennedy. They were to be the cornerstone of Hersh's upcoming book, *The Dark Side of Camelot*. In fact, published reports indicate that it was these documents that caused the publisher (Little, Brown) to increase Hersh's advance and provoke three networks to compete for a television special to hype the book. It is not surprising to any informed observer that the documents imploded. What is a bit surprising is that Hersh and ABC could have been so naïve for so long. And it is ironic that ABC should use *20/20* to expose a phenomenon that it itself fueled 12 years ago.

What happened on September 25th was the most tangible manifestation of three distinct yet overlapping journalistic threads that have been furrowing into our culture since the Church Committee disbanded in 1976. Hersh's book would have been the apotheosis of all three threads converged into one book. In the strictest sense, the convergent movements did not actually begin after Frank Church's investigation ended. At that point, what had been a right-wing, eccentric, easily dismissed undercurrent picked up a second wind—so much so that today it is not an eccentric undercurrent at all. It is

accepted by a large amount of people. And, most surprisingly, some of its purveyors are even accepted within the confines of the research community.

The three threads are these: 1) That the Kennedys ordered Castro's assassination, despite the verdict of the Church Committee on the CIA's assassination plots. As I noted previously in this essay, the committee report could find *no evidence* indicating that JFK and RFK authorized the plots on Fidel Castro, Rafael Trujillo of the Dominican Republic, or Ngo Dinh Diem of South Vietnam. 2) That the Kennedys were really "bad boys," in some ways as bad as Chicago mobsters or the "gentleman killers" of the CIA. Although neither JFK nor RFK was lionized by the main centers of the media while they were alive, because of their early murders, many books and articles were written afterward that presented them in a sympathetic light, usually as liberal icons. This was tolerated by the media establishment as sentimental sop until the revelations of both Watergate and the Church Committee. This "good guy" image then needed to be altered since both those crises seemed to reveal that the Kennedys were actually different than what came before them (Eisenhower and the Dulles brothers) and what came after (Nixon). Thus began a series of anti-Kennedy biographies. 3) That Marilyn Monroe's death was somehow ordained by her "involvement" with the Kennedy "bad boys." Again, this was at first a rather peculiar cottage industry. But around the time of Watergate and the Church Committee, it was given a lift. Going back to a 1964 paradigm, it combined elements of the first two movements into a Gothic (some would say grotesque) right-wing propaganda tract which is both humorous and depressing in its slanderous implications, and almost frightening in its political and cultural overtones. Egged on by advocates of Judith Exner (e.g., Liz Smith and Tony Summers), this political and cultural time bomb landed in Sy Hersh's and ABC's lap. When it blew up, all parties went into a damagecontrol mode, pointing their fingers at each other. As we examine the sorry history of all three industries, we shall see that there is plenty of blame (and shame) to be shared. And

not just in 1997.

I wrote earlier that as the Church Committee was preparing to make its report, the Exner and Mary Meyer stories made headlines in the *Washington Post*. These elements—intrigue from the CIA assassination plots, plus the sex angles, combined with the previous hazing of Richard Nixon over Watergate—spawned a wave of new anti-Kennedy “expose” biographies. Anti-Kennedy tracts were not new. But these new works differed from the earlier ones in that they owed their genesis and their styles to the events of the mid-'70s that had brought major parts of the establishment (specifically, the CIA and the GOP) so much grief. In fact we will note some of the earlier ones later. For now, let us examine this new pedigree and show how it fits into the movement outlined above.

The first anti-Kennedy book in this brood, although not quite a perfect fit into the genre, is *The Search for JFK*, by Joan and Clay Blair Jr. The book appeared in 1976, right after Watergate and the Church Committee hearings. In the book's foreword, the authors are frank about what instigated their work:

During Watergate (which revealed to us the real character of President Richard M. Nixon—as opposed to the manufactured Madison Avenue image), our thoughts turned to Jack Kennedy. ... Like other journalists, we were captivated by what was then called the “Kennedy mystique” and the excitement of “the New Frontier.” Now we began to wonder. Behind the image, what was Jack really like? Could one, at this early date, cut through the cotton candy and find the real man? [p. 10]

In several ways, this is a revealing passage. First of all, the authors apparently accept the *Washington Post* version of Watergate—i.e., that Nixon, and only Nixon, was responsible for that whole range of malfeasance and that Bob Woodward and Carl Bernstein got to the bottom of it. Second, it seems to me to be a curious leap from the politically misunderstood shenanigans of Watergate to the formative years of John

Kennedy's college prep days and early adulthood, which is what this book is about. It takes JFK from his days at the exclusive Choate School in Connecticut to his first term as a congressman, from about 1934 through 1947. I don't understand how comparing the political fallout from Watergate with an examination of Kennedy's youthful years constitutes a politically valid analogy. Third, the Blairs seem a bit behind the curve on Nixon. If they wanted to find out the "truth" about Nixon all they had to do was examine his behavior, and some of the people he employed, in his congressional campaign against Jerry Voorhis, his senatorial campaign against Helen Douglas and, most importantly, his prosecution of Alger Hiss. These all happened before 1951, *two decades* before Watergate. Nothing in JFK's political career compares with them.

The Blairs spend much of their time delving into two areas of Kennedy's personal life: his health problems and his relationships with the opposite sex. Concerning the first, they chronicle many, if not all, of the myriad and unfortunate medical problems afflicting young Kennedy. They hone in on two in order to straighten out the official record. Previous to this book, the public did not know that Kennedy's back problem was congenital. The word had been that it came about due to a football injury. Second, the book certifies that Kennedy was a victim of Addison's disease, which attacks the adrenal glands and makes them faulty in hormone secretion. The condition can be critical in fights against certain infections and at times of physical stress.

Discovered in the 19th century, modern medication (discovered after 1947) has made this illness about as serious as that of a diabetic on insulin. I exaggerate only slightly when I write that the Blairs treat this episode as if Kennedy was the first discovered victim of AIDS. They attempt to excuse the melodrama by saying that Kennedy and his circle disguised the condition by passing it off as an "adrenal insufficiency." Clearly, Kennedy played word games in his wish to hide a rare and misunderstood disease that he knew his political opponents would distort and exaggerate in order to destroy

him, which is *just* what LBJ and John Connally attempted to do in 1960. The myopic authors save their ire for Kennedy and vent none on Johnson or a potentially rabid political culture on this issue.

The second major area of focus is Kennedy's sex life. The authors excuse this preoccupation with '70s revelations, an apparent reference to Exner, Meyer, and perhaps Monroe (p. 667). Kennedy seems to have been attractive to females. He was appreciative of their overtures. There seems to me to be nothing extraordinary about this. Here we have the handsome, tall, witty, charming son of a millionaire who is eligible and clearly going places. If he *did not* react positively to all the attention heaped on him, his critics would begin to suggest a "certain latent homosexual syndrome." But what makes this (lengthy) aspect of the book interesting is that when the Blairs ask some of Kennedy's girlfriends what his "style" was (clearly looking for juicy sex details), as often as not, the answer is surprising. For instance, in an interview with Charlotte McDonnell, she talks about Kennedy in warm and friendly terms adding that there was "No sex or anything" in their year-long relationship (p. 81). Another Kennedy girlfriend, the very attractive Angela Greene had this to say:

Q: Was he romantically pushy?

A: I don't think so. I never found him physically aggressive, if that's what you mean. Adorable and sweet. (p. 181)

In another instance, years later, Kennedy was dating the beautiful Bab Beckwith. She invited Kennedy up to her apartment after he had wine and dined her. There was champagne and low music on the radio. But then a news broadcast came on and JFK leaped up, ran to the radio, and turned up the volume to listen to it. Offended, Beckwith threw him out.

Another curious observation that the book establishes is that Kennedy did not smoke cigarettes and was only a social drinker. So if, as I detailed in the Mary Meyer tale, Kennedy ended up a White House coke-sniffer and acidhead, it was a

definite break with the past.

The Blairs' book established some paradigms that would be followed in the anti-Kennedy genre. First, and probably foremost, is the influence of Kennedy's father in his career. In fact, Joe Kennedy's hovering presence over all his children is a prime motif of the book. The second theme that will be followed is the aforementioned female associations. The third repeating pattern the Blairs established is the use of Kennedy's health problems as some kind of character barometer. That because Kennedy and his circle were not forthright about this, it indicates a covert tendency and a penchant for covering things up.

It would be easy to dismiss *The Search for JFK* as a slanted book, and even easier to argue that the authors had an agenda. Clay Blair was educated at Tulane and Columbia and served in the Navy from 1943 to 1946. He was a military affairs writer and Pentagon correspondent for Time-Life from 1949 to 1957. He then became an editor for the *Saturday Evening Post* and worked his way up to the corporate level of that magazine's parent company, Curtis Publications. Almost all of his previous books dealt with some kind of military figure or national security issue, e.g., *The Atomic Submarine and Admiral Rickover*, *The Hydrogen Bomb*, *Nautilus 90 North*, and *Silent Victory: the U.S. Submarine War Against Japan*. In his book on Rickover, he got close cooperation from the Atomic Energy Commission, and the book was screened by the Navy Department. In 1969 he wrote a book on the Martin Luther King murder called *The Strange Case of James Earl Ray*. Above the title, the book's cover asks the question "Conspiracy? Yes or No!" Below this, the book's subtitle gives the answer, describing Ray as "The Man who Murdered Martin Luther King." To be sure there is no ambiguity, on page 146 Blair has Ray shooting King just as the FBI says he did, which comes as no surprise since Blair acknowledges help from the Bureau and various other law enforcement agencies.

The Ray book is basically an exercise in guilt through character assassination. This practice has been perfected in the

Kennedy assassination field through Oswald biographers like Edward Epstein and Priscilla Johnson McMillan. Consider some of Blair's chapter headings: "A Heritage of Violence," "Too Many Strikes Against Him," "The Status Seeker." In fact, Blair actually compares Ray with Oswald (pp. 88-89). In this passage, the author reveals that he also believes that Oswald is the lone assassin of Kennedy. He then tries to imply that Ray had the same motive as his predecessor: a perverse desire for status and recognition. Later, Blair is as categorical about the JFK case as he is about the King case:

In the case of John F. Kennedy the debate still rages. Millions of words have been written—pro and con. Yet no one has produced a single piece of hard evidence that Lee Harvey Oswald was anything more than a psychopath acting entirely on his own. [p. 106]

I could continue in a similar vein with excerpts from this book and I could also go on with more questionable aspects of Clay Blair's background. And I could then use this information, and the inferences, to dismiss *The Search for JFK*. I could even add that Blair's agent on his Kennedy book was Scott Meredith, who was representing Judith Exner at the time. But I won't go that far. I may be wrong, but in my opinion I don't think the book can be classified as a *deliberate* distortion or hatchet job. Although the authors are in some respects seeking to surface unflattering material, I didn't feel that they were *continually* relying on questionable sources or witnesses, or *consistently* distorting or fabricating the record. As I have mentioned, the book can be criticized and questioned—and dismissed—on other grounds, but, as far as I can see, not on those two.

Such is not the case with John Davis' foray into Kennedy biography. *The Kennedys: Dynasty and Disaster 1848-1983* was published in 1984, before Davis became the chief spokesman for the anti-Garrison/Mob-did-it wing of the ramified assassination research community. In its very title, his book is deceptive in a couple of interesting ways. First, from

the dates included, it implies that the book will be a multigenerational family saga tracing the clan from Joe Kennedy's parents down to youngest brother Teddy. But of the book's 648 pages of text, about 400 deal with the life and death of John F. Kennedy and more than half of those deal with his presidency. In no way is the book an in-depth family profile. Secondly, as any schoolboy knows, the word dynasty denotes a series or succession of at least three or more rulers. So Jack Kennedy's two years and ten months as president constitute the shortest "reign" in recorded history. In reality, of course, it was not a dynasty at all and the inclusion of the word is a total misnomer.

For Davis, it is necessary to suggest a kind of "royal family" ambience to the Kennedys and, with it, the accompanying aura of familial and assumed "divine right." One of the author's aims is to establish the clan as part of America's ruling class, with more power and influence than any other. He is clear about this early on, when he writes that Joe Kennedy Sr. was richer than either David or Nelson Rockefeller (p. 133). As any student of wealth and power in America knows, this is a rather amazing statement. In 1960, according to John Blair's definitive study *The Control of Oil*, the Rockefeller family had controlling interest in three of the top seven oil companies in America, and four of the top eight in the world. They were also in control of Chase Manhattan Bank, one of the biggest in the nation then and *the* largest today. They also owned the single most expensive piece of real estate in the country, Rockefeller Center in New York City. The list of private corporations controlled by them could go on for a page, but to name just two: IBM and Eastern Airlines. I won't enumerate the *overseas* holdings of the family, but suffice it to say, the Kennedys weren't in the same league in that category. JFK knew this. As Mort Sahl relates, before the 1960 election, he liked to kid Kennedy about being the scion of a multimillionaire. Kennedy cornered him once on this topic and asked him point-blank how much he thought his family was worth. Sahl replied, "Probably about three or four hundred million." Kennedy then asked him

how much he thought the Rockefellers were worth. Sahl said he had no idea. Kennedy replied sharply, "Try about four *billion*." JFK let the number sink in and then added, "Now *that's* money, Mort."

Throughout the book, Davis tries to convey the feeling of a destined royalty assuming power. So, according to Davis, Kennedy was thinking of the Senate when he was first elected to the House. Then, from his first day in the Senate, he was thinking of the Vice Presidency (p. 147). Epitomizing this idea, Davis relates a personal vignette about the Kennedy family wake after JFK's funeral. Davis, a cousin of Jackie Kennedy, was leaving the hall and paused to shake hands with Rose Kennedy to offer his condolences (p. 450). Mother Kennedy surprised him by saying in a cool, controlled manner: "Oh, thank you Mr. Davis, but don't worry. Everything will be all right. You'll see. Now it's Bobby's turn." Such coolness differs greatly from what is revealed in the recently declassified LBJ tapes in which, after the assassination, Rose could not even speak two sentences to the Johnsons without dissolving into tears. But the portrait is in keeping with the ruthless monarchy that Davis takes great pains to portray.

As I said above, the main focus is Kennedy's short-lived "dynastic" presidency. And this is where some real questions about Davis' methodology and intent arise. As he does in his assassination book *Mafia Kingfish*, Davis proffers a long bibliography to create the impression of immense scholarship and many hours quarrying the truth out of books, files, and libraries. But, like the later book, the text is not footnoted. So if the reader wishes to check certain facts, or locate the context of a comment or deduction, he is generally unable to do so. This is crucial. For in addition to his wild inflation about the prominence of the Kennedy family in the power elite, another of Davis' prime objectives is to reverse the verdict of the Church Committee and place Kennedy in the center of the CIA plots to kill Castro.

As I said earlier in this article, there is no evidence of such involvement in either the CIA's Inspector General report of

1967, or in the Church Committee's report, *Alleged Assassination Plots Involving Foreign Leaders*, issued in late 1975. In fact, both advance evidence and conclusions to indicate the contrary. So how does Davis propagate that the Kennedy brothers knew about, authorized, and encouraged the plots? The first method is by performing minute surgery on the 1975 report. Davis states that Allen Dulles briefed JFK on the plots at a November 27, 1960 meeting with the President-elect. He uses Deputy Director Dick Bissell as his source for this disclosure (Davis, p. 289). I turned to the committee report that dealt with Bissell's assumptions on this matter (*Alleged Assassination Plots*, p. 117). Here is the testimony Davis relies on:

Bissell: I believe at some stage the President ... and the President-elect both were advised that such an operation had been planned and was being attempted.

Senator Baker: By whom?

Bissell: I would guess through some channel by Allen Dulles.

The Chairman: But you're guessing aren't you?

Bissell: I am, Mr. Chairman, and I have said that I cannot recollect the giving of such briefing at the meeting with the President in November ...

Even though Bissell does not remember any briefing at this November meeting, Davis writes as if he does and uses him as a source. Yet the report goes on to say: "Bissell surmised that the reasons he and Dulles did not tell Kennedy at that initial meeting were that they had 'apparently thought it was not an important matter'." (*Ibid.*, p. 120.) When Frank Church asked Bissell if that was not rather strange, Bissell replied, "I think that in hindsight it could be regarded as peculiar, yes." (*Ibid.*, p. 121.) Davis leaves these last two Bissell quotes out, probably because they would vitiate his "conclusion" that Dulles and

Bissell informed JFK of the plots. Incredibly, Davis builds on this foundation of sand by postulating that the reason Kennedy decided to go ahead with the Bay of Pigs was that he knew the CIA would kill Castro by then and it would therefore be an easy victory! (Davis, p. 292)

Davis must know he's on shaky ground, because he fishes for substantiation outside of the Church Committee report. Davis states that his quest for this led him to the home of none other than Richard Helms (*Ibid.*, p. 289). Helms told Davis, "that he believed Bissell was correct, that, knowing him, he would not commit perjury before a Senate committee." (*Ibid.*) Davis leaves out the fact that perjury is precisely what Helms committed before a Senate committee in 1973 about CIA involvement in Chile. He also fails to tell the reader anything about the Helms-Bissell relationship, which makes his "vouching" for Bissell almost humorous. When the two were in the CIA, there were few rivalries more pronounced and few resentments more public than the one between Bissell and Helms, who resented his boss because Bissell kept him out of the loop on some operations. Helms, according to Evan Thomas' *The Very Best Men*, was happy to see the Bay of Pigs capsize because it meant Bissell would be out and that Helms would move up (p. 268). So, to most objective readers, if Helms has now switched to endorsing Bissell, there must be some extenuating circumstances involved. There are, and again, Davis does not tell the reader about them. As the Inspector General's report tells us, when Dulles and Bissell began cleaning out their desks, a new team took over the Castro plots, namely Bill Harvey and Ted Shackley. The man they reported to was Helms, the highest link in the chain (*Alleged Assassination Plots* pp. 148-153). In other words, the alchemy of John Davis with Bissell helps get Helms off the hook for responsibility for the continuing unauthorized plots. And Helms needs all the help he can get. When John McCone (Kennedy's replacement CIA Director) expressly forbade any assassination plots, Helms said he couldn't remember the meeting (*Ibid.*, p. 166). When evidence was advanced that, in direct opposition to

Bobby's wishes, Helms continued the Castro plots and allowed an operative to use RFK's name in doing so, Helms said he didn't remember doing that either (*Ibid.*, p. 174). On the day that RFK met with CIA officials to make it clear there would be no more unauthorized plots against Castro, Kennedy's calendar reads as follows: "1:00—Richard Helms." Helms could not recall the meeting (*Ibid.*, p. 131). With this much to explain away, Helms must have poured coffee for Davis the day they met.

But Davis is not done. He also writes the following:

Kennedy also met on April 20 with the Cuban national involved in the unsuccessful underworld Castro assassination plot, a meeting that was not discovered until the Senate Committee on Intelligence found out about it in 1975. That Kennedy could have met with this individual, whose name has never been revealed, without knowing what his mission had been, seems inconceivable. (Davis p. 297)

Imagine the images conjured up by this passage to a reader who has not read the report. I *had* read the report and I thought I had missed something. How did I forget about Kennedy's private meeting with Tony Varona in the Oval office? JFK asks Varona why he couldn't get at Castro and then pats him on the head and says try it again. When I turned to page 124 in the report, I saw why I didn't remember it. The meeting, as described by Davis, did not occur. At the real meeting are Kennedy, Robert McNamara, General Lyman Lemnitzer "and other Administration officials." Also in the room "were several members of Cuban groups involved in the Bay of Pigs." The report makes clear that this was the beginning of the general review of the Bay of Pigs operation that would, within three weeks, result in the Taylor Review Board which would then recommend reforms in CIA control of covert operations. There is no hint, so pregnant in Davis' phrasing, that anything about assassination was discussed.

One of the more startling sections of the Davis book is his

treatment of Judith Exner. From the above, one would guess that he thoroughly buys into the 1977 Exner-Demaris book. He does and he mentions her name quite often. What is surprising is that he goes even further. Apparently, Davis realizes his “jerry built” apparatus of Bissell-Helms and his adulteration of the record will not stand scrutiny. So he calls up Ovid Demaris, coauthor of *Judith Exner: My Story* (p. 319). From this phone call, Davis is informed that Exner lied in the book. She did tell Kennedy about her affair with Sam Giancana and JFK got jealous. From this, Davis builds another scaffolding: he now postulates that Exner was Kennedy’s conduit to the CIA-Mafia plots to kill Castro (*Ibid.*, p. 324). What is breathtaking about this is that this is something that not even Exner had uttered yet, at least not for dissemination. And she won’t until her get-together with Kitty Kelley in the February 1988 cover story for *People*. This curious passage leads one to think that Davis may have planted the seed from which the Kelley story sprouted.

To go through the entire Davis book and correct all the errors of fact, logic, and commentary would literally take another book. But, in line with my original argument about anti-Kennedy biography, I must point out just two parts of Davis’ discussion of JFK’s Vietnam policy. The author devotes a small chapter to this subject. In his hands, Kennedy turns into a hawk on Vietnam. Davis writes that on July 17, 1963, Kennedy made “his last public utterance” on Vietnam, saying that the U.S. was going to stay there and win (p. 374). But on September 2, 1963, in his interview with Walter Cronkite, Kennedy states that the war is the responsibility of “the people of Vietnam, against the Communists.” In other words, *they* have to win the war, not Americans. Davis makes no mention of this. Davis similarly ignores NSAM 111 in which Kennedy refused to admit combat troops into the war, integral to any escalation plan, and NSAM 263, which ordered a withdrawal to be completed in 1965. This last was published in the *New York Times* (11/16/63), so Davis could have easily found it had he been looking.

In light of this selective presentation of the record on

Vietnam, plus the acrobatic contortions performed on the Church Committee report, one has to wonder about Davis' intent in doing the book. I question his assertion that when he began the book he "did not have a clear idea where it would lead." (p. 694) So I was not surprised that in addition to expanding Exner's story, he uncritically accepted the allegations about Mary Meyer and Marilyn Monroe (pp. 610-612). As the reader can see, in the three areas outlined at the beginning of this essay, Davis hit a triple. In all the threads, he has either held steady or advanced the frontier. It is interesting in this regard to note that Davis devotes many pages to JFK's assassination (pp. 436-498). He writes that Kennedy died at the "hands of Lee Harvey Oswald and possible co-conspirators" (p. 436). Later, he will write that Sirhan killed Bobby Kennedy (p. 552). Going even further, he can state that:

It would be a misstatement, then, to assert that Deputy Attorney General Katzenbach and the members of the Warren Commission ... consciously sought to cover up evidence pertaining to the assassination of John F. Kennedy. (p. 461)

As the declassified record now shows (*Probe* Vol. 4 #6 "Gerald Ford: Accessory after the Fact") this is just plain wrong. Davis then tries to insinuate that a cover-up, if any, was brought on by either a backfiring of the Castro plots (Davis p. 454), or JFK's dalliance with Exner (p. 498). As wrongheaded and against the declassified record as it may seem, this argument still has adherents like Martin Waldron and Tom Hartman. They refine it into meaning that the Kennedys had some kind of secret plan to invade Cuba in the offing at the time of the assassination. This ignores the Church Committee report, which shows that by 1963, Kennedy had lost faith in aggression and was working toward accommodation with Castro. It also ignores the facts that JFK would *not* invade Cuba under the tremendous pressures of either the Bay of Pigs debacle or the Cuban Missile Crisis, in which Bobby backed him on both occasions. Reportedly, like Davis, Waldron likes to use CIA sources like Bill Colby (Mr. Phoenix Operation) on JFK's ideas

about assassination. Just as Newman corrected the Vietnam record in 1992, his long-awaited book *Kennedy and Cuba* will do much to correct these dubious assertions.

The same year that the Davis book appeared, another anti-Kennedy book was published. It was entitled *The Kennedys: An American Drama*, and was written by Peter Collier and David Horowitz. These two were both former editors at the liberal *Ramparts* publication. After the magazine folded, both began to write biographies of famous American families while on their way from the left to the extreme right. In order, the pair examined the Rockefellers, the Kennedys, the Fords, and the Roosevelts. As with Davis, it is interesting to note the difference in their treatments of the Rockefellers (1976) and the Kennedys (1984). In the earlier book, the authors note toward the end a rather startling fact: they had access to the Rockefeller family archives. (p. 636) To the politically attuned, this is like being granted access to CIA files. In another book of theirs, *Destructive Generation*, they write that the Rockefeller book began when the pair were soliciting funds to keep *Ramparts* afloat (p. 275). This is how they got in contact with the younger generation of that clan. So when the magazine fell, they went to work on the family biography with access to people and papers that no outside, nonofficial authors had before. It is interesting that in 1989, the authors wrote that when they started the Rockefeller book, they were expecting to excavate an "executive committee of the ruling class" and thereby unlock the key to the American power elite. But they found that they only ended up writing about American lives (*Ibid.*). They ended up with that result because that seems to have been the plan all along. Toward the end of the book, the authors strike a rather wistful note, a sort of elegy for a oncepowerful family that is now fading into the background (*The Rockefellers*, p. 626). This is extraordinary. Consider some of the things the Rockefellers accomplished in the '70s. They were part of the effort to quadruple gasoline prices through their oil companies. David Rockefeller took part in the effort to

get the American government to intervene in Chile in 1973. The Trilateral Commission, which the Rockefellers sponsored, funneled many of its members into the Carter administration; in 1979, Henry Kissinger and David Rockefeller convinced Carter to let the Shah of Iran into the country for medical treatment. The reaction in Iran helped give us Reagan-Bush. The rest, as they say, is history.

In comparing the two books, one is immediately struck by a difference in approach. Whatever the shortcomings of the Rockefeller book, there is a minimal reliance on questionable sources. And the concentration on individual lives very seldom extends into a pervasive search for sex and scandal. This difference even extends to the photos chosen for the two books. The Rockefeller book is fairly conventional with wide or half-page group shots or portraits. Even in the Kennedy book, the one page of group shots shows tiny prints. The rest are walletsized head shots that when leafed through, give the impression of mug shots.

The accompanying text is suitable to the photo layout. There seems to me to be both a macro and micro plan to the book. The overall plan is to make Joe Kennedy a sort of manipulating overseer to his sons and, at the same time, make him into a status-seeking iconoclast whose beliefs and sympathies are *contra* those of America. The problem with this is dual. First, it is the typical “like father, like son” blanket which reeks of guilt, not just by association, but by birth. Second, the blatant ploy does not stand scrutiny because what makes John and Robert Kennedy so fascinating is how *different* their politics and economics were from Joe Kennedy’s and how fast the difference was exhibited. To use just two examples from JFK’s first term in the House: Kennedy rejected his father’s isolationist Republican type of foreign policy and opted for a more internationalist approach when he voted for the Truman Doctrine and Marshall Plan. Second, Kennedy voted to sustain Truman’s veto of Taft-Hartley, which would weaken unions and strengthen American big businessmen—people like his father. From there on in, the splits got wider and wider. It is this

father-son dichotomy that none of these books cares to acknowledge, let alone explore—which reveals their intent. (An exception is the Blairs' book, which does acknowledge the split in pp. 608–623.)

In their approach to JFK, Collier and Horowitz take up where the Blairs left off. In fact, they play up the playboy angle even more strongly than the Blairs do. When Kennedy gets to Washington in 1947, this note is immediately struck with “women’s underthings stuffed into the crevices of the sofa” (p. 189) and a “half-eaten hamburger hidden behind books on the mantel” (*Ibid.*). The problem here is there is no source given for the first observation and the hamburger is sourced to none other than CIA-*Washington Post* crony Joe Alsop, the man who, as Don Gibson pointed out, talked LBJ into forming the Warren Commission.

This is typical of the book’s low scholarly standard. Both authors have advanced degrees from Berkeley. Both had done some solid academic work in their *Ramparts* days. Yet neither has any qualms about the Exner or Mary Meyer stories. In fact, they both jump on the Timothy Leary addition to the latter (p. 355). This tabloid approach allows them to use none other than Kitty Kelley on Jackie’s reaction to Kennedy’s supposed White House affairs. Consider the following excerpt based on Kelley:

She knew far more about these goings-on than he ever suspected and dealt with them through hauteur, as when she disdainfully handed him some panties she’d found in her pillow slip, saying, “Here, would you find out who these belong to. They’re not my size.” (*Ibid.*)

With this kind of standard I’m surprised the authors did not use that other ersatz Kelley “bombshell” about Jackie, namely that JFK’s affairs drove her to electroshock therapy.

Many of the sexual anecdotes go un-sourced, but there is one that is footnoted that is quite revealing. The authors use it as a coda to a chapter on Jack’s early years in the House. This passage synthesizes the image they wish to depict: Kennedy as the empty vessel of his father who had his role as politician

forced on him after Joe Junior's death and who now uses sex as a release from his own vacuity. It deserves to be quoted at length:

The whole thing with him was pursuit. I think he was secretly disappointed when a woman gave in. It meant that the low esteem in which he held women was once again validated ... I was one of the few he could really talk to ... During one of these conversations I once asked him why he was doing it—why he was acting like his father...why he was taking a chance on getting caught in a scandal ... He took awhile to formulate an answer. Finally he shrugged and said, "I don't know, really, I guess I just can't help it." He had this sad expression on his face. He looked like a little boy about to cry (p. 214)

Pretty strong stuff. What else could the authors ask for but young Jack confessing to their charge? But perhaps a little *too* perfect? After contemplating the words, I thought to myself that JFK was never this open to his girlfriends. Perhaps maybe Inga Arvad, whom he wanted to marry, but very few others. So I flipped back to see who the source was. The footnote read "Authors' interview with Priscilla McMillan." I then remembered that, by this time, Priscilla had been classified by the CIA as a "witting collaborator." I also recalled that years later, Priscilla changed her "platonic" relationship with JFK for the *National Enquirer*. She is now saying that young Jack actually made a pass at her.

With this in mind, it is instructive to note that in *Destructive Generation*, Collier reveals that in 1979 he started lecturing for the United States Information Agency (p. 275). The USIA has a long, involved association with the CIA and actually disseminated propaganda for the Warren Commission. The date of Collier's work approximates the time when the Kennedy book idea was originated. Ignoring the shoddy approach and scholarly standards of the work, the *New York Times*, *Washington Post*, and *New Republic* all gave the book prominent and glowing reviews. In the latter case, Martin Peretz placed the book on the August 27, 1984 *New Republic*

cover under the title "Dissolute Dynasty." He then got longtime Kennedy basher Midge Decter to write a long review that branded the saga "a sordid story." Right after this ecstatic reception, in 1985, Horowitz and Collier landed a feature story in the *Washington Post* as "Lefties for Reagan." Two years later, the pair went on a USIA-State Department sponsored tour of Nicaragua. This was at a time when the CIA was dumping millions into that country in a huge psychological and propaganda war effort. That same year, with lots of foundation money, the pair arranged a "Second Thoughts" conference in Washington. This was basically a meeting of "reformed" '60s liberals bent on attacking that decade and anyone who wished to hold it up as an era of excitement and/or progressive achievement. Peretz attended that conference. Later, they sponsored another conference entitled "Second Thoughts on Race in America." This might have been called the *Washington Post* take on race in the '80s since it featured such Kay Graham-Ben Bradlee employees as Richard Cohen, Juan Williams, and Joe Klein. Today, these two see themselves as armed guards protecting America from any renaissance of '60s activism after Reagan. They are quite open about this and Kennedy's role in it in *Destructive Generation*: "Just as Eisenhower's holding action in the '50s led to JFK's New Frontier liberalism in the '60s ... so the clamped-down Reaganism of the '80s has precipitated the current radical resurgence ..." Is one to conclude that Clinton is a radical? Was the Kennedy book a put-up job to place them over the top with their right-wing sponsors? Or do they really find Kitty Kelley credible? Could they really not have known that Priscilla Johnson McMillan was doing the same thing with Kennedy that she had recently done with Oswald in her book *Marina and Lee*? To put it another way: if your function is to discredit a decade, what better way to do it than to smear the man most responsible for ushering it in?

Which brings us to Thomas Reeves. By the '90s, the negative literature on the Kennedys had multiplied so much that it was possible just to put it all together and make a compendium of

it. In 1991, Reeves did just that with his book *A Question of Character*. It obediently follows the path paved by its noted predecessors. In fact, many of his footnotes are to Davis and to Collier and Horowitz. Although Reeves is another Ph.D., he never questions the faulty methodology I have pointed out. On the contrary, by ignoring the primary sources, he can actually state that JFK authorized the Castro plots, and that John Davis is especially authoritative on the issue (p. 463). Predictably, he completely buys into Exner's book and, like Liz Smith, tries to portray her as a victim of the Kennedy-protecting "liberal media" (p. 424). He even endorses the Kitty Kelley 1988 *People* update of Exner's story, finding no inconsistencies between that and the 1977 installment. And, like Collier and Horowitz, scholar Reeves has no problems using Kelley's book on Jackie Kennedy as a source, although he does add that the tabloid queen's works "must be approached cautiously" (p. 440).

Any scholar who compromises this much must have an axe to grind. So how ideological is Reeves? He can actually call the *Washington Post* a liberal newspaper (p. 151). He can use veteran right-wing hit man and Rockefeller agent Victor Lasky as a frequent source. He tries to imply that Lasky's book on JFK, published in 1963, was banned shortly after Kennedy's death by the "liberal media" (p. 3). What he doesn't say is that it was reprinted in 1966.

Reeves' method here is to basically combine the Davis book with the Collier-Horowitz book. From the latter we get ladles of sex and women; from the former the notion that Kennedy was a Cold Warrior no different than Eisenhower or Nixon. Like Davis, Reeves performs gymnastics with the Cuba and Vietnam record in order to proffer this. In fact, Reeves is so intent on pounding JFK that, at times, he reverses field and actually uses Bruce Miroff's *Pragmatic Illusions*, a leftist critique of the New Frontier, as a source.

But there can be little doubt about where Reeves stands. This is the man who once wrote a quite sympathetic book about Joe McCarthy (*The Life and Times of Joe McCarthy*). In his anthology of essays on the foundation system (*Foundations*

Under Fire) his uncritical opening essay is by far the longest piece in the book. A fierce critic like Fred Cook gets only three pages. In his anthology of essays on McCarthy (*McCarthyism*), editor Reeves has to label critics of the champion Red baiter as “liberals.” Yet when people like Bill Buckley or Brent Bozell take the floor, no such label is necessary. In his latest book, *The Empty Church*, Reeves unremittingly pillories liberals for weakening the main Protestant churches in America. What is the cause of their shrinking numbers? One might say the liberalism of the '60s. One long chapter is entitled “Stuck in the Sixties.” This last book was published four years after his Kennedy hatchet job, and was sponsored by something called the Wisconsin Policy Research Institute which sounds suspiciously like Horowitz’s Center for Popular Culture, which makes me wonder if Reeves followed an established course of career advancement.

Reeves certainly did all he could to promote the Marilyn Monroe tale. Of course, he had an advantage. By 1991, when *A Question of Character* was published, the Marilyn Monroe thread of the movement outlined above was in full bloom. As if by design, this literature assimilated appendages from the other two threads: a distinct anti-Kennedy flavor, and the idea that the Kennedys ordered political assassinations. If one follows the pedigree of this lineage, the reasons for this become clear. The man who created the RFK/Monroe business, as we will see, was an incontinent Kennedy hater.

In the Collier-Horowitz book, the authors allude to the pamphlet that started the industry. Describing Bobby’s 1964 campaign for a Senate seat in New York, they write:

Meanwhile, right-wingers were circulating a pamphlet entitled “The Strange Death of Marilyn Monroe,” charging that Bobby had been having an affair with the film actress and, when she threatened to expose some of his dealings in appeasing the Castro regime, had her killed by Communist agents under his control. [p. 409]

The authors fail to note the man who penned this work. His

name was Frank Capell. Capell is usually described as an extreme right-winger associated with the John Birch Society. This is apt, but incomplete. As Jim Garrison once noted, the more one scratches at these Minutemen types, the more their intelligence connections appear.

Capell had worked for the government in World War II, but was convicted on charges of eliciting kickbacks from contractors for the war effort. After the war, in the Red Scare era, Capell began publishing a Red-baiting newsletter, *The Herald of Freedom*. He was highly active in attempting to expose leftists in the entertainment industry. It was this experience that put him in a good position to pen his McCarthyite, murderous smear of Bobby Kennedy.

But there is another element that needs to be noted about Capell: his ties to the FBI. As Lisa Pease noted in her watershed article on Thomas Dodd (*Probe* Vol. 3 #6), Capell was one of the sources tapped by the Bureau in the wake of the assassination in order to find out who Oswald really was. His information proved remarkably penetrating, considering it came in February of 1964. Capell said Oswald was a CIA agent. Even more interesting, Capell stated in his FBI interview that this information came from "a friend of his ... with sources close to the presidential commission," i.e., the Warren Commission. To have this kind of acute information and to have access to people around the Commission (which was sealed off at the time) strongly indicates Capell was tied into the intelligence community, which of course is probably why the Bureau was consulting him in the first place.

This is revelatory of not just the past, i.e., the origins of this myth, but of the present and why it persists. For as Donald Spoto reveals in his book *Marilyn Monroe*, one of the people who relentlessly pushed Capell's fabricated smear was fellow FBI asset, Hoover crony and Hollywood Red-baiter Walter Winchell (Spoto p. 601). (For a full discussion of former ONI operative Winchell's service in Hoover's employ see Neal Gabler's *Winchell*.) As William Sullivan has noted, the

dissemination of Capell's invention was encouraged by Hoover. Sullivan called Bobby a near-Puritan and then added:

The stories about Bobby Kennedy and Marilyn Monroe were just stories. The original story was invented by a so-called journalist; a right-wing zealot who had a history of spinning wild yarns. It spread like wildfire, of course, and J. Edgar Hoover was right there, gleefully fanning the flames. [*The Bureau* p. 56]

The Capell/Winchell/Hoover triangle sowed the seeds of this slander. But the exposure of this triangle does more. In the *Vanity Fair* article in which Judith Exner dumped out the latest installment of her continuing saga, Liz Smith revealed that she apprenticed at the feet of Walter Winchell in New York (January 1997 p. 32). This may explain why she took up her mentor's cudgel. Capell's work is, as Spoto notes in his Afterword, a frightful piece of reactionary paranoia. But there are two details in his pat anti-Kennedy tract that merit mention. First, Capell is probably the first to propagate the idea that RFK was indirectly responsible for his brother's murder. He does this by saying (p. 52) that commie sympathizer Bobby called off the investigation of the shooting of General Edwin Walker in April of 1963, thus allowing that crazed Communist Oswald to escape and later kill JFK. This piece of rant has been modified later to fit into the stilted mosaics of people like Davis and Waldron. What makes it so fascinating is that through the FBI's own files, we now have evidence that Capell was deliberately creating a fiction: he had information that Oswald was not a Communist, but a CIA agent.

The second point worth examining about Capell's screed is the part where he begins laying out the "conspiracy" to kill Marilyn, specifically, RFK's motive for murder. Capell writes:

But what if she were helped along into the next world by someone who would either benefit financially or who feared she might disclose something he wished to conceal. Suppose, for example, a married man were involved, that he had

promised to marry her but was not sincere. Suppose she had threatened to expose their relationship? [p. 28]

This is as specific as Capell gets in outlining his reason for the “conspiracy.” I wondered where he got the idea of Monroe’s “going public” about an affair. As many writers have pointed out, this would have been quite out of character for her. Something that Jim Marrs recently sent me may help explain it. He sent me the full text of a memo that he references in his current book, *Alien Agenda*. The memo supposedly reports on information gleaned from an FBI wiretap of Dorothy Kilgallen’s phone. The document went from the FBI to the CIA, to be signed by James Angleton. In it, a man named Howard Rothberg is quoted as saying that Monroe had conversations with the Kennedy brothers on top-secret matters like the examination of captured outer space creatures, bases inside of Cuba, and of *President Kennedy’s* plans to kill Castro. He also said that she was talking about a “diary of secrets” (quotes in original) that she had threatened RFK with if he brushed her off. When I got this memo, I was struck by its singular format. I have seen hundreds of CIA documents, maybe thousands, and I never saw one that looked like this. I forwarded it to Washington researcher Peter Vea. He agreed it was highly unusual. To play it safe, I then sent a copy to former intelligence analyst John Newman. He said that he *had* seen such reports. What he thought was wrong with it was that there were things in it that should have been redacted that weren’t and things exposed that should have been blacked out. For instance, there is a phrase as follows, “a secret air base for the purpose of inspecting [things] from outer space.” Newman notes that the brackets around the word “things” denote that it had been previously redacted. It should not have. The words “outer space” should have been redacted and they never were. On the basis of this and other inconsistencies, he decided it was a “good” forgery from someone who knew what they were doing. He told PBS this four years ago when they showed it to him. The fact that this document was circulating in 1993 when he saw it, *before* the JFK Act when into effect, justifies even

more suspicion about its origin and intent.

Spoto's book adds more to the suspicion about the document, and perhaps the information in Capell's pamphlet. Spoto notes that on August 3, 1962, the day the above memo was distributed, Kilgallen printed an item in her column saying that Marilyn was "vastly alluring to a handsome gentleman who is a bigger name than Joe DiMaggio" (p. 600). Spoto notes the source for Kilgallen's story as Howard Rothberg, the man named in the memo. This is interesting for more than one reason. First, Spoto writes that Rothberg was "a New York interior designer with no connection at all to Marilyn or her circle." (*Ibid.*) This means that he was likely getting his "information" through a third, unnamed source. Second, Rothberg's name, and this is part of the sensitive information referred to above, is exposed in the document. This is extraordinary. Anyone who has jostled with the FBI or CIA knows how difficult it is to get "sources and methods" revealed. In fact this is one of the big battles the ARRB had to fight with the FBI. Yet in this document, both the method and the source are open. Third, to my knowledge, Kilgallen never printed anything specific from the document. Why? Assuming for a moment that the document is real, probably because she could not confirm anything in it. But interestingly, right after Kilgallen printed her vague allusion, Winchell began his steady drumbeat of rumors until, as Spoto notes, he essentially printed Capell's whole tale (p. 601). From this, one could conclude that the Angleton memo could be viewed in two ways. Either it was, as Newman believes, a "good" fake, or a false lead planted to begin an orchestrated campaign. More specifically, Rothberg was either a witting or unwitting conduit to the media for either Hoover or Angleton (or both). The quick Winchell follow-up would argue for Hoover. The Director would want someone else to lead the story before his man Winchell pushed it to the limit. The "diary of secrets," so reminiscent of the Mary Meyer story, would suggest Angleton.

Capell was drawn up on charges in 1965. The charges were rather fatal to the tale told in his RFK pamphlet: conspiracy to

commit libel. One would have thought this discreditation was enough to impale the tale. And it probably would have been had it not been for Norman Mailer. In 1973, Mailer published a book, *Marilyn* (really a photo essay), with the assistance of longtime FBI asset on the Kennedy assassination Larry Schiller. He recirculated the tale again, inserting a new twist. He added the possibility that the FBI and/or the CIA might have been involved in the murder in order to blackmail Bobby (p. 242). In 1973, pre-Rupert Murdoch, the media had some standards. Mailer was excoriated for his baseless ruminations. In private, he admitted he did what he did to help pay off a tax debt. He also made a similar confession in public. When Mike Wallace asked him on *60 Minutes* (7/13/73) why he had to trash Bobby Kennedy, Mailer replied "I needed money very badly."

The worst thing about Mailer's money-grubbing antics was that it gave an alley to run through to a man who had actually been at work before Mailer's book was published. In 1972, Robert Slatzer approached a writer named Will Fowler. Slatzer had been at work on an article, which posited a conspiracy to murder Monroe. Fowler read it and was unimpressed. He told Slatzer that had he been *married* to Monroe, now *that* would make a real story. Shortly after, Slatzer got in contact with Fowler again. He said he forgot to tell him, but he *had* been married to Monroe. The "marriage" was a short one: 72 hours. It happened in Mexico on October 4, 1952. Unfortunately for Slatzer, Spoto found out that Monroe was in Beverly Hills that day on a shopping spree and she signed a check dated October 4th to pay for the articles she purchased (Spoto p. 227). Since Slatzer says that the pair left for Mexico on October 3rd and stayed for the following weekend, this demolishes his story.

But despite his fabrications, in 1974 Slatzer turned his article into a book entitled *The Life and Curious Death of Marilyn Monroe*. It went through at least three printings, including a mass paperback sale. Besides his "marriage" and his "continuing friendship" with Monroe, the other distinguishing aspect of the book is its similarity to Capell's work. The first

line is: "Bobby Kennedy promised to marry me. What do you think of that?" Slatzer, as if reading the Hoover/Angleton memo, saw her "diary." One of the things in it is a mention of "Murder, Incorporated." When Slatzer asks his "ex-wife" what that meant, Marilyn replies on cue: "I didn't quite understand what Bobby was saying. But I remember him telling me that he was powerful enough to have people taken care of if they got in his way." Another entry is about the Bay of Pigs. Slatzer says that Marilyn told him that Jack let Bobby handle "the whole thing" because JFK's back was sore that day etc. etc. etc. The whole book is a continuation and refinement of the Capell hoax.

But Slatzer got away with it. Today he still appears on talk shows and videos (e.g., *Marilyn, the Last Word*) as Marilyn's former spouse. In 1991, he actually sold his story to the ever gullible ABC. They made a film of his tall tale: *Marilyn and Me*.

Slatzer's book set a precedent in this field. Later, volumes by the likes of Milo Speriglio (whom Slatzer hired as an investigator), Anthony Scaduto, and James Haspiel, took their lead from Slatzer. They all follow the above outlined formula: the Kennedys were a rotten crowd (Collier and Horowitz); they were involved in political assassinations (John Davis); and both were having affairs with Monroe (Slatzer).

In the Monroe/Kennedys industry, 1985 was a pivotal year. Anthony Summers dove into the quagmire headfirst. He published his Marilyn biography, *Goddess*.

In it, he reveals that he bought into Slatzer, who is profusely mentioned in both the index and his footnotes. So are people like Haspiel and Jeane Carmen. Carmen is another late-surfacing intimate of Monroe. Carmen professes to have been Monroe's roomie when she lived on Doheny Drive, before she bought her famous home in Brentwood. She began circulating her story after Slatzer did his bit. Of course, Marilyn's neighbors at Doheny, and her other friends, don't recall her (Spoto p. 472). But Summers welcomes her because she provides sexy details about Marilyn's torrid romance with Bobby. A third peg in Summers' edifice is Ralph de Toledano. Summers describes him as a "Kennedy critic" in the paperback

version of his book (p. 453). This is like saying that Richard Helms once did some work for the CIA. De Toledano was a former OSS officer who Bill Donovan got rid of because he was *too much* of a rabid anti-Communist. After the war, he hooked up with professional Red-baiter Isaac Don Levine of the publication *Plain Talk*. Levine was another spooky journalist whom Allen Dulles, while he was on the Warren Commission, considered using to write incriminating articles about Oswald (Peter Scott, *Deep Politics and the Death of JFK*, p. 55). Later on, de Toledano found a home at former CIA officer and E. Howard Hunt pal Bill Buckley's *National Review*. And the things Summers leaves out are as important as what he puts in. For instance, he omits the facts that her psychiatrist did not know the drugs that her internist was prescribing; the weird nature and background of her house servant Eunice Murray; and her pending reconciliation with Joe DiMaggio which, of course, makes her "torrid romance" with Bobby even more incredible. The reconciliation makes less credible Summers' portrait of an extremely neurotic Monroe, which he needs in order to float the possibility that she was going to "broadcast" her relationship with the Kennedys.

Summers' book attracted the attention of Geraldo Rivera at ABC's *20/20*. Rivera and his cohort Sylvia Chase bought into *Goddess* about as willingly as Summers bought into Slatzer. They began filing a segment for the news magazine. But as the segment began to go through the editors, objections and reservations were expressed. Finally, Roone Arledge, head of the division at the time, vetoed it by saying it was "a sleazy piece of journalism" and "gossipcolumn stuff." (Summers p. 422) Liz Smith, queen of those gossip-columnists, pilloried ABC for censoring the "truth about 1962." Rivera either quit or was shoved out by ABC over the controversy. Arledge was accused by Chase of "protecting the Kennedys." Rivera showed his true colors by going on to produce syndicated specials on Satanism and Al Capone's vaults (which were empty). He is now famous for bringing tabloidism to television. Arledge won the battle. Rivera and Liz Smith won the war. Until 1993.

In 1993, Donald Spoto wrote his bio of Monroe. After reading the likes of Haspiel, Slatzer and Summers, picking up Spoto is like going back into one's home after it has been fumigated. Spoto is a very experienced biographer who is not shy about controversy. His biographies of Alfred Hitchcock and Laurence Olivier reveal sides of their personalities that they and other writers tried to conceal. Spoto is also quite thorough in obtaining and then poring over primary sources. Finally, he respects himself and his subject, which allows him to question sources before arriving at a judgment on someone's credibility. This last quality allowed him to arrive at what is the most satisfactory conclusion about the death of Monroe (Spoto pp. 566-593): the Kennedys had nothing to do with it. I have no great interest in Monroe as a personality. But I do appreciate good research, fine writing, and a clear dedication to truth. If any reader is interested in the real facts of her life, Spoto's is the book to read.

Seymour Hersh apparently never read it. And in fact, as Robert Sam Anson relates in the November 1997 *Vanity Fair*, Hersh never thought there was a conspiracy in the JFK case (p. 108). But in 1993, a friend at ABC proposed an investigative segment for the network on the 30th anniversary of the murder. Apparently, the idea fell through. But by that time, Hersh had hooked up with an old pal, Michael Ewing. Hersh then decided that a book on the Kennedys—not necessarily the assassination—would bring him big money. Through bigtime talent agency ICM, the project was sold to Little, Brown for Bob Woodward-type money: a cool million.

Although Ewing appears to have been a major source for him, Anson misses his true significance. Ewing was one of the people brought into the House Select Committee by Bob Blakey after Dick Sprague was forced out. Ewing has never complained in public about the failures of that inquest. There is a reason for this: he is a Blakey acolyte. Blakey liked him so much that he gave him a key assignment in 1978: close down the New Orleans investigation. The HSCA had found too much

corroborating evidence supporting Jim Garrison's allegations about certain people involved with Oswald in the summer of 1963. One of these witnesses described elements of a conspiracy in New Orleans which included David Ferrie and Clay Shaw. He also said that Shaw knew Ruby. He then passed a polygraph with flying colors. That was enough for Blakey. He switched investigating teams. Some of the people Blakey brought in knew nothing about New Orleans: they were actually pulled off the Martin Luther King side of the HSCA. The man brought in to bury Garrison was Ewing. Two of the people Ewing consulted with before dismissing Garrison were Bill Gurvich and Aaron Kohn, two men strongly connected to the FBI and whose credibility on Garrison is quite suspect.

At the beginning of his project, Hersh declared that Ewing had “an I.Q. of about 800 and government documents coming out of his ears.” (Anson p. 120) It is questionable whether Hersh was ever going to do a book about the Kennedy murder. But if he were, Ewing would give him several advantages: 1) He was anti-Garrison. As has been shown by Summers, Davis and David Scheim, being anti-Garrison is always a plus for media exposure. 2) If they found a conspiracy, Ewing’s history would guarantee it would be mob-oriented. This is another plus for media exposure. 3) As Anson reveals, Ewing has now broadened his character assassination talents from Garrison to the Kennedys (p. 110). Like John Davis, and against the record, Ewing believes RFK was not only in on the Castro plots but controlled them *to the point of choosing which mobsters to use*. Who was his source on this? A “senior CIA official.” (Anson p. 115) Did Ewing follow the Davis example and lunch with Richard Helms?

Not since Gerald Posner has a book on JFK been as touted as much as Hersh’s. It started in *Esquire* with a teaser article in its September 1996 issue. In July and September of 1997, Liz Smith kept up the barrage of pro-Hersh blurbs in her column. The September 23rd notice stated that Hersh’s book would focus on the Kennedys and Monroe and how RFK had Monroe killed.

As everyone knows by now, the whole Monroe angle blew up in Hersh’s face. When Hersh had to reluctantly admit on ABC that he had been had, he did it on the same spot where Rivera, Summers and Sylvia Chase had played martyrs for the tabloid cause, namely *20/20*. On September 25th, Peter Jennings narrated the opening segment of that program. Jennings’ approach reveals much by what was left out. Hersh appeared only briefly on the segment. He was on screen less than 10% of the time. The main focus was on the forensic debunking of the documents (which we now know was underplayed by ABC). Jennings cornered Lex Cusack, the man who “found” the papers in the files of his late father who was an attorney. From published accounts, the documents were supposedly signed by

five people: JFK, RFK, Monroe, Janet DesRosiers (Joe Kennedy's assistant) and Aaron Frosch (Monroe's lawyer). They outline a settlement agreement between JFK and Monroe signed at the Carlyle Hotel in New York on March 3, 1960. The documents set up a \$600,000 trust to be paid by contributions from the individual Kennedy family members to Monroe's mother, Gladys Baker. In return for this, Monroe agrees to keep quiet about her relationship with JFK and any underworld personalities she observed in Kennedy's presence. The latter is specified as being Sam Giancana. Kennedy had a lawyer out of his usual orbit, Larry Cusack of New York, do the preparation.

Just from the above, one could see there were certain problems with the story. First, its details could have been culled from reading the pulp fiction in the Monroe field. Also, the idea that JFK had a long, ongoing affair with Monroe and that she had threatened to go public with it, and that the Kennedys were in league with Giancana and that the family would put up money to save JFK's career etc. could have been rendered from reading two books: Slatzer's and Thomas Reeves'. Even the touch about the Carlyle Hotel—Kennedy's New York apartment—is in the Kennedy literature. In other words, it is all too stale and pat, with none of the twists or turns that occur in real life. Secondly, are we to truly believe that the Kennedys would put their name to a document so that a woman blackmailing them would have even more power to blackmail them in the future? Or was that to lead into why the Kennedys had her killed?

Hersh leapt so enthusiastically into the "trash Kennedy" abyss that these questions never seem to have bothered him. Anson depicts him as waving the documents over his head at a restaurant and shouting, "The Kennedys were ... the worst people!" Lex Cusack showed them to Hersh a few at a time, whetting his appetite for more at each instance. Hersh then used the documents to get Little, Brown to give him \$250,000 more and to sell ABC on a documentary.

Jennings said on the *20/20* segment that the flaw in the documents was in the typing part of them and not the

penmanship. As subsequent facts have shown, this is not actually true. Linda Hart, one of the handwriting analysts hired by ABC (who was slighted on the program) later said that there were indications of “pen drops” in John Kennedy’s signature, i.e., someone stopped writing and then started up again, a sure indication of tracing. Also, when I talked to Greg Schreiner, president of a Monroe fan club in Los Angeles, he told me that the moment he saw Monroe’s signature, he knew it was not hers. Interestingly, he had met with Hersh this summer. Hersh had told him about the documents and Greg asked to see them. Hersh refused.

Another interesting aspect of the exposure of Hersh’s “bombshell” was aired in the *New York Times* on September 27th. In this story, Bill Carter disclosed that there were doubts expressed about the documents by NBC to Hersh many months ago. Warren Littlefield, an NBC executive, said that Hersh had tried to peddle a documentary to them based on the documents. After NBC sent their experts to look at them in the summer of 1996, he told Hersh that in their opinion the documents were questionable. He said that NBC’s lawyers were more specific with Hersh’s lawyers. This was backed up by David Samuels’ article in the *New Yorker* of 11/3/97. So Hersh’s denials on this point, mentioned by Carter, ring hollow.

What makes the hollowness more palpable is one of the typing inconsistencies in the documents. On the Jennings segment, former FBI expert Jerry Richards showed one of the most blatant errors in the concoction. The typist had made a misspelling and had gone back to erase it. But the erasure was done with a lift-off ribbon, which was not available in 1960 and was not sold until the ’70s. This erasure is so clear it even shows up in photos in the Samuels article. Hersh has been a reporter since the early ’60s. For at least two decades (before computers came in), he made his living with a typewriter. Yet, in all the hours he spent looking at these papers, this anachronism never jumped out at him?

That Hersh could be such an easy mark, that he was so eager to buy into the Summers-Haspiel-Slatzer concoction, tells us a

lot about his book. As Anson notes, Hersh had been talking not only to CIA officials, but also to Secret Service people and of course, to Judith Exner. The reasons for the CIA to lie about the Castro plots have already been explained. In the previous essay, I mentioned that many in the Secret Service hated Kennedy, realized they were culpable in a security breakdown, and, like Elmer Moore, worked hard to cover up the true circumstances of Kennedy's murder. About Exner's motives, I can only speculate. From Anson's description of panting-dog Hersh, delivering Exner to him was a little like giving Geraldo a copy of *Goddess*.

Hersh's is the mega "trash Kennedy" book. And, like any hatchet man, Hersh tried to disguise his mission. In the *Vanity Fair* article, his fellow workers on the ABC documentary say, "there have been moments when, while recounting private acts of kindness by JFK, Hersh has broken down and wept." (Anson p. 122) This from a man who intimidated witnesses with his phony papers and waved them aloft while damning the Kennedys with them. I believe his tears as much as I do the séance that Ben Bradlee and Jim Angleton attended to speak with the spirit of Mary Meyer. At the end, Hersh joins in the con job: "I would have been absolutely devoted to Jack Kennedy if I had worked for him. I would have been knocked out by him. I would have liked him a lot." (*Ibid.*) With what Anson shows of Hersh, I actually believe him on this score. He *would* have loved *his* version of Kennedy.

Anson's article begs the next question: who is Hersh? As is common knowledge, the story that made Hersh's career was his series of articles on the massacre of civilians at the village of My Lai in Vietnam. Hersh then wrote two books on this atrocity: *My Lai 4* and *Cover Up*. There have always been questions about both the orders given on that mission and the unsatisfactory investigation after the fact. These questions began to boil in the aftermath of the exposure of the Phoenix Program, a CIA program of assassination of Vietnamese suspected of being Viet Cong, run by Bill Colby and Ted Shackley. The death count for that operation has ranged

between twenty and forty thousand. These questions were even more intriguing in light of the fact that the man chosen to run the military review of the massacre, General Peers, had a long-term relationship with the CIA. In fact, former Special Forces Captain John McCarthy told me that—in terms of closeness to the Agency—Peers was another Ed Lansdale.

By the time Hersh's second book on the subject appeared, the suspicions about the massacre, and that Peers had directed a cover-up, were now multiplying. Hersh went out of his way to address these questions in *Cover Up*. On pages 97-98 the following passage appears:

There was no conspiracy to destroy the village of My Lai 4; what took place there had happened before and would happen again in Quang Ngai province—although with less drastic results. The desire of Lieutenant Colonel Barker to mount another successful, high enemy body-count operation in the area. The desire of Ramsdell to demonstrate the effectiveness of his operations; the belief shared by all the principals that everyone living in Son My was staying there by choice because of Communists. ... And the basic incompetence of many intelligence personnel in the Army—all these factors combined to enable a group of ambitious men to mount an unnecessary mission against a nonexistent enemy force, and somehow to find the evidence to justify it all.

I won't go into all the things that must be true for Hersh to be correct. I *will* add that in the definitive book of the subject, Doug Valentine's *The Phoenix Program*, My Lai is described as part of the Colby/Shackley operation.

After My Lai, the *New York Times* assigned Hersh to the Watergate beat. The paper was getting scooped by Bob Woodward and Carl Bernstein, at the *Washington Post*. For a "crack" reporter, Hersh did not distinguish himself, especially in retrospect. He basically followed in the footsteps of the *Post*. i.e., the whole complicated mess was a Nixon operation; there was no real CIA involvement. Whatever Hunt and McCord did, no matter how weird and questionable, they did for the White

House. As late as the December 12, 1992 edition of the *New Yorker*, Hersh was still hewing to this line in his article entitled "Nixon's Last Cover Up." In spite of this, at times Hersh actually did favors for the White House. As Ron Rosenbaum describes in *Travels with Dr. Death*, Hersh circulated some dirt on Dan Ellsberg (p. 294).

Anson mentions a famous anecdote about Hersh's reporting on Watergate (p. 107). Hersh got wind of a man involved in the Watergate caper by the name of Frank Sturgis. Sturgis was getting ready to talk during the early stages of the unfolding Watergate drama. Sturgis was working with Andrew St. George, a good, relatively independent journalist. The pair were going to write a book about Sturgis' experience in Watergate, but Hersh threatened to expose them first if they did not cooperate with him. In return, Hersh promised not to name St. George and to run the completed article by them first. St. George kept his side of the deal. Hersh broke his. St. George was named in the piece 23 times.

But there is another aspect to this story not mentioned by Anson. When St. George did publish a piece on Watergate in *Harper's*, it was based on his talks with another Watergate burglar, Eugenio Martinez. It gave strong indications of the CIA's role in Watergate, and that Howard Hunt was a double agent inside the Nixon camp. A few years later, in *High Times* (April 1977) sans Hersh, Sturgis now spoke. He depicted Watergate as a war not with Sam Ervin and the *Post* on one side and Nixon on the other, but as the CIA versus Nixon. None of this was in Hersh's piece, which presented the typical White House funneling "hush money to the burglars" story, which could have been written by Woodward.

Next for Hersh were his exposures in the *New York Times* of CIA counterintelligence chief James Angleton's domestic operations. Although they had been done ever since the Agency's inception, domestic operations were banned by the CIA's original charter. But at Christmas, 1974, Hersh's stories were splashed all over the *Times*. Hersh won a Pulitzer for them. One would think this would be a strong indication of

Hersh's independence from, even antagonism for the CIA. One would be wrong. As everyone familiar with the Agency's history knows, in 1974 there was a huge turf war going on between Angleton and Colby (formerly of the Vietnam Phoenix program). Angleton lost this struggle, largely through Hersh's stories. But the week before Hersh's stories were printed, on December 16, 1974, Colby addressed the Council on Foreign Relations on this very subject and *admitted* to the domestic spying (*Imperial Brain Trust* p. 61). Why? Because their selective exposure could be used to oust Angleton. Many now believe that Hersh's stories were part of Colby's campaign to oust Angleton, sanctioned by the CIA Director himself.

Next up for Hersh was the story of the downing of KAL 007. This was the curious case of the Korean Airliner, shot down over Russian air space after having drifted off course. Many suspected that, as with the My Lai case, there was more here than met the eye. The long length of time that the plane had been off course, as well as its failure to respond to signals, led some to believe that the Russians had no choice but to shoot down the plane. In fact, many articles appeared, for example in *The Nation*, to support that thesis. The Reagan administration wanted to portray the incident as an example of Soviet barbarity. They, and specifically Jeanne Kirkpatrick, treated the downing as a great propaganda victory. In his book *The Target Is Destroyed*, Hersh ends up siding with the administration.

Which brings us to the '90s. Everyone knows that the broad release of Oliver Stone's *JFK* in 1992 put the Kennedy assassination back into play. The pre-release attack against the film was unprecedented in movie history. That's because it was more than just a movie. It was a *message*, with powerful political overtones that dug deeply into the public psyche: a grand political conspiracy had killed the last progressive president. That Vietnam would have never happened if Kennedy had lived. That JFK was working for accommodation with Castro at the time of his death.

The preemptive strike was successful in slowing up the film's momentum out of the starting block. But the movie did

increase the number of people who believe the case was a conspiracy into the 90 percent range. The following year, in anticipation of the 30th anniversary of the murder, Gerald Posner got the jump on the critics with his specious book on the case. The media hailed him as a truth-teller. The critics were shut out. No nonfiction book in recent memory ever received such a huge publicity campaign—and deserved it less.

After Jim Marrs debated Posner on the Kevin McCarthy show in Dallas, he chatted with him. Marrs asked him how he came to do the book. Posner replied that an editor at Random House, one Bob Loomis, got in contact with him and promised him cooperation from the CIA with the book. This explains how Posner got access to KGB turncoat Yuri Nosenko, who was put on a CIA retainer in the late '70s.

Readers of *Probe* know that Loomis is not a new pal of the CIA. In our Watergate issue (Vol. 3 #2), we wrote about the long, controversial career of journalist James Phelan, a strong supporter of the Warren Commission and harsh critic of Jim Garrison and his “wacky conspiracy theories.” Phelan always strongly denied he was compromised in any way. Even when confronted with documents showing connections to government agencies (like the FBI) he *still* denied it. When Phelan did his book on Howard Hughes, which completely whitewashed the ties of the eccentric billionaire to the CIA—that “instant” book was a top secret project of Random House, handled by Bob Loomis. Needless to say, Loomis was Hersh’s editor at Random House on both his My Lai books. David Halberstam, in *The Powers That Be*, noted that it was Loomis who put Hersh in contact with St. George and Sturgis during Watergate (p. 681). According to his secretary, Loomis worked closely with Hersh on *The Target Is Destroyed*. Certainly, one of the most ridiculous statements made by Hersh would be music to Loomis’ ears. Hersh’s Holy Grail on the assassination conspiracy, the cinching piece of the puzzle, would be “a reel of tape of Oswald getting briefed by Giancana” (Anson p. 120). With what serious people have learned about Oswald today,

through work by Phil Melanson, John Newman, and John Armstrong, this is preposterous. The Blakey-Davis whim about the Mafia hiring a “hit man” who couldn’t hit the side of a barn and used a \$12.95 bolt action rifle to do the job went out the window when the HSCA closed down. But “crack” reporter Hersh still buys into it. As he does the idea that Sirhan killed Bobby Kennedy, proven by the fact that he wrote a blurb praising Dan Moldea’s 1995 whitewash of that case.

Behind all the sordid details in this article there is a bigger picture to be outlined. One of the main parts of it is the increasing ascendancy of tabloid journalism into the major media outlets, and with it, its concomitant attachment to the lives of celebrities. More often than not, that translates into the endless search for sleaze and scandal. This chain on the lives of the Kennedys has been well described in these articles. The overall tendency has become so prevalent that, as many have noted, tabloid sales in the U.S. have declined of late because the mainstream media have now bowed to these tendencies so much that much of *their* news has seeped over, thereby blurring the lines between the two. In my view, some of the milestones in this trend have been examined in this article: in the nonfiction book field it would be the Collier-Horowitz book; in magazine journalism, the Kitty Kelley article on Exner; in television, the 1985 Rivera controversy about Summers’ book.

This blurring of tabloid and journalistic standards inevitably leads to a blurring of history. With people like Kelley, Rivera, and Exner commenting, the Kennedys get inserted into a giant melange of modern history. With people like Davis translating for them, RFK does not pursue Giancana, they are actually pals in MONGOOSE. The Kennedys agree with the Joint Chiefs: we *should* invade Cuba. And then escalate in Vietnam. Disinformation feeds on disinformation, and whatever the record shows is shunted aside as the tabloid version becomes “accepted history,” to use Davis’ phrase (p. 290). The point of this blurring of sources is that the Kennedys, in these hands, become no different than the Dulles brothers, or Nixon, or Eisenhower. In fact, Davis says this explicitly in his book (pp.

298-99). As I noted, with Demaris and Exner, the Kennedys are no different than Giancana. And once this is pounded home, then anything is possible. Maybe Oswald did work for Giancana. And if RFK was working with Sam, then maybe Bobby unwittingly had his brother killed. Tragic, but hey, if you play with fire you get burned. Tsk. Tsk.

But beyond this, there is an even larger gestalt. If the Kennedys were just Sorenson-wrapped mobsters or CIA officers, then what difference does it make in history if they were assassinated? The only people who should care are sentimental Camelot sops like O'Donnell and Powers who were in it for a buck anyway. Why waste the time and effort of a new investigation on that? For the CIA, this is as good as a rerun of the Warren Commission, since the net results are quite similar. So its no surprise to me that the focus of Hersh's book has shifted between Oswald did it for the Mob, and an all-out trashing of the Kennedys.

The standard defense by these purveyors is that they go on the offense. Anyone who objects to their peculiar blend of misinformation, or questions their sources or intent is labeled as "protecting the Kennedys," or a "disappointed Kennedy fan," or a "hagiographer." Tactically, this is a great cover to avoid the questionable credibility of people like the Alsops, Priscilla Johnson McMillan, or a flimflam man like Slatzer. It also avoids acknowledging their descent into the ranks of Hoover and Angleton. When Summers' book on Hoover came out, which followed much the same line on the Kennedys as *Goddess*, he got a guest spot on *The Larry King Show*. There, Hoover aide Cartha De Loach called his book a collection of "sleaze." Summers fought back by saying that Hoover and De Loach were peddling "sex tapes" about Martin Luther King to the press. At that point, if Larry King weren't such a stiff, he would have stepped in and noted, "But Tony, we *expect* that kind of thing from a guy like Hoover. What's your excuse?"

In a deeper sense, it is clear now that no one in the major media was or is "protecting the Kennedys." The anti-Kennedy

genre has now become self-sustaining. Summers used the Collier and Horowitz book for *Goddess*. He even uses Priscilla McMillan to connect JFK with Monroe! (p. 244) Will Liz Smith call him on this? Will Ben Bradlee? Far from “protecting the Kennedys” the establishment shields these writers from potentially devastating critiques, the reason being that the Kennedys were never a part of that establishment. No one protected JFK in Dallas. No one protected RFK in Los Angeles. The ensuing investigations did everything they could to protect the true murderers and to hell with the victims. And since the Church Committee showed in public that the Kennedys were *not* business as usual, there has been an intense and incessant effort to reverse that verdict, in essence, to rewrite history. People like Slatzer, Davis, and now Hersh have made their living off of it.

The Kennedys themselves deserve part of the blame. In Samuels’ article in the *New Yorker*, Kennedy family lawyer Myer Feldman says that he advised the Kennedys not to even comment on Hersh, let alone sue (p. 69). If I were advising, I would have urged a lawsuit as far back as 1984 with both the Collier-Horowitz book and the Davis book. I would have loved to hear how the two former leftists had no idea that Priscilla Johnson was associated with the CIA, had tied up Marina Oswald for years, and then issued a tract on both Oswald and the assassination that James Angleton himself would have written. I would have also loved to hear Davis explain how he could have completely misrepresented the Church Committee report to his readers. I would also like to ask him how many people he thought would read the actual report versus how many would pick up the paperback version of his book (which features a blurb by Liz Smith). To me, what these authors have done at least suggests the “reckless disregard” rubric of the libel statute.

To be fair to the Kennedys, libel is hard to prove, and it’s hard to castigate a family which has sustained so many tragedies. Andy Harland called up Steven Jones after reading an article on the Review Board in *The Humanist*. He was an acquaintance

of Peter Lawford's who talked to him a few times about the assassination. Jones' notes from that phone call includes the following:

Lawford told him that Jackie knew right away that shots came from the front as did Powers and O'Donnell. He said shortly after the funeral the family got together ... Bobby told the family that it was a high-level military /CIA plot and that he felt powerless to do anything about it.... The family always felt that JFK's refusal to commit to Vietnam was one of the reasons for the assassination ... Lawford told him that the kids were all told the truth as they grew up but it was Teddy who insisted that the family put the thing to rest.

Evidently, Teddy wanted to preserve his career in the political arena and knew that any airing of the case would jeopardize it. Which was probably true. Under those circumstances, the Kennedys can't even protect themselves.

This is understandable in human terms. But the compromise allows the likes of Reeves, de Toledano, and Hersh to take the field with confidence. The Kennedys are silent; they won't sue; it must be true. As a corollary, this shows that the old adage about history being written by the victors stands. In this upside-down milieu, all the Kennedys' sworn enemies can talk to any cheapjack writer with a hefty advance and recycle another thrashing. Escorted by these writers, they now do their dances over the graves of the two men they hated most in life and can now revile in death. There is something Orwellian about this of course.

The converse of this thesis is also true. The voices the Kennedys symbolized are now squelched. Collier and Horowitz are intent on never letting the ghost of the '60s reappear. The poor, the weak, minorities, and the left's intelligentsia must not be unsheathed again. (As Todd Gitlin notes in his book *The Sixties*, on occasion, the Kennedy administration actually had SDS members in the White House to discuss foreign policy issues.) It's these Kennedyesque Jungian images that must be erased: JFK on national television giving hell to the steel

companies; of Kennedy staking out his policy for detente at American University. The images of RFK grilling Sam Giancana and Jimmy Hoffa and of Bobby going through the personnel list at the State Department to be sure there was no Dulles still on the payroll. Most of all, the RFK of 1965-68, angry at the perversion of his brother's policies, must be subverted. Who of the elite would want people to remember RFK saying these words:

What the Alliance for Progress has come down to then is that [the native rulers] can close down newspapers, abolish Congress, fail religious opposition, and deport your political enemies, and you'll get lots of help, but if you fool around with a U.S. oil company, we'll cut you off without a penny. Is that right?

It was no day at the beach answering that kind of question with Bobby staring a hole through you.

By 1963, after the Bay of Pigs, the Missile Crisis and the cries for escalation in Vietnam, Kennedy was moving toward the Sorenson-Schlesinger side of the White House. By 1968, RFK was further to the left than that, being hooked up with labor leaders like Walter Reuther and Cesar Chavez. As Otis Chandler, a firm member of the establishment, said after Bobby's death: "I guess there's no one to stand up for the young and the poor now." That memory is now being replaced by those of RFK cavorting with Monroe on the beach; of JFK drinking martinis with Monroe's buddy Giancana; and the Kennedys trying to take her life as they tried with Castro. In the Anson piece, Hersh talks about changing the way people think about the Kennedys. Talk about reversing the Church Committee. That was just the beginning. These people could teach Orwell a thing or two.

But down deep, submerged but still present, there is a resistance to all this. The public knows something is wrong. Two years ago, CBS and the *New York Times* conducted a poll which asked the respondents: If you could pick a President, any President, which one would you choose to run the country

today? The winner, in a landslide, was John F. Kennedy, who doubled the tally of the second-place finisher. In 1988, *Rolling Stone* surveyed the television generation (the below-40 group), on their diverse opinions and attitudes. Their two most admired public leaders were Bobby Kennedy and Martin Luther King, dead 20 years before, when many of those polled were infants or not even born. This holds not just in America. In Pete Hammill's 1995 book, *Piece Work*, he relates an episode in his life when his car broke down in the Mexican countryside. He walked to a poor, Third World-style hut, which had no amenities except a phone. Before he left, he thanked the native Mexicans who lived there and took a look around the dilapidated, almost bare interior. The only decorations he saw were a plaster figurine of the Mother Mary, and near it, a photo of John Kennedy.

It's that international Jungian collective consciousness, bottled up, ambiguous and uncertain, which must be dislodged. In a sense, this nearmaniacal effort, and all the money and work involved in it, is a compliment that proves the opposite of the position being advanced. This kind of defamation effort is reserved only for the most dangerous foes of the status quo, e.g., a Huey Long or a Thomas Jefferson. In a weird sort of way, it almost makes one feel for the other side. It must be tough to be a security guard of the mind, trying to control any ghosts rising from the ashes. Which, of course, is why Hersh has to hide his real feelings about his subject. That's the kind of threat the Kennedys posed to the elite: JFK was never in the CFR (*Imperial Brain Trust* p. 247); Bobby Kennedy hated the Rockefellers (*Thy Will be Done* pp. 538-542). For those sins, and encouraging others to follow them, they must suffer the fate of the Undead. And Marilyn Monroe must be thrown into that half-world with them, at the hands of Bob Loomis' pal, that "liberal" crusader Sy Hersh.

MALCOLM X



The Murder and Martyrdom of Malcolm X

By James W. Douglass

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Has anyone ever been more conscious, from birth to death, of his coming murder? Malcolm X saw his own violent death in advance just as clearly as his mother Louise Little saw the imminence of his father's death, on that afternoon in 1931 when her husband Earl left their house and began walking up the road toward East Lansing, Michigan.

"It was then," Malcolm says in his autobiography, "that my mother had this vision. She had always been a strange woman in this sense, and had always had a strong intuition of things about to happen. And most of her children are the same way, I think. When something is about to happen, I can feel something, sense something."¹

His mother rushed out on the porch screaming. She ran across the yard into the road shouting, "Early! Early!" Earl turned around. He saw her, waved, and kept on going.

That night Malcolm awakened to the sound of his mother's screaming again. The police were in the living room. They took his mother to the hospital, where his father had already bled to death. His body had been almost cut in two by a streetcar. Earl Little had been an organizer for Marcus Garvey's United Negro Improvement Association, the largest black nationalist movement in American history. Malcolm was told by blacks in Lansing that his father had been attacked by the white racist Black Legion. They put his body on the tracks for a streetcar to run over.

Malcolm believed that four of his father's six brothers were

also killed by white men. Thus the pattern of his own life seemed clear. "It has always been my belief," he told his co-author Alex Haley, "that I, too, will die by violence. I have done all that I can to be prepared."² Malcolm prepared for death by living the truth so deeply that it hastened death. This is the theme of Malcolm X's autobiography. "To come right down to it," Malcolm said to Alex Haley, "if I take the kind of things in which I believe, then add to that the kind of temperament that I have, plus the one hundred percent dedication I have to whatever I believe in ... These ingredients would make it just about impossible for me to die of old age."³

As the story neared its end, with Malcolm more and more totally surrounded by forces that wanted him dead, he no longer saw himself as among the living. "Each day I live as if I am already dead ... I do not expect to live long enough to read this book in its finished form."⁴ And he was right: he died in Harlem on the same day he had originally intended to visit Alex Haley in upstate New York to read the final manuscript.

The assassination of Malcolm X on February 21, 1965, at the Audubon Ballroom in New York City was carried out through the collaboration of three circles of power: the Nation of Islam (NOI), the New York Police Department (NYPD), and U.S. intelligence agencies. Malcolm was, as he knew, surrounded at the end by all three of these circles. In terms of their visibility to him and their relationship to one another, the circles were concentric. The Nation of Islam was the nearest ring around Malcolm, the less visible NYPD was next, and the FBI and CIA were in the outermost shadows. The involvement of these three power circles in Malcolm's murder becomes apparent if we trace his pilgrimage of truth through his interactions with all three of them.

In writing this essay, I have been guided especially by the works of five authors. The first three are Karl Evanzz, Zak Kondo, and Louis Lomax. *Washington Post* online editor Karl Evanzz is the author of *The Judas Factor: The Plot to Kill*

*Malcolm X*⁵ and *The Messenger: The Rise and Fall of Elijah Muhammad*.⁶ Evanzz's two books complement each other brilliantly in presenting a full picture of Malcolm's assassination, the first emphasizing the U.S. government's responsibility and the second, that of Elijah Muhammad and the Nation of Islam. Zak A. Kondo, a professor at Bowie State College, does it all in one book, *Conspiracys: Unravelling the Assassination of Malcolm X*,⁷ which follows an unusual (though strangely accurate) title with a complex analysis of the three murderous circles: NOI, NYPD, and U.S. spy agencies. His self-published, out-of-print book that is almost impossible to find has 1266 endnotes, all of which deserve to be read. Then there is Louis Lomax's *To Kill a Black Man*,⁸ first published in 1968, two years before Lomax's own death in a car accident. As both a faithful friend to Malcolm and a writer wired to what was happening, Lomax already pointed to a solution of Malcolm's assassination.⁹ I said I have five guides. The last two are Malcolm X and the man who lived to tell his tale, Alex Haley.

The Autobiography of Malcolm X is the transforming work of both. Haley in his epilogue hints at what Malcolm in his last days realized and was on the verge of shouting—that it was the government, not Elijah Muhammad, and Malcolm's African connection, not his NOI rejection, that were the primary agent and motivation behind the plot. Malcolm is the ultimate guide to understanding his own murder.

In a memorandum, written four years after Malcolm's death, the Special Agent in Charge of the FBI's Chicago office stated that:

Over the years, considerable thought has been given and action taken with Bureau's approval, relating to methods through which the NOI, could be discredited in the eyes of the general black populace. ... Or through which factionalism among the leadership could be created ... Factional disputes have been developed—the most notable being *MALCOLM X LITTLE*.¹⁰

The FBI developed the factional dispute that led to Malcolm's death by first placing at least one of its people high within the Chicago headquarters of the Nation of Islam. Its infiltrator then worked to widen a division between Elijah Muhammad and Malcolm X. To the FBI's alarm, this process was inadvertently described, and the FBI man identified, in the 1964 book *When The Word Is Given*, written by Louis Lomax.

In the paragraph that gave away the FBI's game, Lomax began by observing that Elijah Muhammad had moved from Chicago to Phoenix, Arizona, for the sake of his health. Lomax then described a significant shift of power. Elijah he said had delegated to his Chicago office not only the NOI's finances and administration, but also "the responsibility for turning out the movement's publications and over-all statements," thus taking away from Malcolm X his critical control over the NOI's flow of information.

"at one time carried some of these responsibilities, particularly the publishing of the Muslim newspaper. ... And many observers thought they saw an intra-organizational fight when these responsibilities were taken from him and given to Chicago."[11](#)

The thing that dismayed the FBI most was the paragraph's final sentence, which disclosed a hidden factor in this abrupt transfer of power away from Malcolm. The sentence stated that "this decision by Muhammad was made possible because John X, a former FBI agent and perhaps the best administrative brain in the movement, was shifted from New York to Chicago."[12](#)

Lomax's sentence about "John X, a former FBI agent" set off alarm bells in FBI counterintelligence, especially in the office of William C. Sullivan. Assistant FBI Director Sullivan was in charge of the illegal Counterintelligence Program (COINTELPRO) designed to develop a "factional dispute" between Elijah and Malcolm. Sullivan was a high-level commander of covert action. Among his projects was an all-out FBI campaign "aimed at neutralizing [Dr. Martin Luther] King

as an effective Negro leader,” as Sullivan put it in a December 1963 memorandum.¹³

On March 20, 1964, COINTELPRO chief Sullivan was alerted by an “airtel” from the FBI’s Seattle field office to the objectionable passage in *When The Word Is Given*.¹⁴ The hardcover edition of the book had been published in late 1963, only a few months before what Sullivan must have regarded as a COINTELPRO success story, Malcolm’s March 8, 1964 announcement of his split with Elijah Muhammad. The problem was that to a discerning reader of both the Lomax paragraph and the news of the split, the FBI could be recognized as a key disruptive factor.

An FBI official recommended in a memorandum to Sullivan that “the New York Office should be instructed to contact Lomax to advise him concerning the inaccurate statement contained in this book regarding [John X Ali] Simmons. ... And that he be instructed to have this statement removed from any future printings of the book.”¹⁵ FBI Director J. Edgar Hoover added his personal “OK” to this recommendation.¹⁶ Lomax, however, ignored the FBI’s pressure as well as John Ali’s anger at his having made the statement. He never retracted it. In his later book, *To Kill a Black Man*, he repeated it, and said that John Ali knew it was true.¹⁷ In the six years leading to his death, Lomax never clarified what he meant by the term “former FBI agent.” He may have been giving Ali the benefit of a doubt as to his having severed his FBI connection by the time Lomax mentioned it in 1964. In any case, the FBI had other informants in the Nation of Islam to take his place.

Wallace Muhammad, Elijah Muhammad’s independent-minded son, also believed that FBI informants were manipulating NOI headquarters at the time Malcolm and Elijah became antagonists:

The FBI had key persons in the national staff, at least one or two maybe. They were preparing for the death of the Honorable Elijah Muhammad [in terms of determining his

successor]. I believe that the members of the Nation of Islam were influenced to do the things that they were doing not just by the national staff and my father but also by the intelligence department.¹⁸

Wallace Muhammad was in a position to know at first hand the FBI's process of working with NOI informants. The FBI considered him one of them. Karl Evanzz, in researching his biography of Elijah Muhammad entitled *The Messenger*, discovered from FBI documents that in addition to John Ali, at least three other people were regarded by FBI agents as "reliable sources" close to Muhammad. The first man was Abdul Basit Naeem, a Pakistani journalist who served as an NOI publicist. Then there is Hassan Sharrieff, Elijah Muhammad's grandson and Wallace Muhammad. Evanzz concludes that the FBI thought "Wallace and Hassan fit the bill because they had provided the Bureau with information it considered crucial to inciting violence between Muhammad's camp and Malcolm X."¹⁹ Wallace's and Hassan's reasons for talking with the FBI seem to have been simply to seek protection from members of their own family, who threatened to kill them for going against Elijah. The FBI then recycled their information for its own use in plotting against Malcolm and Elijah.

It was Louis Lomax's revelation of the FBI's covert process within the NOI that so concerned the Bureau. Lomax's statement had given his readers a glimpse into a critical part of the FBI's COINTELPRO strategy to divide and destroy the Nation of Islam, thereby silencing as well its most powerful voice, Malcolm X.

FBI documents show that the Bureau had been monitoring Malcolm X as far back as 1950, when he was still in prison.²⁰ The Bureau began to focus special attention on Malcolm in the late '50s, when it realized he had become Elijah Muhammad's intermediary to foreign revolutionaries. From Malcolm's Harlem base of operations as the minister of the NOI's Temple Number Seven, he was meeting regularly at the United Nations

with Third World diplomats. In 1957 Malcolm met in Harlem with visiting Indonesian President Achmed Sukarno, whom the CIA had targeted for removal from power. Sukarno was extremely impressed by Malcolm.²¹ As early as eight years before Malcolm's death, the FBI and CIA were watching the subversive international connections Malcolm was making.

In 1957 when Malcolm X was becoming the NOI's diplomat to Third World leaders, Abdul Basit Naeem was developing into Elijah Muhammad's public relations man in the same direction.²² Naeem was a Pakistani journalist living at the time in Brooklyn. His first project with Elijah was a 1957 booklet that combined international Islamic affairs with coverage of the Nation of Islam.²³ Evanzz discovered that Abdul Basit Naeem became extremely cooperative. Not only was he cooperative with the FBI but also with the New York Police Department's intelligence unit, "BOSSI" (the acronym for Bureau of Special Service and Investigation).²⁴ BOSSI would later succeed in planting one of its cover operatives in Malcolm's own security team. The FBI and BOSSI would prove to be linking agencies in the chain of events leading up to Malcolm's assassination.

At this time Malcolm had also become the apparent successor to Elijah Muhammad, who then loved and respected his greatest disciple more than he did his own sons. Accordingly, the FBI's Chicago field office, which was monitoring all of Elijah's communications, told J. Edgar Hoover in January 1958 that Malcolm had become Elijah's heir apparent.²⁵ Evanzz has described the impact of this revelation on the FBI's COINTELPRO section:

The secret to disabling the [NOI] movement, therefore, lay in neutralizing Malcolm X.²⁶

Evanzz suggests the FBI began its neutralizing of Malcolm in 1957 by utilizing a police force with which it worked closely on counterintelligence, the New York Police Department.

The NYPD was already in conflict with Malcolm. In April 1957 in Harlem, white policemen brutally beat a Black Muslim, Johnson X Hinton, who had dared question their beating another man. The police arrested the badly injured Hinton and took him to the 28th Precinct Station on 123rd Street. When the station was confronted by a menacing but disciplined crowd, Malcolm X demanded on their behalf that Hinton be hospitalized. The police finally agreed, and were shocked by Malcolm's dispersal of the 2,600 people with a simple wave of his hand. They concluded with alarm that he had the power to start as well as stop a riot. The city and police also had to pay Hinton \$70,000 as a result of an NOI lawsuit.²⁷ A police inspector who witnessed Malcolm's dispersal of the crowd said, "No man should have that much power."²⁸

On May 24, 1958, four months after Hoover was told that Malcolm was Elijah's successor, two NYPD detectives and a federal postal inspector invaded the Queens apartment house in which Malcolm and his wife, Betty Shabazz, lived in one of the three apartments. They shared the house with two other NOI couples, including John X Ali and his wife, Minnie Ali. In 1958, John Ali was not only the secretary of Malcolm's Mosque Number Seven but also his top advisor, his close friend, and his housemate.²⁹

Brandishing a warrant for a postal fraud suspect who did not live there, the detectives barged into the house and ran directly to Malcolm's office on the second floor. They fired several shots into it. Fortunately Malcolm was away from the house, but the bullets narrowly missed the terrified women and children in the next room. One detective arrested Betty Shabazz, who was pregnant, and Minnie Ali. He threatened to throw the women down the stairs if they didn't move faster. The detectives, on the first floor, were confronted and beaten by a crowd of angry neighbors. Police reinforcements arrested six people, including Betty Shabazz and Minnie Ali, who were charged with

assaulting the two detectives.³⁰

In response to the attack, an enraged Malcolm X employed a brilliant media strategy against the NYPD that he would develop later against the U.S. government. To expose this case of New York police brutality against blacks, he drew on the support of his new friends at the United Nations. Malcolm wrote an open letter to New York City Mayor Robert Wagner in which he promised to shame the city unless it redressed the grievance:

Outraged Muslims of the African Asian World join us in calling for an immediate investigation by your office into the insane conduct of irresponsible white police officers ... Representatives of Afro-Asian nations and their press attaches have been besieging the Muslims for more details of the case.³¹

In their March 1959 trial that lasted two weeks, the longest assault trial in the city's history, Betty Shabazz, Minnie Ali, and the other defendants were all found not guilty by a Queens jury. They filed a \$24 million suit that was settled out of court.³²

In a first effort to kill or intimidate Malcolm X, the New York Police Department (and perhaps the FBI as instigator) had failed. As in the beating of Hinton, the NYPD was once again discredited by Malcolm. Both the FBI and the city police had come to regard Malcolm increasingly as their enemy. It may also have been through the pressures of this ordeal that the FBI succeeded in establishing its covert relationship with John Ali. At the time Malcolm was unaware of any such development. To Elijah Muhammad he recommended his friend John Ali for the next position he would hold as national secretary in Chicago of the Nation of Islam.

By 1963 conflicts between Elijah Muhammad and Malcolm X were becoming obvious. When Louis Lomax had the courage to ask Malcolm about a news report of a minor difference

between himself and Elijah Muhammad, Malcolm denied it:

It's a lie. Any article that says there is a 'minor' difference between Mr. Muhammad and me is a lie. How could there be any difference between The Messenger and me? I am his slave, his servant and his son. He is the leader, the only spokesman for the Black Muslims.³³

As Malcolm knew, the news report was understated. There were more differences than one between "leader" and "servant," and they were becoming major. A root conflict was the question of activism. During the creative turmoil of the Civil Rights Movement, more and more black people were heard questioning the Nation of Islam's inactivity. They would say, "Those Muslims talk tough, but they never do anything, unless somebody bothers Muslims."³⁴ Malcolm cited this common complaint to Alex Haley, because he agreed with it. He was pushing for the NOI to become more involved. Elijah Muhammad was committed, however, to a non-engagement policy.

While continuing his response to Lomax's vexing question, Malcolm resorted to NOI theology to admit that there was in fact a difference:

But I will tell you this, the Messenger has seen God. He was with Allah and was given divine patience with the devil. He is willing to wait for Allah to deal with this devil. Well, sir, the rest of us Black Muslims have not seen God, we don't have this gift of divine patience with the devil. The younger Black Muslims want to see some action.³⁵

A second difference between Malcolm and Elijah arose from Malcolm's increasing celebrity status. Although Malcolm always prefaced his public statements with "The Honorable Elijah Muhammad says," it was Malcolm who more often proclaimed the word and gained the greater public attention. Elijah Muhammad coined a tricky formula to reassure Malcolm that this was what he wanted: "Because if you are well known,

it will make me better known.”³⁶ But in the same breath, the Messenger warned Malcolm that he would then become hated, “because usually people get jealous of public figures.”³⁷ Malcolm later observed dryly that nothing Mr. Muhammad had ever said to him was more prophetic.³⁸

Malcolm’s rise in prominence as NOI spokesperson, while Elijah Muhammad retreated to Arizona for his health, caused a backlash in Chicago headquarters. When John Ali was appointed to National Secretary, the office was managed by members of Elijah’s family. It was already becoming notorious for its wealth and corruption at the expense of NOI members. In the name of Elijah, John Ali and the Muhammad family hierarchy moved to consolidate their power over Malcolm’s. Herbert Muhammad, Elijah’s son, had become the publisher of the Nation’s newspaper, *Muhammad Speaks*. He ordered that as little as possible be printed about Malcolm and finally nothing at all.³⁹ With Elijah’s consent from Arizona, Malcolm was being edged out of the picture.

The most serious conflict between the two men occurred when Malcolm became more conscious of rumors concerning his mentor’s affairs with young women. Malcolm conferred with a trusted friend, Wallace Muhammad. Wallace said the rumors were true. Malcolm spoke with three of Elijah Muhammad’s former secretaries. They said Elijah had fathered their children. They also said, as Malcolm related in the autobiography,

Elijah Muhammad had told them I was the best, the greatest minister he ever had, but that someday I would leave him, turn against him—so I was ‘dangerous.’ I learned from these former secretaries of Mr. Muhammad that while he was praising me to my face, he was tearing me apart behind my back.⁴⁰

All these developments were being monitored closely by the FBI through its electronic surveillance and undercover informants. The Bureau’s COINTELPRO was also using covert action to destroy Elijah Muhammad in a way it would develop

even further against Martin Luther King Jr. On May 22, 1960, Assistant FBI Director Cartha DeLoach approved the sending of a fake letter on Elijah's infidelities to his wife, Clara Muhammad, and to NOI ministers.⁴¹ The rumors Malcolm heard were being spread by the FBI.

On July 31, 1962, COINTELPRO director William C. Sullivan approved another scheme whereby phony letters on Elijah's philandering would be mailed to Clara Muhammad and "selected individuals." He cautioned the Chicago Special Agent in Charge: "These letters should be mailed at staggered intervals using care to prevent any possibility of tracing the mailing back to the FBI."⁴² While Malcolm X was investigating the secretaries' charges against Elijah Muhammad, the FBI was trying to deepen his and the Messenger's differences so as to finalize their split, assuming at the time that their divorce would weaken the power of both men.

Malcolm struggled to remain loyal to the spiritual leader who had redeemed him from his own depths in prison, but it was only a matter of time before the two men would split over all these issues. The occasion for their break was John F. Kennedy's assassination. Elijah Muhammad ordered his ministers to refrain from commenting on it. On December 1, 1963, after a speech Malcolm gave in New York City, he was asked his opinion on the President's murder. He later described his response:

Without a second thought, I said what I honestly felt—that it was, as I saw it, a case of 'the chickens coming home to roost.' I said that the hate in white men had not stopped with the killing of defenseless black people, but that hate, allowed to spread unchecked, finally had struck down this country's Chief of State. I said it was the same thing as had happened with Medgar Evers, with Patrice Lumumba, with Madame Nhu's husband.⁴³

On the day he saw the headlines on Malcolm's remark, Elijah Muhammad told his chief minister he would have to silence him

for the next 90 days to disassociate the Nation from his blunder. Malcolm said he would submit completely to the discipline. The FBI saw this period as its golden opportunity.

Two FBI agents visited Malcolm on February 4, 1964.⁴⁴ Malcolm knew they were coming. He had a tape recorder hidden under the sofa in his living room, and recorded the conversation.

The agents admitted that the FBI had chosen that particular time to contact Malcolm because of his suspension by Elijah Muhammad. They hoped that bitterness on Malcolm's part might move him to become an informant. Such bitterness was understandable, they said sympathetically. The agents even handed Malcolm a facile rationalization for cooperating in their undercover crime of undermining Elijah, while compromising him:

It would not be illogical for someone to have spent so many years doing something, then being suspended.⁴⁵

Malcolm: No, it should make one stronger. It should make him realize that law applies to the law enforcer as well as those who are under the enforcement of the enforcer.⁴⁶

After failing to get anywhere with Malcolm, one of the agents said, "You have the privilege [of not giving the FBI information]. That is very good. You are not alone. We talk to people every day who hate the Government or hate the FBI." Then he added, with a stab at bribing Malcolm, "That is why they pay money, you know."⁴⁷

Malcolm ignored the bribe and went to the heart of the question: "That is not hate, it is incorrect to clarify that as hate. It doesn't take hate to make a man firm in his convictions. There are many areas to which you wouldn't give information and it wouldn't be because of hate. It would be your intelligence and ideals."⁴⁸

Malcolm had learned that he was forbidden by Elijah Muhammad even to teach in his own Mosque Number Seven,

and that the Nation had announced further that he would be reinstated “if he submits.” The impression was being given that he had rebelled.

Looking back at the announcement, he said to Haley, “I hadn’t hustled in the streets for nothing. I knew when I was being set up.”⁴⁹ Malcolm realized the ground was being laid by NOI headquarters to keep him suspended indefinitely. A deeper realization came when one of his Mosque Seven officials began telling the men in the mosque that if they knew what Malcolm had done, they’d kill him themselves. “As any official in the Nation of Islam would instantly have known, any death-talk for me could have been approved of, if not actually initiated, by only one man.”⁵⁰ Malcolm knew that Elijah Muhammad, the spiritual father whom he had revered and served for 12 years, had now sanctioned his murder.

Then came a first death plot. One of Malcolm’s own Mosque Seven officials, Captain Joseph X Gravitts, following higher orders, told an assistant to Malcolm to wire his car to explode when he started the engine. The man refused the assignment, told Malcolm of the plot, and saved his life.⁵¹ He also freed Malcolm from his attachment to the Nation of Islam. Malcolm was forced to recognize that the NOI’s hierarchy and structure, extending right down into his own mosque, was committed to killing him. He could already see a first ring of death encircling him, comprised of the organization he had developed to serve Elijah Muhammad. From that point on, Malcolm said, he “went few places without constant awareness that any number of my former brothers felt they would make heroes of themselves in the Nation of Islam if they killed me.”⁵²

On March 8, 1964, with less than a year to live, Malcolm X announced his departure from the Nation of Islam. He said he was organizing a new movement because the NOI had “gone as far as it can.” He was “prepared to cooperate in local civil-rights actions in the South and elsewhere.”⁵³ Malcolm also

passed out copies of a telegram he had sent to Elijah Muhammad, in which he stated:

Despite what has been said by the press, I have never spoken one word of criticism to them about your family ... [54](#)

In spite of everything, Malcolm was trying not to split the NOI, and therefore muffled his criticisms of Elijah Muhammad.

Two days later, the Nation of Islam sent Malcolm a certified letter telling him and his family to move out of their seven-room house in East Elmhurst, Queens. The Elmhurst house had been home for Malcolm, Betty Shabazz, and their growing family (now with four daughters) since the early days of their marriage when Malcolm and Betty were in the house with John and Minnie Ali. One month after the certified letter, the secretary of Malcolm's old Mosque Number Seven filed suit in a Queens civil court to have Malcolm and his family evicted. Malcolm would fight for the legal right to stay in the only home he had to pass on to his wife and children, especially since he might soon be killed by the same forces trying to take their house away. [55](#)

On March 12, Malcolm held a press conference in New York and said internal differences within the Nation had forced him out of it. He was now founding a new mosque in New York City, Muslim Mosque, Inc. With a conscious effort to avoid repeating the mistakes of Elijah Muhammad, he said in his "Declaration of Independence" that he was a firm believer in Islam but had no special credentials:

I do not pretend to be a divine man, but I do believe in divine guidance, divine power, and in the fulfillment of divine prophecy. I am not educated, nor am I an expert in any particular field—but I am sincere, and my sincerity is my credentials. [56](#)

He opened (wide) the door to working with other black leaders, with whom he had traded criticisms, most notably with Martin Luther King Jr. "As of this minute, I've forgotten

everything bad that the other leaders have said about me, and I pray they can also forget the many bad things I've said about them."⁵⁷ He then immediately chased King away by saying black people should begin to form rifle clubs to defend their lives and property.

He concluded:

We should be peaceful, law-abiding—but the time has come for the American Negro to fight back in self-defense whenever and wherever he is being unjustly and unlawfully attacked. If the government thinks I am wrong for saying this, then let the government start doing its job.⁵⁸

Malcolm was aware that the government might think it was its job to silence him.

Much more threatening to the government than Malcolm's rifle clubs, which never got off the ground, was the visionary campaign he then initiated to bring U.S. violations of African-Americans' rights before the court of world opinion in the United Nations. In his April 3, 1964, speech in Cleveland, "The Ballot or the Bullet," Malcolm began to articulate his international vision:

We need to expand the civil-rights struggle to a higher level—to the level of human rights. Whenever you are in a civil-rights struggle, whether you know it or not, you are confining yourself to the jurisdiction of Uncle Sam ... Civil rights comes within the domestic affairs of this country. All of our African brothers and our Asian brothers and our Latin-American brothers cannot open their mouths and interfere in the domestic affairs of the United States. ... But the United Nations has what's known as the charter of human rights, it has a committee that deals in human rights ... When you expand the civil-rights struggle to the level of human rights, you can then take the case of the black man in this country before the nations in the UN. You can take it before the General Assembly. You can take Uncle Sam before a world court. But the only level you can do it on is the

level of human rights. [59](#)

In the spring of 1964, Malcolm X had come up with a strategy to internationalize the Civil Rights Movement by re-defining it as a Human Rights Movement, then enlisting the support of African states. Malcolm would proclaim to the day of his death the nation-transcending word of human rights, not civil rights, for all African-Americans. He would also organize a series of African leaders to work together and make that word flesh in the General Assembly of the United Nations. In breaking his bonds to Elijah Muhammad, Malcolm had freed himself to unite African and African-American perspectives in an international coalition for change. For the rest of his life, he was on fire with energy to create that working partnership spanning two continents.

The FBI began to realize it had made a major miscalculation. Its COINTELPRO that helped precipitate the divorce between Malcolm X and Elijah Muhammad had, it turned out, liberated Malcolm for a much larger mission than anything he could conceivably have accomplished under Elijah Muhammad. He was suddenly stepping onto an international stage in what could become an unwelcome scenario to the U.S. government. Nevertheless, the Chicago NOI connections that the Bureau had made so carefully in John Ali and other informants could still salvage the COINTELPRO goal of neutralizing Malcolm. Since Malcolm had “rebelled” against Elijah and Chicago, he could now, with Chicago’s help, be forced into silence forever.

The FBI had a second, growing concern. Despite Malcolm’s offputting talk of rifle clubs, his evolving strategy for an international ballot, not the bullet, was catching the attention of a potential ally whose power went far beyond that of Elijah Muhammad: Martin Luther King Jr.

Malcolm and Martin met for the first and only time in the nation’s capital on March 26, 1964. They had both been listening to the Senate’s debate on civil rights legislation. Afterwards they shook hands warmly, spoke together, and were

interviewed. He grinned and said he was there to remind the white man of the alternative to Dr. King. King offered a militant alternative of his own, saying that if the Senate kept on talking and doing nothing, a “creative direct action program” would start. If the Civil Rights Act were not passed, he warned, “our nation is in for a dark night of social disruption.”⁶⁰

Although Malcolm and Martin would continue to differ sharply on nonviolence and would never even see each other again in the 11 months Malcolm had left, there was clearly an engaging harmony between the two leaders standing side by side on the Capitol steps. Given Malcolm’s escalation of civil rights to human rights and King’s emphasis upon ever more disruptive, massive civil disobedience, their prophetic visions were becoming more compatible, even complementary. The FBI and CIA, studying the words and pictures of that D.C. encounter in their midst, could hardly have failed to recognize a threat to the status quo. If Malcolm X and Martin Luther King Jr. were to join efforts, they could ignite an explosive force for change in the American system. The FBI and CIA had to face a question paralleling that of the New York police who had witnessed Malcolm’s crowd dispersal. Should any two men have that kind of power against the system?

On the same day Malcolm and Martin shook hands in Washington, the FBI’s NOI connections were proving to be an effective part of an action in Chicago to further isolate Malcolm, setting him up for his murder.

Philbert X Little, Malcolm’s brother, was Elijah Muhammad’s minister in Lansing, Michigan. The Messenger and his NOI managers ordered Philbert to report to Chicago, where they arranged a press conference for him on March 26 of 1964. John Ali then handed Philbert a prepared statement. Ali told Philbert to read it to the media. Philbert had never seen the text before. As he read it for the first time (aloud and in a monotone) he heard himself denouncing Malcolm in terms that threatened Malcolm’s converts from the Nation of Islam.

I see where the reckless efforts of my brother Malcolm

will cause many of our unsuspecting people, who listen and follow him, unnecessary loss of blood and life.”[61](#) ... the great mental illness which beset my mother whom I love and one of my brothers ... may now have taken another victim ... my brother Malcolm.[62](#)

Malcolm responded to the news of his brother’s apparent attack on him by saying,

We’ve been good friends all our lives. He has a job he needs; that’s why he said what he did ... I know for a fact that they flew him in from Lansing, put a script in his hand and told him to read it.[63](#)

Philbert himself confirmed years later that “the purpose of making that statement was to fortify the Muslims. That’s why I was brought to Chicago. When I got ready to make my statement, John Ali put a paper in front of me and told me I should read that. So I read the statement that was very negative for my mother. And it was negative against Malcolm. I wouldn’t have read it over the air, you see, if I had looked at it. I asked John Ali about it and he says, ‘That’s just a statement that was prepared for you to read.’ He said, ‘I know the Messenger will be very pleased with the way you read it,’ and that was it.”[64](#)

Elijah Muhammad’s vengeance toward Malcolm was still being fueled by the FBI’s COINTELPRO. At the time of “Philbert’s statement,” the FBI sent Elijah one of its fake letters complaining about his relationships with his secretaries. The letter succeeded in making Elijah suspect Malcolm had written it. On April 4, 1964 an FBI electronic bug recorded Elijah telling one of his ministers, who had also received a copy of the letter, that the presumed writer Malcolm “is like Judas at the Last Supper.”[65](#)

In recognition that his 12 years proclaiming the word of Elijah Muhammad had left him poorly prepared for his new mosque’s ministry, Malcolm decided to re-discover Islam by

making his pilgrimage to Mecca.

In a life of changes, Malcolm's most fundamental change began at Mecca. At the conclusion of his pilgrimage, he was asked by other Muslims what it was about the Hajj that had most impressed him. He surprised them by saying nothing of the holy sites or the rituals but extolling instead the multi-racial community he had experienced.

"The brotherhood!" he said, "The people of all races, colors, from all over the world coming together as one! It has proved to me the power of the One God."⁶⁶

The vision to which Malcolm X was converted by his experience at Mecca determined the way in which he would meet his death. He called that vision "brotherhood." Had he lived a while longer, he would have added "and sisterhood." In his final months, Malcolm also began to change noticeably in his recognition of women's rights and leadership roles. His conversion at Mecca was to a vision of human unity under one God. From that point on, his consciousness of one human family, in the sight of one God, sharpened his perceptions, deepened his courage, and opened his soul to whatever further changes Allah had in store for him. Consistent with all those changes, Malcolm's experience of the truth of brotherhood radicalized still more his resistance to racism. His conversion to human unity was not to a phony blindness to the reality of prejudice, but on the contrary, to a greater understanding of its evil in God's presence. He was even more determined to confront it truthfully. Concluding his answer to his fellow pilgrims on his Hajj, Malcolm returned to his lifelong focus on racism, set now in the context of the experience he had at Mecca of his total acceptance by pilgrims of all colors.

"To me," he said, "the earth's most explosive and pernicious evil is racism, the inability of God's creatures to live as One, especially in the Western world."⁶⁷

Following his pilgrimage to Mecca, Malcolm met with two influential heads of state, Prince Faisal of Arabia and President

Kwame Nkrumah of Ghana. They acknowledged Malcolm as a respected leader of black Americans, who now represented also a true Islam. Prince Faisal of oil-rich Arabia made Malcolm a guest of the state. Ghana's anti-colonialist Kwame Nkrumah, a leader of newly independent African states, told his African-American visitor something Malcolm said he would never forget:

Brother, it is now or never the hour of the knife, the break with the past, the major operation.⁶⁸

Nkrumah's sense of the hour of the knife was right, but his hope that it would be a knife of freedom cutting through a history of oppression would go unfulfilled. Only nine months later, Malcolm would be murdered.

A year after that, Nkrumah, upon publishing his book *Neo-Colonialism: The Last Stage of Imperialism*, dedicated to "the Freedom Fighters of Africa, living and dead," would be overthrown by a CIA-backed coup.⁶⁹

Malcolm also visited Egypt, Lebanon, Nigeria, Liberia, Senegal, Morocco, and Algeria. Upon his return to the U.S. on May 21, 1964, the *New York Times* published an article on his trip that further alerted intelligence agencies to Malcolm's quest for a UN case against the U.S. Malcolm told reporters he had "received pledges of support from some new African nations for charges of discrimination against the United States in the United Nations."

"The case to be presented to the world organization," he asserted, "would compel the United States Government to face the same charges as South Africa and Rhodesia."⁷⁰

While Malcolm was working abroad to put the U.S. on trial at the UN, the New York Police Department was infiltrating his new Muslim Mosque with its elite intelligence unit, the Bureau of Special Service and Investigation (BOSSI). To the cold

warriors in the '60s who knew enough beneath the surface to know at all about BOSSI, the NYPD's undercover force was regarded as "the little FBI and the little CIA." The accolade reflected the fact that the information gathered by BOSSI's spies was passed on regularly to federal intelligence agencies.⁷¹

The BOSSI men who ran the deep cover operation in Muslim Mosque were detectives Tony Ulasewicz and Teddy Theologes. Four years after Tony Ulasewicz's undercover work on Malcolm X, "Tony U," as he was known, would retire from the NYPD to go to work as President Richard Nixon's private detective. He would then take part in a series of covert activities that would be brought to light in the Senate Watergate Hearings and memorialized in his own book, *The President's Private Eye*⁷², which is also a valuable resource on BOSSI. Both in his book and his life, Tony U moves with ease between the overlapping undercover worlds of the New York Police Department, federal intelligence agencies, and the White House. In the BOSSI chain of command, Tony U was a field commander. He had to keep his operators' identities totally secret as he ran their surveillance and probes of various sixties organizations ranging from the Revolutionary Action Movement (RAM) to the American Nazi Party. Equally important, he had to keep his own behind-the-scenes identity completely separate from theirs, with his name never linked to the report of any agent of his. Otherwise he might be called to testify in court, opening up an operation, an event to be avoided at all costs.⁷³ Tony U's deep cover men were therefore, in the last analysis, on their own.

Teddy Theologes acted in the BOSSI command, in Tony U's words, "as a cross between a drill sergeant and a priest."⁷⁴ Reflecting on his career decades later in an interview, Theologes said some of the BOSSI deep cover recruits "needed constant attention. I would have to sit down with them, and almost be a father, brother, psychiatrist, and doctor."⁷⁵ From the standpoint of agents risking their lives who knew their

superiors would never admit to knowing them, the need for such a relationship can be understood.

On April 17, 1964, four days after Malcolm left New York on his pilgrimage to Mecca, Ulasewicz and Theologes sent their newly sworn-in, 25-year-old, black detective Gene Roberts on his undercover journey into the Muslim Mosque, Inc. Gene Roberts had just completed four years in the Navy. Roberts was interviewed by Tony Ulasewicz and Teddy Theologes when he passed the police exam. He was asked to become a deep cover agent in a militant organization under Malcolm X. Roberts had heard of Malcolm X but knew little about him. As a military man, he accepted the order to infiltrate Malcolm's group without questioning it. On April 17, he was sworn in as a police officer and given his badge. A few hours later, Teddy Theologes took the badge away from him. He was on his own. Then his BOSSI superiors sent Roberts out on his mission in Harlem.⁷⁶

Gene Roberts has described how he proceeded step by step into becoming one of Malcolm's bodyguards:

Basically they said, go up to 125th Street—where Malcolm had his headquarters—and get involved. And that's what I did. I ended up getting involved in a couple of riots. The main thing was I was there. I met members of his organization. They accepted me. My cover was I worked for a bank. I told them about my martial arts experience, so I became one of Malcolm's security people. When he came back from Mecca and Africa, I went wherever he went, as long as it was in the city.⁷⁷

Since he was supposedly a bank worker, Roberts followed a schedule of typing up his BOSSI reports, at his Bronx home during the day. He typed reports on what he had learned by being "Brother Gene" with Malcolm and his community during the night.⁷⁸ As Roberts suspected and would later confirm, he was not the only BOSSI agent in the group, although he had gained the greatest access to Malcolm. When Ulasewicz and Theologes received his and other deep cover dispatches, they

passed them up the line to BOSSI Supervisor Barney Mulligan. It was Lieutenant Mulligan's responsibility to file all the undercover information (without ever identifying the informants) at BOSSI headquarters. While there, BOSSI's secret fruit was shared generously with the FBI.

On May 23, 1964, Louis Lomax and Malcolm X took part in a friendly debate at the Chicago Civic Opera House. As Lomax began his opening speech and looked down from the stage, he was struck with fear. For there in the audience staring back up at him was John Ali, accompanied by a group of NOI men who were being deployed at strategic locations in the hall.⁷⁹ Ali had become the nemesis of Lomax as well as Malcolm because of Lomax's having written about Ali's FBI connection. Malcolm's, Ali's, and Lomax's lives were intertwined. When John Ali was Malcolm's top advisor and housemate, he had arranged the first meeting between Malcolm and Lomax. The three men had then worked together on the first issues of the NOI newspaper. When Malcolm's and Ali's home was invaded by the New York police, Louis Lomax had written the most thorough story on it.⁸⁰

In his Chicago speech, given only two days after his return from Mecca and Africa, Malcolm sounded open to white people as well as blacks, as impassioned as ever, and in the terms he used, even radically patriotic:

My pilgrimage to Mecca ... served to convince me that perhaps American whites can be cured of the rampant racism which is consuming them and about to destroy this country. In the future, I intend to be careful not to sentence anyone who has not been proven guilty. I am not a racist and do not subscribe to any of the tenets of racism. In all honesty and sincerity it can be stated that I wish nothing but freedom, justice and equality: life, liberty and the pursuit of happiness—for all people. My first concern is with the group of people to which I belong, the Afro-Americans, for we, more than any other people, are deprived of these inalienable rights.⁸¹

However, in his post-Mecca life, this radically open Malcolm X was once again a target, as he and Lomax could see when they looked down into the eyes of John Ali and his companions. At the debate's conclusion, Malcolm and Lomax departed from the rear of the hall under a heavy Chicago police escort.⁸² It was one in a series of occasions when Malcolm would gladly accept the protection of a local police department that was genuinely concerned about his safety.

Also near the end of May 1964, the five men who would kill Malcolm X in the Audubon Ballroom nine months later came together for the first time. We know the story, thanks to the confession of the only one of the five who would ever go to jail for the crime, Talmadge Hayer. According to Hayer's affidavit, sworn to in prison in 1978 to exonerate two wrongly convicted co-defendants,⁸³ it all began when he was walking down the street one day in Paterson, New Jersey. A car pulled up beside him. Inside it were two men who, like Hayer, belonged to the Nation of Islam's Mosque Number 25 in Newark—Benjamin Thomas and Leon Davis, known to Hayer as Brothers Ben and Lee. They asked Hayer to get in the car so they could talk. "Both of these men," he said, "knew that I had a great love, respect, and admiration for the Honorable Elijah Muhammad."⁸⁴

While the three men drove around Paterson, Hayer learned from Thomas and Davis that "word was out that Malcolm X should be killed." Hayer said in his confession he didn't know who had passed that word on, but he thought Ben knew. He in fact had good grounds for thinking Ben knew, inasmuch as Benjamin Thomas was the assistant secretary of the Newark Mosque and knew well the NOI chain of command. Hayer also said it was Ben who had spoken first to Leon, before the two of them spoke with him. After hearing from them how Malcolm X was spewing blasphemies against Mr. Muhammad, he said what they wanted to hear, "It's just bad, man, something's got to be done,"⁸⁵ and agreed to take part in the plot.

As Hayer told Malcolm biographer Peter Goldman in a prison

interview,

I didn't ask a whole lot of questions as to who's giving us instructions and who's telling us what, because it just wasn't a thing like that, man. I thought that *somebody* was giving instructions: 'Brothers, you got to move on this situation.' But I felt we was in accord. We just knew what had to be done.⁸⁶

Thomas, Davis, and Hayer soon got together with two more members of the Newark Mosque who also knew what had to be done, William X and Wilbur X. As male members of the Nation of Islam, all five men belonged to the Fruit of Islam (FOI), a paramilitary training unit.⁸⁷ FOI training was meant ideally for self-defense. However, with its combination of discipline, obedience, and unquestioning loyalty to the Messenger, it had degenerated into an enforcement agency for the will of Elijah Muhammad and the NOI hierarchy. Malcolm X, with his certain knowledge that FOI teams like the five men in Newark were being organized to kill him, said sharply in a June 26, 1964, telegram to Elijah Muhammad:

Students of the Black Muslim Movement, know that no member of the Fruit of Islam will ever initiate an act of violence unless the order is first given by you. ... No matter how much you stay in the background and stir others up to do your murderous dirty work, any bloodshed committed by Muslim against Muslim will compel the writers of history to declare you guilty not only of adultery and deceit, but also of Murder.⁸⁸

In his affidavit, Talmadge Hayer said the five men from the Newark Mosque began meeting to decide how to carry out the killing. Sometimes, he said, they would just drive around in a car for hours talking about it.⁸⁹ Since Malcolm was on the verge of making another even longer trip to Africa, they would have to bide their time. In the meantime, there were other killing teams who were united in the same purpose. Several would almost succeed. But in the end, it would be the five Newark plotters who would finally do what had to be done at

the Audubon Ballroom.

On June 13, 1964, the NOI's suit to force Malcolm and his family out of the East Elmhurst house began to be heard in Queens Civil Court. The courtroom was divided into two hostile camps, Malcolm's supporters and the NOI contingent. At this point the police department clearly acknowledged in action the immediate danger to Malcolm's life. It had 32 uniformed and plainclothes officers present, "surrounding him so impermeably," as reporter Peter Goldman put it, "that he could barely be seen from the gallery."⁹⁰ Some of the press remained skeptical of the threat to Malcolm. He insisted to reporters that he knew the NOI men were capable of murder "because I taught them."⁹¹

This statement that Malcolm repeated about his NOI past was apparently no exaggeration. Dr. Alauddin Shabazz, who was ordained by Malcolm as an NOI minister, told me in an interview: "Malcolm had had people killed. When Malcolm found a guy in the nation who was an agent, Malcolm didn't hesitate to do something to him. I have seen Malcolm take a hammer and knock out the bottom bridges of a guy's teeth.

[An undercover police agent] was once caught setting up an [electronic] bug in the wall of the office. Malcolm was questioning him. And Malcolm had a funny way of questioning people. He would stand with his back to you, like he didn't want to look at your disgusting face—if he thought you were doing something to aid BOSSI or the agencies. And this guy had been caught. Malcolm turned around. He had a hammer on the desk. He turned around with the hammer and hit him in the face. I was there. It was in the early '60s.⁹²

It is a temptation to sentimentalize Malcolm, but Malcolm did not sentimentalize himself. He knew what he was capable of doing, what he had done, and what he had trained the Fruit of Islam to do. They were now prepared to do it, as he knew, to

him.

The Queens eviction hearing was especially significant for what Malcolm chose to reveal during his June 16 testimony: “[T]hat the Honorable Elijah Muhammad had taken on nine wives.”⁹³ At about the same time as Malcolm made the issue public, one of Elijah Muhammad’s sons made a statement that was in effect a warrant for Malcolm’s death. It was prompted by a phone call from someone claiming to be “Malcolm.” This person told the NOI that Elijah Muhammad would be killed while giving his speech the following day.⁹⁴ In response to this provocation (in conflict with the real Malcolm’s pleas to his followers to avoid a confrontation), Elijah Muhammad Jr. told a meeting of the Fruit of Islam at a New York armory:

That house is ours, and the nigger don’t want to give it up. Well, all you have to do is go out there and clap on the walls until the walls come tumbling down, and then cut the nigger’s tongue out and put it in an envelope and send it to me, and I’ll stamp it approved and give it to the Messenger.⁹⁵

The judge would rule three months later that the house belonged to the Nation of Islam, and that Malcolm and his family had to leave. Malcolm appealed, which delayed the eviction until the final week of his life.

On June 27, 1964, the FBI wiretapped a phone call in which Malcolm X asked an unidentified woman (an office worker ... Betty Shabazz?) if Martin Luther King’s attorney Clarence Jones had called him.⁹⁶ The woman said, yes, she had a message from Jones asking Malcolm to call him back. The reason Jones wanted to speak with Malcolm, she said, was “that Rev. King would like to meet as soon as possible on the idea of getting a human rights declaration.” She then emphasized to Malcolm, “He is quite interested.”⁹⁷

However, in the 12 short days left before Malcolm departed again for Africa, he and King were not able to arrange a meeting to explore their mutual interest in a human rights declaration. Nor would they ever manage to see each other

again in the three months remaining in Malcolm's life once he returned to the U.S., though they would just miss doing so in Selma, Alabama. Nevertheless, through its electronic surveillance of both men, the FBI knew that Malcolm X and Martin Luther King Jr. were hoping to connect on the human rights issue that could put the U.S. on trial in the United Nations.

On June 28, 1964, Malcolm announced his formation of the Organization of Afro-American Unity (OAAU), with its headquarters at the Theresa Hotel in Harlem. Whereas the Muslim Mosque, Inc. was faith-oriented, the OAAU would be politically oriented.⁹⁸ The OAAU would be patterned after the letter and spirit of the Organization of African Unity established by African heads of state the year before at their meeting in Ethiopia. The OAAU's founding statement emphasized that "the Charter of the United Nations, the Universal Declaration of Human Rights, the Constitution of the U.S.A. and the Bill of Rights are the principles in which we believe."⁹⁹ The intended outreach of Malcolm's organization was transcontinental, including "all people of African descent in the Western Hemisphere, as well as our brothers and sisters on the African continent."¹⁰⁰ Yet the organizing would also be local and civic:

The Organization of Afro-American Unity will organize the Afro-American community block by block to make the community aware of its power and potential; we will start immediately a voter registration drive to make every unregistered voter in the Afro-American community an independent voter.¹⁰¹

Thanks to Mecca, Malcolm had broken free from his old allegiance to Elijah Muhammad's idea of a separate black state. He was now organizing an international campaign for Afro-American liberation based on the principles of the U.S. Constitution and the UN Charter. He had become a faith-based organizer on an international scale. His OAAU founding statement, while consistent with the Civil Rights Movement,

took the struggle into a new arena, the United Nations. Malcolm would now seek further support for his UN human rights campaign by a July-November barnstorming trip through Africa.

At 11:37 p.m., on July 3, 1964, Malcolm phoned the New York Police Department to report that “two Black Muslims were waiting at his home to harm him. ... But he sped off when they approached his car.” [102](#) Malcolm knew the name of one of the two men, and gave it to the police.[103](#)

The NYPD refused to believe Malcolm. They passed on their official skepticism in a July 4 teletype to the FBI: “Police believed complaint on an attempt on Malcolm’s life was a publicity stunt by Malcolm.”[104](#) By its phone tap, the FBI had heard Malcolm make his report at the same time the NYPD did. The Bureau summarized the event with its own judgment on Malcolm: “Information [on 7/4/64] that MALCOLM and his followers were attempting to make a big issue out of the reported attempt on Macolm’s life in order to get the Negro people to support him.”[105](#)

Thus began the official NYPD and FBI line that Malcolm was fabricating attempts on his life for the sake of publicity. This disclaimer would be made publicly by the NYPD in the week before Malcolm’s murder, in an effort to justify the withdrawal of police protection at the time of escalating threats on his life.

On July 9, Malcolm departed from New York on the African trip that would consume four and a half of the remaining seven and a half months of his life. It was to be the final, most ambitious project of his short life. As his plane lifted off from JFK Airport on its way to Cairo, Malcolm was happily unaware of what John Ali was saying that same night on a Chicago call-in radio program:

Malcolm X probably fears for his safety because he is the one who opposes the Honorable Elijah Muhammad. The Holy Koran, the book of the Muslims, says “seek out the hypocrites

and wherever you find them, weed them out.” ... There were people who hated Kennedy so much that they assassinated him —white people. And there were white people who loved him so much they would have killed for him. You will find the same thing true of the Honorable Elijah Muhammad ... I predict that anyone who opposes the Honorable Elijah Muhammad puts their life in jeopardy ... [106](#)

In addition to NYPD and FBI surveillance, the Central Intelligence Agency was also following Malcolm. The Agency knew Malcolm planned to appeal to African leaders at the second conference of the Organization of African Unity (OAU), which he was attending in Cairo in July as an honored observer. No other American was allowed in the door. In a July 10 CIA memorandum, an informant stated that Malcolm X was “transporting material dealing with the ill treatment of the Negro in the United States. He intends to make such material available to the OAU in an effort to embarrass the United States.” [107](#)

In Cairo, Malcolm was constantly aware of agents following him. They made their presence obvious in an effort to intimidate him. Then on July 23, as Malcolm prepared to present his UN appeal to Africa’s leaders, he was poisoned. He described the experience later to a friend:

I was having dinner at the Nile Hilton with a friend named Milton Henry and a group of others, when two things happened simultaneously. I felt a pain in my stomach and, in a flash, I realized that I’d seen the waiter who served me before. He looked South American, and I’d seen him in New York. The poison bit into me like teeth. It was strong stuff. They rushed me to the hospital just in time to pump the stuff out of my stomach. The doctor told Milton that there was a toxic substance in my food. When the Egyptians who were with me looked for the waiter who had served me, he had vanished. I know that our Muslims don’t have the resources to finance a

worldwide spy network.[108](#)

The friend who witnessed this event, Detroit civil rights attorney Milton Henry, warned Malcolm that his UN campaign could mean his death. Henry later felt in retrospect that it did: "In formulating this policy, in hitting the nerve center of America, he also signed his own death warrant."[109](#) Malcolm, being Malcolm, recognized the truth of Henry's warning, and went right on ahead with his campaign.

At the OAU conference, Malcolm submitted an impassioned, eight-page memorandum urging the leaders of Africa to recognize African-Americans' problems as their problems and to indict the U.S. at the UN:

Your problems will never be fully solved until and unless ours are solved. You will never be fully respected until and unless we are also respected. You will never be recognized as free human beings until and unless we are also recognized and treated as human beings. Our problem is your problem. It is not a Negro problem, nor an American problem. This is a world problem, a problem for humanity. It is not a problem of civil rights but a problem of human rights. ... In the interests of world peace and security, we beseech the heads of the independent African states to recommend an immediate investigation into our problem by the United Nations Commission on Human Rights.[110](#)

Malcolm was encouraged by the response he received from the OAU. Although the resolution the conference passed in support of the African-American struggle used only moderate language, Malcolm told Henry that several delegates had promised him their official support in bringing up the issue legally at the United Nations.[111](#)

Malcolm then built on the foundations he had laid at the African summit. For four months he criss-crossed Africa, holding follow-up meetings with the leaders who encouraged

him most in Cairo. He held long discussions with President Gamal Abdel Nasser of Egypt, President Julius Nyerere of Tanzania, President Jomo Kenyatta of Kenya, Prime Minister Milton Obote of Uganda, President Azikiwe of Nigeria, President Kwame Nkrumah of Ghana, Prime Minister Ahmed Ben Bella of Algeria, and President Sekou Toure of Guinea.¹¹² There were other African heads of state Malcolm talked with, he said, “whose names I can’t mention.”¹¹³ At the height of the Cold War, Malcolm X had gained access to Africa’s most revolutionary leaders on a politically explosive issue.

Reflecting on these meetings, Malcolm told a friend in London shortly before his death,

Those talks broadened my outlook and made it crystal clear to me that I had to look at the struggle in America’s ghettos against the background of a worldwide struggle of oppressed peoples. That’s why, after every one of my trips abroad, America’s rulers see me as being more and more dangerous. That’s why I feel in my bones the plots to kill me have already been hatched in high places. The triggermen will only be doing what they were paid to do.¹¹⁴

U.S. intelligence agencies were in fact monitoring Malcolm’s campaign in Africa with increasing concern. The officials to whom they reported these developments began to express their alarm publicly. As a *New York Times* article, written in Washington revealed on August 13, 1964, “The State Department and the Justice Department have begun to take an interest in Malcolm X’s campaign to convince African states to raise the question of persecution of American Negroes at the United Nations.”

After recapitulating Malcolm’s appeal to the 33 OAU heads of state, the *Times* article stated:

[Washington] officials said that if Malcolm succeeded in convincing just one African Government to bring up the charge at the United Nations, the United States Government would be faced with a touchy problem. The United States, officials here

believe, would find itself in the same category as South Africa, Hungary, and other countries whose domestic politics have become debating issues at the United Nations. The issue, officials say, would be of service to critics of the United States, Communist and non-Communist, and contribute to the undermining of the position the United States has asserted for itself as the leader of the West in the advocacy of human rights.¹¹⁵

The *Times* reported that Malcolm had written a friend from Cairo that he did indeed have several promises of support from African states in bringing the issue before the United Nations. According to another diplomatic source, Malcolm had not been successful, “but the report was not documented and officials here today conceded the possibility that Malcolm might have succeeded.”¹¹⁶

The article also said somewhat ominously:

Although the State Department’s interest in Malcolm’s activities in Africa is obvious, that of the Justice Department is shrouded in discretion. Malcolm is regarded as an implacable leader with deep roots in the Negro submerged classes.

These two sentences, which were removed from the article in the national edition of the *Times*,¹¹⁷ where an oblique reference to concerns about Malcolm then being expressed not only by the State and Justice Departments but also by the CIA, FBI, and the Johnson White House. These concerns are revealed by a memorandum, written two days before the *Times* article, addressed to the CIA’s Deputy Director of Plans (covert action) Richard Helms. As researchers know, the desk of Richard Helms—a key player in CIA assassination plots—was perhaps the most dangerous place possible for a report on a perceived security risk to end up. According to the August 11, 1964, CIA memorandum to Helms, the Agency claimed it had learned from an informant that Malcolm X and “extremist groups” were being funded by African states in fomenting recent riots in the U.S. The State Department, the CIA memo

continued, “considered the matter one of sufficient importance to discuss with President Johnson who, in turn, asked Mr. J. Edgar Hoover to secure any further information which he might be able to develop.”[118](#)

As Malcolm analyst Karl Evanzz has noted,

In fact, the CIA knew the allegations were groundless. In an FBI memorandum dated July 25, a copy of which was sent to [the CIA’s] Clandestine Services, an agent specifically stated that ‘the informant’ said he didn’t mean to imply that Africans were financing Malcolm X.[119](#)

The CIA’s August 11 memo also stated that Benjamin H. Read, an assistant to Secretary of State Dean Rusk, wanted the CIA to probe both Malcolm X’s domestic activities and “travels in Africa” to determine “what political or financial support he may be picking up along the way.” The CIA memo’s author had told Read, coyly, in response that “there were certain inhibitions concerning our activities with respect to citizens of the United States.” Read had overridden the objection, insisting the CIA act because, “after all, Malcolm X has, for all practical purposes, renounced his U.S. citizenship.”[120](#)

As of no later than August 11, 1964 (and perhaps before), the CIA’s Deputy Director of Plans had been authorized to act on Malcolm X. Malcolm was perceived, for all practical purposes, to have renounced his U.S. citizenship and to have become a touchy problem to the U.S. government if he gained so much as one African state’s support for his UN petition. Malcolm had not read any such CIA documents on himself, but he had seen the August 13 *Times* article. He could read his future between its lines, just as Milton Henry had already done in terms of the sensitivity of Malcolm’s UN campaign.

John Lewis, a leader in the Student Nonviolent Coordinating Committee (SNCC) who would go on to become a member of Congress, was then touring Africa to connect with the freedom movement there. Lewis and the SNCC friends who were with

him knew all too well that Malcolm was also in Africa. As soon as they met anyone in Africa, the first question they would inevitably be asked was: "What's your organization's relationship with Malcolm's?"¹²¹ The men discovered that no one would listen to them if they were seen as being any less revolutionary than Malcolm, who seemed to have taken all of Africa by storm. On his return to the U.S. Lewis wrote in a SNCC report: "Malcolm's impact on Africa was just fantastic. In every country he was known and served as the main criteria for categorizing other Afro-Americans and their political views."¹²²

Lewis was startled to run into Malcolm in a café in Nairobi, Kenya, as he had thought Malcolm was traveling in a different part of Africa at the time. Malcolm, recognizing Lewis, smiled and asked what he was doing there. Reflecting on their encounter in his memoir, *Walking With the Wind*, Lewis thought Malcolm was very hopeful from the overwhelming reception he had received in Africa "by blacks, whites, Asians and Arabs alike." It "had pushed him toward believing that people could come together."¹²³

However, something else Malcolm shared with the SNCC group "was a certainty that he was being watched, that he was being followed ... In a calm, measured way he was convinced that somebody wanted him killed."¹²⁴ John Lewis' meeting with Malcolm in Kenya would be the last time he would see him alive.

Malcolm kept extending his stay in Africa. He had planned to be away six weeks. After 18 weeks abroad, he finally flew back to New York on November 24, 1964. He was confronted, soon after his return, with a December 4 issue of *Muhammad Speaks*. The issue featured an attack upon him by Minister Louis X, of the NOI's Boston mosque. Louis X had not long before been a friend and devoted disciple to Malcolm. Now calling Malcolm "an international hobo," Louis X made a statement against Malcolm that would haunt the speaker for the rest of his life, under his better-known name, Minister

Louis Farrakhan:

The die is set, and Malcolm shall not escape, especially after such evil, foolish talk about his benefactor, Elijah Muhammad, in trying to rob him of the divine glory which Allah had bestowed upon him. Such a man as Malcolm is worthy of death, and would have met with death if it had not been for Muhammad's confidence in Allah for victory over his enemies.[125](#)

Louis Farrakhan has never admitted to having participated in the plot to kill Malcolm. He has acknowledged from 1985 on that his above words "were like fuel on a fire" and "helped create the atmosphere" that moved others to kill Malcolm. Farrakhan made essentially the same carefully worded statement to four interviewers: Tony Brown in 1985, Spike Lee in 1992, Barbara Walters on *20/20* in 1993, and Mike Wallace on *60 Minutes* in 2000. His words to Spike Lee were: "I helped contribute to the atmosphere that led to the assassination of Malcolm X."[126](#)

His clearest statement on Malcolm's murder may be at question. In a 1993 speech to his NOI congregation, Minister Farrakhan, referring to Malcolm, asked bluntly, "And if we dealt with him like a nation deals with a traitor, what the hell business is it of yours?"[127](#)

The timing of Malcolm's late November return to the U.S. seemed providential in terms of his work at the United Nations. On December 1, his close friend, Alex Quaison-Sackey of Ghana, was elected President of the UN General Assembly. Following Malcolm's lead, Quaison-Sackey was becoming increasingly outspoken against U.S. policies. Quaison-Sackey gave Malcolm's human rights campaign a further boost by arranging for him to open an office at the UN in the area that was used by provisional governments.[128](#)

The FBI's New York field office pointed out to J. Edgar Hoover in a December 3 memo the alarming facts that Malcolm X and newly elected UN leader Quaison-Sackey had been

friends for four years, and that they had also met several times recently. The New York office, which worked closely with the NYPD's undercover BOSSI unit, suggested to Hoover "that additional coverage of [Malcolm X's] activities is desirable particularly since he intends to have the Negro question brought before the United Nations (UN)." [129](#)

During December's UN debate on the Congo, Malcolm's influence began to be heard in the speeches of African leaders. For example, Louis Lansana Beavogui, Guinea's foreign minister, asked why "so-called civilized governments" had not spoken out against "the thousands of Congolese citizens murdered by the South Africans, the Belgians, and the [anti-Castro] Cuban refugee adventurers. Is this because the Congolese citizens had dark skins just like the colored United States citizens murdered in Mississippi?" [130](#)

In a January 2, 1965, article, the *New York Times* described the Malcolm X impetus behind this challenging turn in African attitudes. It noted that the policy proposed by Malcolm that "linked the fate of the new African states with that of American Negroes" was being adopted by African governments. The article said, "the African move profoundly disturbed the American authorities, who gave the impression that they had been caught off-guard." [131](#)

Those working behind the scenes were not caught off guard, however, as the knowledgeable author of the article, M.S. Handler, was quick to suggest. Handler had also written the August 13 *Times* piece from Washington. He went on to repeat what he had reported then, that "early last August the State Department and Justice Department began to take an interest in Malcolm's activities in North Africa"—accompanied, as we know, by a parallel interest and stepped-up actions by the CIA and FBI. Handler traced the heightened government interest to Malcolm's opening "his campaign to internationalize the American Negro problem at the second meeting of the 33 heads of independent African states in Cairo, which convened

July 17.”[132](#)

When the January 2 *Times* article appeared, Malcolm had seven weeks left to live. Much of the remaining time was devoted to his constant speaking trips throughout the U.S., up to Canada, and over to Europe. Malcolm lived each day, hour, and minute as if it were his last, for he knew how committed the forces tracking him were to killing him. Within the U.S., Fruit of Islam killing squads were waiting for him at every stop. Malcolm knew it was only a matter of time.

On January 28, 1965, Malcolm flew to Los Angeles to meet with attorney Gladys Towles Root and two former NOI secretaries who were filing paternity suits against Elijah Muhammad.[133](#) Malcolm felt personally responsible for having put the two women in a position of vulnerability to Elijah Muhammad. He told a friend, “My teachings converted these women to Elijah Muhammad. I opened their mind for him to reach in and take advantage of them.”[134](#) He had come to Los Angeles, in preparation for testimony in support of the women, “to undo what I did to them by exposing them to this man.”[135](#)

From the time Malcolm arrived at the Los Angeles Airport in mid-afternoon until his departure the next morning, he was trailed by the Nation of Islam. The two friends who met him, Hakim A. Jamal and Edmund Bradley, had alerted airport security to a possible NOI attack. As Jamal and Bradley waited at the gate, they noticed a black man seated behind them inconspicuously reading a newspaper. The man was John Ali. Although Malcolm’s Los Angeles trip had been a closely held secret, someone monitoring his conversations was feeding the information to Ali. Malcolm’s arrival gate was switched at the last moment, and security police rushed him and his companions safely through the airport to a car.[136](#)

At his Statler Hilton Hotel, Malcolm repeatedly had to run a gauntlet of menacing NOI men stationed in the lobby. Bradley saw John Ali and the leaders of an NOI mosque in Los Angeles get out of a car in front of the hotel. Malcolm, Jamal, and Bradley left quickly in their own car to meet with the two

secretaries and attorney Root. When Bradley drove Malcolm back to the airport in the morning, two carloads of NOI teams started to pull alongside their car. Malcolm picked up Bradley's cane and stuck it out a window like a rifle. The two cars fell back. Police waiting at the airport escorted Malcolm safely to his plane.¹³⁷

During his next three days in Chicago, Malcolm was under the steady guard of the Chicago police. He was also under the watchful eyes of 15 NOI men who lingered at the entrance to his hotel. In their presence, Malcolm whispered to a Chicago police detective, "Those are all Black Muslims. At least two of them I recognize as being from New York. Elijah seems to know every move I make."¹³⁸ Malcolm would realize later that it had to be someone more powerful than Elijah who was making it possible for his troops to always be one step ahead of Malcolm.

Malcolm testified before the Illinois Attorney General, who was investigating the Nation of Islam. The next day in a television interview, Malcolm described efforts to kill him. He said he had a letter on his desk identifying the persons assigned to kill him.¹³⁹ He was accompanied everywhere by the Chicago police, who finally took him back safely to O'Hare Airport for his flight to New York.

Later that week, Malcolm X once again almost connected with Martin Luther King Jr. The place was Selma, Alabama. The date was February 4, 1965, 17 days before Malcolm's death, and three years and two months before Martin's.

The night before, Malcolm had spoken to 3000 students at Tuskegee Institute, 75 miles from Selma. Many of the students invited Malcolm to join them in the next day's demonstration at Selma, where more than 3,400 arrests had already been made in the course of voter registration marches.

Malcolm's sudden arrival in Selma on the morning of February 4 panicked the leaders of Martin Luther King's Southern Christian Leadership Conference (SCLC). The younger SNCC radicals were urging that Malcolm be allowed

to speak to the crowd gathering in the Brown Chapel AME Church for the demonstration. However, the SCLC ministers didn't even have the voice of Martin Luther King, who was in a Selma jail, to balance the fiery oratory of Malcolm, who they feared would spark a riot. As Malcolm listened in bemusement to what he might be permitted to say, he commented, "Nobody puts words in my mouth."¹⁴⁰ They finally decided to let Malcolm speak, but called in Coretta King to talk after him and put out the fire. Mrs. King was instead inspired by Malcolm to see a transforming hope of convergence between him and her husband.

In his talk, Malcolm widened the scene of struggle from Selma to the world. He told the crowd that civil rights were human rights, and that the U.S. government by failing to uphold their rights was thereby in violation of the United Nations Charter. Standing in the pulpit, pointing his right index finger at the demonstrators, he said they should "wire Secretary General U. Thant of the United Nations and charge the federal government of this country, behind Lyndon B. Johnson, with being derelict in its duty to protect the human rights of 22 million Black people."¹⁴¹ He prayed that God would bless them in everything that they did, and "that all the fear that has ever been in your heart will be taken out."¹⁴²

Coretta King followed Malcolm with a short, inspirational talk on nonviolence. He sat behind her, listening intently. When Coretta and Malcolm spoke together afterwards, he gave her a message for Martin. She was impressed by the gentle way in which he said,

Mrs. King, will you tell Dr. King that I had planned to visit with him in jail? I won't get a chance now because I've got to leave to get to New York in time to catch a plane for London, where I'm to address the African Students' Conference. I want Dr. King to know that I didn't come to Selma to make his job difficult. I really did come thinking that I could make it easier. If the white people realize what the alternative is, perhaps they

will be more willing to hear Dr. King.¹⁴³

She thanked Malcolm, and said she would convey his words to Martin. She did so at the Selma jail that day. She said later that by the time Malcolm was killed, two and a half weeks later, she and Martin had reassessed their feelings toward him:

We realized that since he had been to Mecca and had broken with Elijah Muhammad, he was moving away from hatred toward internationalism and against exploitation.¹⁴⁴

As the FBI and CIA knew by their close monitoring of both Malcolm X and Martin Luther King, the two catalysts of supposedly opposite revolutions were pondering cooperation.

After Malcolm's trip to London, on February 9 he flew to Paris for another speaking engagement. At Orly Airport, French police surrounded him and said he was barred from entering the country. Malcolm's speech, authorities felt, threatened to provoke "demonstrations that would trouble the public order."¹⁴⁵ He turned around and flew back to London.

Malcolm was shocked. He had thought France one of Europe's most liberal countries. He had also visited and spoken there three months before without a problem. At first he felt the U.S. State Department must have been responsible for the French decision. However, his exclusion had come from a government whose president, De Gaulle, did not ordinarily cave in to U.S. pressures. Malcolm continued to puzzle over his refusal by France. The day before his death, he would tell Alex Haley that he'd begun to realize that what happened to him in France was a clue to his impending murder.

Malcolm's intuition was right. A journalist who investigated Malcolm's death, Eric Norden, was given an answer to the French puzzle in April 1965. A highly placed North African diplomat, who insisted on anonymity, told Norden that his country's intelligence apparatus "had been quietly informed by the French Department of Alien Documentation and Counter-Espionage that the CIA planned Malcolm's murder, and France feared he might be liquidated on its soil."¹⁴⁶

France had passed on its knowledge of the CIA plot against Malcolm to the diplomat's country because Malcolm had also visited it. He might have chosen to fly there after being barred from France. The French were warning them that the CIA might kill him within their borders, scapegoating them. The North African diplomat who gave Norden this chilling information then said, "Your CIA is beginning to murder its own citizens now."¹⁴⁷

It is probably safe to say that, even under the Freedom of Information Act, no one will ever be handed a government document that states U.S. intelligence agencies assassinated Malcolm X. However, we do have a document that states U.S. intelligence agencies (which have assassinated other leaders) were given detailed information of Malcolm's itinerary for his February 1965 trip to England and France. On February 4, 1965, FBI Director J. Edgar Hoover sent a confidential memorandum detailing Malcolm's travel plans to the CIA Director, the Deputy Director of Plans (the CIA office under which Cold War assassinations were carried out), the Army's Assistant Chief of Staff for Intelligence, the Director of Naval Intelligence, the Chief of the Air Force Counterintelligence Division, an office in London whose name was so sensitive that it was deleted from the document and another such office in Paris.¹⁴⁸ At the same time, the CIA was reportedly planning to murder Malcolm and his travels to England and France were being tracked by practically the entire U.S. intelligence network.

While Malcolm was being barred from France for reasons unknown to him, back in the U.S. the NOI newspaper, *Muhammad Speaks*, was announcing Elijah Muhammad's final judgment on Malcolm. The paper's propaganda barrage seemed like a preamble to Malcolm's assassination. Abdul Basit Naeem, the FBI's second reliable informant in the NOI's inner circle, wrote anti-Malcolm articles in the February 5, 12, and 19 issues, culminating in his "Hypocrites Cannot Alter Muhammad's Divine Destiny."¹⁴⁹ FBI asset Naeem seemed to

be laying a foundation for a divine judgment on Malcolm. Elijah himself wrote in the February 12 issue that “Malcolm—the Chief Hypocrite—was beyond the point of no return.” He added what would soon prove to be true, that he “would no longer have to suffer Malcolm’s attacks.”¹⁵⁰ Naeem’s and Muhammad’s articles proclaiming the end of Malcolm were like divine prophecies in the hands of their readers during the final week of Malcolm’s life.

On Saturday afternoon, February 13, 1965, Malcolm flew back from London to New York to face an eviction from his home. The Queens Civil Court had already ordered him and his family to vacate their house in East Elmhurst. Malcolm had filed an appeal that was due to be heard on Monday the 15th.¹⁵¹ At 2:45 a.m. on Sunday the 14th, as Malcolm and his family were sleeping, the house was firebombed. Bottles of gasoline with fuses had been thrown through the front windows, setting the house ablaze. Malcolm staggered into consciousness. He rushed Betty, who was six months pregnant with twins, and their four daughters through the kitchen door. They all escaped into the 20-degree February night. Had it not been for the failure of one poorly aimed firebomb, the entire family could have burned to death. The apparent pattern of the thrown Molotov cocktails was to block every exit. One, however, glanced off the window of three of Malcolm’s daughters’ bedroom. It burned out harmlessly in the grass.¹⁵²

After the fire department extinguished the blaze, a deputy police inspector and a deputy fire inspector opened an investigation by questioning Malcolm in a police squad car. Malcolm’s friend and co-worker Earl Grant was present also. Grant said the officers “asked Malcolm how could anyone else but him have burned his house.”¹⁵³ This began the charges, soon to be made public, that Malcolm had started the fire to get publicity. It is significant to say that the first move in this game was made by a police and fire inspector. The allegation that Malcolm had tried to burn down his house to gain

sympathetic headlines would be used in the press to discredit him and disparage threats to his life in the days leading up to his assassination.

On Monday the NOI's Captain of Mosque Seven, Joseph X, began the public attack by telling reporters he believed Malcolm had set off the firebombs himself "to get publicity" and sympathy.¹⁵⁴ Joseph X was the same Mosque Seven official who, the year before, in the first NOI plot on Malcolm's life, had ordered an assistant to wire Malcolm's car to explode.¹⁵⁵ He was also later identified to Karl Evanzz by former members of his mosque as being part of the team of assassins who had actually firebombed Malcolm's home.¹⁵⁶ When Spike Lee was so bold as to ask Joseph X (then Yusuf Shah) in a 1992 interview who bombed Malcolm's house, he replied, "What do you want me to say? ... that was the parsonage. Malcolm didn't think so, but John Ali and I had the deeds ... [The house got bombed] by some mysterious people."¹⁵⁷ However, before he died in 1993, Captain Joseph finally admitted he participated in the firebombing of the Malcolm X home.¹⁵⁸

Two days after the firebombing, police detectives who were investigating it told the media that a whisky bottle containing gasoline had been found "intact and upright on top of a baby dresser" in the house.¹⁵⁹ The obvious implication was that Malcolm was the source of the bottle of gasoline. The detectives did not mention that it was Betty Shabazz who, on returning to the gutted house to salvage belongings, had found the bottle on her baby's dresser. She had pointed it out to firemen. How had it gotten there?

Malcolm had been saying, "My house was bombed by the Black Muslim movement upon the orders of Elijah Muhammad."¹⁶⁰ When Betty discovered the bottle of gasoline on the dresser and the police raised it publicly, she and Malcolm knew the plot went beyond the NOI to include the police. A coordinated effort was being made by the police and

the NOI to scapegoat them. They were being set up for something worse. In such a scheme, it was the police, not the NOI, who ran the show. And who was it who ran the police's show? Betty said, "Only someone in the uniform of a fireman or a policeman could have planted the bottle of gasoline on my baby's dresser. It was to make it appear as if we had bombed our own home."[161](#)

On Wednesday, Malcolm received a confirmation of this scenario. After a speaking engagement in Rochester, he met an African-American fire marshal, Vincent Canty, at the Rochester Airport. Canty told Malcolm that a fireman had set the bottle of gasoline on the dresser. Malcolm made Canty's revelation public at a press conference the following afternoon. He demanded an investigation by the FBI into a conspiracy "entered into at the local level between some police, some firemen, and some press to cover up for Elijah and his followers to give the public the impression that we set the house on fire ourselves." [162](#) At the same press conference Malcolm said he had sent a telegram to the Secretary of State insisting on an investigation to determine why the American embassy did not intervene when he, while in possession of an American passport, was denied entry into France.[163](#)

It sounds as if Malcolm X was seeing conspiracies everywhere. In fact even Malcolm, who was moving quickly toward enlightenment, was being naïve to see them on such a small scale. He was naïve, first of all, to think the planting of the bottle of gasoline was only a conspiracy entered into at the local level, or to think the FBI, of all people, would be of any help in investigating it. And little did he know that his American passport belonged to a man whom the State Department had turned over the previous summer to the CIA because "Malcolm X has, for all practical purposes, renounced his U.S. citizenship." [164](#) As a U.S. citizen insisting on his rights, Malcolm X was in reality a man without a country, about to be gunned down in a conspiracy that went beyond anyone's

imagination except those who were controlling it.

Malcolm concluded his Thursday afternoon press conference by stating, “The police in this country know what is going on—this conspiracy leads to my death.”¹⁶⁵ Malcolm *did* know what was going on. He had simply not yet connected all the dots.

In the meantime, a dry run of Malcolm’s assassination had already occurred at the Audubon Ballroom. This was witnessed by the NYPD’s BOSSI infiltrator, Gene Roberts, who was Malcolm’s security guard. By this time, Roberts had also become Malcolm’s friend and admirer. He was taking his role as Malcolm’s bodyguard more seriously than his BOSSI superiors had wanted.

On the night of the dry run, Monday, February 15, Malcolm spoke to 700 people at the Audubon Ballroom. Many years later, Gene Roberts described what was for him the most significant part of the evening:

I was part of what we call “the front rostrum guard.” We stood in front of the stage. If anybody tried to get to Malcolm, we’d take them out or whatever. I’m on Malcolm’s right. ... There’s a noise in the middle of the audience. There’s a young individual walking down the aisle. I moved toward him, and he sat down. Then everything was back to normal. But I’m saying, ‘I don’t like this.’ I just had a bad gut feeling.¹⁶⁶

Roberts had seen a preview of what would happen the following Sunday: a fake disruption in the audience designed to draw everyone’s attention, then a movement elsewhere toward Malcolm which on Sunday would include three shooters firing simultaneously.

Malcolm’s own reaction to the dry run can be found in a published transcript of his Monday night talk:

What’s up? [Commotion in audience.] Okay. Y’all sit down and be cool. [Laughter] Just sit down and be cool.¹⁶⁷

Roberts said he called his supervisors when the Monday

meeting was over:

I says, "Listen. I just saw the dry run on Malcolm's life." I told them I felt like it was going to happen at the meeting [scheduled for the Audubon Ballroom] the following Sunday. I told them if it's going to happen, it's going to go down Sunday. And they said, okay, we'll pass it on.[168](#)

What they did with it I don't know ... I don't think they really cared.[169](#)

Roberts also said Malcolm's own security people got together with him in the middle of the week to prepare for the Sunday meeting at the Audubon:

A lot of his other people said, "Can we carry guns?" He said, "No!" He was emphatic about that. He said, "No!" Then there was [the question], "Can we search?" He said, "No way." Again he was emphatic—no searching. So that was the way it went.[170](#)

On Friday February 19, Malcolm dropped in unexpectedly at the home of his friend, *Life* photographer Gordon Parks. Malcolm was in a reflective mood. The two men talked of Malcolm's years with the Nation of Islam, which Parks had helped photograph. Malcolm began to recall the vicious violence he had taken part in (that Alauddin Shabazz described to me). Malcolm said,

That was a bad scene, brother. The sickness and madness of those days—I'm glad to be free of them. It's a time for martyrs now. And if I'm to be one, it will be in the cause of brotherhood. That's the only thing that can save this country. I've learned it the hard way—but I've learned it. And that's the significant thing.[171](#)

Describing this last meeting with Malcolm, Parks said he was struck by the change in the Malcolm he had known: "He was caught, it seemed, in a new idealism. And, as time bore out, he

had given me the essence of what was to have been his brotherhood speech—the one his killers silenced. It was this intentness on brotherhood that cost him his life. For Malcolm, over the objections of his bodyguards, was to rule against anyone being searched before entering the hall that fateful day: ‘We don’t want people feeling uneasy,’ he said. ‘We must create an image that makes people feel at home.’”¹⁷²

Malcolm’s final edicts against guns on his bodyguards (not obeyed by all of them), and against searching at the Audubon’s door because it made people uneasy, have been lumped together with the NYPD’s claim that Malcolm refused police protection. It is important to examine this claim, as well as any evidence to the contrary.

The NYPD process had begun, the police told author Peter Goldman, with BOSSI intelligence analysts recognizing the truth of what their sources were telling them: a serious attempt was about to be made on Malcolm’s life. Accordingly, the BOSSI analysts drew up a scenario—essentially for their own protection, not Malcolm’s. What they knew, first of all, was that they didn’t want to protect Malcolm. “The guy had a bad sheet,” as one headquarters officer put it to Goldman, “You don’t offer somebody like that protection.”¹⁷³ Nevertheless, following a prudent game plan, they formally offered Malcolm protection, assuming he would almost certainly have to refuse it for political reasons. As a BOSSI man told Goldman, “Representatives of the New York police department made three approaches during the final two weeks to Malcolm or to men presumed to speak for him and offered to put him under round-the-clock guard. These offers were made formally and before witnesses. In each case, also following the BOSS[I] scenario, Malcolm or his people refused. The refusals were duly noted in the Malcolm File. “As far as I was concerned,” the man from BOSSI told Goldman, “that took us off the hook.”¹⁷⁴

These carefully witnessed offers of protection protected the NYPD. Thus Deputy Police Commissioner Walter Arm could say in the wake of the assassination, with “proof” if anyone wanted

it, that Malcolm had refused the department's offer to protect him.¹⁷⁵ Alex Haley wrote, however, that he knew from many of Malcolm's associates that during the week before his death, "Malcolm X complained repeatedly that the police would not take his requests for protection seriously."¹⁷⁶ As we have seen, Malcolm had in fact welcomed the protection of the Los Angeles and Chicago police, who only a few days before spirited him through airports and shielded him from assaults. He evidently thought the New York Police Department had a similar responsibility. So did BOSSI undercover agent Gene Roberts, who warned his superiors of precisely what to expect, and when and where to expect it—and expected them to prevent a killing. It didn't happen.

Assuming the police did speak "to Malcolm or to men presumed to speak for him," their offer may have been made to individuals who they could count on to say no in Malcolm's name. They could also have made the offer to Malcolm in such a way as to guarantee his refusal. The police's self-confessed purpose in any case, was not to protect "a guy with a bad sheet" but simply to take them "off the hook."

The most serious argument against the police's claim that they were even minimally serious in wanting to protect Malcolm is their behavior in response to the firebombing. The police were complicit in the planting of the bottle of gasoline on the dresser. They then used that planted evidence to scapegoat Malcolm for the firebombing of his own home. Far from wanting to protect Malcolm, those in command of the NYPD were evidently in league with the other forces seeking his death.

The assassination of Malcolm X on Sunday afternoon, February 21, 1965, at the Audubon Ballroom in Harlem proceeded like an execution, for that is what it was. As we have already seen from the Hoover memorandum, of February 4, 1965, Malcolm, on his trip to England and France, was being followed by an intelligence network. A network that included the FBI, the CIA

Director, the CIA's Deputy Director of Plans (read covert action and assassinations), the Army's Assistant Chief of Staff for Intelligence, the Director of Naval Intelligence, the Chief of the Air Force Counterintelligence Division and two foreign offices too sensitive to be identified. These were the chickens Malcolm was talking about in his JFK comment that launched him into independence from Elijah Muhammad. Now after Malcolm's pilgrimage to Mecca and revolutionary Africa, the same chickens were coming home to roost for him.

BOSSI's young black infiltrator, Gene Roberts, was caught in the middle of this covertly managed execution. Roberts had been won over by Malcolm. "I learned to love the man; respect him," Roberts said to a reporter in the '80s long after it was all over. "I think he was a good person."[177](#)

For the rest of his life, Roberts would recall that Sunday again and again. It began with a conflict he had with his wife over Malcolm. While Roberts was at home putting on his new gray suit for his Audubon guard duty, Joan Roberts told him she was going to the meeting too. He argued no, the department wouldn't like it. Joan wouldn't give ground. She had never seen Malcolm X speak. She was curious. Gene finally gave in. But he told her to at least keep a low profile, and to take a seat in the back. She chose a seat in the front of the ballroom, next to some reporters.[178](#)

Malcolm had stayed over Saturday night at the New York Hilton Hotel in Manhattan. Soon after he checked in, three black men asked for his room number. Hotel security was alerted, and focused its attention on Malcolm's 12th floor. On Sunday morning, he was awakened by the phone, which rang at exactly eight o'clock. What he identified as a white man's voice said, "Wake up, brother," and hung up. Malcolm felt it was a veiled message from a system larger than the NOI, telling him that today would be the day. He had been feeling that already.[179](#)

He spoke on the phone with his sister, Ella, in Boston. His last words to her were:

“You pray for me, Ella, because I firmly believe now I need it more than I’ve ever needed it before. So you ask Allah to guide me, because I feel they may have me doomed for this day.”

“Not this day,” Ella protested.

“Yes, this day,” Malcolm said.[180](#)

He also phoned Betty and asked if she could come to the meeting that afternoon with all four children. She said she would.

As we know from Talmadge Hayer’s confession, the five men from Newark’s Mosque Number 25 had checked out the floor plan of the Audubon Ballroom at a dance held there on Saturday night. We also know that John Ali was in town. As he had been at the LA airport three weeks previous, as he had been shortly after at the LA hotel, now John Ali was in New York on the weekend of Malcolm’s murder. At this time, Hayer states the final assassination plans were being laid.

According to information that briefly surfaced at the 1966 trial of Hayer and his two co-defendants, John Ali “had come in from Chicago on February 19th, checked into the Americana Hotel in midtown Manhattan and checked out on the evening of February 21st.” (Goldman, p. 314, *NY Times* 3/3/66, p. 24) According to this testimony, Ali arrived just in time for the final rehearsal in advance of the murder.

A confidential March 3, 1966 FBI report bolsters the testimony. An FBI memo from the Special Agent in Charge (SAC), New York, to the Director, cites a witness whose name has been deleted as saying, “John Ali met with Hayer the night before Malcolm X was killed. (Hayer denied this to Peter Goldman, per Goldman p. 432) The FBI reports say that the state never called this witness because the witness was later arrested for theft. Yet a criminal background presented no barrier to the state’s calling of other witnesses. More probable is the fact that for people in the know, an Ali-Hayer meeting on the eve of the murder would have been explosive. It could very

possibly mean that Hayer and his cohorts were being controlled by an agent of the Bureau. It is not surprising that an FBI document would back the state's judgment in passing over a witness who would open up that door to the FBI. After that all-too-brief opening at the trial, the state shut all further federal government connections to the murder.

Malcolm realized the overall dynamics of a police operation without being aware of the details. He said repeatedly during his final week that he knew the Nation of Islam was full of police. So even when he was emphasizing initially that the Black Muslims were to blame for bombing his house, he was not excluding the NYPD or federal agencies that were complicit with them. Because he knew the NOI was riddled with agents, Malcolm understood that it was their controllers who really held the keys to his life. It was not the NOI that was directing a plot, which included planting a bottle of gasoline in his fire-gutted house. He referred to this directly in a speech of February 15th:

Don't you think that anything is going down that [the police] don't know about. The only thing that goes down is what they want to go down, and what they don't want to go down they don't let go down.

Malcolm realized, as he said to Alex Haley, that the NOI was now serving as a proxy, much like how the CIA used the Mafia as their go-between in the attempted killing of Castro and furnished plausible deniability and a showy scapegoat. In what appears to have been a COINTELPRO or perhaps joint FBI-CIA operation, the Nation of Islam was being used as a religious Mafia.

On Sunday afternoon, they carried out the strategy they had drawn up. If there was searching at the door, they would turn around and leave. Because there was no search, the men went in with their guns under their coats. Talmadge Hayer and Leon Davis sat down in the front row on the left side. Hayer had a .45 automatic, Leon a Luger. William X and Benjamin Thomas

sat a few rows behind them. William X was carrying a sawed-off, double-barrel shotgun under his coat. Ben Thomas, sitting beside him, did not have a shooting role. Thomas was the group's organizer. As the assistant secretary to the Newark mosque, he was also their sanctioning authority. Seated near the rear of the ballroom was Wilbur X, who would create the diversion to start the action. Wilbur would pretend someone was picking his pocket, then would throw a smoke bomb. The three shooters would fire, and everyone would run for the street. Their car was parked a few blocks away, on a street headed for the George Washington Bridge. Thanks to the absence of police, four of the five men would escape safely. They would never spend a day in jail for killing Malcolm.¹⁸¹

Malcolm had said on the previous Tuesday to his friend and aide James Shabazz, "I have been marked for death in the next five days. I have the names of five Black Muslims who have been asked to kill me. I will announce them at the [Sunday] meeting."¹⁸² As he waited to be introduced on Sunday afternoon, Malcolm had the names of his five assassins written on a piece of paper in his pocket.

Before walking out on the stage, Malcolm told his assistants that he was going to stop saying it was the Muslims. Things had been happening that went beyond what they could do.¹⁸³ He also said he was going to tell the black man to stop fighting himself. That was a part of the white man's strategy, to keep the black man fighting each other. "I'm not fighting anyone, that's not what we're here for."¹⁸⁴

Gene Roberts had been a part of the afternoon's first rostrum security, during a preliminary speech by Malcolm's assistant, Benjamin Goodman. When Roberts was relieved of his duty, he sat down in the back of the ballroom. Benjamin Goodman introduced Malcolm to the audience of 400 people as "a man who would give his life for you."

After receiving a long standing ovation, Malcolm greeted everyone—including the five assassins he assumed were present—with "*As-salaam alaikum.*" ("Peace be with you.") The

response came back, "*Wa-laikum salaam.*" ("And with you peace.")

Wilbur began his ploy by yelling at the man seated next to him, "Get your hand out of my pocket, man!"

Malcolm responded to the sounds of a beginning fight by stepping out from behind the podium and walking to the front of the stage, thus making himself a perfect target. An audio cassette was found with him saying, just before the shots, "Now, now, brothers, break it up. Hold it, hold it, hold it ..."[185](#)

Gene Roberts, recognizing the same diversion he'd seen the Tuesday before, stood up and started down the aisle. Ahead of him, William X began moving toward Malcolm. Wilbur ignited the smoke bomb in the rear, creating a panic in the crowd. At a distance of 15 feet from Malcolm, William X fired the shotgun in a roar, hitting Malcolm with a dozen buckshot pellets that made a circle on his chest. The shotgun roared again. Hayer and Davis were standing and firing their pistols again and again at Malcolm's body lying on the stage.[186](#) Then they were all running for the street.

Gene Roberts picked up a chair. Hayer looked at him, aimed, and fired his .45. The bullet pierced Roberts' suit coat, missing his body. He threw the chair at Hayer, knocking him down. Hayer got up limping. Another security guard shot Hayer in his left thigh. Hayer kept on limping, hopping, and made it out the front door. A crowd encircled him, and began beating him.

Thomas Hoy was the only police officer stationed outside the ballroom. He managed to pull Hayer away from the crowd. A police car cruising by stopped. Sergeant Alvin Aronoff and patrolman Louis Angelos helped Hoy save Hayer's life by pushing him into the car. They took him to the Wadsworth Avenue Police Station.[187](#) Roberts had gone up on the stage. He found Malcolm still had a pulse. Roberts began giving Malcolm mouth-to-mouth resuscitation, trying to revive him. Malcolm died on the stage.[188](#)

Over the next 24 hours, Gene Roberts went through a series of BOSSI debriefings on the assassination. His superiors were incredulous at his attempt to save Malcolm's life on the stage. "What did you do that for?" he was asked.

And I told them, Roberts said, "Well, I'm a cop. And this is what cops are supposed to do—save people."[189](#)

When Malcolm was shot, Joan Roberts had gone to Betty Shabazz, who had thrown her body over her children. Joan tried to hold her. Betty struggled to get free, throwing Joan against the wall, and ran to Malcolm's side. Gene eventually helped Joan, who was shaken, to a taxicab.[190](#)

Gene Roberts was the precursor to Marrell McCullough in the assassination of Martin Luther King. In a famous photo, McCullough can be seen with a stricken look kneeling over King's body on the balcony of the Lorraine Motel in Memphis, April 4, 1968. McCullough belonged to a Memphis black power youth group working with King. He was the first person to reach him after he was shot. Unknown to King's associates for another decade, Marrell McCullough was also a deep cover operative for the Memphis Police Department.[191](#)

Talmadge Hayer, Norman Butler, and Thomas Johnson were tried for Malcolm's murder from January 21 to March 11, 1966. Butler and Johnson were two well-known New York "enforcers" for the Nation of Islam whom the police had picked up in the week following the assassination. A series of shaky witnesses, several contradicting their own grand jury testimony, testified to having seen Butler and Johnson take part in the murder. Butler and Johnson claimed they hadn't even been in the Audubon Ballroom that afternoon. Butler had three supporting witnesses and Johnson two, to their each having been at home during the shooting. In the years to come, many of Malcolm's people would emphasize that Butler and Johnson as well-known local NOI enforcers would have been quickly identified and watched closely had they entered the ballroom that day. They

simply weren't there. Talmadge Hayer agreed. In the trial's most dramatic moments, Hayer took the stand, confessed his own participation in the assassination, and said Butler and Johnson had nothing to do with it. However, because Hayer refused to identify his real co-conspirators, his testimony was discredited. All three men were convicted and sentenced to life imprisonment. Hayer's more detailed 1978 confession, naming the other four men in his group, was too late to help Butler and Johnson. They each served more than 20 years. The only man who has ever confessed to the murder of Malcolm X, Talmadge Hayer, (who has become Mujahid Abdul Halim) has also made another confession:

I remember some of the ministers used to say that time reveals all things. Malcolm used to say it himself—time will tell. And for the longest time, I always thought that time would tell what that man was saying was wrong. Well, time has told. Time has told that a lot of things he said was true. [192](#)

Benjamin Goodman, in a 1978 affidavit supporting Butler and Johnson's innocence, provided an insight into the coercion of trial witnesses. Goodman said that in 1965, he was summoned to a New York police station where detectives questioned him about Butler and Johnson. When he told the detectives repeatedly that Butler and Johnson had not been in the Audubon Ballroom that afternoon, the detectives became angry. Later in 1965, Goodman was summoned to another interview, this time from assistant District Attorney Stern. Goodman told them that:

I knew Butler and Johnson, they had not been present at the ballroom that day, and that I had not seen the actual shooting. When I said this, Mr. Stern became angry and said that he knew I had previously said that I had seen the shooting through an open dressing room door. This was not true and I had never said this to anyone. In his anger, Mr. Stern threatened me and asked me, have you ever been to jail? How would you like to go to jail?

Goodman was not called to testify at the trial.[193](#)

Besides Hayer, the most significant trial witness was black police officer Gilbert Henry. Before the prosecution could get him off the stand, Henry revealed the strange way the NYPD had deployed its forces on February 21st. Henry said he had been stationed in the Ballroom's Rose Room that afternoon, at a distance from Malcolm's location in the main auditorium. He and his partner, Patrolman John Carroll, had been given specific instructions by their superior officer, Sergeant Devaney, "to remain where [they] would not be seen." If anything happened, Patrolman Henry was to call for help on a walkie-talkie the two men had with them. It was connected with another walkie-talkie held by an officer at the Presbyterian Medical Center on the other side of the street. When Henry heard shots, he tried calling on the walkie-talkie but got no response. He then ran into the main auditorium, but was too late to see anyone with a gun. He said he saw no other uniformed officers in the auditorium.[194](#)

Malcolm's unofficial photographer, Robert Haggins, was one of the witnesses never called in the trial who could have testified further to the odd behavior of the police that afternoon. Haggins told Spike Lee he had seen the anteroom of the ballroom filled with police: "If I took a guess, I'd say 25. It was filled with cops. Cops who must've waited until after he was shot to file into the ballroom."[195](#)

Earl Grant saw the police come in. He said that about 15 minutes after Malcolm was shot, "a most incredible scene took place. Into the hall sauntered about a dozen policemen. They were strolling at about the pace one would expect of them if they were patrolling a quiet park. They did not seem to be at all excited or concerned about the circumstances.

I could hardly believe my eyes. Here were New York City policemen, entering a room from which at least a dozen shots had been heard, and yet not one of them had his gun out! As a matter of absolute fact, some of them even

had their hands in their pockets.[196](#)

The best witness we have to the assassination of Malcolm X remains Malcolm X, as recorded by Alex Haley.

On Saturday afternoon, February 20, 24 hours before he would walk to the podium of the Audubon Ballroom, Malcolm phoned Alex Haley at his home in upstate New York. It was to be their last conversation. Malcolm ended it with what Haley, in his epilogue to the autobiography, calls a “digression.” Malcolm was speaking of his impending murder:

I’m going to tell you something, brother—the more I keep thinking about this thing, the things that have been happening lately, I’m not all that sure it’s the Muslims. I know what they can do, and what they can’t, and they can’t do some of the stuff recently going on. Now, I’m going to tell you, the more I keep thinking about what happened to me in France, I think I’m going to quit saying it’s the Muslims.[197](#)

Malcolm had one final thought. In the last sentence he would ever say to Alex Haley—which Haley describes as “an odd, abrupt change of subject”—Malcolm said why he thought he was about to be killed:

You know, I’m glad I’ve been the first to establish official ties between Afro-Americans and our blood brothers in Africa.[198](#)

He then said good-bye and hung up.

In the midst of his African campaign the previous August, Malcolm had sent a letter from Cairo to friends in Harlem that foreshadowed his last words to Alex Haley. One month after he was poisoned at the Nile Hilton, Malcolm wrote:

You must realize that what I am trying to do is very dangerous because it is a direct threat to the entire international system of racist exploitation. ... Therefore, if I die or am killed before making it back to the States, you can rest assured that what

I've already set in motion will never be stopped ... Our problem has been internationalized.¹⁹⁹

At the time Malcolm wrote this letter, his friend and ally Egyptian President Gamal Abdel Nasser was taking with extreme seriousness the ongoing threat to Malcolm's life from U.S. intelligence agencies. He had two Egyptian security men posted outside Malcolm's hotel room door at all times.²⁰⁰

Alex Haley, a great author who gave Malcolm a prose platform from which he could address the world, buried in his epilogue what may have been the most significant words Malcolm ever said to him. Malcolm's "digression" was a revelation, which he would share also with his assistants on Sunday afternoon, and his "change of subject" a coherent climax to his life. Malcolm was willing to give his life for the sake of a unity between Africans and African-Americans that he hoped would change the course of history. In his final year, Malcolm had become a witness to the truth he had experienced in his pilgrimage to Mecca—that all of humankind was one family of brothers and sisters under Allah. But he radically focused that truth on Africa and America. Africa was where our one family had begun, and America where much of it had been sent into slavery. He envisioned and was organizing a mutually supportive African-American movement for human rights on both continents. "But," as Malcolm said 12 days before his death to a friend in London, "the chances are that they will get me the way they got [Congo's revolutionary leader Patrice] Lumumba before he reached the running stage."²⁰¹ Malcolm was right. And in his final words to Alex Haley, he had already solved the crime of his murder a day before it happened.

Near the end of his life, Malcolm began to think about guns as a question of faith. In his last week, he see-sawed between wanting to apply for a permit to carry a pistol and wanting to confront his killers with no guns on either himself or his followers. He ended by choosing no guns. It seemed a strange final decision for Black America's most articulate advocate of

armed self-defense. Why did Malcolm take such a stand at the hour of his death?

Malcolm's co-worker, Charles 37X Kenyatta, has told a revealing story about the man whose life was one continuous turn toward the truth as he saw it. Charles said he and Malcolm were riding in a taxicab to the Chicago airport. They suddenly realized they were being taken instead into the stockyards. The driver had a sinister purpose of his own. Charles, however, had a pistol. He used it to make the driver stop the cab and get out. Charles and Malcolm drove quickly to the airport, and got on their plane.

Malcolm then told Charles he had lost his religion. Three decades after Malcolm's death, Charles Kenyatta continued to puzzle over his teacher's strange words. Malcolm said to him: "Muslims don't carry guns."[202](#)

As a deep believer in Islam, Malcolm chose to die as a martyr. After the attacks of September 11, 2001, and a wave of suicide bombers in Israel, Americans have tended to think of the Islamic concept of martyrdom as counterviolent. That was not, however, the kind of martyr that Malcolm told Gordon Parks he wanted to be. Nor was it what he learned from the Islamic tradition he embraced on his pilgrimage to Mecca. In response to his assassins, whose identity he said he knew in advance, Malcolm gave his life to Allah "in the cause of brotherhood," without trying to snatch away the lives of those taking his own.

He also chose not to go into exile to avoid martyrdom. 12 days before his death, Malcolm listened patiently in a London hotel room, while a friend, Guyan writer Jan Carew, summoned every word at his command to persuade Malcolm not to return to the United States and almost certain death. Carew even invoked the authority of their ancestral spirit world, "the ghosts in our blood," against the folly of martyrdom.

Those ancestral spirits whisper warnings, whenever we're about to do something reckless or foolhardy. Right now they should be whispering to you that, perhaps,

surviving for our cause is more important than dying for it.²⁰³

Malcolm answered:

The spirit world's fine but I want our folk to be free in the world of the living.²⁰⁴

And the unspoken thought: So for the sake of the living, I'll live the truth freely and openly all the way, regardless of the consequences.

In Malcolm's eyes, that was freedom. By living and speaking freely, Malcolm denied to the system that assassinated him the victory of taking away his life. He instead gave it freely in the cause of brotherhood and sisterhood. "It's a time for martyrs now," as he told Gordon Parks, "And if I'm to be one, it will be in the cause of brotherhood. That's the only thing that can save this country."

In his final days, Malcolm transformed the death by violence that had haunted him all his life. Recognizing its imminence, he embraced it in terms of his faith. He did so in a way that was in tension with some of his own public rhetoric. Although Malcolm continued to insist vehemently right up to his death on armed self-defense as a fundamental right for black people and for all other people as well, he died without wanting his followers to resort to that right for himself. In a life of profound changes, Malcolm's ultimate choice of how he wanted to die, nonviolently in the cause of brotherhood, was perhaps the most remarkable change of all.

A "martyr" is literally a witness. Malcolm's final action, in stepping forward to reconcile two brothers in a fight, made him not only a target for murder but also a witness to brotherhood.

As he said to us all, "*As-salaam alaikum.*"

¹ *The Autobiography of Malcolm X*, as told to Alex Haley (New York: Ballantine Books, 1973), p. 9.

² *Ibid.*, p. 2.

[3](#) *Ibid.*, p. 378.

[4](#) *Ibid.*, p. 381.

[5](#) Karl Evanzz, *The Judas Factor: The Plot to Kill Malcolm X* (New York: Thunder's Mouth Press, 1992).

[6](#) Karl Evanzz, *The Messenger: The Rise and Fall of Elijah Muhammad* (New York: Pantheon, 1999).

[7](#) Zak A. Kondo, *Conspiracys: Unravelling the Assassination of Malcolm X* (Washington: Nubia Press, 1993).

[8](#) Louis Lomax, *To Kill a Black Man* (Los Angeles: Holloway House, 1987). Although we have reached different conclusions on the conspiracy to kill Malcolm X, I want to acknowledge the help of a sixth author. In both his book, *The Death and Life of Malcolm X* (Urbana, Illinois: University of Illinois Press, second edition, 1979) and the kind interview he gave me, Peter Goldman has been a great resource and source of encouragement. His book provides dimensions of both the death and life that remain indispensable for a pilgrim into either.

[9](#) Evanzz underlines Lomax's importance in *The Judas Factor*, p. xxiv. Lomax also had early insights into the murder of the second subject of his book, Martin Luther King Jr.

[10](#) Memorandum from SAC [Special Agent in Charge], Chicago, to Director, FBI, 1/22/69, page 1; in Petition to the Black Caucus, U.S. House of Representatives, of Muhammad Abdul Aziz (Norman 3X Butler) and Khalil Islam (Thomas 15X Johnson), April, 30, 1979; in the Walter E. Fauntroy Papers, Gelman Library, George Washington University.

[11](#) Louis E. Lomax, *When the Word Is Given* (New York: Signet Books, 1964), p. 82.

[12](#) *Ibid.*

[13](#) Memorandum from William Sullivan to Alan Belmont, December 24, 1963. Church Committee Final Report, Book III, p. 134.

[14](#) FBI HQ file on Lomax. Evanzz, *Judas*, p. 198.

[15](#) *Ibid.*

[16](#) *Ibid.*

[17](#) Lomax, *To Kill*, p. 199.

- [18](#) Author's interview with Wallace Muhammad, now W. D. Mohammed, August 2, 1999.
- [19](#) Evanzz, *Messenger*, p. 317.
- [20](#) Malcolm X scholar Zak Kondo obtained a March 16, 1954, Detroit FBI Report, captioned MALCOLM K. LITTLE, which cites from a 1950 prison letter written by Malcolm. Kondo, pp. 42, 292 endnote 847.
- [21](#) *Messenger*, p. 183.
- [22](#) *Ibid.*
- [23](#) *Ibid.*
- [24](#) *Ibid.*, p. 557 endnote 39. Evanzz speculates that Abdul Basit Naeem may have been pressured to cooperate with the FBI and BOSSI due to his immigrant status. *Ibid.*
- [25](#) FBI HQ file on Elijah Muhammad; FBI NY file on Malcolm X; cited by Evanzz, *Messenger*, p. 186.
- [26](#) *Ibid.*, p. 187.
- [27](#) Goldman, pp. 55-59. *Judas*, pp. 70-71.
- [28](#) *Autobiography*, p. 309.
- [29](#) *To Kill*, p. 103.
- [30](#) *Messenger*, pp. 187-88.
- [31](#) Cited by Evanzz, *ibid.*, p. 188.
- [32](#) *Messenger*, p. 192. *Judas*, p. 73.
- [33](#) Lomax, *When the Word*, p. 179.
- [34](#) *Autobiography*, p. 289.
- [35](#) *When the Word*, *ibid.*
- [36](#) *Autobiography*, p. 265.
- [37](#) *Ibid.*
- [38](#) *Ibid.*
- [39](#) *Ibid.*, p. 292.
- [40](#) *Ibid.*, p. 297.
- [41](#) FBI HQ file on Elijah Muhammad, section 5, memo dated May 20, 1960; approved by Cartha DeLoach, May 22, 1960. Cited by Evanzz, *Messenger*, p. 218.
- [42](#) FBI HQ file on Elijah Muhammad. *Ibid.*, pp. 249-50.
- [43](#) *Autobiography*, p. 301.
- [44](#) John Henrik Clarke, who published a transcript of the conversation, "A Visit from the FBI," in *Malcolm X: The Man*

and His Times (New York: Macmillan, 1975), pages 182–204, wrote in a footnote on page 182 that it happened on May 29, 1964. That date is too late, given the references in the conversation to the Clay-Liston fight in Florida as a future event. Clayborne Carson in *Malcolm X: The FBI File* (New York: Carroll & Graf, 1993), pages 252–53, presents an FBI document that indicates the visit took place on February 4, 1964.

[45](#) Clarke, p. 195.

[46](#) *Ibid.*

[47](#) *Ibid.*, p. 202.

[48](#) *Ibid.*, pp. 202–3.

[49](#) *Autobiography*, p. 302.

[50](#) *Ibid.*, p. 303.

[51](#) *Ibid.*, pp. 308–9. Kondo, p. 73.

[52](#) *Autobiography*, p. 316.

[53](#) *Malcolm X Speaks*, edited by George Breitman (New York: Pathfinder, 1990), p. 18.

[54](#) Kondo, pp. 63, 259 endnote 375.

[55](#) Goldman, pp. 159–60, 191.

[56](#) Malcolm X, “A Declaration of Conscience,” March 12, 1964; *Malcolm X Speaks*, p. 20.

[57](#) *Ibid.*

[58](#) *Ibid.*, p. 22.

[59](#) Malcolm X, “The Ballot or the Bullet,” April 3, 1964; *Malcolm X Speaks*, pp. 34–35.

[60](#) *Judas*, pp. 226–27.

[61](#) Cited by Evanzz, *Judas*, p. 225.

[62](#) *Ibid.*

[63](#) *Messenger*, p. 292.

[64](#) Abdul Aziz Omar, formerly Philbert X Little; in William Strickland, *Malcolm X: Make It Plain* (New York: Viking, 1994), p. 174.

[65](#) FBI HQ file on Elijah Muhammad, memo dated April 12, 1964; cited by Evanzz, *Messenger*, pp. 292–93.

[66](#) *Autobiography*, p. 338.

[67](#) *Ibid.*

[68](#) Malcolm told Julian Mayfield and Leslie Lacy what Nkrumah had said. Leslie Alexander Lacy, "African Responses to Malcolm X," in *Black Fire*, edited by Leroi Jones and Larry Neal (New York: William Morrow, 1968), p. 32.

[69](#) 12 years after Kwame Nkrumah's overthrow, Seymour Hersh reported the CIA's involvement in the coup in a *New York Times* article based on a brief description in a book by ex-CIA agent John Stockwell and confirming interviews by "first-hand intelligence sources." Seymour M. Hersh, "C.I.A. Said to Have Aided Plotters Who Overthrew Nkrumah in Ghana," *New York Times* (May 9, 1978), p. 6. John Stockwell, *In Search of Enemies* (New York: W W Norton, 1978), p. 160 footnote.

[70](#) "Malcolm Says He Is Backed Abroad," *New York Times* (May 22, 1964), p. 22.

[71](#) Frank Donner, *Protectors of Privilege* (Berkeley: University of California Press, 1990), p. 155.

[72](#) Tony Ulasewicz with Stuart A. McKeever, *The President's Private Eye* (Westport, Connecticut: MACSAM Publishing, 1990), p. 145.

[73](#) *Ibid.*, p. 151.

[74](#) *Ibid.*

[75](#) Author's interview with Teddy Theologes, June 29, 2000.

[76](#) Elaine Rivera, "Out of the Shadows: The Man Who Spied on Malcolm X," *Newsday* (July 23, 1989).

[77](#) Author's interview with Gene Roberts, July 7, 2000.

[78](#) Rivera, *ibid.*

[79](#) *To Kill*, pp. 198-99.

[80](#) *Ibid*, p. 199.

[81](#) *Malcolm X Speaks*, pp. 58-59.

[82](#) *To Kill*, p. 200.

[83](#) Talmadge Hayer filed two affidavits on Malcolm's murder, the first in November 1977, and the second in February 1978. It is the second, which goes into greater detail, that is cited here. Both affidavits are in Petition to the Black Caucus. Michael Friedly includes them as an appendix in his book, *Malcolm X: The Assassination* (New York: Carroll & Graf, 1992), pp. 215-18.

[84](#) *Ibid.*

[85](#) Peter Goldman, *The Death and Life of Malcolm X* (Urbana, Illinois: University of Illinois Press, second edition, 1979), p. 416.

[86](#) *Ibid.*

[87](#) Evanzz, *Messenger*, p. 96.

[88](#) Malcolm's telegram to Elijah Muhammad was published as an open letter in the June 26, 1964, edition of the *New York Post*. Cited by Kondo, pp. 74 and 269 endnote 467.

[89](#) Hayer affidavit, *ibid.*

[90](#) Goldman, p. 195.

[91](#) *Ibid.*

[92](#) Author's interview with Dr. Alauddin Shabazz, January 8, 1999.

[93](#) Goldman, p. 198.

[94](#) Kondo, p. 147. Kondo hypothesizes that this provocative June 1964 phone call to the NOI was from an FBI or BOSSI provocateur, which would be consistent with the FBI's COINTELPRO to keep Elijah and Malcolm at each other's throats.

[95](#) Goldman, p. 414. Kondo, p. 147.

[96](#) The FBI transcript of the June 27, 1964 phone conversation is on page 480 of *Malcolm X: The FBI File*.

[97](#) *Ibid.*

[98](#) *Judas*, p. 241.

[99](#) "Statement of Basic Aims and Objectives of the Organization of Afro-American Unity," appendix in George Breitman, *The Last Year of Malcolm X* (New York: Pathfinder, 1989), p. 106.

[100](#) *Ibid.*

[101](#) *Ibid.*, p. 109.

[102](#) Kondo, pp. 43 and 239 endnote 249; citing FBI document.

[103](#) *Ibid.*, endnote 250; citing FBI document.

[104](#) *Malcolm X: The FBI File*, p. 482.

[105](#) *Ibid.*

[106](#) John Ali was interviewed by Wesley South on the Chicago radio program *Hotline* on July 9, 1964. Ali's analogies to JFK's assassination, cited by Evanzz in *The Judas Factor* (pp. 247-

48), were in response to a caller who “asked Ali whether it was true that the Black Muslims were trying to assassinate Malcolm X.” *Ibid.*, p. 247. Ali also used espionage analogies, comparing Malcolm to Benedict Arnold and to Julius and Ethel Rosenberg, who were executed on the grounds that they handed over U.S. nuclear secrets to the Soviet Union. *Ibid.*

[107](#) Cited by Evanzz, *Judas*, pp. 249–50.

[108](#) Jan Carew, *Ghosts in Our Blood* (Chicago: Lawrence Hill Books, 1994), p. 39.

[109](#) Eric Norden, “The Assassination of Malcolm X,” *Hustler* (December 1978), p. 98.

[110](#) “Appeal to African Heads of State,” *Malcolm X Speaks*, pp. 75–77.

[111](#) *Ibid.*, p. 84.

[112](#) “There’s A Worldwide Revolution Going On,” *Malcolm X: The Last Speeches*, edited by Bruce Perry (New York: Pathfinder, 1989), p. 116. Carew, *Ghosts*, p. 83.

[113](#) Carew, *ibid.*

[114](#) *Ibid.*, p. 115.

[115](#) M. S. Handler, “Malcolm X Seeks U.N. Negro Debate,” *New York Times* (August 13, 1964), p. 22.

[116](#) *Ibid.*

[117](#) The missing sentences are included in the citation of the original *Times* article on page 86 of *Malcolm X Speaks*.

[118](#) August 11, 1964, CIA memorandum for Deputy Director of Plans, titled “ACTIVITIES OF MALCOLM POSSIBLE INVOLVEMENT OF AFRICAN NATIONS IN U.S. CIVIL DISTURBANCES,” cited by both Kondo, pp. 49 and 242 endnote 280, and Evanzz, *Judas*, p. 254.

[119](#) Evanzz’s citation of FBI HQ file on Malcolm X, *ibid.*

[120](#) *Judas*, p. 254.

[121](#) John Lewis, *Walking With the Wind* (New York: Simon & Schuster, 1998), p. 286.

[122](#) *Malcolm X Speaks*, p. 85.

[123](#) Lewis, p. 287.

[124](#) *Ibid.*, p. 288.

[125](#) Louis X, “Boston Minister Tells of Messenger Muhammad’s

Biggest Hypocrite," *Muhammad Speaks* (December 4, 1964), p. 11. Kondo, p. 159. Goldman, pp. 247-48. Cited also on *Tony Brown's Journal*, "What Did Farrakhan Say and When Did He Say It? (Spring 2000).

[126](#) Spike Lee, *By Any Means Necessary: The Trials and Tribulations of the Making of Malcolm X* (New York: Hyperion, 1992), p. 56. Farrakhan's statements to Tony Brown, Barbara Walters, and Mike Wallace are included in "What Did Farrakhan Say ... ?"

[127](#) "What Did Farrakhan Say ... ?"

[128](#) *Messenger*, p. 293.

[129](#) *Judas*, pp. 263-64.

[130](#) *Judas*, p. 267.

[131](#) M. S. Handler, "Malcolm X Cites Role in U.N. Fight," *New York Times* (January 2, 1965), p. 6.

[132](#) *Ibid.*

[133](#) *Malcolm X: The FBI File*, p. 81.

[134](#) Hakim A. Jamal, *From the Dead Level* (London: Andre Deutsch, 1971), p. 223.

[135](#) *Ibid.*

[136](#) *Ibid.*, pp. 212-15, 228-29.

[137](#) Haley, p. 425.

[138](#) *Ibid.*

[139](#) *Ibid.*

[140](#) Taylor Branch, *Pillar of Fire* (New York: Simon & Schuster, 1998), p. 578.

[141](#) *Malcolm X, The Final Speeches: February 1965* (New York: Pathfinder, 1992), p. 26.

[142](#) *Ibid.*, p. 28.

[143](#) Coretta Scott King, *My Life With Martin Luther King, Jr.*; revised edition (New York: Henry Holt, 1993), p. 238.

[144](#) *Ibid.*, p. 240.

[145](#) Goldman, p. 254.

[146](#) Eric Norden, "The Murder of Malcolm X," *The Realist* (February 1967), p. 12.

[147](#) *Ibid.*

[148](#) J. Edgar Hoover's February 4, 1965, memorandum read: "

... Information has been received that Malcolm Little plans to travel to England and France during the early part of February. He will reportedly depart this country on February 5, 1965, and will return about February 11, 1965. In this connection, there is enclosed one copy of a memorandum dated February 1, 1965, at New York, which contains available information of the subject's contemplated travel." Kondo, pp. 271-72 endnote 491. In addition to the intelligence agencies I have noted, Hoover's memorandum was also sent to the Assistant Attorney General, the Acting Attorney General, and the Foreign Liaison Unit. *Ibid.*

[149](#) Kondo, p. 162.

[150](#) *Ibid.*

[151](#) Kondo, p. 76. Goldman, p. 263.

[152](#) Goldman, p. 262. *Judas*, pp. 289-90. Kondo, p. 76. M.X. Handler, "Malcolm X Flees Firebomb Attack," *New York Times* (February 15, 1965), p. 1. Malcolm X, *Final Speeches*, pp. 133-34.

[153](#) Earl Grant, "The Last Days of Malcolm X," *Malcolm X: The Man and His Times*, edited by John Henrik Clarke (New York: Macmillan, 1975), p. 86.

[154](#) "Malcolm Accuses Muslims of Blaze; They Point to Him," *New York Times* (February 16, 1965), p. 18.

[155](#) *Autobiography*, pp. 308-9. Kondo, p. 73.

[156](#) *Messenger*, pp. 318-19.

[157](#) Lee, p. 63.

[158](#) *On Brother Minister: The Assassination of Malcolm X*, a 1997 film directed by Jack Baxter and Jefri Aallmuhammed.

[159](#) "Bottle of Gasoline Found on a Dresser in Malcolm X Home," *New York Times* (February 17, 1965), p. 34.

[160](#) He said this, for example, on Monday night, February 15, 1965, in his talk at the Audubon Ballroom, "There's a Worldwide Revolution Going On." *Final Speeches*, p. 124.

[161](#) Norden, "Murder," p. 12.

[162](#) In his statement to the press, February 18, 1965, "We Are Demanding an Investigation," *Final Speeches*, p. 179.

[163](#) *Ibid.*

- [164](#) See endnote 118.
- [165](#) Norden, "Murder," p. 12.
- [166](#) Author's interview with Gene Roberts, July 7, 2000.
- [167](#) "There's a Worldwide Revolution Going On," *Final Speeches*, p. 123.
- [168](#) Author's interview.
- [169](#) Gene Roberts to Elaine Rivera on his efforts to tell his BOSSI supervisors about the dry run. Rivera, "Out of the Shadows."
- [170](#) Author's interview.
- [171](#) Gordon Parks, "I was a Zombie Then—Like All [Black] Muslims, I Was Hypnotized," *Life* (March 5, 1965), p. 28.
- [172](#) *Ibid.*
- [173](#) Goldman, p. 261.
- [174](#) *Ibid.*, p. 262.
- [175](#) Haley, p. 438.
- [176](#) *Ibid.*
- [177](#) Rivera, "Out of the Shadows."
- [178](#) *Ibid.*
- [179](#) Haley, p. 431. Grant, "The Last Days," p. 92.
- [180](#) Norden, "The Murder," p. 13.
- [181](#) Talmadge Hayer amplified his written confession, with further details that are included here, in an interview on *Tony Brown's Journal*, "Malcolm and Elijah," February 21, 1982. Cited by Kondo, pp. 169–70.
- [182](#) Haley, p. 428. *Judas*, pp. xiii, 293.
- [183](#) Haley, p. 433.
- [184](#) *Ibid.*
- [185](#) Kondo, p. xviii.
- [186](#) Goldman, p. 274.
- [187](#) Several witnesses claim two suspects were arrested by the police. Omar Ahmed, who was on Malcolm's guard detail at the time, thought there were two men arrested outside of the ballroom. Interview by Kondo, p. 84. Earl Grant makes the same claim in "The Last Days of Malcolm X," p. 99.
- The *New York Herald Tribune's* early edition of February 22, 1965, reported two arrests. Its article said that one suspect,

Hayer, was “taken to Bellevue Prison Ward and was sealed off by a dozen policemen. The other suspect was taken to the Wadsworth Avenue precinct, where the city’s top policemen immediately converged and began one of the heaviest homicide investigations this city has ever seen.” *New York Herald Tribune* (February 22, 1965; city edition) article by Jimmy Breslin, “Police Rescue Two Suspects”; cited by Kondo, p. 83. The *Tribune’s* late city editions make no mention of the second suspect. *Ibid.* The *New York Times* in its early and late city editions follows the same pattern. Kondo, *ibid.*

Peter Goldman explains the inconsistencies in terms of separate debriefings of Thomas Hoy and Alvin Aronoff: “Hoy and Aronoff were debriefed separately at the time, Hoy at the scene and Aronoff at the stationhouse, and the early editions of the next day’s papers reported that there had been two arrests. The two policemen, as it developed, were talking about the same man ... ” Goldman, p. 276

When Alex Haley wrote his 1965 “Epilogue” to the *Autobiography*, he was still raising the possibility of two arrested suspects and the hope of identifying the second. Haley, p. 438.

[188](#) Author’s interview.

[189](#) From Gene Roberts interview in *Brother Minister*.

[190](#) Rivera, “Out of the Shadows.”

[191](#) William F. Pepper, *Orders to Kill* (New York: Carroll & Graf, 1995), pp. 129–30. Pepper identifies McCullough as being at the same time a member of Army intelligence. *Ibid.*, p. 443.

[192](#) Kondo, p. 202.

[193](#) Benjamin Goodman Affidavit, May 19, 1978; in Petition to Black Caucus.

[194](#) Herman Porter, “The Trial,” in *The Assassination of Malcolm X*, edited by Malik Miah (New York: Pathfinder Press, 1988), p. 93. Norden, “The Murder,” p. 14. William M. Kunstler’s December 19, 1977, deposition in Petition to the Black Caucus, pages 25–26.

[195](#) Lee, p. 42.

[196](#) Grant, p. 96.

[197](#) Haley, pp. 430-31.

[198](#) *Ibid.*, p. 431.

[199](#) Malcolm X, "A Letter from Cairo," *By Any Means Necessary* (New York: Pathfinder, 1991), p. 110.

[200](#) David DuBois to Spike Lee; in Lee, p. 38.

[201](#) Carew, p. 36.

[202](#) Charles 37X Kenyatta in *Brother Minister*.

[203](#) Carew, p. 57.

[204](#) *Ibid.*

The Confessions of Talmadge Hayer

The following two affidavits are essentially confessions by the only assassin in the Malcolm X case to be apprehended. Talmadge Hayer, AKA Thomas Hagan, made these statements in 1977 and 1978 under the supervision of famed defense attorney William Kunstler who was handling the Malcolm X case at the time. (Both statements are taken as they appear in Michael Friedly's *Malcolm X: The Assassination*.)

State of New York

County of Ulster

I, Thomas Hagan, being duly sworn, dispose and says:

1) I am one of the persons indicted for the murder of Malcolm X at the Audubon Ballroom, New York, N.Y., Feb. 21, 1965.

2) That I have been sentenced to life in prison for my part in the crime.

3) That I am now incarcerated at Eastern Correctional Facility.

4) That I am writing this affidavit in the hope that it will clear my co defendants of the charges against them in this case. My co defendants are Thomas 15X Johnson and Norman 3X Butler.

That sometime in 1964 Malcolm X was said to have gone against the Leader of the Nation of Islam, the Hon. Elijah Muhammad.

By the following year Malcolm X was declared a hypocrite by the Nation of Islam.

That in the summer of 1965 I was contacted by a

Brother named Lee and another Bro. named Ben.

These brothers asked me what I thought about the situation with Mal. X? I said I thought it was very bad for anyone to go against the teachings of the Hon. Elijah, then known as the Last Messenger of God. I was told that Muslims should more or less be willing to fight against hypocrites and I agreed w/ that. There was no money payed to me for my part in this. I thought I was fighting for truth & right. There was a few meetings held concerning this. Sometimes these were held in a car driving around. Bro. Lee, Bro. Ben, a Brother named Willie X, the other Brother's name was Willbour or a name like it. From these meetings it was decided that the only place that Mal X was sure to be was the Audubon Ballroom on Feb. 21, 1965. Therefore the plan was to kill this person there. On Feb. 21, 1965 we met at Bens house Sunday morning. On Feb. 20 1965 we had gone to the Ballroom to check it out.

One Sunday morning we, the above named, got in this Bro. Wilbour's car and drove to N.Y.C. We parked the car a few blocks away and two at a time drifted into the Ballroom early. Me and Bro. Lee took sets down front in the first row.

Bro. Willie and Ben sat right behind us, and Bro. Willbour took a set far in the back. It was his to throw the firebomb & pretend that someone was picking his pocket. I used a 45 weapon. Bro. Lee had a lugar and Willie X had the shot gun. The plan was that when the shooting, started people would be running all over the place & with this we could get out of the Ballroom.

So when the shotgun went off Bro. Lee & me fired our guns at Mal. X. & ran for the door. I was shot in the right leg but was able to keep moving on just one leg. I was able to get down stairs by sliding down railing to the floor. I was captured right outside Ballroom by a police officer.

This affidavit is factual, to the best of my knowledge.

Thomas 15 Johnson and Norman 3X Butler had no thing to do with this crime whatsoever.

Thomas Hagan

Sworn to before me
this 30th day of November, 1977
William M. Kunstler

Hagan proffered a second affidavit the following year that went into a bit more detail. It appears that both these statements were made in order to instigate a movement by the Congressional Black Caucus to include an investigation into the murder of Malcolm X by the House Select Committee on Assassinations. If so, the effort failed.

State of New York
County of Ulster

I, Thomas Hagan, being duly sworn, disposes and says:

That this affidavit is an addition to my first affidavit. And that the statements made herein are more in detail and hopefully will clear up any doubt as to what took place in the killing of Malcolm X and the innocents of Norman Butler and Thomas Johnson.

It was some time in the summer of 1964 that I was approached concerning the killing of Malcolm X. The time must of been a month or so before the Hon. Elijah Muhammad spoke in New York City in 1964.

I was walking in down town Paterson when two brothers, both Muslims, was driving by in their car. I knew these men well. They asked me to get in the car. They wanted to talk to me. Both of these men knew that I had a great love, respect and admiration for the Hon. Elijah Muhammad.

They started talking about what was going on with

Malcolm X and how this man was defaming the Hon. Elijah Muhammad. This was the feelings of most men in the N.O.I. at that time...

I know that it was Ben who spoke to Leon first and then they spoke to me. I learned from them that word was out that Malcolm X should be killed. I can't say for I don't know who passed that word on. But I thought that Ben knew.

We soon got together with two more men. Both lived in Newark, N.J. One's name was William X ... I never knew his last name.

The other man was a Bro. named Wilbur or Kinly. I don't know his full name. But we used his car on Feb. 21, 1965.

We met a few times to discuss how to carry out this killing. Some times we talked while driving around. Or at Ben's or Lee's house. Some times we drove around for hours.

We tried to get, as much information on the movements of Mal. X as we could.

We, the people above stated, drove out to Mal. X. house one night to see what security was there. We found it heavily guarded. We soon decided that the only place that Mal X would be was at the Ball Room where he was making speeches to the people there. In fact we attended one of these meetings to see what security was there. We learned that no one was searching at the door for weapons. This was in the winter of 1964-65.

We talked about this on the way back to Jersey. We drove back in Ben's car. We knew that the only place that Mal X was sure to be was at that Ball Room. And we decided that with a crowd there we had a good chance of getting in there and out after the move was made, the shooting that is.

We decided to visit the Ballroom the night before the killing to set this up. It was a dance that night and we came there like everyone else, got a ticket went in and

looked the place over. This was Feb. 20, 1965.

This night we used Bens car and on the way home we discussed what everyone thought. Everyone agreed that we would do this the next day. Feb. 21, 1965. The next morning we would meet at Leons house and Bens, to go over our plane. We decided after looking at the place that we would get there early. Drift in and take sets. Leon and me up front and left side facing stage. Ben and William right behind us. I had the 45 auto. Leon the Luger. William had the shotgun. Wilbur or Kinly had the set in the back of the place. His job was to accuse someone of picking his pocket and throw the smoke bomb. This was timed to happen when Mal X started to greet the people. Almost at the same time William would fire the shotgun and Leon and I would fire our guns at Mal X. and run for the door.

On Feb. 21, 1965, we drove to NYC in Wilbur or Kinly's car, a blue Cat., about 1962 or so. We parked a few blocks from the Ball Room on a street heading for the George Was. bridge. We figure that with all the people there we would make it out in the crowd.

As for the weapons I got them from a man who had them for sale .I bought them from him. This person had nothing to do with the crime. I made the smoke bom that was used. I, Thomas Hagan have written this affidavit in the hope that the information would exonerate Thomas Johnson and Norman Butler of the crime that they did not commit. This affidavit is factual to the best of my knowledge. And I am willing to state what took place in the matter before any court of law.

Thomas Hagan

Witnessed by
Nurriden Faiz
Sworn to before me

This, 25th day of February, 1978

In his book *CONSPIRACYS*, author Baba Zak A. Kondo went into even more detail about the identities of the assassination team. He listed the following names and information in his appendix on pages 203-205.

Albert "Benjamin" Thomas Assistant secretary of Newark Mosque. Born on July 22, 1938 and died on October 28, 1986. He was 5'8" or 5'9" tall, 170 pounds; wore glasses with black frames, thin with brown complexion; married with four or more children. He lived in a second floor 4-5 bedroom apartment in a wooden building on Hamilton Avenue in Paterson, New Jersey. He worked in an envelope manufacturing company in Hackensack, N.J. as a cutter. He played basketball and was a member of the Fruit of Islam.

Leon Davis At the time of the murder he was 20-21 years old, 5'9," 175 pounds. Formerly resided on lower Market Street, in Paterson, New Jersey. He was married and lived on Hamilton Avenue in Paterson. He worked in an electronics plant in Paterson and was also a member of the Fruit of Islam. When Kondo visited Paterson in June of 1989, he learned that Davis still visits the city and lived in the neighboring area.

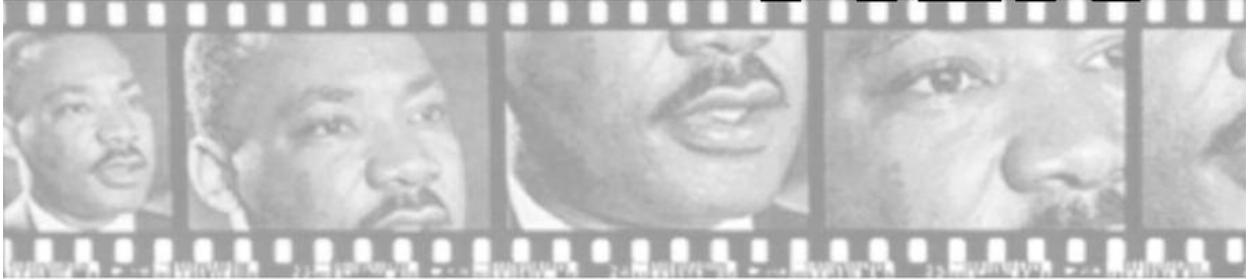
Talmadge Hayer Hayer was 22 at the time of the assassination. He was 5'11" and 180 pounds. He resided on Marshall Street in Paterson, New Jersey. He was married at the time and lived with his mother and two sisters. He was arrested in 1961 for disorderly conduct and in 1963 for possession of stolen guns. He was also a member of the Fruit of Islam.

William Bradley was 27 years old at the time of the killing. He was 5'10" or 5'11" tall. He lived in Newark, New Jersey and was a member of the Newark Mosque and a member of the Fruit of Islam. In 1979, he was serving a 7-15 year sentence in

the Caldwell State Prison, Bergen County New Jersey. He refused to talk to Kondo. According to Kondo, Bradley was the man who fired the shotgun during the assassination. To quote Kondo directly: "I interviewed one retired Newark policeman who knows Bradley. He contends that a surprising number of people in Newark knew that Bradley was a killer. The former policeman recalls once sitting in a bar talking to Bradley. Shortly after the assassin left, another brother looked at him and said, "You know, that's a killer." Years later, the policeman learned that Malcolm had been one of Bradley's victims."

Wilbur McKinley who Kondo thinks has passed away. Was over 30 years old at the time of the shooting. Was 5'9" tall and on the thin side. He was married and owned his own construction business and did work around the Newark Mosque. He was a member of the Fruit of Islam and lived in Newark. Was the most difficult of the five for Kondo to find information on. He may have been an accomplice of Hayer in his 1963 gun store robbery.

MLK



SECTION 1

THE STRUGGLE FOR A NEW TRIAL

Introduction

One of the subjects *Probe* covered as profusely as possible was the attempt by James Earl Ray to get a new trial for the murder of Martin Luther King. The King case is one that has been greatly slighted by the press and by authors in the field. We tried to balance that equation as much as we could. In the first piece below, Lisa Pease introduces Ray's attempt to reopen his case in the twilight of his life. She also gives the reader a good introduction to the suspect authors writing about the King murder at the time and then goes into some of the questionable points about the case against Ray. In the next three essays Jim DiEugenio follows the attempt by Ray and his attorney William Pepper to secure a new hearing, an attempt that would eventually be thwarted. As Jim notes, the Tennessee Attorney General's office apparently underrated the objectivity of Judge Joe Brown when the case came up for a rehearing in his court. They then did all they could to block Pepper from crossing the evidentiary threshold of showing that the supposed murder weapon did not fire the fatal bullet that killed King. When Judge Brown ordered further testing on the rifle, the DA's office then attempted to have him removed from the case. The bizarre events that led to that removal are analyzed in detail in the third essay below. Finally, Ray's unfortunate death, caused in part by the refusal by Tennessee to have him leave their jurisdiction for a liver transplant, ended the hope of a full-blown criminal trial on the King case, something, which as Jim explains, the public has never had. The last article also enlightens the reader as to the circumstances by which Ray

was originally intimidated into copping a guilty plea and therefore depriving himself of his full legal rights under the law.

James Earl Ray Did Not Kill MLK

By Lisa Pease

On Thursday, March 27, 1997, nearly 29 years after his father's death, Dexter King met with James Earl Ray in a small room at the Lois DeBerry Special Needs Facility. Dexter faced Ray, and after several awkward minutes of small talk came to the question to which so many want the answer: "I just want to ask you for the record, did you kill my father?"

"No I didn't," Ray replied.

And in a display of the grace and compassion for which his family has long been known, Dexter King replied, "I just want you to know that I believe you, and my family believes you. ... And we are going to do everything in our power to try and make sure that justice will prevail."

True to his word, Dexter, supported by his older brother Martin Luther King III, continued to talk to the media at every turn, calling for a trial to answer the questions long buried in this case.

The week after this historic meeting, Dexter King appeared opposite David Garrow on NBC's *Today* show. Garrow is the author of the book *The FBI and Martin Luther King*. He was also one of the ARRB's guests at the "Experts Conference" held in 1995. At that appearance, Garrow was pushing the ARRB to investigate the FBI's possible role in the assassination of President Kennedy.

On NBC, Garrow and King were clearly at odds. King was calling for a new trial, and Garrow was there to convince all that Ray's guilt was beyond question. Garrow made an astonishing, insulting attack on the King family by saying:

I think it's very sad that the King family and the King children are so uninformed of the history that they could be open to believing that Mr. Ray was not involved in Dr. King's assassination ...

Unfortunately, the King family has not looked at the record that the House Assassination committee [HSCA] compiled 19 years ago. There's really no dispute among people that know this history well about Mr. Ray's guilt.

King, besides wondering aloud how anyone could object to the family's curiosity about who killed their loved one, pointed out:

The House Committee did not have all the information. If it was such an open-and-shut case, why today are we asking this question?

Just a few days after this exchange, King and Garrow met again on CNN's *Crossfire*. On that show, King openly accused Garrow of being a spook:

Mr. Garrow, I've been told—and I am now more than ever convinced—is an agent for the national security and intelligence forces to distort the truth in this case.

Garrow responded by saying it was “very sad and very embarrassing for the King family to be in a position where it's saying things like that.” But indeed, it is Garrow who should be embarrassed. Anyone who knows the history of the King assassination knows full well that the evidence shows conspiracy and that Ray was most likely *not* the assassin.

Likewise, this would not be the first time someone accused media people of covering up for the government in this case. During the HSCA, Walter Fauntroy, one of the members studying the King assassination, charged that reporters covering the HSCA were linked to the CIA and suggested the HSCA might investigate them. A few days later, for reasons about which we can readily speculate, Fauntroy backed down, saying the HSCA had “no plans now or in the future” to seek testimony of journalists regarding their possible ties to the intelligence community.¹

Fauntroy was most likely correct in his charge, if the history of this case means anything. One of the earliest books written on the James Earl Ray case was one by Gerold Frank. William Pepper, Ray's attorney, in his book *Orders to Kill*, quoted from an FBI memo from Assistant Director Cartha DeLoach to Hoover's close confidant, Clyde Tolson:

Now that Ray has been convicted and is serving a 99-year sentence, I would like to suggest that the Director allow us to choose a friendly, capable author or the Reader's Digest, and proceed with a book based on the case.

The next day, DeLoach followed up his own suggestion with this:

If the Director approves, we have in mind considering cooperating in the preparation of a book with either the Reader's Digest or author Gerold Frank. ... Frank, is a well-known author, whose most recent book is *The Boston Strangler*. Frank is already working on a book on the Ray case and has asked the Bureau's cooperation in the preparation of the book on a number of occasions. We have nothing derogatory on him in our files, and *our relationship with him has been excellent*.² [Emphasis added.]

Another author favored by the intelligence community, was George McMillan, whose book *The Making of an Assassin* was favorably reviewed by no less than Jeremiah O'Leary. Mark Lane tells us "On November 30, 1973, it was revealed that the CIA had forty full-time news reporters on the CIA payroll as undercover informants, some of them as full-time agents." Lane adds, "It seems clear than an agent-journalist is really an agent, not a journalist." He then tells us:

In 1973, the American press was able to secure just two of the forty names in the CIA file of journalists. The *Washington Star* and the *Washington Post* reported that one of the two was Jeremiah O'Leary.³

On March 2 of 1997, the *Washington Post* ran not one but two

articles condemning Ray and the calls for a new trial, written by longtime CIA-friendly journalists Richard Billings and Priscilla Johnson McMillan, wife of George McMillan. In another paper the same Sunday, G. Robert Blakey, the architect of the cover-up at the HSCA, also made his voice heard for the case against a new trial. And a week later, Ramsey Clark—the man who within days of the assassination was telling us there was no conspiracy in the King killing—had also recommended the formation of yet another government panel in lieu of a trial for Ray. The only voice missing was Gerald Posner. But his too would come. Posner's next book, *Killing the Dream*, was about the King assassination.

Is the presence of such people commenting on the James Earl Ray case just coincidence? Or is it indicative of a continuing cover-up? Examine their backgrounds and decide for yourself.

It's predictable, really, that Priscilla would be writing in defense of the official myths relating to the MLK case. "Scilla," as her husband called her, has been doing the same in the John Kennedy assassination case for years. She just happened to be in the Soviet Union in time to snag an interview with the mysterious Lee Harvey Oswald. Later, she snuggled up to Marina long enough to write a book which Marina later said was full of lies, called *Marina and Lee*. Priscilla's parents once housed one of the most famous and high-profile defectors the CIA ever had—Svetlana Alliluyeva, daughter of Josef Stalin. Evan Thomas—father of the current *Newsweek* mogul of the same name and the man who edited William Manchester's defense of the Warren Report—assigned Priscilla to write the defector's biography. Alliluyeva later returned to the Soviet Union in dismay, saying she was under the watch of the CIA at all times.

Is Priscilla CIA? She applied for a job there in the '50s, and her 201 file lists her as a "witting collaborator," meaning, not only was she working with the agency, she *knew* she was working with the agency. And how independent was she? In a memo from Donald Jameson, who was the Soviet Russia Branch

Chief and who in the same year handled CIA Counterintelligence Chief James Angleton's prize (and the CIA's bane) Anatoliy Golitsyn, wrote of Priscilla:

Priscilla Johnson was selected as a likely candidate to write an article on Yevtushenko in a major U.S. magazine for our campaign ... *I think that Miss Johnson can be encouraged to write pretty much the articles we want.*⁴ [Emphasis added.]

Priscilla's latest writing shows that either she never learned the truth about her husband's book, or she is unabashedly willing to support the untruths therein. For example: George McMillan has long since been taken to task by researchers for writing that Ray's hatred of King came about as Ray watched King give speeches from Ray's prison cell. But that prison had no TVs available to inmates, either in cells or cellblocks, until 1970—two years after King had been killed! This has long since been exposed in print in numerous places. Yet Priscilla repeats this canard in the *Washington Post* in 1997. Is this another assignment?

In addition, George McMillan relied heavily on James Earl Ray's brother Jerry as a source. Yet Jerry and George both admit that Jerry lied to George. Jerry also alleged, and George did not deny when given the chance, that George made up quotes and attributed them to Jerry. Now, Priscilla writes uncritically of George's version of events, without acknowledging to *Washington Post* readers any of these serious challenges to the credibility of George's description of events.⁵

George McMillan himself is also a very interesting character who shows up in both the King and Kennedy assassination investigations. What is not well known is that George McMillan was one of the earliest post assassination interviewers of George de Mohrenschildt. As reported by Mark Lane on Ted Gandolfo's *Assassinations USA* cable program, George McMillan had been in Dallas a few weeks after the assassination. He left his notebook in a hotel with Oswald's name in it. When the notebook was found, it was reported to the FBI. In it were notes McMillan had taken from de

Mohrenschildt. And after de Mohrenschildt's alleged suicide, McMillan wrote the following in the *Washington Post*:

I stayed with de Mohrenschildt and his wife in their lovely house which clutched the side of a steep hill overlooking Port-Au-Prince—and which was, not insignificantly, I suppose, within the compound where Papa Doc Duvalier then lived. We had to pass through heavily guarded gates as we came and went.

One can only imagine the kind of clearance needed to be able to live inside the dictator's compound, and to gain access to it as a journalist.

Peter Dale Scott writes that Dick Billings is a relative-in-law of famous CIA propagandist C.D. Jackson. Billings has long been involved in the Kennedy assassination story. G. Robert Blakey, the HSCA's Chief Counsel, and Billings co-wrote the HSCA's final report. Billings did not, by the way, have to sign the nondisclosure agreement that other HSCA members had to sign. Evidently, Billings had the trust of those with the most to hide. Billings also co-wrote with Blakey a mob-did-it book called *The Plot to Kill the President*.

Billings was for years involved in Allen Dulles' friend Henry Luce's publishing empire as a writer and editor at *Life* magazine. One of his most intriguing assignments was to accompany several CIA and ex-CIA commandos on a mission code-named Operation Red Cross. This operation's goal was to kidnap two Russian military officers from a Cuban missile site and bring them back to the United States for an interview. The point was to discredit President Kennedy with new evidence—post-October Missile Crisis—that the Soviets still harbored missiles in Cuba. Along with Billings on this mission were John Martino, Rip Robertson, and the owner of the private yacht upon which they sailed, former U.S. Ambassador William Pawley. Others involved in the planning and/or execution of this operation were Howard Davis, Gerry Patrick Hemming, Frank Sturgis, Eddie Bayo (born Eduardo Pérez)—an anti-

Castro guerrilla, and Senator James O. Eastland. All of these people had worked with the CIA at some point. At the CIA's request, Pawley had gone to Batista to attempt to persuade him to step down. The CIA also sent Pawley to make the same request of Trujillo, shortly before he was assassinated in a CIA-backed coup.

At this time, President Kennedy had issued (and the FBI was enforcing) a ban on such excursions to Cuba. But Billings evidently had no compunction about participating in this illegal, and, as it turned out, ill-fated raid. *Life* magazine had footed the bill for \$15,000 in military equipment needed for the voyage, and Billings' participation was part of the deal. Everyone in the project had been sworn to secrecy. As a typical off-the-books operation, then CIA director John McCone didn't even find out about this attempted raid until a year later, when the families of several of the men who disappeared forever that night started pushing for answers.⁶

Billings had injected himself into Garrison's investigation, at first siding with Garrison, and later writing articles saying Garrison's investigation was designed to protect the Mob in New Orleans, a charge which falls apart rapidly upon investigation. But even more significantly, Billings was evidently in touch with George de Mohrenschildt during Garrison's investigation as well. In a letter dated August 29, 1967, de Mohrenschildt attempts to confirm that some people asking questions about HLO (Harvey Lee Oswald?) and Haiti were really from *Life*. He ends the letter by saying that "Both my wife and I are anxious to see you *again* in Dallas." [Emphasis added.] *Just how well did these two know each other?*

Also suggestive that Billings may have known far more than he lets on about the Kennedy assassination is a provocative transcript of Loran Hall's account of a meeting with Billings in Garrison's files. Dated May 7, 1968, Hall makes some statements, which are best left in Hall's own words:

...He [Billings] wanted to know why JERRY COHEN had taken

such a complete turn now. Like being pro-Garrison and pro-plot on the assassination and that why is JERRY COHEN now thinking that BRADLEY is involved, and I said because he's probably opened up his god damn ears and he said well he's sure switched in the last week. I talked to him last Friday and he's convinced now that BRADLEY is involved some way or somehow and this kind of shook BILLINGS. He also started asking me questions like uh ... did he show you any movie films and I said what kind of film are you talking about. And he uh he kind of hem-hawed around he said well you know what I'm talking about and I said no, what are you talking about. He said, did you see the killing of Kennedy on movie? And I says no and uh then he also told me that in November or December that he went to Dallas, Texas, with \$20,000 from *Life* and *Time* Magazine and had purchased every piece of film that could be purchased in Dallas, Texas, concerning the assassination ... BILLINGS pumped me real strong on the ZAPRUDER film and I said look uh I didn't even know that he had a film. I had heard rumors that he might have one but that I did not see it and he started really going in to so I said look turn that god damn tape recorder off. So he turned the tape recorder off and I called him a son of a bitch and I said you and I both know what happened in Dallas, Texas, and the ZAPRUDER film will prove it. And he said well I'm going to turn this back on and I said like hell you will and so that was the end of the conversation about any film.

So it is from this background that we must evaluate Billings' remarks on the King assassination. Both he and Blakey harp on one key event that Ray has consistently denied as evidence of Ray's guilt. In a televised session, Ray stated that he had not returned to Atlanta after purchasing the rifle that allegedly killed King. Ray told the committee, "If I did, I'll just take responsibility for the King case right here on TV." Chairman Louis Stokes then brought forth committee exhibit F-59, a blow-up of two receipts for laundry showing one of the aliases Ray had used, Eric Galt. To this day, Ray denies having been to Atlanta. And as will be shown in this article, a case can be

made that Ray was unfairly ambushed in this regard, and that the Galt indicated on the laundry receipts could very well have been someone other than James Earl Ray.

G. Robert Blakey came to be the head of the HSCA after a concerted media campaign ousted both Henry Gonzalez and Dick Sprague, two people who had made it clear they would investigate any and all, without fear or favor. Gonzalez, in his comments to the House of Representatives prior to the formation of the HSCA, had said:

... CBS did conclude that there is a need to investigate the possible 'Cuban connection' in respect to the killing of the President.

I would like to look into the 'Cuban connection,' too, but I would also like to know more about the whereabouts of certain domestic spies and what they were up to during November 1963. As well as his connection with Cuba, I would also like to know what Oswald's connection was with our intelligence community.⁷

The media campaign that brought Blakey to power and ousted Sprague and Gonzalez was led by CIA asset Jeremiah O'Leary, David Burnham of the *New York Times* (the man Karen Silkwood was on her way to see when she was killed in a car accident) and George Lardner, Jr. (perhaps the last person to see David Ferrie alive—he was dead the morning after Lardner's post-midnight visit).

Blakey's role can only be characterized as covering up the true facts of the case. As Gary Aguilar and others have shown, the HSCA under Blakey withheld from public view key evidence, now released, that would have brought us closer to the truth in the medical aspects of the case. The same can be said about other aspects of the investigation as well. One particular example from the James Earl Ray case will show to what levels the HSCA was willing to stoop to avoid the truth and confirm the official verdict that Ray killed King.

In mid-August of 1978, while Ray and his then lawyer Mark Lane faced TV cameras in public testimony, Blakey sprang a surprise on Ray and Lane, in the form of MLK Exhibit 92. Lane had asked for and been promised a chance to review the committee's evidence against Ray prior to its being presented. Yet on this hot midday in Washington, DC, Lane and Ray were ambushed with a transcript of an interview with Alexander Anthony Eist, a former member of a unit within Scotland Yard. Eist made some astonishing claims, notably, that Ray had not only confessed to killing King but that he had exhibited an intense hatred of blacks.

Lane was furious. Not only had he not been given advance notice so that he could research these charges, but the statements had not even been made under oath. In *Murder in Memphis*, Lane wrote:

The un-sworn answers given by Eist could have no legal import although they were designed to seem impressive to a waiting television audience. If Blakey and his staff of attorneys and investigators suspected or believed that Eist was not telling the truth the technique they decided to employ, securing remarks which were not given under oath, would spare *them* the potential embarrassment of prosecution for subornation of perjury. It also permitted Eist to make false statements with the knowledge that he could not be prosecuted for perjury. Blakey had issued a license to lie to Eist.

Luckily for James Earl Ray, when one English barrister heard that Eist's remarks were to follow the lunch break, he called across the Atlantic to reach Lane to give him some background on Eist. According to the barrister, Eist had been dismissed from the Metropolitan Police force in London after being charged with theft and perjury—*specifically for having invented oral confessions*. He was later found guilty of corruption. Lane was able to use this information in front of the TV cameras, and chastised the committee for its unethical conduct in bringing such a man's testimony forward before millions of TV viewers. Lane railed:

If this information about Eist is true, which has just been given to me ... If it was all public knowledge in England, in all of the newspapers as this lawyer told me, then I don't know why your investigators in London couldn't have found that out by reading any of the newspapers. If this is true, and if it was in the newspapers, this Committee has engaged in the most irresponsible conduct probably in the long history of Congress, and that is an awfully long history of irresponsible conduct.

Congressman Richardson Preyer answered:

... I will point out ... that Mr. Devine indicated this testimony is not being offered as evidence of the truth of those statements. The Committee does not make any statement as to the credibility of the witness and Mr. Ray was only being asked whether the statement was true and any comments he may—

At which point Lane interrupted with:

If you knew of this man's background, it was a height of irresponsibility not to inform the American people about that background. Yet, if I did not receive a phone call from the English lawyer, the American people would not know of the deceit of this Committee. This is perhaps the most outrageous thing this Committee has done.⁸

To claim such charges were made only for the point of asking Ray if they were true on national television, pushes credibility past the point of breaking. This was the HSCA's method, under G. Robert Blakey. So again, how fair would he be to any question of Ray's innocence, in light of the depths to which he allowed his own committee to stoop in an effort to prove Ray's guilt?

Perhaps the only more hypocritical commentator in the latest round of media spokesmen has been former Attorney General Ramsey Clark.

Ramsey Clark

All of our evidence at this time indicates that it was a single person who committed this criminal act.⁹

Ramsey Clark made that incredible statement within the first few days after the assassination of Dr. King. How—*without a single suspect in hand*—could Clark even pretend to know that only a single person was involved?

Clark is familiar to those who study the Kennedy assassination as the driving force behind what became known as the “Clark Panel,” a group of medical professionals gathered together to reexamine the medical evidence so poorly handled by the Warren Commission. But as this author has pointed out before,¹⁰ the people choosing the participants of this panel had long-standing, demonstrable ties to the intelligence community in general and the CIA in particular.

Clark is also famous to those who have studied Garrison’s case against Clay Shaw. Bill Davy, in his book *Let Justice Be Done*, shows that Clark had asked the FBI if they knew anything about Clay Shaw, and that he was told by Cartha DeLoach that Shaw’s name had indeed come up in the original December, 1963 FBI investigation “as a result of several parties furnishing information concerning Shaw.”¹¹ Clark asserted to the press, upon Clay Shaw’s arrest, that the FBI had checked him out already and found him in the clear. But since that immediately raised the question of why the FBI was checking out Shaw in the first place, the Justice Department issued a statement that Clay Shaw had *not* been investigated, and that his name had never come up. Despite Clark’s certain knowledge, he let the Justice Department put forward that lie.

Given his record in these matters, for Clark to say Ray shouldn’t have a trial, as he did in *The Nation*, but that a government panel should be convened to restudy the case, is remarkable. Did Clark really think the government, which produced the Warren Commission and the HSCA and failed to reveal the truth about either the Martin Luther King case or the Kennedy assassination, should have been given a chance to bamboozle us yet again?

Why did the calls for Ray to get a new trial bring forth such a barrage of criticism, and from people with such notorious records of covering for the national security-state? And if there was a conspiracy, as the evidence strongly suggests, in the assassination of Martin Luther King, could it really have been constructed by a bunch of racist businessmen in St. Louis, as the HSCA posited on wafer-thin evidence? Or is the story more complicated because it required the participation of intelligence agencies? Rather than attempt to summarize the works by Harold Weisberg, Mark Lane, Philip Melanson, and most recently William Pepper in this regard, a brief accounting of a few key problems should put this question in perspective.

Two Eric S. Galts

Eric S. Galt was one of the aliases used by James Earl Ray. But there is strong evidence that at least two people were using that alias at the same time. In the case of Lee Harvey Oswald, John Armstrong and others have presented solid evidence that more than one person was using the same identity. This is a common intelligence practice. For example, the name "Eduardo," a famous alias of E. Howard Hunt, was also usurped by James McCord. McCord was the former CIA officer who was arrested breaking into Watergate. Hunt and Sturgis shared aliases. J. Edgar Hoover put out a memo to the FBI at one point saying he thought someone else was using Oswald's birth certificate. This is standard procedure. Therefore, we should take notice that the FBI, in the earliest days of the investigation, was following the trail of not one but two different Eric S. Galts.

For example, on April 26, 1968, *Time* magazine reported the following:

By December, Galt was in Los Angeles, where he presented two distinctly different personalities. ... Dance Studio Manager Rod Arvidson remembers Galt's alligator shoes, lack of coordination, and quiet disposition ... If Galt was remembered

as shy and pleasant by most of his acquaintances, the Hollywood drinking crowd in the area of an apartment he rented and at the St. Francis Hotel, where he also stayed, recall him as an obsessive racial bigot, an abrasive patron who belted screwdrivers, dozed on the bar stool and bickered with anyone around.

Two days later, in the *New York Times*, in a surprisingly frank article by Martin Waldron titled "Weird Trail of King's Killer," Waldron outlines even more serious discrepancies:

For at least two weeks, there have been two separate investigations, one centered in Alabama, and one centered in Alabama and Georgia. FBI agents have been investigating two Eric Starvo Galts, two rifles, two white Mustang cars, two driver's licenses, and an airplane ticket. Some thought this might have been the result of a deliberate attempt by the murderer and possible accomplices to lay down false and conflicting trails ...

Eric Starvo Galt bought an Alabama driver's license last September when he was creating his false identity. He took the test on Sept. 6 and got his permanent license mailed to him on Sept. 30. Last March 1, when Galt was finishing up a bartender's course in Hollywood, Calif., Alabama was asked to send him a duplicate of the license. The duplicate was mailed to the Economy Grill and Rooms in Birmingham, and although Galt was in California the duplicate license was received and a bill accompanying it was returned to the driver's license division in Montgomery along with 25 cents ... Varied physical descriptions of Galt have been widely reported.

A *Newsweek* article demonstrated one way the FBI tried to explain the varying physical descriptions away: "...bureau insiders said he was taking amphetamines off and on and his weight might well have fluctuated sharply as a result."¹²

Clearly there were at least two people using the Galt identity. If there were two Galts, how can Blakey and Billings be so

certain that the Galt indicated by the laundry slips, assuming they were not forged in the first place, belonged to James Earl Ray's Galt and not some other Galt? And to add to the confusion, beyond two fake Galts there was a *real* Eric S. Galt, living in Canada.

It should also be mentioned here that Birmingham was one of the prime staging grounds for the CIA's ill-conceived Bay of Pigs invasion. Four non-Cuban participants in the invasion attempt died, leaving widows in Birmingham who received payments from the CIA, after their husbands' deaths through the Double-Check corporation.

And as the article stated, the weirdness doesn't end with the multiple Galts.

Two White Mustangs

Two white Mustangs, one of which ostensibly belonged to Ray, are part of the story. A white Mustang purchased by an Eric S. Galt was found abandoned in Atlanta after the assassination. Despite this having allegedly been Ray's getaway car, Ray's fingerprints were not found anywhere in the car. In addition, the car purchased by Galt and found by the FBI was an automatic, but men who remembered working on Ray's white Mustang told of how they worked on his clutch. Waldron reported in the article previously cited:

The young man with a pointed nose who the FBI said shot Dr. King drove away from the scene of the murder in a white Mustang. Another white Mustang parked about 200 feet further down the same Memphis street drove away about 10 minutes later.

And then, there was the fake Mustang radio chase. The *Time* article mentioned above also reported:

[There was] a mysterious radio call [which] described a continuing police chase after the Mustang. The chase went one way, the Mustang another, and the broadcast later was

discovered to have been a fake. The killer had been given his chance to escape.

In 1975, Dan Rather did a series of programs on the assassinations of the '60's. One segment of this four-part series was dedicated to the James Earl Ray case. In that show, which I was recently able to view, the radio broadcast is played. For years we have been told this was a hoax perpetrated by a teenager. I can personally attest that the voice was certainly not that of a teenager, and sounded instead like that of a middle-aged man. Once again, no one seemed to want to find the truth about who made the fake broadcast. It's unlikely someone not directly involved would 1) even know enough about what was transpiring to intelligently perpetrate such a hoax and 2) escape prosecution once the hoax was exposed. Yet someone did abet the escape of the real killer, and no one was ever prosecuted for interfering with a police broadcast.

Two Ramon George Sneyds

Another of Ray's aliases and the one he was eventually apprehended under was Ramon George Sneyd. But, as in the case of Eric Galt, there are multiple Sneyds involved, along with one real Sneyd, again from Canada (and who just happened to live within a few miles of Canada's only Eric S. Galt).

A mystery surrounds Ray's apprehension itself on June 8, 1968. The earliest press reports indicated that Ray/Sneyd had been arrested at Heathrow airport as he was passing through immigration *upon his arrival from Lisbon, Portugal*. But evidence soon surfaced that a Ramon George Sneyd had checked out of his London hotel the same morning that he was apprehended, after having been in London for some time. Then there was confusion as to the *time* he was arrested. Early reports claimed Ray was arrested at 11:15 a.m., London time. But then reports came out that he had been arrested at 6:15 a.m. London time. Then this became twisted to say America

heard about it at 6:15 a.m., because of the five-hour time difference. But on more careful study, it appears that Sneyd was apprehended twice *because there were two Sneyds*.

Respected London publisher Peter Dawnay followed this case closely and uncovered some very startling information. Dawnay found a passenger from the inbound Lisbon flight and heard the following strange tale told. The passenger claimed that in Lisbon, the flight had originally been delayed for an hour, but then a special Trident flight from London arrived and shortly thereafter, the Lisbon-to-London flight was called ahead of its expected delay time. Quoting from Dawnay's account as published in the *LA Free Press* of March 21-27, 1969:

When the passengers had taken their seats and the doors were about to be closed, an official came running over from the airport building with another man. Breathlessly he asked the steward how many passengers on board. Ninety six was the reply. "Then you have room for one more" said the official, indicating the man with him. Since subsequent accounts all said that there were ninety six passengers on that plane, it is clear that the additional passenger was not on the passenger list.

On arrival in London, the passengers filed into the airport building along a raised catwalk. As they did so, they were scrutinized by two senior officers from the Flying Squad at Scotland Yard, Superintendent Butler and Inspector Thompson, both in plain clothes. Suddenly they stepped forward and accosted a man, asking him to step aside. A few minutes later he was hastily taken in a Flying Squad car to Cannon Row police station in central London. The arrest must have taken place at almost exactly 6:15 a.m.

Dawnay calls this man Sneyd I. He then tells us what he found about the other Sneyd:

Almost three hours later [circa 9:30 a.m.], the second Sneyd (Sneyd II from now on) left his hotel and made for London Airport. At 11:15 a.m. he passed through immigration and

presented his passport, all unaware that a man who bore the same identity as himself had been arrested at the airport just exactly five hours previously. One look at the name in his passport was enough for the immigration official who immediately called in Scotland Yard's Special Branch which has an office at the airport. Detective Sergeant Philip Burch arrived and obviously had no alternative but to place the man under arrest. He was charged with carrying a forged passport and a loaded revolver.

Adding to the confusion was the fact that in James Earl Ray's pocket was an outbound ticket to Brussels for a flight scheduled at 7:50 a.m. If Ray had flown in from Lisbon, his apprehension would make sense. Why would the usually cash-conscious Ray have bought a ticket for a 7:50 a.m. flight, then leave for the airport at 9:30 a.m. It makes sense if Ray is the first Sneyd, but no sense at all if he is the second one. Adding support to the suspicion that Ray was not the Sneyd who checked out of the Pax Hotel is the fact that the man who checked out of the Pax Hotel at 9:30 a.m. was not identified as Ray by witnesses. Yet this second arrest became the official version in America. To Dawnay, however, Scotland Yard confirmed that they apprehended James Earl Ray coming off a flight from Lisbon. In addition, Dawnay found another pattern. Sneyd I was described as having a southern American accent, whereas Sneyd II was described as having a Canadian accent. There is much to ponder here.

Two Guns

Perhaps the most salient discrepancy, given the current media-generated controversy over whether or not the gun that has long been alleged to be the murder weapon should be tested, is the fact that originally the FBI was looking for *two* guns. Returning again to Waldron's "Weird Evidence" article:

Dr. King was shot. ... By a bullet fired from a Remington 30.06

caliber rifle. A rifle of this description was stolen from a Memphis gun dealer on April 2. Another rifle of the same description was bought at the Aeromarine Supply Company, in Birmingham, Ala. on March 30, 1968 by Eric Starvo Galt. The Birmingham rifle was found outside the Memphis flophouse where the shot was fired ...

One has to wonder why the FBI, which—as of April 28—was still not sure which rifle killed King, didn't run their own tests on the weapon they *did* have. Why were they concerned with a second rifle if they already knew they had the murder weapon? The only answer is that they *weren't* sure, for whatever reason. Maybe they *did* run tests, and didn't like what they found, and had to keep looking. That would also explain the vehement opposition from some quarters to having the rifle tested in 1997.

Shelby County Prosecutor John Campbell expressed his opposition to any moves that would have led to a new trial for Ray. Campbell made a most interesting statement, perhaps a Freudian slip. He said, "If we are ordered to try him, it would be pretty much the same as releasing him."¹³ That was likely true, had Ray been able to get a fair trial. The government's case against Ray has always been tenuous. And the only person to ever, however hesitatingly and qualifiedly, identify Ray as having been at the rooming house (never mind shooting) at the time of the murder was Charles Stephens, a man so drunk a cab driver refused to take him anywhere that day. Imagine how drunk one would have to be to be refused by a cab driver.

Campbell, amazingly, claimed Stephens' eyewitness identification was compelling. "Of course they will say that," said Campbell, referring to critics of the prosecution's case who cited Stephens' drunkenness. But there's an even more compelling reason not to believe Stephens' identification—from Stephens himself. Campbell must have been talking about himself when he said, "Americans are bad historians. Nobody has any idea what's been happening in this case ..." Campbell evidently does not know that Charles Stephens could not

identify a photo of James Earl Ray as the man he remembered seeing when Ray's photo was shown to him on camera during the CBS special mentioned earlier.

McCullough or not?

An interesting development generated a mini-controversy over the identity of the man in the famous photo of King's associates all pointing up towards the rooming house while a single man is bending down examining King. That man has for years been identified as Marrell McCullough, a police informant and long-rumored CIA employee.

In an April 7, 1997 article, Jack E. White of *Time* magazine reported that the claim that Marrell McCullough was the man pictured was false. That man, wrote White, was really *New York Times* reporter Earl Caldwell. Does White read his own stories? Under his own byline, in February, White had written about Earl Caldwell. He described him as being on the *first* floor at the time of the shooting. He even tells how Caldwell ran to the embankment between the rooming house and the Lorraine motel, the location from which many researchers believe the real killer fired the shot. Caldwell, White related, said he saw a "shadowy figure" crouching near the edge of that embankment right after the shot, "focusing his attention on the balcony where King's aides were hovering around the fallen civil rights leader." How then, just over a month later, could White claim that now Caldwell was with King on the second floor?

He can't. Why is this important?

Sam Donaldson did a *Prime Time Live* segment featuring Dexter King's meeting with Ray, and the hurdles to getting a new trial for Ray. But curiously, the *Prime Time* segment ended on a remarkably interesting note. Since it has long been rumored that McCullough worked for the CIA, Donaldson reported that ABC called the central switchboard at CIA and asked to speak to Marrell McCullough. The call was transferred

and a voice answered. The caller asked McCullough if he knew Loyd Jowers. (Jowers was the man in 1993 who, in an earlier *Prime Time Live* segment, had claimed he had been hired to find a man to kill King, and that Ray was not the man he hired.) McCullough said yes, he knew Jowers, and what was the call about. When he was informed this was in relation to the King assassination, McCullough abruptly ended the call. It seems the effort to protect McCullough was suddenly in free fall.

In what could be viewed as a limited hangout, Jack E. White in *Time* magazine on April 14, 1997, wrote:

For years, conspiracy theorists who believe that the U.S. government plotted the murder of Martin Luther King Jr. have focused on Marrell McCullough, an undercover Memphis, Tennessee, policeman who was seen crouching beside King's body moments after the civil rights leader was shot ...

Last week *Time* confirmed from U.S. government sources that McCullough has in fact been a CIA agent since at least 1974. McCullough denies being on the intelligence agency's payroll at the time of the murder and, for that matter, being part of any assassination conspiracy.

No mention was made that White had previously tried to identify McCullough as someone else. McCullough is now circled in the very photo White claimed earlier showed Caldwell.

Despite the media attempts to close this case, it continued to move forward. When Judge Brown's court was granted authority to order the rifle tested, Judge Brown ordered the testing to be scheduled immediately. The defense, perhaps caught off-guard when the permission to retest was granted so quickly, asked for some time to prepare.

Meanwhile, state prosecutor Bill Gibbons called for Congress to release the records from the Martin Luther King assassination investigation. Opposing voices claimed the records may damage the reputation of Martin Luther King. But

Ray himself had a suggestion for the handling of personally damaging, but ultimately irrelevant data. As he said in his interview with Dexter King:

I think that some kind of small committee could look at these records and if there is anything in there that maybe shouldn't be appropriate you could throw it away. It's not relevant to your situation or my situation. I think too—all these scandals and all—don't have no place in a court of law as far as I'm concerned. The things that should be relevant should be the facts of the case.¹⁴

And why should outside parties have cared when it was the King family themselves looking for the truth in the case? Who were they trying to protect? The King family deserved answers as much, if not more, than Ray. And no one who cared about the King family could pretend that obstructing the final exercise of a trial was in any way in the family's best interests. Dexter made very clear both why he and his family cared, and the level of their commitment to the cause:

While it's the 11th hour, I've always been a spiritual person, and I believe in Providence. I believe in divine intervention. I believe that in some way, we will make a way out of no way. ... As my father used to say, we are all caught up in a mutual garment of destiny. What affects one directly affects all indirectly.

In a strange sort of way, we are both victims. I have personally carried this for a long time. My family has carried this burden. So we will do everything in our power to try to bring what has been in the dark, what has occurred in the dark, to the light.¹⁵

¹ *Three Assassinations, Volume 2* (New York: Facts on File, 1978), p. 245. Fauntroy's original charge was made 4/27/77.

² William Pepper, *Orders to Kill* (New York: Carroll & Graf, 1995), pp. 53-54

³ Mark Lane and Dick Gregory, *Murder in Memphis* (formerly

Code Name: Zorro) (New York: Thunder's Mouth Press, 1993), pp. 232-233.

[4](#) CIA Memo from Donald Jameson, Chief SR/CA, dated December 11, 1962.

[5](#) Lane and Gregory, pp. 230-251

[6](#) Warren Hinckle & William Turner, *Deadly Secrets* (formerly *The Fish is Red*) (New York: Thunder's Mouth Press, 1992), pp.188-194.

[7](#) *Three Assassinations, Volume 2*, p. 233.

[8](#) Lane and Gregory, pp. x-xvii.

[9](#) Pepper, p. 33.

[10](#) See "The Formation of the Clark Panel: More of the Secret Team at Work?," *Probe* (November-December, 1995).

[11](#) Bill Davy, *Through the Looking Glass: The Mysterious World of Clay Shaw*, p. 34.

[12](#) William Pepper, p. 41.

[13](#) Sue Anne Pressley, "Historic Interests Meet at Memphis Crossroad," *Washington Post* 2/27/97

[14](#) CNN Live report, March 27, 1997.

[15](#) *Ibid.*

August 29, 1967

Dear Dick:

Two days ago a reporter and a photographer from your magazine called me up, referred to you, and came to my house. Their names escape me; one had a Spanish name, another Arthur something. They constantly referred to my conversations with you and then showed me the pictures of some Cubans involved in the unsuccessful invasion of Haiti. They asked us some questions about HLO but mostly about the situation in Haiti.

Naturally I did not say much, because I have a pending suit against Haiti, nor was I familiar with any of the characters they had mentioned.

Now I am wondering if they were actually people from

your magazine; they took some pictures of us and of our dogs.

Anyway, I did not say anything of importance and I did insist that nothing should be printed about us.

However, they both did know of our conversations, so I presume that they actually were from Life and that my doubts have no foundation. Please let me know. In the future I shall ask anyone who will come over for their credentials.

Both my wife and I are anxious to see you again in Dallas.

Sincerely yours,

/s/

George de Mohrenschildt

(Letter to Dick Billings referenced within)

Memphis vs. Joe Brown: The Struggle for a New Trial

By James DiEugenio

On August 11, 1997, Shelby County Criminal Court Judge Joe Brown stated that, due to the District Attorney's reluctance, he might seek the appointment of a special prosecutor in the James Earl Ray case. In an order setting August 19th as the next hearing date, the judge wrote that the state seemed opposed to discovering the "true facts" of the matter and because of this obstinacy, "The patience of this court has been very sorely tried." Further, Judge Brown added, "The State appears singularly opposed to vigorously proceeding to ascertain the true facts of this case." He characterized the prosecutors as being "further opposed to recognizing let alone protecting the interests of the family of the victim, the late Dr.

Martin Luther King Jr.”

There seems to be enough evidence to indicate that Brown was correct about the reluctance of the Memphis DA’s office to vigorously pursue Brown’s evidentiary proceeding to its fullest. Brown had been trying to refine the process of testing the alleged rifle that James Earl Ray had in Memphis and which was supposedly used to kill King there in 1968. The first round of tests came back inconclusive in July. There was a marking on 12 of the 18 bullets test fired which was not on the 1968 death slug; this may have been caused by a buildup of residue in the barrel from the test fires or from a metal defect in the rifle barrel itself. Brown suggested cleaning the barrel to determine the origin of the marking.

State attorneys, led by John Campbell, objected to this procedure. Campbell argued that cleaning the rifle with brushes would alter the identifying markings left on any subsequent bullets fired. He then added: “All you’re going to do is increase the controversy in this case.” Ignoring that remark, Judge Brown also told attorneys to acquire the previously fired test bullets shot by the FBI in 1968 and the House Select Committee on Assassinations in 1978. On July 18th, prosecutors announced to the press that the FBI could not find the original 1968 test bullets. Lee Coffee, an assistant DA, said he had been told, “They have been able to locate copies of the lab notes only. They have not been able to find the bullets.” Later in the month, the Bureau said they *had* found the bullets. Campbell then told the Associated Press:

To think that now, all of a sudden, we’re going to be able to do something with these bullets is really pushing it. As much as people may want this gun to tell them something, there’s just a limit to how much you can expect it to do.

After Brown’s comments about a possible special prosecutor, Campbell again fired a shot at Brown: “This is going completely out of control. He basically wants to conduct his own Warren Commission [and] that’s going too far.”

It seems that the powers that be in Memphis were siding

with Campbell. Brown's colleague on the bench, John Colton, ordered the transcripts from an April administrative hearing delivered to his office. That hearing and a subsequent appeal decided that Brown's court (Division 9) could hear Ray's appeal even though Ray's original plea in 1969 was in Colton's court (Division 3). This was an issue that the DA's office has also raised in the press.

Campbell seemed to have an ally in the local newspaper. The *Memphis Commercial Appeal* tried to make an issue of who should be made to pay for the costs of the test firings done by Ray's defense team. This issue made the top of the front page on July 18th. The next day, the *Commercial Appeal* ran an editorial which quoted the DA's office and their witnesses calling the whole proceeding a waste of time. That editorial was typified by its opening statements, which claimed "More than one person may be milking the James Earl Ray case. Possible motives include these: publicity, money, and orneriness." It ended with these comments: "What does Brown want? He may be a bigger mystery than the rifle."

There is little doubt that what Brown was doing was not business as usual in the King case. When prosecutors challenged his actions in court by saying he had stepped over the line from being a judge to becoming an advocate, Brown retorted: "We're trying to get the facts. Dr. King is in his grave, a national hero, a world hero. And I'm ... getting to the facts." Brown was also forceful on getting the original 1968 round of test results:

The federal government has impounded that evidence and sealed it for the next 50 years. The court thinks, among other things, that justice might be served if we were able to examine those bullets and the court feels the state of Tennessee has a claim on evidence that pertains to this case.

Brown recognized that other investigative bodies, including Ray's first lawyers, had not exactly been vigorous in their pursuit of truth in the case. As a judge, Brown has never been afraid to try new and innovative methods when others have

been shown to be ineffective. In regard to alternative sentencing, Brown has said:

What I do see is what's been tried in the past has not worked. Otherwise, if it had, the situation would not be as it is now. Something new needs to be tried.

Indeed. It's also a bit perverse that because Brown was actually intent on pursuing a fair hearing for Ray, and genuinely trying to get to the bottom of whether or not Ray fired the fatal bullet that killed King, that people got edgy and uncomfortable.

In his August 11th announcement, Brown also seemed to be leaning toward another round of test firings. Brown suggested finding a way to clean the rifle without damaging the inside of the barrel. Brown signed an order that same day requiring the FBI to produce the bullets for the next hearing.

These new developments have continued to give the King case a high profile in the media. On June 8, a creditable piece written by Jim Lesar appeared in *The Washington Post*. In an interview with this author, Lesar provided us some insight into how major papers like the *Post* handle high-profile cases like this one. Lesar told this author the piece finally printed was his third effort. His original, much stronger, piece questioned the original guilty pleas by Ray. It minutely examined the questionable methods and ethics used by his original lawyers—Percy Foreman and Arthur Hanes—and author William Bradford Huie in coercing him into pleading guilty, an action Ray now regrets. He backed this up with evidence discovered in proceedings against Foreman when he was acting as Ray's lawyer in the '70s. All of this was cut out of the piece because the *Post* editors told Lesar that Ray was, "presumed guilty." Presumed guilty by whom, the *Post*?

On the good side, Bob Scheer of the *Los Angeles Times* wrote a vigorous piece (7/15/97) questioning J. Edgar Hoover's role in the death of King. But the real surprise was the *New York Times*. On July 6th, it ran an unsigned editorial titled "The Amnesty Option." This was a response to the King family's wish

as expressed by Andrew Young on ABC's *Turning Point* in June. The opening lines of the editorial read:

Crimes that tear the soul of a nation should not be left unexamined or obscured by mystery. South Africa has shown the healing power of truth as it looks back at the crimes of apartheid ... But it is also true that contemporary American society is still haunted by some unresolved questions that nag at the national conscience. Such questions, if left unresolved, promise to provide fodder for conspiracy theorists for decades to come.

The editorial then noted two traumatic incidents that "have proved especially fertile for conspiracists," namely the JFK and MLK murders. Although the *Times* had reservations about the process, it did say "we see enough merit in the idea to recommend a broader national discussion." It then recommended that the Clinton administration consider the concept.

Significantly, the *Times* noted that the clock was running out on the window of opportunity: "The lifetime of unidentified witnesses and conspirators, if they exist, is fast running out." To dramatize that thought, Frank Holloman, who was police and fire director in Memphis in 1968, died eleven days after the *Times* editorial appeared. Holloman would have been a prime witness either in a new trial for Ray or before a Truth Commission. Not only did he run those two important departments, but prior to that, he had been an FBI agent for 25 years. In seven of those years, he was in almost daily contact with Hoover as inspector in charge of the director's office.

It seemed a bit late in the day for the *New York Times* to change its tune. If the major media had poured their resources into any of the major assassinations of the '60s when they occurred, time would not have been "fast running out." One thing the *Times* and other media could do is push for the declassification of all the files on the King case. This would help decrease the anxiety of conspiracy theorists like us.

Murder In Memphis Again

By James DiEugenio

Was there a conscious, coordinated effort to undermine any hope for a new trial for James Earl Ray in the Martin Luther King case? Or could the strange events that unfolded in Memphis be chalked up to the incompetence and miscalculations of Ray and his allies?

In July 1997, Joe Brown, at Ray lawyer Bill Pepper's request, attempted to resolve the issue of whether or not James Earl Ray's rifle could have fired the alleged bullet that killed King on the terrace of the Lorraine Motel in April of 1968. Because a round of test firings, also requested by Pepper, had proved inconclusive, Brown had tried to dig up the bullets test fired by the FBI in 1968. At the end of July, the bullets were found by the Bureau. The FBI lab notes on the 1968 test firings, like those by the House Select Committee on Assassinations (HSCA) in 1978, claimed inconclusive results as to whether Ray's 30.06 Remington hunting rifle had fired the fatal shot. So Pepper and his local Memphis partner, Wayne Chastain, were on the verge of asking Brown for further testing.

At this point, two things happened. First, Ray's legal team began to split apart, and second, the local District Attorney's office began a successful attempt to derail Brown's efforts to find cause to reopen the case.

Concerning the former, Ray's defense team began to break apart over an internal dispute that seemed to pit Pepper and Chastain against Jack McNeil who, like Chastain, is a local Memphian. The dispute appeared to be over McNeil's unexpected meetings with James Earl Ray and his authorization of other people to see Ray (*Memphis Commercial Appeal* 7/23/97). At this point Pepper tried to fire McNeil. But McNeil refused to step down, saying that only Judge Brown could remove him from the case. Simultaneous with this infighting, Mark Lane tried to enter the case as an ally of another lawyer trying a different tactic. Lane joined local attorney Andrew Hall

in trying to get a grant of clemency for Ray, which of course would have precluded a new trial. Lane was quoted in the *Commercial Appeal* (7/22/97) as saying that he had “very strong doubts about Pepper’s credibility.” This was based on the June 19th ABC ambush of Pepper with a living Bill Eidson, a former Special Forces agent who Pepper depicted in his book as dead. According to Pepper, Eidson was one of the Army snipers ordered to Memphis to assassinate King as part of a contingency plan. Because of this, Eidson filed a libel action against Pepper. Lane also added, appraising Pepper’s performance: “He’s taken very strong evidence and fouled it.” By November, Hall was saying that Pepper had sabotaged his clemency bid by convincing supporters not to send letters to the governor.

Fights All Around

At the beginning of August, an even stranger episode took center stage. To join the dispute amongst lawyers, a dispute between judges now broke out. Earlier motions in the Ray case had been heard in the court of Judge John Colton. But in 1994, through a routine rotation assignment, Pepper’s request for new rifle tests ended up in Brown’s court. In April 1997, the Tennessee Court of Criminal Appeals rejected the local District Attorney’s argument that Brown did not have the authority to proceed with the testing. Most thought that this decision had settled the jurisdictional matter. Apparently it had not. For on August 5th, Judge John Colton ordered the clerk of court’s office to confiscate the Ray case files from Brown’s office. This order was based on a report from special court-appointed master and University of Memphis law professor Mike Roberts. His report said that Brown’s care for the files was so haphazard that their present condition “imperils any possible retrial of this case.” Roberts’ report also questioned whether or not Brown should be presiding over the present hearings, since Ray had entered his 1969 guilty plea in Criminal Court Division

3, where Colton presides today. Roberts' report was filed with the Court Clerk while Brown was on vacation in Jamaica.

The day after the Colton-Roberts maneuver, prosecutor John Campbell filed a motion to dismiss the Pepper-Chastain request for a new round of testfirings. Campbell's motion stated:

The proposition that his right to ask for testing is unlimited and can continue until the defense obtains the results it likes is totally unreasonable and would amount to an abuse of discretion by the court.

At the same time, Roberts announced through the *Commercial Appeal* (8/7/97) that he was preparing a final report questioning Brown's authority to hear the case at all. He also predicted that the pressure on Brown would mount, leading to a meeting with a presiding judge to resolve a dispute over who should hear the case.

The *Commercial Appeal* now openly joined the effort to stir things up. On two consecutive days, August 8th and 9th, it ran derogatory lead editorials about Judge Brown. The first was headed "More Circus: Ray Confusion Grows on Judge's Vacation;" the second was titled, "Ray Fiasco: Transfer is a Solution; Talks Also Would Help."

Brown fired back in a phone interview with the newspaper while still on vacation. He said that the Colton-Roberts maneuver was motivated by local Republican politics and was a ploy to try and wreck his credibility. Brown further added that, "It's ridiculous, it's disgusting and it's partisan politics." In response to this, Colton made a comment that revealed a certain empathy with local prosecutor John Campbell. Colton said that Brown was "absolutely correct" in overseeing the original round of rifle testing approved by the appeals court, but then suggested that Brown had overstepped that original authority. Colton stated, "It has been determined that he [Brown] should make the ruling on that issue and that issue alone." Previously, Campbell had expressed concern that Brown was conducting an open-ended inquiry when the judge had requested the original FBI test bullets for comparison

purposes.

At this point, the FBI stepped forward. U.S. Attorney Veronica Coleman said that the Bureau would agree to turn over the 1968 test fires to county prosecutors “upon a proper request.” Campbell responded that his office would request that the Bureau turn over the 1968 test bullets on the condition that the defense paid for further testing. Also, the *Atlanta Journal-Constitution* on August 15th noted that one of the grooves found on the 1997 test bullets was not mentioned in the examiner’s notes from the 1968 FBI test-firing.

Prosecutor Roberts?

On August 16th, Court Clerk Bill Key did something he previously stated he would not do. He delivered an order to Brown’s office seeking the return of the Ray files to him. On more than one occasion, Key had said he would not do this until Brown had returned from vacation on August 18th.

On the 18th, the day before Brown was expected to rule on another round of test-fires, two more surprises took place. First, Colton appointed Roberts as a special prosecutor to look into the King case. Campbell immediately filed an emergency appeal over Colton’s action, claiming Colton had no authority to name Roberts as a special investigator with subpoena power. Campbell commented: “He’s basically going to convene his own little grand jury, I guess. He’s going to take evidence and then seal it ... I don’t really know where he’s going on it.”

Roberts agreed to put his probe on hold until the appeal court ruled on Campbell’s motion. Tennessee Attorney General John K. Walkup joined in Campbell’s appeal. Now, whether willy-nilly or not, a formal challenge had been mounted and filed over Brown’s proceeding and authority. It would be impossible for a court to rule on Colton’s actions without touching on Brown’s. Roberts seemed to invite the challenge to his new and surprising authority. He said to the Commercial Appeal on August 19th, “If someone wants to challenge it, let

them challenge it, and it will go up to the Court of Criminal Appeals.”

The combined appeal stated:

Judges Brown and Colton are doing harm to the justice system because of the confusion they have engendered. The public can have no confidence in the reliability of any decisions, which may eventually be entered in the wake of these orders.

Meanwhile, the State Attorney General in Shelby County, Bill Gibbons, asked the FBI to turn the 1968 test bullets over to the local Criminal Court Clerk’s office. Gibbons also said that he was investigating “every credible lead.” He then qualified that by saying:

Our position is that James Earl Ray murdered Dr. King and is exactly where he belongs—in prison. The one remaining issue is if anyone helped Ray.

Before Roberts’ inquiry was halted, Colton issued some interesting insights into how it was to be conducted. On August 20th, he told the *Commercial Appeal* that Roberts would be working without a fee and no court reporter would be assigned to him when taking testimony. He expected such costs to be paid privately, perhaps by Roberts himself.

On August 21st, Colton and Brown met in the office of Probate Court Judge Donn Southern, who also serves as presiding judge of Shelby County’s state trial courts. It was a closed meeting and both judges refused to comment as they left. Southern did issue a statement saying that there should be no more public feuding and that such feuding had had a negative impact on the court’s work.

On Friday, August 29th, the three-judge appeal court panel sharply criticized both Brown and Colton on the grounds that both had overstepped their power to investigate Ray’s claims. The court voided Colton’s order giving subpoena power to Roberts. The judges stated that Colton did not have jurisdiction to act and had usurped the prosecutor’s authority to investigate crimes. The court ruled that Brown, under narrow

constraints, could continue testing the rifle. But it shackled his efforts by voiding his order that the FBI turn over the 1968 test bullets for comparison purposes and also demanding that Ray, not the state, pay the bill for the testing. The first round of tests had cost \$18,000. The court found that Brown had crossed the line from adjudicator to investigator and that he had exceeded his authority in several ways, including his criticisms of the DA's office and his receiving sealed documents, which created "an appearance of secrecy."

Junking Judge Brown

Within a week of this ruling, the DA's office moved to get Judge Brown taken off the Ray case. On September 3rd, motions were filed asking Brown to step down from the case on the grounds that he had made false statements, engaged in conversations with the defense, and was lacking in objectivity. The motion asked that the case be reassigned to another judge. At first, Brown made no overt move to answer the motion.

In the interim, Andrew Hall tried another alternative to free Ray. Working with Mark Lane, Hall drew upon a technicality in old Tennessee law. Days after pleading guilty to King's assassination, Ray sought to withdraw his plea in a letter to Shelby County Criminal Court Judge W. Preston Battle. Battle died of a heart attack days later, before he could rule on Ray's request. The law had stated that a new trial should be allowed when a judge dies while considering such a motion. On September 18th, this bid was dismissed by Judge Cheryl Blackburn. The judge decided that since the law had been altered in 1996, it did not apply.

By the second week of September, Brown seemed to be withdrawing from the case. Admonished by the appeals court, attacked by the DA, constrained by what Ray's defense team could afford in the way of further rifle tests, Brown made no more rulings on the case. In November, he flew to Los Angeles to tape a pilot for a television syndication deal with Big Ticket

Television, the producers of *Judge Judy*. Commenting on the initial taping, Brown said, "I had a ball. It was fun." (*Commercial Appeal* 11/4/97) (The pilot was clearly a success, as the *Judge Joe Brown Show* is now on the air.).

With Brown temporarily out of the picture, the local DA's office, with state attorney Bill Gibbons in tow, now took over whatever investigation was left.

Bizarre Bazaar

On September 5th, Gibbons wrote a letter to Roberts asking him for whatever information he had garnered while he was special prosecutor for Judge Colton. Roberts replied in a letter to Gibbons that an investigator from Gibbons' office had threatened to charge him with obstruction of justice if he didn't tell what he knew. He added that people "in your office have chosen to threaten me as a way of attacking Judge Colton." Roberts also added that he felt troubled about "revealing allegations made by citizens claiming the killing of Dr. King was not being adequately investigated." (*Commercial Appeal* 9/11/97)

Gibbons then decided to go public with his own beliefs on the subject:

James Earl Ray is a professional con man who very much wanted attention. This is a guy who had very, very low self-esteem and saw assassination as a way to improve it basically. I think that was the primary motive.

Gibbons added that, "There is a pretty good possibility that he had some help." Gibbons' ideas about a very limited kind of conspiracy, with Ray as the trigger man, are reminiscent of those of HSCA Chief Counsel Robert Blakey, and the *Commercial Appeal* (9/17/97) revealed that local DA's John Campbell and Lee Coffee had traveled to Indiana in September to talk to Blakey about his views on the King case. After the meeting, Campbell told the paper that Blakey's congressional

committee “still came down to the conclusion that James Earl Ray killed Martin Luther King.”

By September the status of the case boiled down to two separate branches, both rather weak. One consisted of Andrew Hall and Roberts (Lane seemed to be out of the picture at this time). In November, they announced they would team up on a new effort to free Ray by arguing that he was mentally incompetent when he pleaded guilty in 1969. The plea was coerced since he was suffering from isolation and harassment while in jail. The Hall-Roberts teaming was of short duration. Hours after appearing before Judge Colton, Roberts was fired, ten days after he started working. Hall said that Pepper was behind the termination. Jerry Ray, James Earl Ray's brother, said Pepper called Ray in prison and told him he had too many lawyers at work for him. By November 11th, Wayne Chastain, Pepper's former partner, also announced that he was leaving the case.

The second branch consisted of Chastain's former partner, Jack McNeil, who returned to the case after being separated from Pepper and Chastain. McNeil was now hooked up with detectives John Billings and Ken Herman, two local investigators who had long been delving into the King assassination. Gibbons and Campbell subpoenaed the two gumshoes to have them appear before the county grand jury to present all evidence they had of a conspiracy in the King case. The two detectives had worked for Pepper before, especially on the Raul side of the case. A man Ray calls Raul squired him around Canada and the U.S. paying him large amounts of money to be a courier in what seemed to be a gunrunning operation. Ray and Pepper are now convinced that Raul played a major part in setting him up to take the fall in the King case. Billings and Herman both believed that the subpoenas were issued so the evidence they had would not be presented before a grand jury independently of the DA's office, which is what McNeil had been attempting to do. In late September, a three-person panel made up from the grand jury, and headed by foreman Herbert W. Robinson, was handed a set of affidavits

by McNeil. By Tennessee law this panel would review the evidence before deciding if the grand jury should investigate further and/or indict someone. McNeil's affidavits and evidence centered on two people: the mysterious Raul, and former Memphian Loyd Jowers. Jowers was the man who claimed on national television in 1993 that he paid \$100,000 to have King killed. Amid the evidence turned over by McNeil to Robinson was a tape of that interview, and an affidavit by one Glenda Grabow who claims to have known Raul. Grabow is the person who Pepper calls "Cheryl" in his book *Orders to Kill*. (Incidentally, Pepper gave her real name away in the book. In photo #24, he calls her "Cheryl," yet in the caption to photo #27, a drawing of Ray lawyer Percy Foreman, he calls her Glenda Grabow.) In the accounts in the *Commercial Appeal*, it appears that Grabow has expanded her story a bit. She now appears to be saying that Jack Ruby knew Raul also.

To this latest effort, Robert Blakey responded through the *New York Times* (11/23/97):

There is a difference between suspicion and evidence. The government has to respond to these suspicions. But I am extremely skeptical of the underlying credibility of any of the evidence. These people are forcing the government to chase ghosts.

In December, while the three grand jurors were visiting the scene of the 1968 shooting, the Lorraine Motel, Herman and Billings visited Dallas. Apparently they were trying to shore up the new Jack Ruby side of the Raul story. Meanwhile, on December 1st, the Associated Press ran a wire story saying that Pepper and others had misunderstood the Army Intelligence side of the supposed assassination story.

Now retired, Colonel Edward McBride, who oversaw the 111th Military Intelligence Group's Memphis operations, said the reason King was under surveillance was only to monitor whether or not a riot would break during his visits and if any troops were needed to be sent into a city to restore order. Another agent of that group, Jimmie Locke, was quoted as

saying, "We weren't particularly concerned except that he might be the catalyst for an event of some kind." The 111th is the military group that Pepper says sent a military sniper team into Memphis the day of King's murder. It is also the group to which, Pepper says, local undercover agent Marrell McCullough's reports eventually went.

On December 10th, *Newsday's* Michael Dorman reported on the final developments in the Herman-Billings Dallas investigation. Apparently, the two investigators ran into Beverly Oliver. Oliver claims to be the so-called "Babushka Lady" who is seen holding a camera in pictures of President Kennedy's fatal trip through Dealey Plaza in Dallas on November 22, 1963. The woman had a camera in her hands and probably took some very valuable photos of the assassination. Yet no one had ever seen the pictures or found out who she was. In the 1970s, researcher Gary Shaw of Cleburne, Texas said that he had discovered that Oliver was the mysterious woman. Oliver made claims that she worked at Ruby's club, saw Oswald with Ruby, and saw Oswald's friend David Ferrie at Ruby's also. Yet, when Oliver Stone's researcher on *JFK*, Jane Rusconi, checked on the camera Oliver said she had in Dealey Plaza, it turned out the model was not for sale in America at the time. According to Dorman's report, she now told Herman and Billings that she saw Raul at Ruby's club also.

After making a presentation to the three-member panel in mid-December, McNeil announced he was seeking indictments against Jowers and a New York man he (and Pepper) thought was Raul. According to the *Commercial Appeal*, Jowers is now saying that four Memphis police officers were in on the plot to kill King. After the presentation, McNeil told the press that he felt the three-man panel was "genuinely interested." He continued, "It was a very good meeting." Evidently, McNeil got the wrong impression. On December 18th, the panel rejected McNeil's request for a re-examination of all the evidence and a reopening of the case to the full grand jury. In a letter to McNeil, Herbert Robinson said that the panel found "there was

not sufficient, credible information presented in this matter to warrant an investigation by the Grand Jury.”

Death by Media

That this inquiry was now, for all intents and purposes, dead, it was in no small part due to the role of the mainstream media. The *New York Times* apparently decided to go after Dexter King. Dexter was the member of the slain leader’s family who most openly allied himself with Pepper. He had also talked with Ray in a nationally televised meeting on CNN. He appeared on many talk shows discussing the conspiracy angle in the King case and the need for a new trial for Ray. In a syndicated story that was published by many papers in mid-August, *Times* reporter Kevin Sack attacked the King family for not doing more to promote MLK’s legacy of civil rights activism. Sack wrote that the family was preparing “to transform King’s legacy into a financial empire.” (This refers to a proposed deal between the King family and Time-Warner over intellectual property rights to King’s speeches and images.) Sack honed in on Dexter’s role in this as the new executor of MLK’s estate. He also attacked Dexter for backing Pepper’s book and the British-based attorney’s efforts to free Ray.

Meanwhile, James Earl Ray’s condition continued to weaken. In October he was sent to Columbia Nashville Memorial Hospital in serious condition. This was his eighth visit that year. Ray was dying of cirrhosis of the liver. Tennessee hospitals refused to consider him as a transplant candidate because of his age (69), and prison officials refused to pay for an out-of-state operation. He had been approved for a liver transplant at the University of Pittsburgh, but couldn’t be placed on a waiting list until he made a payment of \$278,000. Because of this, Pepper and King family friend Rev. James Lawson were trying to raise money through a fund supporting this cause.

Still, the sad spectacle chronicled above cries out for

explication. What was John Colton's motivation? Why did Roberts and Colton spring their surprise on Brown while he was on vacation? Did their agenda coincide with that of Campbell and Gibbons? Why did Roberts, as Ray's lawyer, try to pursue the case in Colton's court when the jurisdictional matter had been decided in Brown's favor twice already? Does McNeil really find Beverly Oliver credible? Did Pepper fall for two deceptions: Captain William Eidson's "death" and the Grabow/Cheryl association with Raul? Why did Pepper not temporarily move to Memphis to be sure no internecine feuds could wreck the opportunity of a lifetime?

Future historians of King, and his assassination, have these and more questions to sift through in order to explain the most recent reversal in the King chronicles. Whatever the forces behind these new twists, Judge Brown has now effectively joined the ranks of Jim Garrison and Richard Sprague as those too passionate in their efforts to find the truth about the assassinations of the '60s.

Fatal Justice: The Death of James Earl Ray

By James DiEugenio

On April 23, 1998, James Earl Ray, alleged assassin of Martin Luther King, died after a long bout with kidney and liver ailments. For two years, Ray had been denied the opportunity for a liver transplant by Tennessee authorities. Ray was also denied an opportunity to live out his last days with his brother Jerry Ray who lives in a trailer park outside of Memphis. The day of his death, Coretta Scott King, widow of MLK, issued a rather eloquent statement about Ray's passage:

We were deeply saddened by the death today of Mr. James Earl Ray. This is a tragedy, not only for Mr. Ray and his family, but also for the entire nation. America will never have the benefit of Mr. Ray's trial, which would have produced new revelations

about the assassination of Martin Luther King Jr.

Predictably, the major media did all they could to drown out Coretta King's voice. Instead, they propagandized over the not yet buried body of Ray. The *Los Angeles Times* wrote that Ray "confessed to killing civil rights leader Martin Luther King" which, as we shall see, he never actually did. In its May 4th issue, *Time* magazine called Ray a "convicted assassin." Both publications played to the hilt the "growing paranoia about government conspiracies" (*L.A. Times* jargon) that supposedly haunt Americans over the assassinations of the '60s. Both publications went out of their way to ridicule advocates of those theories. *Time* declared that "the King family has offered not a shred of credible evidence to support their charges of a wide-ranging conspiracy." The article went on to blast Ray's last lawyer, Bill Pepper, as "either a credulous buffoon or a con artist." In the May 4th issue of *The New Republic* a similar lecture was delivered. This time the target was Attorney General Janet Reno, who was advised to quickly dismiss the King family plea for a new Justice Department investigation. The grounds for this quick rejection: it's just another conspiracy theory.

The *San Francisco Chronicle* was a bit fairer in the wake of Ray's death. They were more (but not completely) accurate by explaining Ray's decision to plead guilty as a way to avoid the death penalty. The *Chronicle* went on to add that Justice Department spokesman Myron Marlin said that the department's review of the King assassination, based on information sent them by the Kings, would continue in spite of Ray's death. Ray's brother Jerry was quoted as saying, "Like I told James before he died, the rest of my life I'll fight to prove he's innocent."

The *Chronicle* coverage also offered some possible insights into why Judge Joe Brown was stopped from holding further hearings on evidence that could have resulted in granting Ray a new trial. Billed as his first public comments on his forced removal from the case, Brown stated that he did not believe the adduced rifle in evidence was the actual murder weapon.

Brown propounded on this by adding that the death slug removed from King is not from the same lot as the spent casing found inside the rifle or from bullets recovered from the weapon. He also added that the .30-06 Remington was a pump action rifle and therefore could not have been leaning against a windowsill as the original prosecutors said it was. He then added that the telescopic sight installed on the Remington could not have been aligned correctly because the shop in which it was purchased did not have the proper equipment to perform such a technique.

Alas, the *Chronicle* does not have nearly the circulation of *Time* or the *Los Angeles Times*. Most of the public was spared pondering these difficult but relevant questions. Brown also could have enlarged on his list to include the following:

1. Why would an assassin choose a public bathroom to fire a shot at his intended victim? Why risk the possibility of an unknown party waiting outside, or even knocking on the door during the shooting?

2. Why would Ray buy an original weapon a few days earlier and then bring it back to the same gun shop to buy the supposed final murder weapon? Just so the clerk could get two looks at him and be sure to recall his face?

3. Why would Ray enter the low-class rooming house from which he would fire the weapon dressed in a shirt, tie, and jacket? To distinguish himself from the poor alcoholics who frequented the place?

4. If the case against Ray was so strong why could the prosecutors a) never match the fatal bullet to the weapon, or b) find no credible witness to link him to the alleged "sniper's lair"?

5. Why was the prosecution so desperate in this last aspect that they used a witness, Charlie Stephens, who was stone drunk at the time of the shooting?

6. Why did the prosecution then place one of the witnesses who could testify to Stephens' condition, his wife Grace, in a mental hospital so she could not reveal that fact?

7. Why was the path of the bullet (or bullets) that hit King

never tracked through his body?

8. Why was the medical evidence presented at Ray's court hearing (I hesitate to call it a trial) so nonspecific as to measurements on the body and locations within the body?

9. Why would an assassin leave the murder weapon on a public street with witnesses around and his fingerprints on the weapon? As Mark Lane has stated, "If Ray did that, he should be found not guilty by reason of insanity."

10. How could a small-time hood have access to four different aliases all living within a five mile radius in Toronto, the city he would eventually flee to after the murder, with all four men resembling Ray in height, weight, and coloring? The capper was that Ray *had never been* to Toronto prior to the assassination.

11. If Ray shot King from the bathroom of that rooming house he would have had to be standing in a bathtub. When *Paris-Match* tried to simulate Ray's position, they had to pose their model *on the rim of the tub* toward the back, and then contort him into a position to lift the rifle to the window.

12. If Ray were the assassin, why would an amateur marksman like himself use no clip in the rifle? Was the amateur positive he could hit King with one shot through foliage from 208 feet away?

13. Why were Ray's prints found only on the rifle, yet not in the rooming house or in his white Mustang, supposedly found in Atlanta the day after the murder?

14. If Ray used no clip, why weren't his prints on the shell casing which had housed the fatal bullet in the rifle?

15. If there was no conspiracy, why did a man meet Ray in Toronto after the murder and give him an envelope? That same day, Ray paid his rent and bought a plane ticket to London. When author Phil Melanson tracked the courier down to urge him to talk, he said, "Why go to Memphis and get a bullet in my head?"

16. If there were no conspiracy, then who shifted King's room at the Lorraine Motel so it would be facing Ray's rooming house?

17. If there was no conspiracy, why were there *two* white Mustangs seen outside the rooming house before the murder?

18. If there was no conspiracy, why are there no records of Ray's trip to Lisbon, reportedly done after he had escaped to London?

19. If there was no conspiracy, why were the registers from both the Memphis rooming house and the Pax Hotel in London not produced into evidence at Ray's hearing?

20. Could this list have anything to do with the fact that Ray was arrested at 6:15 a.m. at Heathrow Airport in London yet he did not check out of his hotel room until 9:30 a.m.?

You will likely not see any of these questions asked, much less satisfactorily answered, by any of our media pundits now that the last hope for a final resolution to the MLK assassination is gone. You certainly won't find them in the aforementioned *New Republic* article, which chooses "not to be party to paranoia." No, the editors would rather bury their heads in the sand. This, of course, has been quite typical in the King case since the media's attitude has consistently resembled the government's, namely let the public be damned.

It began almost immediately after King's murder. Attorney General Ramsey Clark announced at that time that the assassination was the work of one man. The day Ray was arrested, J. Edgar Hoover stated about the case, "No conspiracy. None whatsoever."

Picking up the cue, *Life* magazine put Ray on the cover of their June 21, 1968 issue along with Sirhan B. Sirhan. The stark black and white cover was emblazoned in capital letters, "THE TWO ACCUSED." The lower case subheading was "The Psycho-Biology of Violence." The latter was the title of an article about how sudden violent urges could be purged through institutional care and treatment at certain hospitals. The giveaway line in the piece was this: "The roots of violence may be psychiatric—the result, for instance, of upbringing or social environment." Needless to say, as it had done four years earlier with Lee Oswald, *Life* was greasing the skids for a rerun of the socially maladjusted, lone nut phenomenon.

Life's main article on the murders immediately dropped any pretense of the shibboleth "innocent until proven guilty." It was entitled "Ray, Sirhan—What Possessed Them?" A representative sample:

Sirhan and Ray seemed important now only as devices by which other men might gauge the meaning of their senseless violence. ...Both Sirhan and Ray were products of families, which were hard put to cope with the most basic problems of life. Both seemed governed by a curious, even touching unreality.

The propaganda blitz was accompanied with praise for J. Edgar Hoover's massive manhunt—which had almost nothing to do with Ray's capture in London. With the media endorsing it all the way, the authorities began the railroading of James Earl Ray, a performance that would eventually devolve into a shabby sideshow of justice. At his extradition hearing in London, Ray was not allowed to have his chosen attorney represent him, even though Arthur Hanes flew to England twice. When author Harold Weisberg tried to get the official transcript of that hearing, he could not access it through his professional contacts in London. His reporter acquaintance told him it was "not available."

Upon Ray's return to Tennessee, that wealthy, FBI-friendly author William Bradford Huie entered the scene. He agreed to finance Ray's defense team, Hanes Sr. and Jr., if he could get exclusive rights to Ray's story. With no other funding available, Ray agreed to this arrangement. Then two things happened to make things even worse. Ray grew suspicious that Huie was passing information to the Bureau, and renowned southern lawyer Percy Foreman paid a visit to Ray.

Whatever the faults of the Hanes team—their association with Huie, their racist backgrounds—they were preparing for trial and planned a vigorous defense. When Foreman came in unannounced in November of 1968, he confidently told Ray he would have no problem helping him beat the rap. Foreman added that he had read the contracts Ray had signed with

Hanes and Huie and all those two were interested in was money. (How Foreman got hold of the contracts is not evident.) He also told Ray that if he stuck with that pair, he would likely get the chair. Foreman said he could get Ray out of the previous contracts, hire a lawyer familiar with Tennessee law (Foreman was a Texan), and he would then deal with a writer only *after* the trial thereby not compromising the defense in advance.

Unfortunately, Ray bought into Foreman. He hired him and fired Hanes. Foreman then proceeded to break almost every promise he had made to Ray. But not before fleecing him. Foreman had Ray sign over his white Mustang to Foreman as a retainer. Ray also signed over the rifle, which was in evidence. Foreman never hired a local attorney yet pleaded with the Memphis judge for professional aid. Judge Preston Battle furnished Foreman with Public Defender Hugh Stanton. So instead of Foreman paying for his help, the state of Tennessee, which was prosecuting Ray, was also now on his defense team.

Once furnished with Stanton, Foreman promptly ordered him to negotiate a deal with local DA Phil Canale. This appears to have been done before Foreman even investigated the case or found out what Canale had on his client. Arthur Hanes, commenting on Foreman's review of his files on the case, said the following:

We offered him our files. He could have taken the originals, the whole thing. He was welcome to. If he had wanted photocopies we would have made them. He didn't want anything.

When asked how long Foreman even *looked* at the files, Hanes responded, "About ten minutes." Hanes concluded that Foreman "never even considered trying the case." There is neither any evidence that Foreman ever initiated his own investigation. Incredibly, Ray has said that Foreman never asked him if he fired the fatal shot at King or if he had been part of a conspiracy. Foreman admitted the same to Jerry Lipsom of the *Chicago Daily News*. After Ray's conviction, Foreman reportedly told the press, "I don't care about no

conspiracy.”

But Foreman *did* renegotiate a deal with Huie. Foreman was now to share in all funds accrued to Huie by sale of all rights to Ray’s story, including motion picture sales. In all, Foreman made over one hundred thousand dollars from his “defense” of Ray. Whatever work he did on Ray’s behalf to earn this money has yet to be detected.

After virtually promising to get Ray acquitted, Foreman began to change his tune in about January of 1969. He now told Ray that his case was hopeless. The media was against him, the city of Memphis was opposed to him and the DA’s office had a very strong case. When Ray asked Judge Battle if he could replace Foreman, the judge replied that it was too late. Foreman was now his lawyer of record and that was it.

With Ray hesitating, Foreman went for the kill. He told Ray that, unless he pleaded guilty, he would sabotage his defense by getting Benjamin Hooks to be his co-counsel. Hooks, an African-American, was then part of the SCLC, King’s civil rights organization. With this clear psychological ploy, Ray finally capitulated. He agreed to plead guilty.

On March 10, 1969, Ray showed up at an entirely stipulated and prescribed plea bargained trial. Canale put on a handful of witnesses. An assistant then recited a “narration” of other evidence against Ray. Foreman cross-examined no one. Foreman accepted all of the narration. He did ask the jurors if they would be willing to send Ray to jail for 99 years. In all, he said about 700 words.

The only man to speak up for Ray was himself.

Ray: Your honor. I would like to say something too, if I may.

The Court: All right.

Ray: I don’t want to change anything that I have said. I don’t want to add anything onto it either. The only thing I have to say is, I don’t exactly accept the theories of Mr. Clark. In other words, I am not bound to accept the theories of Mr. Clark.

Mr. Foreman: Who is Mr. Clark.

Ray: Ramsey Clark.

Mr. Foreman: Oh.

Ray: And Mr. Hoover.

Mr. Foreman: Mr. who?

Ray: Mr. J. Edgar Hoover. The only thing, I say I am not—I agree to all these stipulations. I am not trying to change anything. I just want to add something onto it.

The Court: You don't agree with whose theories?

Ray: I meant Mr. Canale, Mr. Foreman, Mr. Ramsey Clark. I mean on the conspiracy thing.

This is as close as the entire proceeding ever got to a real defense. About this strange and shameful proceeding, House Select Committee Chief Counsel Robert Blakey once said, "He had a competent counsel. He had a trial. He's guilty." These comments tell us all we need to know about the Blakey-led HSCA investigation of the King case.

As dispiriting as the above was for Ray, it was equally sad for King's memory, his survivors, and the public. Why was King killed? Did Hoover have a role in the crime or the cover-up? Why did Tennessee resist, at every turn, a new trial for Ray? Why does the King family have to be pilloried for insisting on a new investigation? Why do the American people not even have access to all the files accumulated on this 30-year-old case? Why does the media continue to propagandize about its facts? With Ray's death, it appears that few, if any, of these questions will ever be answered.

In 1993, Jesse Jackson hosted a talk show on CNN in which he and former representative Walter Fauntroy of the HSCA discussed the King case. Almost inadvertently, Fauntroy stumbled onto a probable answer to the above questions. Fauntroy said that in 1979, at the time the HSCA delivered its verdict, he agreed that Ray had fired the fatal shot. He didn't believe that anymore. And he tried to explain why:

Do you remember the excitement about the New Frontier? We had a great decade—the decade of the '60s ... But they changed

the political landscape of our country in eight years. And what concerns me is that, if in fact there were an apparatus that functioned in this fashion, that apparatus—remnants of it—must be signaled that you're not going to be able to pull off that kind of thing and have people believing that one lone assassin in Dallas shot President Kennedy, and that's that; a lone two-bit robber who got arrested almost every time within hours after ... he committed a crime did it in Memphis; and that somebody in a kitchen got an idea of how to take Bobby Kennedy out.

Years later, this is the line that the Establishment persists in. There is no "apparatus," just lone nuts. The last 30 years of James Earl Ray's life was the latest sacrifice on the altar of that myth.

SECTION 2

THE TRUTH WINS OUT

Introduction

In this section, we trace the events that followed the subversion of James Earl Ray's attempt to get a new and fair trial in the murder of Martin Luther King. After his departure as a Memphis Judge, Judge Joe Brown gave a speech about both the evidence in the case, which he found questionable, and the events that led to his ultimate removal from it. It is an eloquent and penetrating view of how justice lost out in the last years of Ray's life. Brown shows a keen mind and an eloquent voice. We are proud to have preserved that speech here. James Douglass interviewed another principal in the case, Donald Wilson. Wilson was an FBI agent who searched Ray's allegedly abandoned car. He preserved some artifacts he thought the Bureau would ignore. Thank God he did. He also gives us an inside look at the culture of the Bureau and why he grew to mistrust it and eventually leave it. Wilson also offers us some insight into how Barry Kowalski and the Justice Department viewed the case. James Douglass then covers the civil trial of the Kings vs. Loyd Jowers. After Ray's death, attorney Pepper convinced the King family to sue the only admitted conspirator in the homicide, Mr. Jowers. They did and Pepper was finally allowed to present his evidence before a jury. Amazingly, Douglass was the only American journalist to be in court each day. And he gives the reader an insightful and invaluable look at what the major media ignored. As the jury agreed, the evidentiary conclusion was inescapable. The Kings also asked Bill Clinton to look at the new evidence in the King case. He assigned the job to Attorney General Janet Reno. Reno gave it

to Kowalski, who wrote a woefully inadequate and incomplete report. Doug Valentine, author of *The Phoenix Program*—and a witness at the civil trial—critiques Kowalski’s work and shows why the civil court decision remains unshaken.

Judge Brown Slams Memphis Over the King Case

The following is a transcription of Judge Joe Brown’s remarks made on the 30th anniversary of the assassination of Martin Luther King on April 3, 1998 at the Centenary Methodist Church in Memphis. The remarks were transcribed by author Dick Russell.

In this case involving James Earl Ray, I found one morning that it was on my calendar. I had been totally unaware of that until the prosecutor in this case, Mr. Campbell, came to attempt to approach me and discuss this case off the record which is, of course, improper. I declined to do this. That was the first of a number of ex parte approaches by the state to engage in what are basically improprieties. In any event, I was ultimately confronted with a question: with the application of modern scientific methodology, is this in fact the rifle? As the rifle was excluded from the [unintelligible] of being the murder weapon, does this fact alone—based on an assessment of the entire body of evidence—cause James Earl Ray to be innocent, therefore mandating a new trial? In other words, if the weapon was excluded, I was to conduct an analysis and an evaluation of the entire case—and then write an opinion relative to my assessment.

James Earl Ray, even in the event that the rifle [had] been excluded, might have still been found legally guilty of being an accessory, an aider and abettor, or a conspirator. I won’t touch upon that. But I do know what I saw in terms of the hard evidence, in terms of what’s in that file relative to those things that the untrained might never notice. I would remark initially upon the category of so-called “experts” that everyone has been relying upon in this case. The level of expertise, if they had any such, was extremely low. They had long histories of being

able to look at bullets under a microscope and using relatively primitive technology to make an analysis subjectively as to whether in their opinion such-and-such a bullet matched a sample that they were attempting to compare it with. That was the extent of their expertise. They had very little knowledge—if any—about rifles and firearms in general.

They found me with the knowledge that I just happened to have had as an individual. Amongst other things, I have read in the record the big to-do about the mark in the window sill at the boarding house where the rifle was supposed to be fired. Well, let's talk about the rifle. It's a 760 Remington Gamemaster, a pump action, just like a 12 gauge pump shotgun. There is very little call for this weapon in any other part of the country other than the eastern seaboard, where certain states forbid the use of semi-automatic weapons for deer hunting. It's a fast action but it's not as powerful a weapon. There's a peculiar thing about this weapon. If you do not rest, if you're attempting to use a rest when you shoot it—the weapon does not shoot where it is sighted in. Any hunter will tell you, that if you are attempting to use a rest to shoot game, you put your coat, your hat, your pack, something under the rifle barrel—and you do not allow the rifle barrel to touch hard wood, rock or anything else because your weapon will not shoot where you have sighted it in to shoot. Assuming you've sighted the weapon in. If anyone placed the weapon on that windowsill, sufficient to cause an indentation in the window sill, you can guarantee that whatever they were shooting at would not have been hit, because the weapon would not have hit where it was sighted in to hit.

Now Preston Battle, the honorable late initial judge who handled this case, said this on the record. He was firmly convinced that if James Earl Ray in fact did the killing, he did not act alone. Now James Earl Ray in the record is said to have gone to a gun shop and purchased

a .243 caliber weapon. It says he was told by others that this was not a suitable weapon for the purpose. "Others," o-t-h-e-r-s, I'm assuming that means the same to everyone else that it does to me. He returned the .243 to exchange it for a 30.06. Whereupon he had a scope mounted on the weapon in the gunshop.

There's an interesting thing about the Remington 760 Gamemaster. The breach of the weapon is closed by the receiver—don't worry about what this means, it's rather arcane. It means that you can't simply do what you would do with a bolt action, which ordinarily would be the weapon of choice if you were going to commit any sniping activity because it's far more accurate. It means that you can't simply take the bolt, prop this weapon up on some cushions and sandbags (anything that does not move), look down the bore at some object a hundred yards distant, center that object in the bore and then take your scope site, using the adjusting screws, move your crosshairs until they center the object approximately 100 yards away while that object is centered in the bore. That's called bore sighting. What you'd have to do is collimate the weapon. That means you stick something that looks like a small telescope in front of the muzzle of this weapon with an adapter and you attempt to get the crosshairs of the scope registered on the crosshairs of this collimation device that is inserted into the muzzle.

The gunshop in question did not possess such a collimation device. So the scope was simply bolted to the top of the rifle. Now it has been my personal experience, when sighting in more than 60 rifles in my lifetime. ... If you collimate a weapon, bore-sight it or whatever and you take it to the range to continue to calibrate it, so that it hits what you're trying to hit, and you place a target which is maybe 4-5 feet square on a target rack at 25 yards, you will probably be lucky if the weapon hits paper. And then you crank in 25-30 clicks to the right, 15-20 up, and you get it approximately to the center of

that paper at 25 yards. Then you back off to approximately 100, and then you fire again, and you keep adjusting your sights until you hit what you're trying to hit.

That was not done in this case. It would be the most profound accident I've ever heard of ... If you simply bolted a scope to the top of that weapon and you were able to achieve sufficient accuracy at 100 yards to hit your target. I won't speak on the number of times that, just out of curiosity, I took people who had little experience in firearms to a range or to a measured 100-yard-stretch of open ground in the country, set up a silhouette target, and allowed them the opportunity to attempt to hit the head of that target. I can tell you that, with the exception of certain experienced riflemen, there was zero success.

Now that's just one thing that's out there. There's another little something. Ammunition companies compete with each other for sale of their products. In other words, the company with the most accurate ammunition sells the most of it. Remington, Winchester, Federal and a number of others were in high competition about that time [1968] to corner the market. One of the things that you might know is when an ammunition company makes ammunition, they do not have a machine dedicated to a particular caliber. They make a run, several million of this particular item that's relative to that caliber, and then they change the machinery to something else. So there might be a run of 15 million 30 caliber 150-grain bullets, 180-grain bullets—whatever the specification might be. And all of those bullets are roughly similar. About a year or so later when they convert the machine back and attempt to make the same thing, there are subtle differences—and those differences have a grave effect upon the accuracy of the trajectory. So what the ammunition companies always do is separate them by what they call lots. A lot is one run. You take the lot of

150-grain bullets—you run a marker that has a lot number. Take a run of cases and that run has a lot number ...

Now there are other subtle things different with these lots. For example if you analyze, you will find the composition of the metal in the various components will change from lot to lot. Now what I saw in this record, in a very abrupt and abbreviated report from the FBI ... There is a cartridge case that is said to have been fired from this rifle. They found other unfired cartridge cases, with bullets, powder—intact along with the weapon. Well they couldn't shave them a brass from a fired cartridge case, [so] they took a shaving of brass from the unfired cases and they made an analysis. Metallurgical analysis revealed the fired cartridge and the unfired cartridge case were from the same lot. They took a sample of the lead from each of the unfired bullets and they analyzed those four unfired bullets. They all were from the same lot. They took a sample from the leaded core of the bullet they removed from Dr. Martin Luther King. Guess what? It is not from the same lot.

That's a red flag. Ammunition companies say clearly, without equivocation, they never do that. The bullet that was removed from Dr. Martin Luther King was sent to the FBI intact. What they sent back was fragments. There is a picture of the intact bullet. I will tell you now that in the last four years, that photograph, which was marked into evidence, is missing.

Which incidentally was one of the reasons why the court exercised the prerogative under statute to have the files left in its office rather than downstairs. There were a number of items that were removed from the case. A number of things that were leaked, and there was another incident where the court had to send one of its bailiffs to physically stop an individual, while this case was pending, from removing the bullet fragments from the courthouse. This individual had gone to the property

room. They had given the fragments to this individual as he was leaving the courthouse. Now, that's not kosher. What you've got in terms of the physical evidence relative to ballistics ... is frightening. I won't touch on it any more at this time.

The conduct of the Attorney General's office in this case is highly unusual. They had a select committee that they formed, at taxpayer's expense, supposedly to conduct an investigation that resulted in this report they released week before last. I don't know if it had to do with the investigation, but a lot of their activities had a lot to do with following the judge, videotaping the judge coming out of restaurants. And [the judge] with his associates, sending individuals to attempt to contact the judge in the case and place him in compromised situations. One of who, incidentally, has made the statement to law enforcement officials. That statement's been recorded—and he said, quote, "I don't know what they have against this judge, he's just trying to be honest and they're trying to get me to see if I can't get him in a compromised situation. I don't know why they're trying to do this, or what they are afraid of," unquote.

I was jogging down the street in my neighborhood, became aware that I was being followed. Somebody came up eventually and decided to say a good lawyer over here told him to come talk to me etc. etc. etc. "I'll tell you what you need to do, I'll give you the name of the senior law enforcement official, you go talk to him." Apparently, the people on this investigation committee that the Attorney General's office had put together became rather upset. There was a dialogue they had with a law enforcement official who will remain unnamed at the moment, about why did he have a conversation with this person. Interesting what transpired as a result from that.

I don't know whether or not James Earl Ray is legally guilty, but I can sit here as an elected judge, from the 30th Judicial District, State of Tennessee, presiding over

Division 9, of the Criminal Courts in Memphis, and tell you that there is sufficient evidence in this case to scream out to any decent person that a criminal investigation is mandated to determine what other persons were involved.

Judges are not supposed to do this. Well, they can take it and go to hell with it! They can shove it! 30 years ago today, a man who was trying to speak about truth and the conscience of America was slain in this city because of that. He gave his life. I can say the devil with it, this job as a judge is not as important as a man's life. And if I have to risk that, then go to hell anybody that doesn't like it!

I have a very good idea what really happened in this case, from going through these files and scrutinizing them. And if necessary I will withdraw from this [judicial] race and won't run or resign if it takes that to bring the truth forth. But it needs to be brought forth, because this is more important than any one individual. This involves a child of history, one of those people that God sends every now and then to deliver a message to mankind. That involves a prophet, a man who was about the business of bringing black, brown, red, yellow, white, all of America together so it could remain the best in the world. That was that man's business. And that is my business. And that I think is the business of everyone assembled here today.

I read this [Attorney General's] report that they have, such as I was able to get out of it. It's absolutely ridiculous. I'm not surprised at the results of the investigation. I'm not surprised at the attitudes that have been reflected in the investigation. I'm not surprised at the course of conduct that has been engaged in by the people responsible for protecting the interests, not only of the citizens of this state (this county) but advancing the interests of the whole world in finding out what happened to Dr. King. So we can have atonement and

have closure. I'm not surprised.

I'm not surprised that the District Attorney General's office went all the way to the United States Supreme Court to have the principle ratified by that august body that the victim's family has an absolute right to be heard, relative to the disposition of a homicide case. I'm not surprised that they fought tooth and nail and engaged in the worst disrespect I've seen by prosecutors in a courtroom in 25 years to prevent the widow of Dr. King and his son from being allowed to be heard in open court as to their wishes. I'm not surprised. But that has got to stop! This is egregious. That is not right ...

Excuse the liberty but I'm probably going to catch all kinds of hell for these remarks, so I thought I'd at least give you enough of a plate for the hell I know I'm going to get. ... Please put this out there, you can take it to hell and shove it, if being less than a man is what is required by holding this office. Thank you very much.

The following remarks were made by Judge Brown at the COPA (Coalition on Political Assassinations) conference the next evening in Memphis.

It's obvious from looking at everything that's in that [case] file, this matter is not resolved. There's no way an intelligent reasonable person can examine what's in that file, what's in this case, and say that we have one individual who's in the penitentiary who is solely responsible for the death of Dr. Martin Luther King.

The reason we must go forward and resolve this matter is for the children. Generation X is coming of age and there's going to be leadership that will come out of this generation and the one behind it. They will do things to offend the power structure, just like we did things in the '60s, the '50s, or '70s. To protect this new generation from this type of response by the system, we must expose. We must dismantle the mechanism and we must do something profound so that somebody's brought to

justice as a deterrent—so this does not happen to the children when somebody says we can step outside of the law because we believe our cause is holy.

In this case, what it was all about is somebody was attempting to take the tack that we have this “demon of world Communism facing our great democracy and need to take steps to protect it from those who would tear it down.” When Dr. King stepped over the line from just being civil rights oriented to dealing with the economy and labor, and talking about the Vietnam War, then that whole thing kicked in. It is not about James Earl Ray. It’s about what else has gone on out there. Now singularly missing from what I have seen in this record is an examination of who financed the itinerary [of James Earl Ray’s travels after the assassination]. You’ve got the itinerary. Who paid for it? That’s one of the things you need to look at. How was the hotel paid for? The airline fare? Where did it come from? Track down the passports that were seized. What’s the common thread with the individuals that are the subjects of these fake identifications? How would someone go about acquiring the information?

We talked about the rifle yesterday, which was the subject of the inquiry I conducted. It’s not there, not the right type of rifle. It’s never been sighted in. Wrong kind of scope. Wrong kind of equipment. A person who does not know how to use it. Metallurgical analysis excludes the bullet from the body of Dr. King from coming from the cartridge case they say was fired in that rifle. That so-called dent in the windowsill is a complete red herring because one, if you’re a rifleman you simply do not rest a bare rifle against a hard surface. You’re guaranteed to miss your target. You’ve got a downward trajectory which would require someone to aim under the target in order to hit at what you’re shooting at. These are things that you require some experience with. You’ve got an odd distance involved in the shooting, especially from the

claimed location of the shot. With a 30.06, it makes a particularly difficult shot shooting downhill in that circumstance you had. You don't have the thing that adds up to what you need.

What's likely to have happened also, if you get into the mechanics of doing some shooting, if you've ever ... stand waiting on a deer, you know the hardest bloody thing is to keep your rifle in a position that's handy so you can quickly get to it, without tipping your position by your movement ...

What seems to have happened is that somebody who was at the [Lorraine] hotel, who was closely privy to the comings and goings of Dr. King, made a call—and notified whomever was the real sniper that Dr. King was shortly coming out on the balcony. That's how this went down. You've got somebody who was not remote, but somebody that was close, who was involved. That has a lot to do with the posture of what you've seen in the investigation. You've got political purposes here ...

Everybody's talking about somehow or another you've got a government implicated in this. You've got a director of the FBI who has a pathological hatred of Dr. King. You've got somebody that ran an agency with an iron fist and whom history has revealed to frequently have violated not only the letter and spirit of the law, but to have total disregard for it as an impediment toward his own ends, which he thought was to protect America. What is the paramount phrase that explains intelligence operations? You know, on a need-to-know basis. So you're asking people who are pretty well low down on the totem pole to explain to you everything that went on. Why in the world would you assume that they know? They're not gonna tell you. They know a small piece of the action. I would imagine Ray doesn't really know too much. What you've got in this case was a stooge whose task was to throw everybody off of the trail. That's what an analysis suggests. A three-time loser ... What do you think he

knows? They're not going to tell him much of anything ...

Look at what you've got in our record recently. The Pan Am disaster, not the one off the American coast, the one over the British Isles. They left no stone unturned in doing great detective work and they come up with several suspects, foreign suspects, a very advanced plot in scheme. They can solve that, but for some reason, strangely here in America, with something like this you leave this investigation in the condition you find it in. And you want to say a three-time loser, an escaped convict with no obvious financial resources, no technical knowledge, is going to, not only miraculously learn how to operate, fire, and direct a rifle and become a good marksman, this one individual is going to be able to acquire the resources to get identities for deceased individuals, come up with very, very good forgeries for passports and fake identifications, is going to somehow acquire funds to express himself in a prepaid very expensive itinerary and travel schedule. And then he gets himself caught because he goes through Heathrow Airport, but he does not know whether he is a citizen, an alien, or whether he has commonweal status. Now, be real. You have to be the worst culpable moron to go for that story.

But you see, a lot of things were buried because everybody trusted J. Edgar Hoover and the FBI 30 years ago. That was an icon, Mom, apple pie, and the flag. And nobody questioned the lackadaisical, disgustingly inept work that they had in this case. Judge Battle in 1968 ordered the rifle re-tested. He said what I see in the record is not adequate. The rifle never got re-tested. He stated himself, I am sure that Ray did not act alone. Nothing was done of it. The House Select Committee on Assassinations says there was no investigation of a conspiracy.

See, conspiracy is only an agreement between persons to do a wrongful act. Under the laws of the state of

Tennessee, you can criminally conspire to do an unlawful thing. There's an interesting thing about conspiracy that scares the hell out of the Attorney General's office: if they actually were to nail somebody—rules of evidence change. Any statement by any person shown to be a conspirator can be used against any other person, even if that person does not take the stand. Ordinarily a statement of a co-defendant cannot be used against another, unless the maker of the statement takes the stand and is subject to cross-examination. If you get a statement from anybody and that person dies, if you can show a conspiracy, there being no statute of limitations on a murder, you can use that statement in perpetuity against anyone and you can bring the whole chain down...

You see, you don't get into a situation where all it takes as a law enforcement agency is, you clean a rifle. I gave them something known as an Outers® foul Out. It works on reverse electrolysis. You simply hook the thing out using electric current, put a rubber stopper in the muzzle, fill the bore up with a chemical, plug the other end, turn the device on, come back in 24 hours, pull all the fouling out, you've got a pristine rifle bore. I've used one myself, works excellently. That won't touch the barrel. Won't harm it a bit. Then you take this weapon and you shoot it. And you analyze what you get. Sounds simple enough, doesn't it? Why was somebody so damned worried about that that they fought it tooth and nail for three and a half years? James Earl Ray did it. We've got the man. There's no need to go any further. Are you that arrogant and cocksure to make that kind of statement, when you ought to be anxious as the chief law enforcement agency in the county wherein the crime was committed to see if there are other perpetrators that ought to be brought to justice? Damn, they do better than that on a DUI.

What's going on here? Why does the Attorney General's

office engage in a national campaign of slander against the King family? Some reporters have called me up and let me hear some tapes they made of comments by members of the Attorney General's office. It's disgusting. It's revolting. It's defamation of character. You've got the same group of folks running around screaming about the victim's rights and they holler and they disrupt the court process for what was traditional for the new morality—saying a victim's family has an absolute right to be heard. What the sentence is going to be, whether there is a plea bargain. To be heard in the event a person is convicted relative to whether or not the person gets the death penalty, life in the penitentiary or life without possibility of parole. They always do this, bring the victim's family down and parade them in front of the court or the jury, put them on the stand and let them have their say. And yet they don't want Coretta Scott King to have a right to say anything. They don't want Dexter King to have a right to say anything. They don't want Dexter King to be allowed to take the stand. What goes here?

And then you turn around and you can't leave it at that. You try to slander and libel the King family—bzz, bzz, bzz, things in the ear of other people to try and wage a campaign to discredit them. What goes on here? What gives when witnesses are sending—since the court's supposed to see to it that they get paid—an indication that they have interesting evidence, you say, well hold on, let's see what's revealed when they come in and testify. And then when they come time to testify, they have nothing to say. Or Mr. Campbell again, who seems to be so prone to being offended, comes in and ex parte says, "Judge, you know we've gotten word that some of the tabloids are going to contact the defendant's expert witnesses. And we're worried that they're going to leak the information before it's revealed in court and they haven't been paid and we think the court ought to see to it that they get paid." Well, excuse me Mr. Campbell,

have you talked about this with Mr. Pepper? “No, I think I’ll bring it to the courts.” “Well, I’ll convey this to Mr. Pepper.” I tell this to Mr. Pepper, and Mr. Chastain provides shortly an affidavit of indigence for Mr. James Earl Ray. And guess what’s going on? Somebody is saying bzz bzz bzz, you guys haven’t been paid. We’ll see to it that you get paid if you switch sides.

The last hearing we had on that, they were saying we want another hearing because these people will testify against the petitioner now and say there’s nothing to these rifle tests. Well gentlemen, this is Thursday, you have until Monday to provide a synopsis, written statement in writing from these gentlemen as to what they would testify to. Well, we want the court to rule on whether it’s going to recuse itself. No, you have this by Monday. The court will rule on that recusal as a separate matter. They never provided it.

Interesting to look at the appellate decision [which removed Judge Brown from the case]. Most of the information they based it on was in error. The Attorney General’s office had a habit of running up there to get something done before a transcript could be prepared and then making fundamental misrepresentations to the Court of Criminal Appeals as to what transpired. And then the Court of Criminal Appeals says the judge was too involved in the fact-finding process. Well, what does rule 608B rules of evidence say? The judge may interrogate witnesses. Case law says there is no limit to the extent to which a judge during a trial to a bench—in other words where the facts are to be determined by the judge—can question a witness. Judges generally cannot call witnesses. Rule 714 of the rules of evidence, the State of Tennessee says, where the trial is to the bench and not to a jury or the issue of fact is to the bench not to a jury, a judge may call expert witnesses, if he does not feel that those provided by the parties are adequate. Rule 715, compensation of expert witnesses, etc. etc., expert

witnesses called by the court in criminal matters shall be compensated in the event that the defendant is indigent, through the state's fund for compensation of witnesses for indigent parties. Now if the judge can call a damn witness, if the judge can interrogate a witness, then what the hell do they mean that the judge is too much involved in finding the facts of the case and interfering with the Attorney General's ability to manipulate the matter through procedural devices?

The judge is biased against the state. Well, I mean that's very ironic. I suppose I should take it as a compliment. They're taking an African-American man who's had a long history of civil rights involvement—in the '60s was known for being quite militant—and they're saying he's biased in favor of a self-avowed bigot and racist. Well, when you have ordered that records be sealed, and the state's representatives decide that they are going to leak them anyway, when you've got a political action committee that is operating in the AG's office and they've already picked a member to run against you and they are using the opportunity to get some political clout, what do you think's going to happen? Historically, correct me if I'm wrong, it has always been a longstanding rule in the District Attorney General's office that no assistant would be permitted to run against an incumbent criminal court judge—only if there is a vacancy. So they've already set somebody up to run against yours truly and they were doing it at the time and they were doing political manipulation. Tennessee rules of judicial conduct says, any judge subject to election may campaign at any time and make statements relative to his candidacy at any time to the news media. What was wrong here was somebody said this is nothing but politics that you see, it has nothing to do with the merits of the case. Never discussed, never indicated, never gave any indication or information what his ruling was going to be relative to whether or not James Earl Ray

got a new trial. I *still* haven't given any indication. Because whether or not that was the rifle had nothing to do with whether James Earl Ray got a new trial per se. What was going on was, if the rifle was excluded, then an evaluation of the entire record must be done. A written finding of fact must be delivered by the court and in light of that exclusion, did that mandate a new trial for James Earl Ray? In other words you were going to get an African-American man who came from Los Angeles, California, went to UCLA, was active in everything going on, antiwar, civil rights, equal rights, gender rights, in the '60s—was going to get a chance to write for history a synopsis of what really happened in the James Earl Ray case. Now, you get another idea about what the devil's going on here?

And you want to look at that piece of garbage [the Attorney General's report] that's 32 pages long, filled with inaccuracies, errors, deliberate misstatements, misspellings, incorrect information—and you want to rely upon it as a statement that a sixthgrade dropout, no money, on the lam, who's an escaped convict with I suppose great ties into England, great ties into the civil reporting and health systems of England, great ties into people who were expert forgers with identification and passports, got an inside track into international air travel, inside track into obtaining the wherewithal to do what was required to make those reservations, accommodations and transportation arrangements in various countries. Yeah. See, you got another thing going on.

I have a pretty good idea what actually happened. I'm not going to say right now, but let's put it at this point that there needs to be investigation. I think the federal government ought to do it, because this agency here is not capable of doing it. They don't have any resources. They don't have the knowledge. They don't have the expertise and they don't have anything in this state that's

sufficiently sophisticated to draw upon to handle these matters. The federal government ought to do an investigation.

Now we've got a real live problem. And until we clear this problem up, our children are in danger. Because they'll do it again. This is 30 years after King was killed. J. Edgar Hoover pulled this charade off and we still haven't come far enough because the Attorney General's office in Shelby County Tennessee is still pulling it off thirty years later and doing it with the feeling they can do it with impunity. They're to be called to the carpet, raked across the coals, and a demand needs to be made as to why this farce has been perpetrated upon the people of this county, this state, this country and the world. And I really don't care that much about being a judge, to sit there and keep my mouth shut when I see this kind of injustice. They can take it and shove it. Meanwhile I may just change careers. You can watch my program starting in the fall. *The Judge Joe Brown Show* brought to you by the same folk that do *Judge Judy*, Aaron Spelling Productions and Big Ticket Television. And again, good hunting.

Interview With Donald Wilson

By James W. Douglass

Donald G. Wilson was a 25-year-old FBI agent in Atlanta when Martin Luther King was shot to death on April 4, 1968. A week later, Wilson was the first FBI agent to open the door of James Earl Ray's abandoned white Mustang, in an Atlanta parking lot. An envelope fell from the car. In it Wilson discovered several papers. On two of them the name "Raul" was written in the midst of other information. On a third paper Wilson was startled to read the phone number of the Atlanta FBI office. Alarmed by the FBI connection, Wilson decided to withhold the

papers. Ten years later he resigned from the Bureau.

In 1997 Wilson copied portions of these materials for the King family, after seeing Coretta Scott King's moving courtroom appeal for a trial for James Earl Ray. Ray had claimed repeatedly that "Raul" was the name of the mysterious gunrunner who set him up, whereas the government denied Raul's existence.

After Ray's death, Coretta King used Wilson's Raul papers as new evidence in her husband's assassination, in support of her family's request to President Bill Clinton for a Truth and Reconciliation Commission similar to South Africa's. To the King family's disappointment, in August 1998 Attorney General Janet Reno instead began only a "limited reexamination" into the King case, based on Wilson's documents and former Memphis bar owner Loyd Jowers's confessed involvement in the murder.

To broaden the evidence, the Kings filed a wrongful death lawsuit against Jowers "and other unknown co-conspirators." In a late 1999 trial held in Memphis, 70 witnesses testified. Donald Wilson was not among them. He chose not to testify because he no longer had the Raul papers. As told in this interview, the papers have been confiscated by the Justice Department. Dexter King in his testimony spoke about the dramatic impact Wilson's story and evidence had made upon him. On December 8, 1999, the Memphis jury concluded Martin Luther King Jr. was assassinated by a conspiracy involving Loyd Jowers and "others, including governmental agencies."

Donald Wilson has guarded assiduously his and his family's privacy. He has given almost no interviews. I had spoken briefly with Wilson by phone after he shared his information with the Kings. He re-contacted me after the harsh experience he had with Justice Department investigators that he describes here. As a result, he was willing to tell his entire story publicly for the first time. From his own treatment by the government, Wilson was convinced that the Justice Department would dismiss his evidence as well as the Memphis trial. He was

right. The DOJ Report of June 9, 2000, after a cursory rejection of Wilson and the Memphis witnesses, concluded once again that James Earl Ray was the lone assassin.

Donald Wilson and I met several times in 2000 in the backyard of his home in a Chicago suburb. At age 57, the former FBI agent was a deeply dedicated high school teacher in a program for students with behavioral problems. In the peaceful setting of his garden, counterpointed by a chorus of birds, he told his story quietly, with the attention to detail of a trained investigator.

JD: Why did you join the FBI?

DW: My senior year of law school, we had a presentation by the FBI on career opportunities. I was interested in what they had to say.

JD: Why?

DW: I believed everything I had ever heard about this organization, even as a child. All the movies, the books, the junior G-men, the FBI story, I was taken by this. There was no question about that. After about six months on another job, I realized that I was not happy, and I had a recollection of the FBI presentation. I was also reading and hearing about what was happening in the South. I thought the FBI might be a vehicle where I could do something positive in the area of civil rights from an investigative standpoint. I made application to the FBI in the late fall of 1966. Four or five months later, I got a letter from Hoover announcing my appointment to the new agents training commencing May 22, 1967. I felt like I was joining King Arthur and the Knights of the Round Table.

I went to Washington for the FBI training which lasted from May through August of that summer of '67. And as you remember, the summer of '67 was quite a summer. It wasn't a very short time before I came to the realization that this organization was not what I hoped for or what I believed it to be.

JD: What brought you to that realization?

DW: We had just begun training class. We had one black agent by the name of Ed Woodruffe.

JD: Out of how many individuals?

DW: I think we had 30-some in our class. The first day of class we were sworn in, and the bureau gave us a list of approved housing for agents. We selected a location in Landover, Maryland. By the time we got there and moved in, it was maybe nine p.m. When I left my room and was walking to the pizza parlor to join some of the others, I was stopped by another class member, who was all upset. He related how the resident manager had confronted him and said he didn't realize that there was a black agent. The manager didn't use that term, but he used other derogatory words. He was very demanding that he get out immediately. We were able to convince the manager that, at least because it was dark and we had nowhere to go, at least let Ed stay there that night. He agreed to do that, providing Ed wouldn't walk around and be seen. I was astounded by this. Actually I couldn't wait until the next day because this was one of Hoover's own people that was being treated like this. I knew that once Hoover learned of this, this manager would be handled and dealt with.

Well, the next day was spent in meeting after meeting. While these meetings were going on, I noticed that Ed Woodruffe was not in class. Finally towards the end of the day, an FBI official announced to us words to this effect: "We understand the situation..." And while he was making this comment, Woodruffe was not present. So he said: "We've talked to Ed, and Ed is certainly very understanding. He knows the situation. He's certainly supportive of the action the FBI has taken—which is, we're really not going to do anything because we really don't think it would be a good thing for the FBI. So we've found Ed a real nice place for himself. And *you* all can stay in the Landover apartments." I couldn't believe it. Everybody in the class almost to a man got up and said,

“Well, if he goes, we go.” The end result was we all moved out, found our own place, but the FBI would not assist us in the move at all. We had to do it on our own time and money.

Approximately two years later, Ed Woodruffe was shot to death in the course of looking for a fugitive. The FBI rolled rapidly on that. There was a huge funeral. It was covered on the six o’clock news. FBI officials—assistant directors, maybe even Hoover—attended. What happened to Ed Woodruffe in our training class was the first clue that things were not as I had hoped.

But the point was: Here’s this agent that they wouldn’t back up on the housing. Now he’s dead, and they want to capture all the PR of his death and ingratiate themselves with the black community. It’s hypocritical.

JD: Were there other clues?

DW: We had a Jewish agent in the training class by the name of Mike Roman from St. Louis.

One day in the cafeteria of the Justice Department, an older man was on his way out, very, very upset. He stopped another member of our class. I was right there. He ordered this individual, “I want your class counselor to contact me immediately! I was standing in line when *a fat Jewboy*,” referring to Mike Roman, “cut in front of me.” It turned out that this was one of Hoover’s right-hand men, the Assistant Director of the Identification Division.

There were other incidents that occurred that pointed out the realities of this organization.

JD: What kinds of incidents?

DW: The nature of the training itself, the philosophy of the training—the fear. Everything was predicated on fear.

JD: Fear of...?

DW: Fear of Hoover. Fear of doing anything at all that

might bring some criticism against him. In other words, if you had a choice of doing something that would resolve a case but might bring some unfavorable attention toward him, you did nothing.

JD: At the end of your training, what assignment did they give you?

DW: I graduated in August of '67 and was assigned to the Atlanta office. Upon arrival in Atlanta, I was interviewed by the various supervisors. I told the agent in charge of the civil rights investigations that this was why I had joined the Bureau. I hoped that I would be assigned to his squad. You can guess what happened, can't you? I was to get nowhere near that squad. I was assigned instead to the squad that dealt with background investigations for people applying to be bureau clerks. And the squad also dealt with stolen cars.

JD: Were you otherwise discouraged from raising your concern about civil rights?

DW: Other agents were aware of my feelings about civil rights and my thoughts about injustices toward blacks. They weren't too pleased with that. There were suggestions made by a couple of people who maybe liked me that I ought to tone that down just a little bit. Then there was an act of harassment with respect to myself. One of the things they did allow me to do was go into the rural areas in the black communities and recruit prospective clerical employees. On one such occasion at a motel in LaGrange, Georgia, I was awakened by a long-distance phone call from a woman identified as "the Marietta, Georgia operator." She said, "We have an urgent message for Donald G. Wilson." I said, "This is him." She said, "You are to return home *immediately*. Your baby girl is deathly ill." I said, "What?" Then the

caller was gone. I jumped up from the bed. I grabbed my suitcase. I started throwing my things in. Then I said, "Wait a minute. Sit down for a second here. Something's wrong." So I called my wife. Finally she answered the phone. I asked how my daughter was. She said, "Oh, she's just fine." And I didn't let on to her what had happened. The point of this is that the only people who knew my full bureau name and where I was, were at the office in Atlanta (other than my wife). So I came back and went about my work in background investigations ... and in stolen cars. And as it turned out, it was the stolen cars assignment that brought me into contact with James Earl Ray's Mustang.

JD: Just how did that occur?

DW: When King was killed, the reaction the next working day in the office among a number of agents was one of glee and jubilation. That's the only way I could describe it to you. About a week later, I was in the office working on a rough draft for a report. An older agent came to me and said, "Come on, Don. Take a ride with me." On the way he explained what had happened: "You're not going to believe this but..." Remember at this point in time everyone in the United States was looking for a white Mustang. This was a hot car. He said, "There's been a white Mustang sitting for apparently several days in a housing project. People have called our office. No one's doing anything. They're calling the police. The police called us a little while ago. They said, 'If you don't do something, we're just going to tow it in.'" So we got out to the scene. There were a couple of uniformed police officers there from Atlanta. And there was the car—a white Mustang. It had Alabama tags on it. It was dirty as anything. On the front seat there were trash and papers and whatnot visible. The ashtray was overflowing. The agent and one of the police officers began having a

debate, an argument about who was going to take charge and who was going to look in the car. This went back and forth: "You look in it." "No, you do it." "You do it."

JD: So the agent did not want to be the first to look in?

DW: Well, he wanted to be the first to look in, but he was arguing with the cop about having the cop pull the door. Again the predication of this Hoover training, I guess, I don't know... We were circling the car. I mean like playing a kids' game. So we reached the point where, okay, the two cops and the agent are on the driver's side where they stop. He's telling the cop, "You pull the door." "You pull the door." (Laughs) I'm standing by myself on the passenger side. And given my mindset about the FBI with respect to Woodruffe and all this other stuff that was going on, I was just disgusted. The door on the passenger side...And this is one of the reasons why I wanted to talk to [Attorney General Janet] Reno ... This passenger door was slightly ajar. Like when you lock a door sometimes, you slam it but it just doesn't quite catch all the way. What I'm going to tell you now all occurred within a matter of seconds. I thought, "This is ridiculous." I had a handkerchief in my pocket. I took it out. I gingerly pulled on the door. It opened. It stunned me actually. A small white envelope the size of a kid's valentine fell in front of my shoes. I looked up immediately to see ... They weren't aware of what happened. I took my knee, and I pushed the door back. Still.

Now the first thing I did in the chain of events here was not because of some brave thing, or something I thought about the bureau, or anything like that. It was because of fear. This training. Fear of Hoover. Fear of doing something wrong. I thought I had messed up a crime scene. I reached down, picked the envelope up, and put it in my pocket because I was afraid. I looked over. I made a comment to them: "Has anyone done a neighborhood

investigation?” (That’s like talking to different people in the area.) I forget what they said. I walked away a short distance. I looked in the envelope. There was a business card from a Dallas, Texas, gun shop. It didn’t mean anything to me. There was a business card from a Baton Rouge, Louisiana, towing company. Didn’t mean anything to me. There was a torn page of a telephone book with writing at the top, and another piece of paper with writing. The name “Raul” [written on the two papers] meant nothing to me at the time. Then there was another little piece of paper. That one item meant something to me. On it was the telephone number of the FBI office in Atlanta, which I immediately recognized. It jumped right out at me. There was also an extension number after it. Up until the point when I was walking away, my plan was: I’ve got to come up with some way to get this envelope back into the car so they can re-discover it. But the moment I saw the FBI phone number, taken in context with everything else I knew about the bureau, I decided to take the extraordinary action of withholding this.

JD: Can you say more about what was going through your mind then?

DW: My initial thinking was that someone, possibly an informant of the FBI, was involved and had that number as a contact for the FBI office. So that also suggested there was at least one FBI agent who had some participation and knowledge of what was going on. And I simply didn’t know whom I could trust. So I put the envelope back in my pocket. And as things turned out, effectively that’s where it stayed for 30-some years. As you know, Ray was subsequently caught. He pled guilty, was convicted, and was sentenced. I thought, “Well, that’s great. Case closed.” I didn’t see any purpose in bringing this to the attention of anyone, although I hadn’t

really followed the thing. I knew he said later he didn't do it, or something. I really didn't believe that.

JD: The FBI conducted a highly publicized search for James Earl Ray in the two months before his arrest in London. Did your experience of "that greatest manhunt in history" raise any further questions?

DW: Yes. After we found Ray's car, through a records check it was learned that he had rented a room in Atlanta. We put that room under surveillance, 24 hours a day. No activity was seen.

So I'm finishing my [surveillance] shift, which ended at midnight. [My fellow agent and I] left the area of the rooming house. There was a diner nearby, well lighted. We had the wanted flyer.

We approach the diner. This man comes out. I'm looking at the picture. I'm looking at this guy. This is the guy! "That's the guy, isn't it?" "Yes!" I radioed the FBI Atlanta office. I told them what was transpiring. I wanted approval to approach the guy and ask for identification. They said, "Stand by." I wait. A few moments later the radio operator comes back on: "Discontinue and return to the Federal Building. Take no further action." I was kind of stunned. I said, "Could you repeat that, please?" And they gave me the message again. The next day I asked my supervisor if I should do a report. "No, it's not necessary. Don't worry about it. You're a new agent. You're going to be transferred to your second office. That way you just might be called back. It would be a big hassle for you. Don't worry about it."

JD: What about the agent who was with you?

DW: He says, "Don, play the game." This was advice I was to get from a lot of other agents.

JD: Who, besides you, knew about the papers you had found?

DW: I'm the only one. So it wasn't until three years ago when Mrs. King appeared ... It was just a fluke that I saw her on television in a Tennessee courtroom making a plea for a trial for Ray. I was astounded that *she* would be asking for a trial for this man. I was shocked. Yet listening to her, hearing her, just struck a chord with me. And I knew this changed everything for me. If the King family wanted a trial, I had something I thought could possibly turn the tide for them. With respect to what they were talking about, all I knew that I had were two documents that had the name on them of this man who Ray contended was his organizer: Raul. And I thought, what I have doesn't extricate Ray from the arena of suspicion, yet it's a degree of corroboration for his story—at least about the existence of this man. So I went about contacting the King family. I didn't even know who represented Ray. I made a lot of calls. I finally made contact with his lawyer William Pepper, then the Kings.

JD: You could read the name "Raul" written on two papers in the envelope?

DW: Yes. One was the piece of paper torn from a telephone book. Pepper tells me he had it independently verified by an investigator as a piece of an original paper from a 1963 Dallas telephone book from the page that has the H's on it. There were several numbers there. There were telephone numbers of the Hunt Oil Company as well as individual numbers for Hunt. That was not significant to me. Pepper was excited about that.

H.L. Hunt, influential Dallas oil billionaire, had been a friend of J. Edgar Hoover since the early 1950s. Both men hated Martin Luther King. Hunt's former chief aide John Curington told Pepper that at a 1967 meeting between

Hoover and Hunt, Hunt contended he could nullify King's influence by attacking him on his radio program. Hoover argued that the only way to stop King would be to "completely silence" him. After King's murder, Hunt told Curington that Hoover had won the argument.

Also on that same piece of paper there was a number written at the top with the letter "J" circled in front of the number. They determined that number was for a Vegas Club, which he says was Jack Ruby's club in 1963. I was absolutely astounded. He called me six months after we met and told me that. Right after that number appeared the name Raul with an extension number. [Or it could be the Dallas area code, which was 214 at the time, identical with the number after Raul's name.] The second document is a piece of paper with a series of names and entities. Afterwards are these dollar amounts. In other words, you have the names of different things, maybe a person and different things. Then it's followed by an amount of money, a dollar amount. The total of all five items is 450,000. There's the name, "Joan." There's the name of another individual, "M. Gallina." There appears to be the word "hospital." The word "Canada" appears on there with a dollar amount and the word "Sonesta." Down at the bottom there's a little message. It says, "Before 4/15 H man..." Then it says, "after." Then it has the name "Raul," again with an extension.

JD: What happened after you contacted Pepper?

DW: I subsequently met with Pepper at O'Hare Airport in Chicago in April 1977. And I met with him again in Memphis in June 1997. So then I went to Atlanta in March 1998 and met with Dexter King and Pepper at their invitation. They asked me to go public with it because the legal route had failed them in Tennessee, and I agreed to do that.

We had the Atlanta press conference. I said very little: I

wanted to meet with Reno, and give her this information and evidence. Even before I got back to Chicago, the FBI had press releases out that it was a complete fabrication: I wasn't even there, and so forth. They've maintained that position to this day. When I got back home, I immediately started calling the Department of Justice trying to make contact with Janet Reno, to share information with her on a confidential basis. I continued that for three or four days. I would be passed around to different people. She never did respond. The FBI kept giving out press releases hammering me.

So then some weeks later I told someone, "Well, I'm going to withdraw my offer then. No one's responded, and they've told the world I'm a liar. That's that."

JD: Did the Justice Department treat you any differently after Attorney General, Janet Reno, approved in August 1998, a "limited" reopening of the case?

DW: I got a letter in September 1998 from Barry Kowalski at the Justice Department. His letter was cordial. He said that what I had was critical to the investigation of the assassination. When he called and our conversation was nice, I asked him, "On one hand, the Department of Justice or the FBI continues to make releases that it's a total fabrication and laughable, yet you're telling me it's critical. I don't understand this. Would you please have them put out a press release or something, so I don't look like I'm a liar?" He said, "We can't control the FBI." I said, "The attorney general is the boss of the FBI." He said they were going to do an independent, honest, above-board investigation. They'd like to interview me and move forward with their investigation. I said, "I will do that."

JD: Then they came out to see you?

DW: Kowalski and his associate came out on Wednesday, September 16, 1998. I met with them for about an hour at a local hotel. I wanted to feel them out to see if I believed it was going to be a legitimate investigation. They said all the right things. I felt comfortable with them. I decided to give them the original documents. I told them at about 11 o'clock, "Let's adjourn here. I've reserved a conference room at the bank where I have my safety deposit box. We can talk privately and get on with this." So they were excited and happy, and we drove out to the bank. I introduced them to the president of the bank. I know everyone there because I'm on the board. The president let us into the conference room. The secretary motioned for me. I said, "Excuse me just a minute." I went over and talked with her. She told me they had seen a man watching the bank for some time. They were afraid he was going to rob it and called the police. The police show up. When they surround the car and get him out—they had his hands on top of the roof—he identifies himself as working for Mr. Kowalski, at the Justice Department. They had me and the bank under surveillance. So I went back to the conference room. I asked them point blank, "Does the federal marshal in the parking lot out front work for you?" This was very embarrassing. They hemmed and hawed, and looked at each other. I said, "The police were here a little while ago. He said that he works for you. What is he doing here? These people at the bank are frightened." Kowalski said, "This was decided in Washington. We don't know you. We don't know if we can trust you." I said, "I don't understand what you're talking about. I'm here to help you as a witness. Am I the target of an investigation? Why am I under surveillance?" They wouldn't really answer the question. I told them, "Mr. Kowalski, I was prepared to give you the original documents. I will give you copies today. I'm going to withhold the originals because I feel this relationship is rapidly going downhill. I

don't believe that this is an honest, fair, objective investigation. I feel I'm the target." And he denied that.

JD: So where did you go from there?

DW: We did continue the interview. And the questions were about Dexter King, Oliver Stone, and Bill Pepper —*not* about the evidence in the investigation. So he said, "Let me know by Friday." We parted, and I came home. Then later, just as my wife was coming home, Kowalski called me.

JD: This is still Wednesday, September 16, 1998?

DW: Yes. This is when the threats started, the screaming and the hollering: "I'm going to put you in jail! We've got a search warrant that the U.S. Attorney authorized, and a federal judge signed it."

JD: Did he continue phoning?

DW: Yes, there was a series of calls that evening. Then Thursday after I left for school, he called again knowing that my wife was here by herself. He leaned on her and talked to her terribly. If I had known all of that, I probably wouldn't have met with him. She called me. She was crying and upset. Then I called him. He threatened to come out to the school. They went to the bank again. They had people sitting in the conference room. During one of Kowalski's calls, I made a comment to the effect that "I just don't understand why you're doing this." I said I was doing the right thing, "and now you're putting me and my wife through this." He said, "The federal government has absolutely no regard for your feelings or your family's feelings at all!"

I thought, "That is a frightening thing to hear from this man who is a representative of the Attorney General of

the United States.” So I agreed to give them the two documents: the “telephone document” and the “pay-off schedule document.”

JD: An *Atlanta Journal-Constitution* article of March 19, 1999, said your other three documents, including the piece of paper with the Atlanta FBI number, had been stolen from your office in 1988. How did you manage to retain two of them?

DW: I had divided up the materials that I had. I had some preserved in my house. And I also took some of them, and had them preserved in my office.

JD: You split them up for safety reasons?

DW: Yes, that was the rationale behind it. An incident occurred in 1988, totally unforeseen, which resulted in the documents in my office leaving in the possession of someone else whom I had no control over. So I lost custody of them.

JD: Who in the Justice Department received the two Raul documents?

DW: Kowalski’s marshal, who contaminated them when I gave them to her.

JD: How?

DW: I met the marshal and sat in her car. She wrote up a receipt for me. I asked her about labeling for chain of custody. I had these things in protective plastic envelopes. I would have thought she would have something along that line. She said, “Just take it out of the plastic and initial the side of the document.” This tells me these people are *not* serious about receiving and

preserving this material with the best of intentions. I've contended that all along. I knew that was a stupid request, but I thought, "I'm going to do that. I'm going to sign the side of that, because my three initials unto themselves are going to be proof of the total lack of care of this material."

What was important was the day before I had given them copies of these items. And on the copies the initials do not appear. In other words, they would have said, "He just did this himself and gave it to us." But they already had copies where the initials were not on them. So I did that.

I couldn't get one item back into the envelope. These are old and crumpled pages. She said, "Push it." Then she just put it in a plain old brown envelope. And I thought to myself, "This is absolutely ridiculous." And that was that.

JD: What conclusion do you draw from all that?

DW: There's no intention of doing an unbiased, objective investigation. This whole thing is designed to close the door on the King assassination. They're going to come up with a report, I guarantee you, where there'll be some problem with the papers. Or they'll say they're not relevant, or something they can hang their hat on to say, "Well, there's no need to go any further."

JD: Were there any further incidents after you turned over the papers?

DW: Yes, the following Monday, the day after we received a supportive call from Dexter and Coretta King, the tires on my wife's car were slashed in her parking lot at work. A review of police records showed no previous incident at that location. They have a little police blotter in the newspaper every day. This incident was not

reported by the police, to the newspaper. I thought that was significant. I went down to the police department and made an official report. Sat down with the officer. Gave him background on who I was—a possible witness in a civil trial coming up on the King assassination. He asked me if I knew any suspects in the tire slashing. I said that I thought the FBI was possibly involved in it. However, I had no evidence to support that. Toward the end of our conversation, I asked him for a business card. He declined to furnish me one, commenting that if something were to happen to me and someone found the business card on me, then he had some concern something might happen to him. I said, “That’s very reassuring.”

I also asked the bank to get a police report about the officers who came out and discovered the marshal, to learn the identities of those officers. The police department told the bank there was no report, and basically it never happened. But there are ten witnesses at the bank who saw it happen.

JD: In January 1999 you may have felt a sense of vindication when it was reported that scientific examination of the documents suggested they could in fact be legitimate.

DW: Yes, in mid-January 1999 I received a call from two CNN reporters. They had information from Department of Justice sources that testing on the material I provided had not been able to rule it out as inauthentic. So they wanted to interview me. They aired it on the King birthday holiday. I felt it presented things in a pretty good light for a change.

JD: For a trained investigator like yourself, what particular questions are raised by the evidence you uncovered?

DW: Assuming it was James Earl Ray who fled Memphis driving the white Mustang, the question in my mind is, why Atlanta? I mean, this is going in the reverse direction. If things are prearranged, he's going to leave Canada. He's not going to go in the opposite direction, particularly Atlanta, which is the home of King. I think something we don't know about went wrong. I think this was their plan, to eliminate this man. But something went wrong in that plan. And when Ray was interviewed (as I've learned from his lawyer Pepper), he did not want to talk about the trip from Memphis to Atlanta. He simply would not provide information about that. I have always felt there was another individual in the car with him. Again Ray was not responsive about that. There are several reasons why I felt there was another person. When I looked in the car, it was extremely dirty. The ashtray was overflowing with cigarettes. It's my understanding Ray did not smoke. Also the passenger-side door was slightly ajar, suggesting to me as an investigator that someone maybe exited that side of the car, then slammed the door. It didn't catch all the way. I have a feeling, too, it was not James Earl Ray who dropped this envelope with the items in it, and for whatever reason.

JD: Why do you think those papers were left in the car?

DW: There are several possibilities that I've thought about. Number one, someone simply dropped them in their haste to leave that car. Secondly, they were planted there to create a false trail. Or third, they were planted there to create actually a legitimate trail, for whatever reason. Those are the only three possibilities that I could come up with. Of course, a lot hinges on what they come up with in their investigation. You know how I feel about that. They're going to shut this thing down. They don't

want to revisit this thing at all.

JD: Do you think the forces in the King assassination extend beyond the FBI?

DW: I think it's a certainty there were outside influences and people involved in the entire process. I feel pretty strongly about that.

"Power brokers" is a good term to use: shadow government people who make decisions in what they feel is in the best interest of this country. They're going to have the American people read and see and hear what they think is in their best interest. People in these very high positions have a lot to lose from an economic standpoint. And this goes back to the issue with respect to King. In my opinion, King's assassination was not a white-black issue. It had nothing to do with racism. The stories you read about whether Ray was or wasn't a racist are immaterial. That's a red herring. King wanted to redistribute the wealth of this country. That was a big turnaround for him. Now that got the attention of the shadow government people.

A decision was made; this man has got to be eliminated. He's simply too powerful.

The King Conspiracy Exposed in Memphis

By James W. Douglass

According to a Memphis jury's verdict on December 8, 1999 in the wrongful death lawsuit of the King family versus Loyd Jowers "and other unknown co-conspirators," Dr. Martin Luther King Jr. was assassinated by a conspiracy that included agencies of his own government. Almost 32 years after King's murder at the Lorraine Motel in Memphis on April 4, 1968, a court extended the circle of responsibility for the assassination

beyond the late scapegoat James Earl Ray to the United States government.

I can hardly believe the fact that, apart from the courtroom participants, only Memphis TV reporter Wendell Stacy and I attended from beginning to end this historic three-and-one-half week trial. Because of journalistic neglect, scarcely anyone else in this land of ours even knows what went on in it. After critical testimony was given in the trial's second week before an almost empty gallery, Barbara Reis, U.S. correspondent for the Lisbon daily *Publico* who was there several days, turned to me and said, "Everything in the U.S. is the trial of the century. O.J. Simpson's trial was the trial of the century. Clinton's trial was the trial of the century. But this *is* the trial of the century, and who's here?"

What I experienced in that courtroom ranged from inspiration at the courage of the Kings, their lawyer-investigator William F. Pepper, and the witnesses, to amazement at the government's carefully interwoven plot to kill Dr. King. The seriousness with which U.S. intelligence agencies planned the murder of Martin Luther King Jr. speaks eloquently of the threat King-ian nonviolence represented to the powers that be in the spring of 1968.

In the complaint filed by the King family, "King versus Jowers and Other Unknown Co-Conspirators," the only named defendant, Loyd Jowers, was never their primary concern. As soon became evident in court, the real defendants were the anonymous co-conspirators who stood in the shadows behind Jowers, the former owner of a Memphis bar and grill. The Kings and Pepper were in effect charging U.S. intelligence agencies—particularly the FBI and Army intelligence—with organizing, subcontracting, and covering up the assassination. Such a charge guarantees almost insuperable obstacles to its being argued in a court within the United States. Judicially it is an unwelcome beast.

Many qualifiers have been attached to the verdict in the King case. It came not in criminal court but in civil court, where the standards of evidence are much lower than in criminal court.

(For example, the plaintiffs used unsworn testimony made on audiotapes and videotapes.) Furthermore, the King family as plaintiffs and Jowers as defendant agreed ahead of time on much of the evidence.

But these observations are not entirely to the point. Because of the government's "sovereign immunity," it is not possible to put a U.S. intelligence agency in the dock of a U.S. criminal court. Such a step would require authorization by the federal government, which is not likely to indict itself. Thanks to the conjunction of a civil court, an independent judge with a sense of history, and a courageous family and lawyer, a spiritual breakthrough to an unspeakable truth occurred in Memphis. It allowed at least a few people (and hopefully many more through them) to see the forces behind King's martyrdom and to feel the responsibility we all share for it through our government. In the end, 12 jurors, six black and six white, said to everyone willing to hear: guilty as charged.

We can also thank the unlikely figure of Loyd Jowers for providing a way into that truth.

When the frail, 73-year-old Jowers became ill after three days in court, Judge Swearingen excused him. Jowers did not testify and said through his attorney, Lewis Garrison, that he would plead the Fifth Amendment if subpoenaed. His discretion was too late. In 1993, against the advice of Garrison, Jowers had gone public. Prompted by William Pepper's progress as James Earl Ray's attorney in uncovering Jowers' role in the assassination, Jowers told his story to Sam Donaldson on *Prime Time Live*. He said he had been asked to help in the murder of King and was told there would be a decoy (Ray) in the plot. He was also told that the police "wouldn't be there that night."

In that interview, the transcript of which was read to the jury in the Memphis courtroom, Jowers said the man who asked him to help in the murder was a Mafia-connected produce dealer named Frank Liberto. Liberto, now deceased, had a courier deliver \$100,000 for Jowers to hold at his restaurant, Jim's Grill, the back door of which opened onto the dense bushes across from the Lorraine Motel. Jowers said he was visited the

day before the murder, by a man named Raul, who brought a rifle in a box.

Other witnesses testified to their knowledge of Liberto's involvement in King's slaying. Store owner John McFerren said he arrived around 5:15 p.m., April 4, 1968, for a produce pickup at Frank Liberto's warehouse in Memphis. (King would be shot at 6:01 p.m.) When he approached the warehouse office, McFerren overheard Liberto on the phone inside saying, "Shoot the son-of-a-bitch on the balcony."

Café owner Lavada Addison, a friend of Liberto's in the late 1970's, testified that Liberto had told her he "had Martin Luther King killed." Addison's son, Nathan Whitlock, said when he learned of this conversation he asked Liberto point-blank if he had killed King. "[Liberto] said, 'I didn't kill the nigger but I had it done.' I said, 'What about that other son-of-a-bitch taking credit for it?' He says, 'Ahh, he wasn't nothing but a troublemaker from Missouri. He was a front man ... a setup man.'"

The jury also heard a tape recording of a two-hour-long confession Jowers made at a fall 1998 meeting with Martin Luther King's son Dexter and former UN Ambassador Andrew Young. On the tape Jowers says that meetings to plan the assassination occurred at Jim's Grill. He said the planners included undercover Memphis Police Department officer Marrell McCullough, (who now works for the Central Intelligence Agency and who is referenced in the trial transcript as Merrell McCullough), MPD Lieutenant Earl Clark (who died in 1987), a third police officer, and two men who Jowers did not know, but thought were federal agents.

Young, who witnessed the assassination, can be heard on the tape identifying McCullough as the man kneeling beside King's body on the balcony in a famous photograph. According to witness Coby Vernon Smith, McCullough had infiltrated a Memphis community organizing group, the Invaders, which was working with the Southern Christian Leadership Conference. In his trial testimony Young said the MPD intelligence agent was "the guy who ran up [the balcony stairs]

with us to see Martin.”

Jowers says on the tape that right after the shot was fired he received a smoking rifle at the rear door of Jim’s Grill from Clark. He broke the rifle down into two pieces and wrapped it in a tablecloth. Raul picked it up the next day. Jowers said he didn’t actually see who fired the shot that killed King, but thought it was Clark, the MPD’s best marksman.

Young testified that his impression from the 1998 meeting was that the aging, ailing Jowers “wanted to get right with God before he died, wanted to confess it and be free of it.” Jowers denied, however, that he knew the plot’s purpose was to kill King—a claim that seemed implausible to Young and Dexter King. Jowers has continued to fear jail, and he had directed Garrison to defend him on the grounds that he didn’t know the target of the plot was King. But his interview with Donaldson suggests he was not naïve on this point.

Loyd Jowers’ story opened the door to testimony that explored the systemic nature of the murder in seven other basic areas: 1) background to the assassination, 2) local conspiracy, 3) the crime scene, 4) the rifle, 5) Raul, 6) broader conspiracy and 7) cover-up.

1) Background to the assassination: James Lawson, King’s friend and an organizer with SCLC, testified that King’s stands on Vietnam and the Poor People’s Campaign had created enemies in Washington. He said King’s speech at New York’s Riverside Church on April 4, 1967, which condemned the Vietnam War and identified the U.S. government as “the greatest purveyor of violence in the world today,” provoked intense hostility in the White House and FBI.

Hatred and fear of King deepened, Lawson said, in response to his plan to hold the Poor People’s Campaign in Washington, D.C. King wanted to shut down the nation’s capital in the spring of 1968 through massive civil disobedience until the government agreed to abolish poverty. King saw the Memphis sanitation workers’ strike as the beginning of a nonviolent revolution that would redistribute income.

“I have no doubt,” Lawson said, “that the government viewed

all this seriously enough to plan his assassination.”

Coretta Scott King testified that her husband had to return to Memphis in early April 1968 because of a violent demonstration there for which he had been blamed. Moments after King arrived in Memphis to join the sanitation workers' march there on March 28, 1968, the scene turned violent—subverted by government provocateurs, Lawson said. Thus, King had to return to Memphis on April 3 and prepare for a truly nonviolent march, Mrs. King said, to prove SCLC could still carry out a nonviolent campaign in Washington.

2) Local conspiracy: On the night of April 3, 1968, Floyd E. Newsum, a black firefighter and civil rights activist, heard King's "I've Been to the Mountain Top" speech at the Mason Temple in Memphis. On his return home, Newsum returned a phone call from his lieutenant and was told he had been temporarily transferred, effective April 4, from Fire Station 2, located across the street from the Lorraine Motel, to Fire Station 31. Newsum testified that he was not needed at the new station. However, he was needed at his old station because his departure left it "out of service unless somebody else was detailed to my company in my stead." After making many queries, Newsum was eventually told he had been transferred by request of the police department.

The only other black firefighter at Fire Station 2, Norvell E. Wallace, testified that he, too, received orders from his superior officer on the night of April 3 for a temporary transfer to a fire station far removed from the Lorraine Motel. He was later told vaguely that he had been threatened.

Wallace guessed it was because "I was putting out fires," he told the jury with a smile. Asked if he ever received a satisfactory explanation for his transfer Wallace answered, "No. Never did. Not to this day."

Then there was Ed Redditt, a black Memphis Police Department detective at Fire Station 2. To understand the Redditt incident, it is important to note that it was Redditt himself who initiated his watch on Dr. King from the firehouse across the street. Redditt testified that when King's party and

the police accompanying them (including Detective Redditt) arrived from the airport at the Lorraine Motel on April 3, he "noticed something that was unusual." When Inspector Don Smith, who was in charge of security, told Redditt he could leave, Redditt "noticed there was nobody else there. In the past when we were assigned to Dr. King [when Redditt had been part of a black security team for King], we stayed with him. I saw nobody with him. So I went across the street and asked the Fire Department could we come in and observe from the rear, which we did." Given Redditt's concerns for King's safety, his particular watch on the Lorraine may not have fit into others' plans.

Redditt testified that late in the afternoon of April 4, MPD Intelligence Officer Eli Arkin came to Fire Station 2 to take him to Central Headquarters. There, Police and Fire Director Frank Holloman (formerly an FBI agent for 25 years, seven of them as supervisor of J. Edgar Hoover's office) ordered Redditt home against his wishes and accompanied by Arkin. The reason Holloman gave Redditt for his removal from the King watch Redditt had initiated the day before was that his life had been threatened.

In an interview after the trial, Redditt told me the story of how his 1978 testimony on this question before the House Select Committee on Assassinations was part of a heavily pressured cover-up. "It was a farce," he said, "a total farce."

Redditt had been subpoenaed by the HSCA to testify, as he came to realize, not so much on his strange removal from Fire Station 2 as the fact that he had spoken about it openly to writers and researchers. The HSCA focused narrowly on the discrepancy between Redditt's surveiling King (as he was doing) and acting as security (an impression Redditt had given writers interviewing him) in order to discredit the story of his removal. Redditt was first grilled by the committee for eight straight hours in a closed executive session. After a day of hostile questioning, Redditt finally said late in the afternoon, "I came here as a friend of the investigation, not as an enemy of the investigation. You don't want to deal with the truth." He

told the committee angrily that if the secret purpose behind the King conspiracy was, like the JFK conspiracy, “to protect the country, just tell the American people! They’ll be happy! And quit fooling the folks and trying to pull the wool over their eyes.”

When the closed hearing was over, Redditt received a warning call from a friend in the White House, who said, “Man, your life isn’t worth a wooden nickel.”

Redditt said his public testimony the next day “was a set-up”:

The bottom line on that one was that Senator Baker decided that I wouldn’t go into this open hearing without an attorney. When the lawyer and I arrived at the hearing, we were ushered right back out across town to the executive director in charge of the investigation. [We] looked through a book, to look at the questions and answers. So in essence what they were saying was: “This is what you’re going to answer to, and this is how you’re going to answer.” It was all made up, all designed, questions and answers, what to say and what not to say. A total farce.

Former MPD Captain Jerry Williams followed Redditt to the witness stand. Williams had been responsible for forming a special security unit of black officers whenever King came to Memphis (the unit Redditt had served on earlier). Williams took pride in providing the best possible protection for Dr. King, which included, he said, advising him never to stay at the Lorraine “because we couldn’t furnish proper security there.” (“It was just an open view,” he explained to me later, “Anybody could ... There was no protection at all. To me that was a set-up from the very beginning.”)

For King’s April 3, 1968 arrival, however, Williams was for some reason not asked to form the special black bodyguard. He was told years later by his inspector (a man whom Jowers identified as a participant in the planning meetings at Jim’s Grill) that the change occurred because somebody in King’s entourage had asked specifically for no black security officers. Williams told the jury he was bothered by the omission “even to

this day.”

Leon Cohen, a retired New York City police officer, testified that in 1968 he had become friendly with the Lorraine Motel’s owner and manager, Walter Bailey (now deceased). On the morning after King’s murder, Cohen spoke with a visibly upset Bailey outside his office at the Lorraine. Bailey told Cohen about a strange request that had forced him to change King’s room to the location where he was shot.

Bailey explained that the night before King’s arrival he had received a call “from a member of Dr. King’s group in Atlanta.” The caller (whom Bailey said he knew but referred to only by the pronoun “he”) wanted the motel owner to change King’s room. Bailey said he was adamantly opposed to moving King, as instructed, from an inner court room behind the motel office (which had better security) to an outside balcony room exposed to public view.

“If they had listened to me,” Bailey said, “this wouldn’t have happened.”

Philip Melanson, author of *The Martin Luther King Assassination* (1991), described his investigation into the April 4 pullback of four tactical police units that had been patrolling the immediate vicinity of the Lorraine Motel. Melanson asked MPD Inspector Sam Evans (now deceased), commander of the units, why they were pulled back the morning of April 4, in effect making an assassin’s escape much easier. Evans said he gave the order at the request of a local pastor connected with King’s party, Rev. Samuel Kyles. (Melanson wrote in his book that Kyles emphatically denied making any such request.) Melanson said the idea that MPD security would be determined at such a time by a local pastor’s request made no sense whatsoever.

Olivia Catling lived a block away from the Lorraine on Mulberry Street. Catling had planned to walk down the street the evening of April 4 in the hope of catching a glimpse of King at the motel. She testified that when she heard the shot a little after six o’clock, she said, “Oh, my God, Dr. King is at that hotel!” She ran with her two children to the corner of Mulberry

and Huling streets, just north of the Lorraine. She saw a man in a checkered shirt come running out of the alley next to a building across from the Lorraine. The man jumped into a green 1965 Chevrolet just as a police car drove up behind him. He gunned the Chevrolet around the corner and up Mulberry past Catling's house, moving her to exclaim, "It's going to take us six months to pay for the rubber he's burning up!" The police, she said, ignored the man and blocked off a street, leaving his car free to go the opposite way.

I visited Catling in her home, and she told me the man she had seen running was not James Earl Ray. "I will go into my grave saying that was not Ray, because the gentleman I saw was heavier than Ray."

"The police," she told me, "asked not one neighbor [around the Lorraine], 'What did you see?' 31 years went by. Nobody came and asked one question. I often thought about that. I even had nightmares over that, because they never said anything. How did they let him get away?"

Catling also testified that from her vantage point, on the corner of Mulberry and Huling, she could see a fireman standing alone across from the motel when the police drove up. She heard him say to the police, "The shot came from that clump of bushes," indicating the heavily overgrown brushy area facing the Lorraine and adjacent to Fire Station 2.

3) The crime scene: Earl Caldwell was a *New York Times* reporter in his room at the Lorraine Motel the evening of April 4. In videotaped testimony, Caldwell said he heard what he thought was a bomb blast at 6:00 p.m. When he ran to the door and looked out, he saw a man crouched in the heavy part of the bushes across the street. The man was looking over at the Lorraine's balcony. Caldwell wrote an article about the figure in the bushes but was never questioned about what he had seen by any authorities.

In a 1993 affidavit from former SCLC official James Orange, that was read into the record, Orange said that on April 4,

James Bevel and I were driven around by Marrell McCullough, a person who at that time we knew to be a member of the Invaders, a local community organizing group, and who we subsequently learned was an undercover agent for the Memphis Police Department who now works for the Central Intelligence Agency. [After the shot, when Orange saw Dr. King's leg dangling over the balcony] I looked back and saw the smoke. It couldn't have been more than five to ten seconds. The smoke came out of the brush area on the opposite side of the street from the Lorraine Motel. I saw it rise up from the bushes over there. From that day to this time I have never had any doubt that the fatal shot, the bullet which ended Dr. King's life, was fired by a sniper concealed in the brush area behind the derelict buildings. I also remember then turning my attention back to the balcony and seeing Marrell McCullough up on the balcony kneeling over Dr. King, looking as though he was checking Dr. King for life signs. I also noticed, quite early the next morning around 8 or 9 o'clock, that all of the bushes and brush on the hill were cut down and cleaned up. It was as though the entire area of the bushes from behind the rooming house had been cleared ...

I will always remember the puff of white smoke and the cut brush and having never been given a satisfactory explanation. When I tried to tell the police at the scene as best I saw they told me to be quiet and to get out of the way. I was never interviewed or asked what I saw by any law enforcement authority in all of the time since 1968.

Also read into the record were depositions made by Solomon Jones to the FBI and to the Memphis police. Jones was King's chauffeur in Memphis. The FBI document, dated April 13, 1968, says that after King was shot, when Jones looked across Mulberry Street into the brushy area, "he got a quick glimpse of a person with his back toward Mulberry Street. ... This person was moving rather fast, and he recalls that he believed he was wearing some sort of lightcolored jacket with some sort of a hood or parka." In his 11:30 p.m., April 4, 1968 police

interview, Jones provides the same basic information concerning a person leaving the brushy area hurriedly.

Maynard Stiles, who in 1968 was a senior official in the Memphis Sanitation Department, confirmed in his testimony that the bushes near the rooming house were cut down. At about 7:00 a.m., on April 5, Stiles told the jury, he received a call from MPD Inspector Sam Evans "requesting assistance in clearing brush and debris from a vacant lot in the vicinity of the assassination." Stiles called another superintendent of sanitation, who assembled a crew. "They went to that site, and under the direction of the police department, whoever was in charge there proceeded with the clean-up in a slow, methodical, meticulous manner." Stiles identified the site as an area overgrown with brush and bushes across from the Lorraine Motel.

Within hours of King's assassination, the crime scene that witnesses were identifying to the Memphis police as a cover for the shooter had been sanitized by orders of the police.

4) The rifle: three key witnesses in the Memphis trial who offered evidence counter to James Earl Ray's rifle being the murder weapon were: a) Judge Joe Brown, b) Judge Arthur Hanes Jr. and c) William Hamblin.

Judge Joe Brown, who had presided over two years of hearings on the rifle, testified that "67% of the bullets from my tests did not match the Ray rifle." He added that the unfired bullets found wrapped with it in a blanket were metallurgically different from the bullet taken from King's body, and therefore were from a different lot of ammunition. And because the rifle's scope had not been sighted, Brown said, "this weapon literally could not have hit the broad side of a barn." Holding up the 30.06 Remington 760 Gamemaster rifle, Judge Brown told the jury, "It is my opinion that this is not the murder weapon."

Circuit Court Judge Arthur Hanes Jr. of Birmingham, Alabama, had been Ray's attorney in 1968. On the eve of his trial, Ray replaced Hanes and his father, Arthur Hanes Sr., with Percy Foreman, a decision Ray told the Haneses (a week later)

was the biggest mistake of his life. Hanes testified that in the summer of 1968 he interviewed Guy Canipe, owner of the Canipe Amusement Company. Canipe was a witness to the dropping in his doorway of a bundle that held a trove of James Earl Ray memorabilia, including the rifle, unfired bullets, and a radio with Ray's prison identification number on it. This dropped bundle, heaven (or otherwise) sent for the State's case against Ray, can only be accepted as credible evidence through a willing suspension of disbelief. As Judge Hanes summarized the State's lone-assassin theory (with reference to an exhibit depicting the scene) "James Earl Ray had fired the shot from the bathroom on that second floor, come down that hallway into his room and carefully packed that box—tied it up, then had proceeded across the walkway the length of the building to the back where that stair from that door came up. ... Had come down the stairs out the door, placed the Browning box containing the rifle and the radio there in the Canipe entryway." Then Ray presumably got in his car seconds before the police's arrival, driving from downtown Memphis to Atlanta unchallenged in his white Mustang.

Concerning his interview with the witness, who was the cornerstone of this theory, Judge Hanes told the jury that Guy Canipe (now deceased) provided "terrific evidence." "He said that the package was dropped in his doorway by a man headed south down Main Street on foot, and that this happened *at about ten minutes before* the shot was fired."

Hanes thought Canipe's witnessing the bundle-dropping ten minutes before the shot was very credible for another reason. It so happened (as confirmed by Philip Melanson's research) that at 6:00 p.m. one of the MPD tactical units that had been withdrawn earlier by Inspector Evans, TACT 10, had returned briefly to the area with its 16 officers for a rest break at Fire Station 2. As Hanes testified, with the firehouse brimming with police, some already watching King across the street, "When they saw Dr. King go down, the fire house erupted like a beehive ... In addition to the time involved [in Ray's presumed odyssey from the bathroom to the car], it was circumstantially

almost impossible to believe that somebody had been able to throw that [rifle] down and leave right in the face of that erupting fire station.”

When I spoke with Judge Hanes after the trial about the startling evidence he had received from Canipe, he commented, “That’s what I’ve been saying for 30 years.”

William Hamblin testified not about the rifle thrown down in the Canipe doorway but rather the smoking rifle Loyd Jowers said he received at his back door from Earl Clark right after the shooting. Hamblin recounted a story he was told many times by his friend James McCraw, who had died.

James McCraw is already well known to researchers as the taxi driver who arrived at the rooming house to pick up Charlie Stephens shortly before 6:00 p.m. on April 4. In a deposition read earlier to the jury, McCraw said he found Stephens in his room lying on his bed too drunk to get up. So McCraw turned out the light and left without him—minutes before Stephens, according to the State, identified Ray in profile passing down the hall from the bathroom. McCraw also said the bathroom door next to Stephen’s room was standing wide open, and there was no one in the bathroom—where again, according to the State, Ray was then balancing on the tub, about to squeeze the trigger.

William Hamblin told the jury that he and fellow cab driver McCraw were close friends for about 25 years. Hamblin said he probably heard McCraw tell the same rifle story 50 times, but only when McCraw had been drinking and had his defenses down.

In that story, McCraw said that Loyd Jowers had given him the rifle right after the shooting. According to Hamblin, “Jowers told him to get the [rifle] and get it out of here now. [McCraw] said that he grabbed his beer and snatched it out. He had the rifle rolled up in an oil cloth, and he leapt out the door and did away with it.” McCraw told Hamblin he threw the rifle off a bridge into the Mississippi River.

Hamblin said McCraw never revealed publicly what he knew of the rifle because, like Jowers, he was afraid of being

indicted: "He really wanted to come out with it, but he was involved in it. And he couldn't really tell the truth."

William Pepper accepted Hamblin's testimony about McCraw's disposal of the rifle over Jowers' claim to Dexter King that he gave the rifle to Raul. Pepper said in his closing argument that the actual murder weapon had been lying "at the bottom of the Mississippi River for over 31 years."

5) Raul: One of the most significant developments in the Memphis trial was the emergence of the mysterious Raul through the testimony of a series of witnesses.

In a 1995 deposition by James Earl Ray that was read to the jury, Ray told of meeting Raul in Montreal in the summer of 1967, three months after Ray had escaped from a Missouri prison. According to Ray, Raul guided Ray's movements, gave him money for the Mustang car and the rifle, and used both to set him up in Memphis.

Andrew Young and Dexter King described their meeting with Jowers and Pepper at which Pepper had shown Jowers a spread of photographs, and Jowers picked out one as the person named Raul who brought him the rifle to hold at Jim's Grill. Pepper displayed the same spread of photos in court, and Young and King pointed out the photo Jowers had identified as Raul. (Private investigator John Billings said in separate testimony that this picture was a passport photograph from 1961, when Raul immigrated from Portugal to the U.S.).

Additional witnesses who identified the photo as Raul included British merchant seaman Sidney Carthew, who in a videotaped deposition from England said he had met Raul (who offered to sell him guns) and a man he thinks was Ray (who wanted to be smuggled onto his ship), in Montreal, in the summer of 1967. Other witnesses include Glenda and Roy Grabow, who recognized Raul as a gunrunner they knew in Houston in the '60s and '70s. They said Raul told Glenda, in a rage, that he had killed Martin Luther King. Also on the list is Royce Wilburn, Glenda's brother, who also knew Raul in Houston, and British television producer Jack Saltman, who

had obtained the passport photo and showed it to Ray in prison and who identified it as the photo of the person who had guided him.

Saltman and Pepper, working on independent investigations, located Raul in 1995. He was living quietly with his family in the northeastern U.S. It was there in 1997 that journalist Barbara Reis of the Lisbon *Publico*, working on a story about Raul, spoke with a member of his family. Reis testified that she had spoken in Portuguese to a woman in Raul's family who, after first denying any connection to Ray's Raul, said "they" had visited them. "Who?" Reis asked. "The government," said the woman. She said government agents had visited them three times over a three-year period. The government, she said, was watching over them and monitoring their phone calls, and the woman took comfort and satisfaction in the fact that her family (so she believed) was being protected by the government.

In his closing argument Pepper said of Raul:

Now, as I understand it, the defense had invited Raul to appear here. He is outside this jurisdiction, so a subpoena would be futile. But he was asked to appear here. In earlier proceedings there were attempts to depose him, and he resisted them. So he has not attempted to come forward at all and tell his side of the story or to defend himself.

6) A broader conspiracy: Carthel Weeden, captain of Fire Station 2 in 1968, testified that he was on duty the morning of April 4 when two U.S. Army officers approached him. The officers said they wanted a lookout for the Lorraine Motel. Weeden said they carried briefcases and indicated they had cameras. Weeden showed the officers to the roof of the fire station. He left them at the edge of its northeast corner behind a parapet wall. From there the Army officers had a bird's-eye view of Dr. King's balcony doorway and could also look down on the brushy area adjacent to the fire station.

The testimony of writer Douglas Valentine filled in the background of the men Carthel Weeden had taken up to the roof of Fire Station 2. While Valentine was researching his

book *The Phoenix Program* (1990), on the CIA's notorious counterintelligence program against Vietnamese villagers, he talked with veterans in military intelligence who had been re-deployed from the Vietnam War to the '60s anti-war movement. They told him that in 1968 the Army's 111th Military Intelligence Group kept Martin Luther King under 24-hour-a-day surveillance. Its agents were in Memphis April 4. As Valentine wrote in *The Phoenix Program*, they "reportedly watched and took photos while King's assassin moved into position, took aim, fired, and walked away."

Testimony which juror David Morphy later described as "awesome" was that of former CIA operative Jack Terrell, a whistle-blower in the Iran-Contra scandal. Terrell, who was dying of liver cancer in Florida, testified by videotape that his close friend J.D. Hill had confessed to him that he had been a member of an Army sniper team in Memphis assigned to shoot "an unknown target" on April 4. After training for a triangular shooting, the snipers were on their way into Memphis to take up positions in a watertower and two buildings when their mission was suddenly cancelled. Hill said he realized, when he learned of King's assassination the next day, that the team must have been part of a contingency plan to kill King if another shooter failed.

Terrell said J.D. Hill was shot to death. His wife was charged with shooting Hill (in response to his drinking), but she was not indicted. From the details of Hill's death, Terrell thought the story about Hill's wife shooting him was a cover, and that his friend had been assassinated. In an interview, Terrell said the CIA's heavy censorship of his book *Disposable Patriot* (1992) included changing the paragraph on J.D. Hill's death so that it read as if Terrell thought Hill's wife was responsible.

7) Cover-up: Walter Fauntroy, Dr. King's colleague and a 20-year member of Congress, chaired the subcommittee of the 1976-78 House Select Committee on Assassinations that investigated King's assassination. Fauntroy testified in Memphis that in the course of the HSCA investigation "it was apparent that we were dealing with very sophisticated forces."

He discovered electronic bugs on his phone and TV set. When Richard Sprague, HSCA's first chief investigator, said he would make available all CIA, FBI, and military intelligence records, he became a focus of controversy. Sprague was forced to resign. His successor made no demands on U.S. intelligence agencies. Such pressures contributed to the subcommittee's ending its investigation, as Fauntroy said, "without having thoroughly investigated all of the evidence that was apparent." Its formal conclusion was that Ray assassinated King, he probably had help, and the government was not involved.

When I interviewed Fauntroy in a van on his way back to the Memphis Airport, I asked about the implications of his statements in an April 4, 1997 *Atlanta Constitution* article. The article said Fauntroy now believed "Ray did not fire the shot that killed King and was part of a larger conspiracy that possibly involved federal law enforcement agencies," and added: "Fauntroy said he kept silent about his suspicions because of fear for himself and his family."

Fauntroy told me that when he left Congress in 1991 he had the opportunity to read through his files on the King assassination, including raw materials that he'd never seen before. Among the material was information from the logs of J. Edgar Hoover. This is where he learned that in the three weeks before King's murder the FBI chief held a series of meetings with "persons involved with the CIA and military intelligence in the Phoenix Operation in Southeast Asia." Why? Fauntroy also discovered there had been Green Berets and military intelligence agents in Memphis when King was killed. "What were they doing there?" he asked.

When Fauntroy had talked about his decision to write a book about what he'd "uncovered since the assassination committee closed down," he was promptly investigated and charged by the Justice Department with having violated his financial reports as a member of Congress. His lawyer told him that he could not understand why the Justice Department would bring up a charge on the technicality of one misdated check. Fauntroy said he interpreted the Justice Department's action to

mean: "Look, we'll get you on something if you continue this way ... I just thought: I'll tell them I won't go and finish the book, because it's surely not worth it."

At the conclusion of his trial testimony, Fauntroy also spoke about his fear of an FBI attempt to kill James Earl Ray when he escaped from Tennessee's Brushy Mountain State Penitentiary in June 1977. Congressman Fauntroy had heard reports about an FBI SWAT team having been sent into the area around the prison to shoot Ray and prevent his testifying at the HSCA hearings. Fauntroy asked HSCA chair Louis Stokes to alert Tennessee Governor Ray Blanton of the danger to the HSCA's star witness and Blanton's most famous prisoner. When Stokes did, Blanton called off the FBI SWAT team, Ray was caught safely by local authorities, and in Fauntroy's words, "We all breathed a sigh of relief."

The Memphis jury also learned how a 1993-98 Tennessee State investigation into the King assassination was, if not a cover-up, then an inquiry noteworthy for its lack of witnesses. Lewis Garrison had subpoenaed the head of the investigation, Mark Glankler, in an effort to discover evidence helpful to Jowers' defense. William Pepper then cross-examined Glankler on the witnesses he had interviewed in his investigation:

Q. (BY MR. PEPPER) Mr. Glankler, did you interview Mr. Maynard Stiles, whose testifying—

A. I know the name, Counselor, but I don't think I took a statement from Maynard Stiles or interviewed him. I don't think I did.

Q. Did you ever interview Mr. Floyd Newsum?

A. Can you help me with what he does?

Q. Yes. He was a black fireman who was assigned to Station Number 2.

A. I don't recall the name, Counsel.

Q. All right. Ever interview Mr. Norvell Wallace?

A. I don't recall that name offhand either.

Q. Ever interview Captain Jerry Williams?

A. Fireman also?

Q. Jerry Williams was a policeman. He was a homicide detective.

A. No, sir, I don't—I really don't recall that name.

Q. Fair enough. Did you ever interview Mr. Charles Hurley, a private citizen?

A. Does he have a wife named Peggy?

Q. Yes.

A. I think we did talk with a Peggy Hurley or attempted to.

Q. Did you interview a Mr. Leon Cohen?

A. I just don't recall without—

Q. Did you ever interview Mr. James McCraw?

A. I believe we did. He talks with a device?

Q. Yes, the voice box.

A. Yes, okay. I believe we did talk to him, yes, sir.

Q. How about Mrs. Olivia Catling, who has testified—

A. I'm sorry, the last name again.

Q. Catling, CATLING.

A. No, sir, that name doesn't—

Q. Did you ever interview Ambassador Andrew Young?

A. No, sir.

Q. You didn't?

A. No sir, not that I recall.

Q. Did you ever interview Judge Arthur Hanes?

A. No, sir.

So it goes—downhill. The above is Glankler's high-water mark: He got two out of the first ten (if one counts Charles and Peggy Hurley as a yes). Pepper questioned Glankler about 25 key witnesses. The jury was familiar with all of them from prior testimony in the trial. Glankler could recall his office interviewing a total of three. At the 25th-named witness, Earl Caldwell, Pepper finally let Glankler go:

Q. Did you ever interview a former *New York Times* journalist, a *New York Daily News* correspondent named Earl Caldwell?

A. Earl Caldwell? Not that I recall.

Q. You never interviewed him in the course of your investigation?

A. I just don't recall that name.

MR. PEPPER: I have no further comments about this investigation—no further questions for this investigator.

In his sprawling, brilliant work that outlines the trial, *Orders to*

Kill (1995), William Pepper introduced readers to most of the 70 witnesses who took the stand in Memphis or were cited by deposition, tape, and other witnesses. To keep this article from reading like either an encyclopedia or a Dostoevsky novel, I have highlighted only a few. What Pepper's work has accomplished in print and in court can be measured by the intensity of the media attacks on him, shades of Jim Garrison. But even Garrison did not gain the support of the Kennedy family (in his case) or achieve a guilty verdict. The Memphis trial has opened wide a door to our assassination politics. Anyone who walks through it is faced by an either/or: to declare naked either the empire or oneself.

The King family has chosen the former. The vision behind the trial is at least as much theirs as it is William Pepper's, for ultimately it is the vision of Martin Luther King Jr. Coretta King explained to the jury her family's purpose in pursuing the lawsuit against Jowers: "This is not about money. We're concerned about the truth, having the truth come out in a court of law so that it can be documented for all. I've always felt that somehow the truth would be known, and I hoped that I would live to see it. It is important I think for the sake of healing so many people—my family, other people, the nation."

Dexter King, the plaintiffs' final witness, said the trial was about *why* his father had been killed.

From a holistic side, in terms of the people, in terms of the masses, yes, it has to be dealt with because it is not about who killed Martin Luther King Jr., my father. It is not necessarily about all of those details. It is about *why* was he killed? Because if you answer the *why*, you will understand the same things are still happening. Until we address that, we're all in trouble. Because if it could happen to him, if it can happen to this family, it can happen to anybody. It is so amazing for me that as soon as this issue of potential involvement of the federal government came up, all of a sudden the media just went totally negative against the family. I couldn't understand that. I kept asking my mother, 'What is going on?' She

reminded me. She said, “Dexter, your dad and I have lived through this once already. You have to understand that when you take a stand against the establishment, first, you will be attacked. There is an attempt to discredit. Second, [an attempt] to try and character-assassinate. And third, ultimately physical termination or assassination.” Now the truth of the matter is if my father had stopped and not spoken out, if he had just somehow compromised, he would probably still be here with us today. But the minute you start talking about redistribution of wealth and stopping a major conflict, which also has economic ramifications ...

In his closing argument, William Pepper identified economic power as the root reason for King’s assassination:

When Martin King opposed the war, when he rallied people to oppose the war, he was threatening the bottom lines of some of the largest defense contractors in this country. This was about money. He was threatening the weapons industry, the hardware, the armaments industries that would all lose as a result of the end of the war. The second aspect of his work that also dealt with money that caused a great deal of consternation in the circles of power in this land had to do with his commitment to take a massive group of people to Washington. ... Now he began to talk about a redistribution of wealth, in this the wealthiest country in the world.

Pepper went a step beyond saying government agencies were responsible for the assassination. To whom in turn were those murderous agencies responsible? Not so much to government officials per se, Pepper asserted, as to the economic power holders they represented who stood in the even deeper shadows behind the FBI, Army Intelligence, and their affiliates in covert action. By 1968, Pepper told the jury, “And today it is much worse in my view”—“the decision-making processes in the United States were the representatives, the foot soldiers of the very economic interests that were going to suffer as a result of these times of changes [being activated by King].”

To say that U.S. government agencies killed Martin Luther King on the verge of the Poor People's Campaign is a way into the deeper truth that the economic powers that be (which dictate the policies of those agencies) killed him. In the Memphis prelude to the Washington campaign, King posed a threat to those powers of a non-violent revolutionary force. Just how determined they were to stop him before he reached Washington was revealed in the trial by the size and complexity of the plot to kill him.

Dexter King testified to the truth of his father's death with transforming clarity:

If what you are saying goes against what certain people believe you should be saying, you will be dealt with—maybe not the way you are dealt with in China, which is overtly. But you will be dealt with covertly. The result is the same. We are talking about a political assassination in modern-day times, a domestic political assassination. Of course, it is ironic, but I was watching a special on the CIA. They say, "Yes, we've participated in assassinations abroad but, no, we could never do anything like that domestically." Well, I don't know. ... Whether you call it CIA or some other innocuous acronym or agency, killing is killing. The issue becomes—what do we do about this? Do we endorse a policy in this country, in this life, that says if we don't agree with someone, the only means to deal with it is through elimination and termination? I think my father taught us the opposite—that you can overcome without violence. We're not in this to make heads roll. We're in this to use the teachings that my father taught us in terms of nonviolent reconciliation. It works. We know that it works. So we're not looking to put people in prison. What we're looking to do is get the truth out so that this nation can learn and know officially. If the family of the victim, if we're saying we're willing to forgive and embark upon a process that allows for reconciliation, why can't others?

When pressed by Pepper to name a specific amount of damages for the death of his father, Dexter King said, "One hundred

dollars.”

The verdict: The jury returned with a verdict after two and one-half hours. Judge James E. Swearingen of Shelby County Circuit Court, a gentle African-American man in his last few days before retirement, read the verdict aloud. The courtroom was now crowded with spectators, almost all black.

In answer to the question, ‘Did Loyd Jowers participate in a conspiracy to do harm to Dr. Martin Luther King?’ your answer is ‘Yes.’” The man on my left leaned forward and whispered softly, “Thank you, Jesus.”

The judge continued: “Do you also find that others, including governmental agencies, were parties to this conspiracy as alleged by the defendant?” Your answer to that one is also ‘Yes.’” An even more heartfelt whisper: “Thank you, Jesus!”

David Morphy, the only juror to grant an interview, said later:

We can look back on it and say that we did change history. But that’s not why we did it. It was because there was an overwhelming amount of evidence and just too many odd coincidences.

Everything from the police department being pulled back, to the death threat on Redditt, to the two black firefighters being pulled off, to the military people going up on top of the fire station, even to them going back to that point and cutting down the trees. Who in their right mind would go and destroy a crime scene like that the morning after? It was just very, very odd.

I drove the few blocks to the house on Mulberry Street, one block north of the Lorraine Motel (now the National Civil Rights Museum). When I rapped loudly on Olivia Catling’s security door, she was several minutes in coming. She said she’d had the flu. I told her the jury’s verdict, and she smiled. “So I can sleep now. For years I could still hear that shot. After 31 years, my mind is at ease. So I can sleep now, knowing that some kind of peace has been brought to the King family. And that’s the best part about it.”

Perhaps the lesson of the King assassination is that our government understands the power of nonviolence better than we do, or better than we want to. In the spring of 1968, when Martin King was marching (and Robert Kennedy was campaigning), King was determined that massive, nonviolent civil disobedience would end the domination of democracy by corporate and military power. The powers that be took Martin Luther King seriously. They dealt with him in Memphis.

32 years after Memphis, we know that the government that now honors Dr. King with a national holiday also killed him. As will once again become evident when the Justice Department releases the findings of its “limited reinvestigation” into King’s death, the government (as a footsoldier of corporate power) is continuing its cover-up. Just as it continues to do in the closely related murders of John and Robert Kennedy and Malcolm X.

The faithful in a nonviolent movement that hopes to change the distribution of wealth and power in the USA—as Dr. King’s vision, if made real, would have done in 1968—should be willing to receive the same kind of reward that King did in Memphis. As each of our religious traditions has affirmed from the beginning, that recurring story of martyrdom (“witness”) is one of ultimate transformation and cosmic good news.

The DOJ’s Strange MLK Report

By Douglas Valentine

“Scary” is the word Attorney William Pepper, uses to describe the Justice Department’s official report about the assassination of Dr. Martin Luther King, Jr.

Issued in June 2000 by U.S. Attorney Barry Kowalski, the King Report,¹ which was initiated in 1998 at the request of the King family, completely absolves the federal government of any involvement in a conspiracy to kill the civil rights leader and antiwar activist. According to the King Report, James Earl Ray

was the lone assassin—and anyone who says otherwise is crazy, a liar, or just out for the money.

“I mean ‘scary’ in a very serious way,” Pepper emphasizes. “The extent to which Kowalski papered over and denied the facts is seriously scary.”

Pepper—who is compiling a list of over 50 relevant facts that Kowalski deliberately overlooked in his attempt to rewrite history—should know. For years he has represented the King family in its flawed quest to discover the federal government’s role in Dr. King’s assassination. As a result, Pepper also is the object of much of the King Report’s artless innuendo. While Kowalski’s stated purpose was to determine the truth, his true intention appears to have been to frighten anyone and everyone, but especially Pepper and the King family, from ever again disputing the official story.

In making its intimidating point, the King Report focuses on four general subjects: 1) the allegations of Loyd Jowers, a Memphis businessman who claimed to be one of the people who planned King’s assassination; 2) The allegations of Donald Wilson, a former FBI agent who claims that in 1968, he discovered papers that contained references to Raul in James Earl Ray’s car. (Raul, sometimes referred to as Raoul, was the mystery man whom Ray, over a period of 30 years, steadfastly maintained had managed his movements and ultimately framed him in the assassination); 3) Raul and his role in the assassination, if any; and 4) The evidence and witnesses that prompted a Memphis jury to conclude, in December 1999, that the federal government was somehow involved in the assassination.

Kowalski tackles the first two subjects first, and in two separate sections of the King Report he systematically destroys the allegations, and reputations, of Jowers (whose numerous contradictory statements are recounted in dissembled detail) and Wilson (who is portrayed as unstable and unreliable). The primary, unscrupulous tactic Kowalski uses in achieving this result is the sweeping distortion and selective presentation of

evidence and facts.

For example, in the King Report (Part 2, p. 3), Kowalski makes two assertions. The first is the straightforward statement that Jowers “refused to cooperate with our investigation.” This is a charge that will be repeated over and over again when Kowalski seeks to discredit a particular individual. In this case, Kowalski is asserting that Jowers refused to accept an offer of immunity.

The second assertion is a vague generalization that relies heavily on innuendo. Kowalski states that, “In 1993, Jowers and a small circle of friends,² all represented by the same attorney, sought to gain legitimacy for the conspiracy allegations by presenting them first to the state prosecutor, then to the media. Other of Jowers’ friends and acquaintances, some of whom had close contact with each other and sought financial compensation, joined the promotional effort over the next several years. For example, one cab driver contacted Jowers’ attorney in 1998 and offered to be of assistance. Thereafter, he heard Jowers’ conspiracy allegations, then repeated them for television and during King v. Jowers. Telephone records demonstrate that, over a period of several months, the cab driver made over 75 telephone calls to Jowers’ attorney and another 75 calls to another cab driver friend of Jowers who has sought compensation for information supporting Jowers’ claims.”

The transparent implication of this second assertion is that Jowers’ unnamed attorney concocted a scam to package and sell the contrived conspiracy theory of a small group of hustlers. As proof of this “conspiracy,” Kowalski cites 75 phone calls from an unnamed cab driver to the attorney. We are supposed to believe that all of this is true, because Kowalski is a decent chap who does not name the conniving attorney.

But was Kowalski really trying to protect the reputation of the attorney, while issuing this backhanded slap in the face? The attorney, Lewis Garrison, does not think so. Garrison believes that Kowalski is playing with words and toying with the truth, and he adamantly disputes both of Kowalski’s

assertions.

Regarding the first assertion, that Jowers refused to cooperate with Kowalski's investigation: "Please be assured," Garrison stresses, "that Kowalski never, repeat never, offered immunity to Mr. Jowers. When Kowalski first contacted me, he indicated that he could obtain immunity from the United States government, but was advised that the U.S. government could not provide immunity because the statute of limitations prevented it. Kowalski then indicated that he could obtain an agreement for immunity from the local District Attorney. But that was never done. Kowalski may have gotten an agreement for immunity from the state of Tennessee, as he asserts in his Report, but he never communicated that fact to me."

Kowalski also distorted the facts when he stated that Jowers would have been immune from prosecution if, in lieu of a proffer, he had submitted a video tape of his October 1997 meeting with Dexter King, son of the slain Dr. King. Kowalski cites Jowers' refusal to submit the videotape as proof that he was being untruthful. But, as Bill Pepper is careful to point out, Kowalski was only offering "use" immunity in regard to statements Jowers made on the videotape. Kowalski could not promise that the State of Tennessee would not prosecute Jowers in regard to anything else he said.

According to Garrison, "Kowalski was advised that if he could obtain a grant of immunity from Tennessee, Mr. Jowers would meet with him and answer every question he wanted to ask. We offered videotapes and transcripts of interviews with Jowers and Ray in exchange for immunity. But Kowalski never wanted to interview Jowers. His intention was to attack his credibility along with that of former FBI agent [Don] Wilson."

Kowalski's second assertion—that Garrison was the mastermind of a conspiracy of petty crooks—is proof that his unstated intention was to falsely destroy the credibility of everyone associated with Jowers and Garrison. Kowalski himself raises the best example of this dubious tactic when he refers to James Milner, the cab driver who ostensibly made 75 phone calls to Garrison. Kowalski's implication is that Milner

made those 75 calls directly to Garrison, but that implication is not a fact.

“Milner, who knew nothing at all about the assassination, may have called my office 75 times,” Garrison sighs in dismay, “but we never talked 75 times. Five times maybe, but not 75.”

When asked why a U.S. Attorney would stoop so low as to misrepresent the actions of a non-witness, and then elevate those distorted actions to monumental proportions, Garrison suggests that Kowalski had professional help. “There is very little difference between the report Kowalski submitted and the book written by Gerald Posner,” he says. Garrison adds that Posner, whom he describes as “deceptive,” misquoted him in his conspiracy-debunking book, *Killing the Dream*.

Curiously, Kowalski credits Posner as a major contributor to the King Report. Apart from informing every aspect of the King Report with his methodology, which is to ignore any evidence that contradicts his premise, Posner’s qualifications, however, are suspect. Posner’s only interest in the King assassination is pecuniary. He never spoke to James Earl Ray, Loyd Jowers, or any members of the King family, and he never attended the King vs. Jowers trial. For that matter, Kowalski was never at the trial either.

Nowhere is Kowalski’s adopted methodology of distortion and selective presentation of facts and evidence more evident than in his cursory investigation of Raul. To the exclusion of all other evidence, Kowalski focuses solely on the theory that Raul is a Portuguese man living in New York City. He does make a powerful case that this particular Raul was not involved in the assassination. But he never searched for any other Rauls, and he disingenuously assumed that because the New York City Raul had an alibi, Raul was a figment of James Earl Ray’s criminal imagination.

Some of us are not convinced. Especially since this conclusion highlights the major premise of the King Report: Kowalski’s assertion that there is no evidence of the federal government’s involvement in the King assassination, and that a jury in Memphis was wrong in concluding that there was.

It is important to understand that Kowalski makes his case more through style than substance, i.e., by disparaging, discrediting, or simply ignoring anyone or any evidence that in any way casts doubt on the official story that James Earl Ray was the lone assassin of Dr. King. The basic flaw in Kowalski's argument is his failure to address the overwhelming question: Was institutionalized, government-sanctioned racism one of the reasons Dr. King was assassinated?

In order to understand the subtext of the King Report, one must understand the racial situation as it existed and exists in Memphis, Tennessee, where, according to Lewis Garrison, 80% of the people prosecuted by the current DA are black, while 80% of the DA's staff are white.

Betty Spates for example, was a young black woman working as a waitress for Loyd Jowers at his tavern, Jim's Grill, on April 4, 1968. Jim's Grill was located on the ground floor of the rooming house from which James Earl Ray allegedly shot Dr. King. Spates in April 1968 was having an affair with Jowers, and in a March 1994 affidavit (taken by William Pepper) she claimed to have seen Jowers pass through the grill with the murder weapon in his hands, moments after King was killed. She is the only person to corroborate this aspect of Jowers' story but she is dismissed by Kowalski as "not credible."

Referred to as "the alleged corroborating witness," Spates is "not credible" because, Kowalski argues, she stayed in touch with Jowers, was represented by Garrison, and "refused to cooperate" with his investigation. Spates is also named by Kowalski as one of the money-hungry hustlers in Garrison's conspiracy of petty crooks. But Spates' biggest sin is having contradicted herself in a January 1994 statement to the local District Attorney. In that statement she said she was not at the grill at the time King was killed, and that she did not see Jowers with a rifle. Since then she has become "confused" and cannot reconcile her contradictory statements.

Kowalski offers no reason why Betty Spates contradicted herself, or why she became confused, but he does grudgingly acknowledge that on 3 February 1969 she told two bail

bondsmen that her “boss man” (Jowers) had killed Dr. King. This February 1969 statement came within a year of the King assassination and should have represented a major breakthrough in the case. It was made long before her association with Garrison, and no one offered her money to make it. However, as Kowalski is careful to note, when confronted by police about her allegation, Spates retracted her statement nine days later.

Kowalski says, “Spates’ conduct in 1994 duplicates what she appears to have done in 1969. At both times she made a critical allegation about the assassination but, when confronted by law enforcement officials, denied ever making the allegation and refuted it.”³

Kowalski chooses to interpret this recurring phenomenon as proof of Spates’ unreliability. But people who actually know her have another interpretation. One that offers a more comprehensive explanation as to why, ever since 4 April 1968, certain witnesses have been hesitant to come forward, why these witnesses have contradicted themselves when confronted by local, state, and federal law enforcement officials and why crucial evidence has mysteriously vanished or been overlooked. Coby Smith was a black revolutionary in Memphis at the time of the assassination of Dr. King. A founder and leader of the Memphis-based Invaders (patterned on the more famous Black Panthers), Smith says that Betty Spates was “compromised because she was having fun.” In other words, Spates used drugs and engaged in prostitution, and thus the Memphis police held a very heavy hammer over her head.

Kowalski applies this same double standard to Olivia Catling, and for the same reasons. At the King versus Jowers trial, Catling testified that on the evening of 4 April 1968, she heard a gunshot that came from the vicinity of the Lorraine Motel. Located at 450 Mulberry Street, the Lorraine is less than 100 yards from Catling’s house on the corner of Mulberry and Huling Streets. Upon hearing the shot, Catling ran outside with her two children and saw “a man in a checkered shirt come running out of the alley beside a building across from the

Lorraine. The man jumped into a green 1965 Chevrolet just as a police car drove up behind him.” The man sped around the corner up Mulberry past her house, but the police ignored the man and blocked off the street, leaving his car free to go the opposite way.⁴

Eyewitness Catling testified that the man she saw was not James Earl Ray. She also testified that she could see a fireman standing across from the motel when the police drove up. She heard the fireman say to the police, “The shot came from that clump of bushes,” indicating a brushy area behind Jim’s Grill, opposite the Lorraine and near the neighborhood fire station.⁵

“The police,” Catling told reporter Jim Douglass, “asked not one neighbor [around the Lorraine], ‘What did you see?’ 31 years went by. Nobody came and asked one question. I often thought about that. I even had nightmares over that, because they never said anything. How did they let him get away?”⁶

Would it surprise you to learn that the “key witnesses” who contradicted Catling are Memphis policemen? Kowalski asked the cops if Catling’s allegations were true, and they said “No.” They would have remembered if someone had run their blockade, or if the firemen had called to them.⁷ Kowalski also cites the fact that Catling waited 25 years before stepping forward with her story, and he uses that to imply that she is just another hustler out to make a fast buck. Former Invader Coby Smith has a more plausible explanation. Smith says that Catling, like so many others, was unwilling to come forward until 1993 because she was afraid of the police.

One begins to see a pattern developing here, a pattern that indicates either a conspiracy by poor black hustlers under the guidance of a greedy lawyer, as Kowalski contends; or a pattern of obstruction of justice by law enforcement officials, as this writer contends. But in making your choice, consider this: just as Olivia Catling did not step forward for 25 years, it is equally true that no one from law enforcement sought her testimony on 4 April 1968, when it would have had real

significance. Indeed, many leads in the King assassination could have been developed through a house-to-house search and interviews of the many eyewitnesses in the predominantly black neighborhood. But none of that was done.

One of the biggest threats to the government (in its local, state, and federal manifestations) in its efforts to cover up its involvement in the King assassination was and is the possibility that black revolutionaries with insights into the King assassination might step forward.⁸ In particular, members of the Invaders had to be intimidated, and so the authorities designed a different method of silencing them.

Enter the FBI and its infamous COINTELPRO Program. A program which was created to neutralize black power groups through extra-legal methods, including infiltrators, agents provocateurs, planting of false evidence and rumors, and by any other means necessary. Dr. King himself was a primary target of the COINTELPRO Program, and at one point, on orders of J. Edgar Hoover, FBI agents wrote a letter to King suggesting that he kill himself. "There is only one way out for you," the message read. "You better take it before your filthy, abnormal, fraudulent self is bared to the nation."

The historical record is clear that the FBI and the military aggressively investigated King as an enemy of the state. His movements were monitored; his phones were tapped; his rooms were bugged; derogatory information about his personal life was leaked to discredit him; and he was blackmailed about his extramarital affairs. Thus it is hard to believe that the FBI was not involved in his assassination.

But Kowalski does not discuss the malice aforethought represented by Hoover's COINTELPRO Program, nor does he mention that the COINTELPRO Program was directed against the Invaders, whom Hoover called "one of the most violent black nationalist extremist groups."⁹

Nowhere in the King Report does one learn that in July 1967, at the direction of the FBI (and with the assistance of the CIA),

the Memphis Police Department (MPD) formed a four-man Domestic Intelligence Unit (DIU) specifically to infiltrate and undermine the Invaders. Nor does Kowalski explain, in this regard, the significance of the January 1968 appointment of Frank Holloman, a 25-year veteran of the FBI, as Chief of Public Safety in Memphis. As Chief of Public Safety, Holloman managed the city's police and fire departments. Holloman served much of his FBI career in the South, including a tour in Memphis, and seven years as inspector in charge of Hoover's Washington office. It also is important to know that the DIU, under Lieutenant Eli Arkin, was Holloman's top priority.

Assisting the FBI and the MPD, DIU was a special detachment of the 111th Military Intelligence Group (MIG), headquartered in Atlanta, Georgia. Commanded by Major Jimmie Locke, this 20-member special detachment was assigned to Memphis on March 28, 1968 as part of a Civil Disorder Operation code-named Lantern Strike (under USAINTC OPLAN 100-68). Lantern Strike was a training exercise, designed to facilitate the working relationship between the 111th MIG, the MPD, the Tennessee National Guard and the FBI, in their common effort to monitor and disrupt any civil disorder that might arise in Memphis, as a result of a sanitation workers strike.

And civil disorder there was. Dr. King arrived in Memphis on March 28th to lead a march organized by the predominantly black Sanitation Workers, who had been on strike for several weeks. The march began at eleven o'clock, and within minutes rioting broke out. Governor Buford Ellington called out the Tennessee National Guard at 12:30 p.m. and at 2:00 p.m., 16-year-old Larry Payne, a black high school student, was shot and killed by Memphis cops. The policemen claimed that Payne was attempting to loot a service station on South 3rd Street, and that he attacked them with a butcher knife.

The situation degenerated further and by the time the smoke had cleared, Dr. King's reputation as a proponent of non-violent protest was severely damaged. Wide rifts in Memphis were opened between blacks and whites and between various

segments of the black community itself. There were rumors that an FBI informant, who was also an undercover police spy in the Invaders, had incited the March 28th riot that ended in Payne's death. And for all these reasons, Dr. King was forced to return to Memphis, to reclaim his status as an advocate of peaceful civil disobedience.

Kowalski ignores the importance of these events in the assassination of Dr. King. It is irrelevant to him. He never mentions the fact that the MPD was composed of 850 officers, of whom a mere 100 were recently appointed blacks. Nor does he mention that tension between the white and black policemen was visceral or that Arkin's DIU was given the job of infiltrating and monitoring the Sanitation Workers union, King's entourage, and the Invaders. The few black officers in the DIU who received this unenviable assignment were well known to other members of the black community, and came under intense criticism. For example, DIU undercover officer Edward Redditt, who met Dr. King's party when it arrived in Memphis on April 3, 1968, was allegedly threatened with his life if he did not cease and desist. The situation was that explosive.

Although Kowalski seems unaware of the danger in Memphis, the various federal agencies that were monitoring Dr. King and the Invaders were not. Information on the most intimate details of the Sanitation Workers strike, and of the supporting role of Dr. King and the Invaders, was shared freely among them. But the most crucial information was invariably withheld from the subjects of their surveillance. For example, on 1 April 1968, the American Airlines office in Atlanta received a threat from an anonymous white caller saying: "Your airline brought Martin Luther King to Memphis and when he comes again a bomb will go off and he will be assassinated."¹⁰

The FBI, in what amounted to criminal negligence, notified every law enforcement agency, plus the 111th MIG, but not Dr. King. According to author Gerald McKnight, the orders to keep King in the dark emanated directly from Hoover. Members of the MPD DIU were aware of the threat as well, but they too

declined to tell Dr. King.^{[11](#)}

These issues bring us to one of the most provocative subjects of the Kowalski Report: the role of MPD DIU undercover agent Marrell McCullough in the assassination of Dr. King. For according to Loyd Jowers, McCullough was one of four people, along with MPD Homicide Chief N.E. Zachary, MPD Lieutenant Earl Clark, and Clark's unnamed deceased partner, who plotted King's assassination at Jim's Grill. As fate would have it, McCullough also was the first person to reach Dr. King's side after he was shot on the balcony of the Lorraine Motel. Thus he deserves special attention.

Described as "short, stocky, and dark," Marrell McCullough was born in Tunica, Mississippi in 1944, and after earning a general equivalency high school degree, enlisted in the U.S. Army, serving "mostly" as a Military Policeman. According to what may or may not be accurate military records, McCullough was discharged in February 1967 and then fell off the radar screen for six months, until he entered the MPD police academy in September 1967. In February 1968 he became a full-fledged policeman and was assigned as an undercover officer in Eli Arkin's DIU. His code name was "Max" and his job was to infiltrate the Invaders, which he did. Because he owned a VW hatchback, and because he claimed to be a Vietnam veteran, McCullough was made Minister of Transportation by Coby Smith.

McCullough's FBI reports are still available in FBI archives, but most of his police reports were destroyed by the MPD in 1976, after the American Civil Liberties Union filed suit against City of Memphis. The files that survive indicate that McCullough liked to smoke pot with the Invaders, with whom he consorted for over a year, until he set up a drug bust in which many top Invaders leaders were entrapped. After that McCullough stayed in the MPD in other roles, until he joined the CIA in 1974.^{[12](#)}

Along with the missing reports, there are several reasons to consider McCullough as a suspect in the King assassination. To

begin with, he misrepresented himself to the House Select Committee on Assassinations (HSCA). McCullough was called to testify before the HSCA because he had attended a meeting with the Invaders and King on the night before the assassination, and because he was still on the premises of the Lorraine Motel when King was shot on 4 April 1968. Even though the Invaders had been ordered to leave by Reverend Jesse Jackson and Memphis-based Reverend Billy Kyles. In fact, McCullough was the first person to reach King. As he explained to the HSCA, "I ran to (King) to offer assistance, to try to save his life." McCullough said he pulled a towel from a nearby laundry basket and tried to stop the bleeding.¹³

Also testifying before the HSCA was FBI agent William Lawrence. Now deceased, Lawrence was serving in Memphis in April 1969, but testified that he did not know McCullough. However, another FBI agent who was serving in Memphis in April 1968, Howell S. Lowe, told reporter Marc Perrusquia that "Lawrence recruited McCullough well before King's murder," and that the FBI "used McCullough to report on campus radicals at Memphis State University, now the University of Memphis."¹⁴

Supporting Lowe's claim was DIU chief Eli Arkin, who told Perrusquia that he had selected McCullough "at Lawrence's recommendation." According to Perrusquia, "The FBI arranged McCullough's placement in MPD Intelligence Squad."¹⁵

McCullough identified himself to the Committee as a "Police Officer" from Memphis, Tennessee, not as a CIA officer. When the HSCA asked McCullough if he had any relationship with CIA in April 1968, he said "No." He also said "No" when asked, "Did you have any relationship with any other intelligence agency?"¹⁶

McCullough lied to Congress about his affiliation with the CIA and the FBI for one reason and one reason alone. The HSCA had reason to believe that McCullough was the FBI informant and MPD undercover agent who provoked the March 28, 1968 riot that resulted in the death of Larry Payne, and

forced King to return to Memphis for his rendezvous with death.

In the absence of evidence to the contrary, McCullough was exonerated by the HSCA. But in view of his less than candid answers, the question looms larger than ever. As Perrusquia notes, "The thoroughness of HSCA's investigation now is open to question. Has McCullough told all he knows, or is he hiding something?"¹⁷

Barry Kowalski ignores McCullough's history in the King Report, but he is forced to confront the serious allegation Loyd Jowers made against McCullough. Kowalski deals with these allegations in characteristic style. According to Kowalski, Jowers was "suspiciously vague" when he said that he (Jowers) had met at Jim's Grill with McCullough, Homicide Chief Zacharay, police Lieutenant Clark, and Clark's deceased partner, to plot the assassination of Dr. King.

Of course Kowalski found no evidence to support the allegation. He talked to Zacharay, who "fully cooperated" and denied the allegation. Zachary said he "may have been" at Jim's Grill later on the evening of April 4th but his confusion was understandable and Zachary was believed. Clark's wife said her husband was at home when King was killed, and she was believed too.¹⁸ Clark's deceased partner was unavailable for comment, leaving only Marrell McCullough.

At the time of his interview with Kowalski, McCullough was still employed by the Central Intelligence Agency. Considering that fact, and the fact that the CIA had been implicated in the King assassination by members of the Jowers-Garrison-Spates cabal, Kowalski asked McCullough to take a polygraph exam. McCullough "cooperated" and agreed to take the test, which was administered by the Secret Service. In Kowalski's own words, McCullough was found to be "not deceptive" when he denied plotting to harm Dr. King. "However, the polygraph was inconclusive as to his denial that he ever met with other police officers at Jim's Gill."¹⁹

“Not deceptive” implies something less than truthfulness, and to someone other than Kowalski, “inconclusive” polygraph results would certainly raise some doubts. But McCullough, like Zachary and the other Memphis cops, “cooperated” and therefore was believed, despite his inconsistencies. But only by using this double standard is Kowalski able to dismiss the provocative claim made by Jowers that McCullough played the crucial role of “liaison” between the various elements of the assassination cabal.

Kowalski notes that “years prior to Jowers,” vague allegations and speculation focused on: 1) the withdrawal of the security detail assigned to Dr. King on April 3, 2) The supposed withdrawal of tactical units from the immediate area of the Lorraine, 3) The removal of two African-American detectives from the surveillance post of Fire Station No. 2 on April 4, and 4) the removal of two African-American firemen from the same firehouse on April 3. [20](#)

According to Kowalski, the police security detail, headed by MPD officer Don Smith, was withdrawn at Smith’s request because the King party was (here’s that word again) “uncooperative.” King’s party refused to provide King’s itinerary to Smith because they didn’t trust the cops, whom they felt had overreacted the week before during the rioting.

Then he proceeds, without any resolution or explanation, to contradict his own assertion. “The HSCA,” Kowalski notes, “never conclusively resolved whether it was the chief of police or another top official who actually approved Smith’s request.”

Does it matter if former FBI agent Holloman (who was close to Hoover and in liaison with FBI agent Lawrence, who lied to Congress about knowing McCullough) removed the security detail? Of course it does! Especially if Holloman was relaying orders from Hoover. The HSCA ruled the security detail was improperly withdrawn, as Kowalski admits, but he doesn’t spend a moment trying to find out why. Kowalski’s indifference is absolutely amazing, but it is also an essential ingredient in his attempt to shift blame for the assassination onto Dr. King

himself.²¹

Kowalski says, “In an affidavit to HSCA, TACT Unit Commander William O. Crumby stated that on 3 April he received a request from the King party to withdraw police patrols from within sight of the Lorraine.” The request claims Kowalski, was “honored,” as if to imply it was honorable, but he then admits that the man who allegedly asked Crumby to withdraw the TACT units, Inspector Sam Evans, denied making the request. Again Kowalski sees no purpose in resolving this contradiction among cops, nor does he use that contradiction to impugn their reliability or consider the possibility that the security details were withdrawn, perhaps at the request of the FBI or CIA, in order to facilitate the assassination.²²

Likewise, when considering the removal of police officer Redditt from his surveillance post at Fire Station No. 2, a mere two hours prior to the assassination, Kowalski again sees nothing sinister—despite the fact that Redditt was removed at the insistence of Philip R. Manuel, a staff member of the U.S. Senate Subcommittee on Investigations, who “informed the Memphis Police Department of a threat to kill ‘a Negro lieutenant’ in Memphis.”²³ Kowalski offers no explanation as to what Manuel was doing in Memphis, or by what authority he was able to direct the MPD. Nor does he acknowledge that before joining the Senate staff as an investigator, Manuel spent his entire military career with the 902nd MIG, which Pepper implicates in the assassination of Dr. King. Pepper also implicates Senator James O. Eastland (D-MS), who in 1968 was one of Manuel’s bosses. When asked by this writer why he failed to properly identify Manuel, Kowalski said that he could not discuss the subject, because Manuel’s testimony was “sealed.”

Using Gerald Posner’s strategy of disregarding anything that contradicts the case he wants to make, Kowalski refuses to address any issues that might suggest that King was killed by a high-level Washington cabal. But what if these powerful

Establishment forces *did* join together, under cover of Operation Lantern Strike, to create a situation in which someone like Ray could kill King and get away with it?

The first hints of this conspiracy were made public in *The Phoenix Program*, a book that detailed a secret CIA “assassination” operation in South Vietnam. Published in October 1990, the book reported a rumor that members of the 111th MIG had taken photographs of King and his murderer.

In an article published in November 1993 by *The Memphis Commercial Appeal*, reporter Stephen G. Tompkins expanded on this rumor. Citing unnamed sources, Tompkins said the 111th MIG “shadowed” King in Memphis, using “a sedan crammed with electronic equipment.”

Tompkins then went on to become an investigator for William Pepper, who further expanded upon this rumor in his 1995 book, *Orders To Kill*. Based on Tompkins’ sources, Pepper claimed that two unnamed members of the 902nd MIG were on the roof of Fire Station No. 2, and that they photographed King’s assassination and assassin. Based on information provided by Tompkins, Pepper also claimed that two members of the 20th Special Forces (code-named Warren and Murphy) attached to the Alabama National Guard were on the roof of the Illinois Central Railroad Building overlooking the Lorraine Motel. They were part of an eight-man sniper squad that was in Memphis. Their assignment was to shoot the leaders, including King, if rioting broke out.

Gerald Posner debunked Pepper’s theory in his book, *Killing the Dream*, in part by falsely claiming that the author of *The Phoenix Program* had fed Pepper the names Warren and Murphy.

Eventually, rumors about the presence of the 111th MIG in Memphis were finally substantiated by reporter Marc Perrusquia in a series of articles that appeared in *The Memphis Commercial Appeal* in late 1997. Perrusquia interviewed several members of the 111th MIG, including retired Col. Edward McBride, who oversaw the 111th’s Memphis mission from Fort McPherson in Atlanta. Perrusquia quotes McBride as

saying, “We were never given any mission to keep King under surveillance. Never.”²⁴

Perrusquia also interviewed retired Lieutenant Colonel Jimmie Locke, who in March and April 1968 commanded the 111th MIG’s special detachment in Memphis. In an apparent oversight, Perrusquia, however, neglected to ask Locke if he had sent anyone onto the roof of Fire Station No. 2. But Locke had—and in trying to dismiss that action as insignificant, the King Report descends into pulp fiction.

In signed affidavits prepared by William Pepper and dated September and November 1995, Stephen Tompkins states that he met with two members of an Army Special Forces team that was deployed to Memphis on the day of King’s assassination. These men, whom Pepper refers to as Warren and Murphy, claimed they were positioned on the roof of the Illinois Central Railroad Building overlooking the Lorraine Motel on 4 April 1968. According to Tompkins, Warren provided information linking the 902nd MIG to the Mafia crime family of Carlos Marcello, mystery man Raul, and the assassination of Dr. King.

In his September affidavit, Tompkins states, “I have closely read the section of Dr. Pepper’s book concerning the military and I find it to be true and accurate to the best of my knowledge and belief.”²⁵ In the next paragraph Tompkins adds, “I can unequivocally state that everything he has written in the book about what I had done at his request and what I have said and reported to him and the process we followed is true and accurate. So far as I am concerned, his credibility and integrity in the pursuit of truth and justice in this case are unimpeachable.”

Likewise, Perrusquia, in a 4 May 1997 article for *The Memphis Commercial Appeal*, quotes Tompkins (then press secretary to Georgia Governor Zell Miller) as saying that Pepper had accurately characterized his investigation. Tompkins told Perrusquia, “I really respect the work that he (Pepper) does.”

However, when confronted by Kowalski, Tompkins disavowed

Warren and Murphy. Tompkins allegedly told Kowalski “that he never found anything to corroborate the Alabama National Guardsman and his observer and no longer believes them.”

Likewise, when confronted by Kowalski, Tompkins allegedly asserted that he did not believe his source from the 902nd MIG. Tompkins had reported to Pepper that this source, identified as Jacob Brenner in the King Report, was positioned on the roof of Fire Station No. 2 on the day of the assassination. As described in *Orders To Kill*, based on information provided by Tompkins, Brenner’s partner took photos of the assassination and of King’s assassin, who had fired the fatal shot from behind Jim’s Grill.

But Tompkins told Kowalski that Brenner was “a slime ball” whose story was no different than numerous false stories he had heard from conspiracy buffs asking for money, and that he would have said so if called as a witness at the King versus Jowers trial. [26](#) Tompkins told Kowalski that he “found no evidence to substantiate that the 902nd MIG ever conducted a surveillance of Dr. King or was in Memphis. Rather, he determined that the 902nd MIG’s mission did not include domestic intelligence work ...” Kowalski claims The Department of Defense “confirmed Tompkins’ understanding that the 902nd MIG did not conduct domestic intelligence work.”

But that is totally untrue. This writer interviewed retired Colonel Alfred W. Bagot, who commanded the 902nd MIG from June 1968 until November 1968. When asked if the 902nd MIG conducted domestic intelligence operations, Bagot said, “Yes! Of course it did. The 902nd MIG was the principle source (of domestic intelligence) for the U.S. Army Assistant Chief of Staff for Intelligence.”[27](#)

Why did Tompkins change his tune? What hammer did Kowalski hold over his head? Was it the allegation, raised by Perrusquia, that Tompkins was fired from a reporting job in Tulsa, Oklahoma, for forging a document? Did Tompkins forge

documents in order to defraud Pepper? Was Tompkins working for military intelligence all along, as a disinformation specialist whose mission was to mislead Pepper?

“Notwithstanding Tompkins’ assessment of Brenner’s credibility and story,” Kowalski said, “we investigated whether military personnel from the 902nd MIG or from some other unit were on the roof of Fire Station No. 2, observed the assassination, or photographed a man with a rifle after the shooting.”²⁸

A search of military documents uncovered no such evidence. Kowalski was advised by Jimmie Locke that neither Locke nor anyone else from the 111th MIG “had firsthand knowledge that any military personnel were in the vicinity of the Lorraine on the day of the assassination or that military personnel conducted surveillance of Dr. King.” However, former 111th MIG sergeant Steve McCall did remember “somehow hearing that agents from his unit were being dispatched to the Lorraine on the day of the assassination,” but he could not recall the source of this information or any other details, so he was dismissed as being mistaken.²⁹

One witness from the 111th MIG also admitted to being on the roof of Fire Station 2. James Green, then a Sergeant and investigator with the 111th MIG, recalled “going to the fire station on the day that King’s advance party arrived in Memphis, perhaps March 31st. He claims he went with another agent from his unit, *whom he could not now recall* [emphasis added], to scout for locations to take photographs of persons visiting the King party at the Lorraine Motel at a later time, if necessary. According to Green, someone from the fire station may have shown them to the roof, where he and the other agent remained for 30 to 45 minutes before determining it was too exposed a location from which to take photographs.”³⁰

Although Kowalski ignores them, there are problems with Green’s inability to recall the name of his partner, as well as his description of the fire station roof. Jimmie Locke told this

writer that, "The 112th MIG (headquartered in San Antonio, Texas) sent a photographer to Memphis to get a picture of one of King's lieutenants. I've forgotten the reason for wanting this, but one of the men assigned to me, James Green, took him up to the fire station roof to see if that would be an adequate spot from which to photograph. It wasn't. They were on the roof less than five minutes and only that one time."³¹

Locke doesn't remember what day this was, but it certainly contradicts Green's statement that he was on the roof with another member of the 111th MIG. This discrepancy raises the \$64,000 question, never addressed by Kowalski, as to the identity of the second man on the roof. Was he perhaps a CIA agent with a rifle? If he didn't find the fire station roof suitable, did he go elsewhere?

As to the roof being unsuitable for clandestine photography, Christopher Pyle, an expert on military surveillance, describes it as "perfect." Pyle explains that the agents would have erected a tripod in the middle of the roof, so that only the camera lens would be visible over the parapet. The men would not have been seen looking over the rampart, nor would they have been visible to onlookers, as Kowalski contends.

The third problem is the testimony of Carthel Weeden, a former captain with the Memphis Fire Department who was in charge of Fire Station No. 2 on the day King was killed. At the King versus Jowers trial, Weeden testified that on the afternoon of April 4, 1968, two men appeared at Fire Station No. 2 across from the Lorraine Motel. They were carrying briefcases (which may have contained cameras and a tripod, and perhaps even weapons) and presented credentials identifying themselves as Army officers. They asked for permission to go to the roof. Weeden escorted them to the roof and watched while they positioned themselves behind a parapet approximately 18 inches high.

Their position gave them a clear view of the Lorraine Motel, the rooming house window from which Ray allegedly fired the shot that killed King, and the area behind Jim's Grill. If the reader will recall, Jowers claimed the fatal shot was fired from

behind his grill and that the assassin escaped down an alley, while Jowers brought the murder weapon into his diner.

Kowalski does not dig deeply into the military's actions.³² He doesn't search for documents, and when it comes to contradictions, he applies the same standard to soldiers as he does to poor blacks. And when faced with the disturbing testimony of credible witnesses like Weeden, he relies on Posner's strategy of dissembling.

According to Kowalski, Weeden was not sure they were military men, and he "acknowledged that his memory of an event 30 years ago might be inexact, and thus, it was possible that he took the military personnel to the roof sometime before—not the day of—the assassination. (Weeden) added that he had never spoken with anyone about his recollection until Dr. Pepper interviewed him ... in 1995. Accordingly, Green's recollection that military personnel went to the roof on a different day than the assassination appears accurate."³³

Weeden, who was never questioned by local or federal authorities about the presence of federal agents on the fire station's roof, insists that he wasn't even on duty the day before the assassination. A simple check of the fire stations would resolve this question, but Kowalski prefers to leave the innuendo dangling.

Among the evidence that Kowalski ignores is a report, in the possession of Marc Perrusquia, which was passed to Memphis police. It indicated that the 112th MIG warned the 111th MIG that four men, including one from Memphis, had purchased ammunition in Oklahoma on April 3rd and two rifles on April 4th.

Is this the message from the 112th MIG that prompted Jimmie Locke to send James Green to the roof of Fire Station No. 2? If so, Green had to have been on the fire station roof with someone from the 112th MIG on the afternoon of April 4th, as Weeden says.

Kowalski also has no interest in the identity of a white man in

a suit looking out a window of a room in the Lorraine Motel at the crowd of people standing around the body of Dr. King. Reporter Perrusquia believes this individual was with the 111th MIG or the FBI. Perhaps he was with the CIA? Perrusquia believes there was closer FBI surveillance than previously acknowledged.

Perrusquia also believes there was a greater military involvement. He reported that "Senate hearings in 1971 explored abuses in an Army surveillance program established under President Lyndon B. Johnson after riots in Los Angeles in 1965 and Newark, N.J., and Detroit in 1967. At times, Senate investigators charged, the Army exceeded its authority, crossing into improper political surveillance that included filming demonstrators in Chicago and keeping dossiers on civilians. When caught in such direct surveillance, the Army often *denied it* (italic added), saying it got information from sources such as the FBI, which had jurisdiction for most domestic intelligence and kept intense watch on King."³⁴

If Perrusquia can admit that the military covered up its illegal activities in other cities, why can't Kowalski strive to resolve the contradictions of government officials, and uncover what was really going on in Memphis?

Kowalski says the HSCA dismissed the idea that Marrell McCullough was the agent provocateur who incited the riot that prompted King to return to Memphis and a rendezvous with death. In fact, Kowalski only cites conclusions reached by the HSCA that support his own.³⁵

Consistent with his methodology, nowhere in the King Report does he cite the testimony of former U.S. Representative Walter Fauntroy at the King versus Jowers trial. Fauntroy, who chaired the HSCA subcommittee that investigated the King assassination, complained that his committee might have proven there was more than just a low-level conspiracy, had the FBI and military been forthcoming in 1977. But the FBI and military lied, and according to Fauntroy, "it was apparent that we were dealing with very sophisticated forces." Fauntroy's

phone and television set were bugged, and when his counsel Richard Sprague requested files from the intelligence agencies, Sprague was forced to resign. The records were not sought by Sprague's replacement, and the investigation failed to uncover any hint of government involvement in the King assassination.[36](#)

However, Fauntroy has since come to believe that James Earl Ray did not fire the shot that killed King, and was part of a larger conspiracy that possibly involved federal law enforcement agencies. Upon leaving Congress in 1991, Fauntroy read through his files on the King assassination, including raw materials that he'd never seen before. Among them was information from J. Edgar Hoover's logs. There he learned that in the three weeks before King's murder the FBI chief held a series of meetings with persons involved with the CIA and military intelligence in the Phoenix Operation in Southeast Asia. Fauntroy also discovered there had been Green Berets and military intelligence agents in Memphis when King was killed. "What were they doing there?" he asked researcher James W. Douglass.[37](#)

If he did nothing else to arrive at the truth, Kowalski should have demanded that the HSCA records, which are sealed until 2029, should be opened. Kowalski also sweeps over the testimony of Maynard Stiles, a senior official in the Memphis Sanitation Department who claimed at the King versus Jowers trial that he and his crew cut down the bushes behind Jim's Grill on the day after Dr. King was assassinated. Stiles received his instructions from an MPD Inspector. In other words, "within hours of King's assassination, the crime scene that witnesses were identifying to the Memphis police as a cover for the shooter had been sanitized by orders of the police."[38](#)

Kowalski also ignores the Mafia's role in the assassination, for one simple reason. The Invaders knew the Mafia was peddling drugs to blacks, with police protection. And to

investigate the Mafia would necessarily result in uncovering its modus vivendi with law enforcement. Coby Smith reminds us of what happened to the Blackstone Rangers in Chicago. "When the Rangers went after the Italian drug wholesalers, the FBI wiped them out," he observes. Not wanting to suffer the same fate, the Invaders scattered after the assassination and many, till this day, live in fear of being killed. Which is why one of them will not testify about his having seen Marrell McCullough at Jim's Grill.

In the absence of any "truth," Kowalski, Posner and the federal government have initiated what amounts to a smear campaign, of which the King Report is part and parcel, in order to silence the King family and prevent any further investigations into the King Assassination.

This campaign began with *Killing the Dream*, and was advanced immediately after the King versus Jowers trial, when leading newspapers across the country immediately denounced the verdict as a one-sided presentation of a mad conspiracy theory. The *Washington Post* even lumped the conspiracy proponents in with those who insist that Hitler was unfairly accused of genocide.

Since the trial, Kowalski and Posner have gathered support among those members of the black community who resent the position adopted by Corretta King and her sons. For example, on March 27, 2000, *Time* magazine columnist Jack E. White, in an article titled "They Have A Scheme," described the King family's conspiracy theory as "lurid fantasies" that "sprang from the fertile imagination of Ray's former lawyer, William Pepper." According to columnist White (to whom Kowalski leaked an early version of the King Report), Pepper cast a "bamboozling spell" over the King family, and "(t)he real mystery is why King's heirs, who more than anyone else should want the truth, prefer to believe a lie."

But perhaps, as indicated by the information provided in this article, the Kings know something that Mr. White, the

Establishment press and the Justice Department aren't telling the American public? Indeed, if government agencies were involved in the conspiracy from the beginning, why would the Justice Department now want to reveal the truth?

To date, James Earl Ray stands as the lone assassin, possibly as part of a low-level conspiracy of a few white racists who despised King for his role in ending segregation. But for three decades, Ray declared his innocence. And researchers now, as in the case of President John Fitzgerald Kennedy, must nibble away at the myths, and dig deep for new material evidence.

The next step in uncovering new evidence in the King assassination case is being taken by attorney Daniel Alcorn, who obtained, through the Freedom of Information Act, the After Action Report of the Civil Disorder Operation: LANTERN SPIKE, 28 March-12 April 1968. Written by members of the 111th MIG, the Report casts light on the activities of the military on the day Dr. King was killed.

However, when Alcorn asked the Pentagon for copies of the daily reports of the 111th MIG and the 902nd MIG, the military claimed to have lost the records somewhere between the National Archives and the Center for Military History. In March 2000 a federal judge supported the military's claim that it was not responsible for locating the documents, and Alcorn filed an appeal.

Let it be known that the military is lying when it says it cannot find the records. The records exist and some of them were provided, in 1997, to Marc Perrusquia by the chief of Public Affairs at the Pentagon, Colonel John Smith. Perrusquia provided copies of these documents to Barry Kowalski, who is aware of Alcorn's lawsuit and appeal, but has failed to notify him or the judge of their existence.

Thus the cover-up continues at all levels, casting further shame on the federal government. Just as the MPD destroyed its files on Marrell McCullough, the 111th MIG and other Army intelligence units are in the process of destroying any records that might implicate the military, the CIA, or the FBI in Dr.

King's assassination.

[1](#) The King Report's full title is "United States Department of Justice Investigation of Recent Allegations Regarding the Assassination of Dr. Martin Luther King, Jr."

[2](#) According to Kowalski, the motley crew of disreputable hustlers included James McCraw, Willie Akins, Betty Spates, Nathan Whitlock, Louis Ward, William Hamblin, James Isabel, and James Milner, several of whom connected the Mafia to the assassination through the CIA. Kowalski found no Mafia or CIA involvement.

[3](#) King Report, Part 3, p. 15.

[4](#) Douglass, James W., *Probe* magazine, May-June 2000.

[5](#) Fire Station No. 2 occupies the space on Butler Street between Mulberry Street and South Main. The rear of Fire Station No. 2 overlooks the Lorraine Motel on Mulberry, and the entrance to the Fire Station, on South Main (an area now gentrified and filled with art galleries) is just down the street from Jim's Grill and the flophouse above it, from which Ray allegedly shot King.

[6](#) Douglass, James W., *Probe* magazine, May-June 2000.

[7](#) King Report, Part 3.

[8](#) Invader Charlie Cabbage had information that James Earl Ray was at the Lorraine Motel the night before King was shot. Invader Coby Smith is certain that someone other than Ray or Clark fired the fatal shot from behind Jim's Grill.

[9](#) McKnight, Gerald, *The Last Crusade: Martin Luther King, Jr., the FBI, and the Poor People's Campaign* (Boulder, CO: Westview Press, 1998), p. 142.

[10](#) McKnight, p. 69.

[11](#) McKnight, p. 69.

[12](#) Perrusquia, Marc, *The Memphis Commercial Appeal*, 2 August 1998.

[13](#) Perrusquia, Marc, *The Memphis Commercial Appeal*, 2 August 1998.

[14](#) *Ibid.*

[15](#) *Ibid.*

[16](#) *Ibid.*

[17](#) *Ibid.*

[18](#) DIU agent Redditt is on record as having said that Clark might have been involved in the assassination because he was an expert shot and a racist, but Redditt's opinion was dismissed. Clark's widow said he was friends with a mobster named Liberto, but Kowalski decided it was another Liberto, not Frank Liberto, whom Jowers claimed was the man who organized the assassination.

[19](#) King Report, Part 3.

[20](#) *Ibid.*, Part 3, p. 33.

[21](#) King Report, Part 3, p. 34.

[22](#) *Ibid.*, p. 35.

[23](#) Military surveillance expert Christopher Pyle contends that Manuel would never have had the authority to make such a request.

[24](#) Perrusquia, Marc, 30 November 1997, *The Memphis Commercial Appeal*.

[25](#) This is not surprising, as Pepper based those passages on Tompkins' research.

[26](#) King Report, Part 6, p. 7.

[27](#) Bagot succeeded Colonel John W. Downie, who commanded the 902nd MIG from February 1967 until June 1968, and was its commander when King was killed. Locke describes the 902d MIG as "an odd-ball unit, stationed at the Pentagon, not assigned to an Army area. We called them the "Black Shirts" as they often got tasks beyond the normal level of sensitivity."

[28](#) King Report, Part 6, p. 7.

[29](#) King Report, Part 6, p. 8.

[30](#) *Ibid.*

[31](#) Reporter Perrusquia has a copy of a telex from the 112th MIG in San Antonio, to the 111th MIG, reporting that people at Oklahoma State had purchased 306 rifles and were on their way to Memphis. Notably, the weapon that killed Dr. King was a 306 rifle. (Perrusquia, 2 August 1998, *The Memphis Commercial Appeal*.)

[32](#) In 111th Reports leading up to 4 April, there is no mention of Green at all. Who is Green?

[33](#) King Report, Part 6.

[34](#) *Ibid.* Perrusquia, Marc, *The Memphis Commercial Appeal*.

[35](#) It is rumored that McCullough was an undercover agent with the 111th MIG.

[36](#) Douglass, James W., *Probe* magazine, May-June 2000.

[37](#) *Ibid.*

[38](#) *Ibid.*

RFK



Introduction

Perhaps none of the assassinations discussed in this book is so clearly and obviously a sinister conspiracy and despicable cover-up than the Robert Kennedy assassination. Both researchers and the press have disgracefully neglected this assassination. What makes it worse is that the innocent patsy is still alive and in jail as this is written. It was the last of the major assassinations of the decade and its effects were enormous. The assassination had two specific effects: 1) it split the Democratic Party in two at the infamous Chicago convention of 1968, and 2) it gave Richard Nixon the opportunity he needed to win. His opponent by default, Hubert Humphrey, was tarred with the brush of the Vietnam War by his association with Lyndon Johnson.

Lisa Pease leads off this section with a report on Sirhan Sirhan's 1997 appearance before a parole board, where, for the first time, he announced his innocence of the crime. She then gives a brief outline of some of the major paradoxes of the case and briefly outlines the Manchurian Candidate aspect of the case. Lisa follows this summary with her monumental two-part essay on every major aspect of the RFK assassination. This was one of the major pieces *Probe* published during its existence. With the help of Sirhan's official researcher Lynn Mangan, Lisa

wrote what is probably the finest work on the state of the current evidence in the RFK case. It divides neatly into two parts. The first installment, "The Grand Illusion," describes the actual aspects of the shooting that indicate a complex conspiracy and cover-up. The second part, "Rubik's Cube," analyzes possible participants in the plot itself. Sirhan actually told Mangan that "Everyone should read this article." We agree.

Finally, Jim DiEugenio takes apart Dan Moldea's apologia for the LAPD's work on the RFK case. When analyzed in detail, Moldea's book proves the opposite of what was intended.

Sirhan Says “I Am Innocent”

By Lisa Pease

On Wednesday, June 18, 1997, Sirhan Bishara Sirhan stunned a parole board by declaring publicly that he now believes he is innocent of the crime for which he is incarcerated: the assassination of Robert F. Kennedy.

On June 5th, 1968, RFK, the likely Democratic candidate for President, having just won the California primary, was shot in the pantry of the Ambassador Hotel in Los Angeles. He had just finished his victory speech and was headed out when Sirhan stepped from the crowd, and said “Kennedy, you son-of-a-bitch.” Sirhan extended his hand and fired shots at the oncoming Senator. Kennedy fell to the floor and was taken to a hospital, where he died a short time later.

Deputy District Attorney Thomas Trapp expressed outrage that Sirhan would now dare to claim innocence, calling such a claim “preposterous.” To someone who does not know the case, such a claim seems preposterous indeed, in light of the following facts:

- Many people witnessed Sirhan shooting at RFK.
- An LAPD criminalist testified that the bullets found in the victims matched test bullets fired from Sirhan’s gun.
- Sirhan conceded having shot RFK and even provided his motive.

Taken out of context, these facts present a grossly misleading picture of the case. Examined against the full record of the case, the following facts emerge:

- RFK was shot at point-blank range from behind. Two shots entered his back and a third shot entered directly behind RFK’s right ear. But by all eyewitness accounts, Sirhan’s gun muzzle was never closer than one and a half

feet to RFK. The bulk of the witnesses put Sirhan at a distance of three feet or more from RFK. Sirhan *was* firing a gun. But clearly, so was someone else.

- The criminalist who testified to the match between the bullets and the gun had stored the bullets in an envelope labeled as belonging to a gun with the serial number of H18602. Sirhan's gun had a serial number of H53725. In other words, the criminalist's tests only showed conclusively that the victim bullets matched those from a gun that was not Sirhan's!
- Sirhan has consistently, and credibly—even to the prosecution's experts—asserted that he has no memory of the shooting. With no one to tell him of the exculpatory ballistic and medical evidence, and no memory of where he was and what he did, he believed those who told him he had killed Kennedy, and took his lawyer's advice to own up to it at the trial. His motive, however, never made sense.

The day after the murder, a leading Arab activist, Dr. Mohammad T. Mehdi, issued a statement that Sirhan might have been motivated to attack RFK because RFK had promised to sell bomber planes to Israel. On May 18th, in a diary attributed to Sirhan are the words "RFK Must Die!" written over and over. However, RFK's statement to sell the bombers was not shown on TV until May 20th. So that could hardly have been Sirhan's motive. In court, during his trial, Sirhan burst out that he had killed RFK "willfully, premeditatively, with 20 years of malice aforethought." This was not very compelling, however, since Sirhan was only 24 years old at the time of the assassination. He would have had to be contemplating the murder of the as yet little-known Kennedy at the age of four! As he saw it, he had only a couple of choices. Either he had killed Kennedy on purpose, or he had lost his mind. Not wanting to believe the latter he embraced the former. And once he believed that, together with his defense team he sought out a motive. Confronted with the possibility that he was out of control or insane, Sirhan replied, "I'd rather die and say I killed

that son of a bitch for my country, period [emphasis added].” But believing doesn’t make it so, and the evidence shows that Sirhan could not have fired the three shots that hit Kennedy.

So we are left with the following. The gun was not matched to the victim’s bullets. Sirhan was never close enough to have shot Kennedy where he was hit. And then there is the memory problem. After extensive hypnosis attempts by both the prosecution and his defense, no one was able to find any evidence of a suppressed memory there. He had an utter blank for the period surrounding the shooting.

Either we have a case of many witnesses having a collective illusion that Sirhan was not close enough, or a second shooter was in the pantry. Indeed, there is evidence of well above the eight bullets Sirhan’s gun was capable of firing. This has been well documented in *The Assassination of Robert F. Kennedy* (by Bill Turner and Jonn Christian, published by Random House in 1978 and later by Thunder’s Mouth Press in 1993), and also in *The Robert F. Kennedy Assassination* (by Philip Melanson, published by S.P.I. Books, 1994), as well as in the new book by William Klaber and Philip Melanson, based on newly released files from the LAPD, called *Shadow Play: The Murder of Robert F. Kennedy, The Trial of Sirhan Sirhan, and the Failure of American Justice* (St. Martin’s Press, 1997).

If there were two (or even more) shooters and Sirhan was one of them, doesn’t that prove his guilt, regardless of whether he fired the fatal shot or not? Yes, to some degree. But was he a *witting* conspirator? Not necessarily.

Another possibility, voiced on the air even before Sirhan’s name was made public, was that the shooter was acting under the influence of hypnosis. In Richard Condon’s famous 1959 novel *The Manchurian Candidate*, the plot centers on a man who was programmed under hypnosis to assassinate the president of the United States. The man was not aware that he had been programmed. While the novel was advertised as fiction, it bore a close resemblance to the most secret of the CIA projects, the mind control experiments held from the early ’50s until the mid ’70s.

Under names like Bluebird, Artichoke (after Allen Dulles' favorite vegetable) and finally MKULTRA, the CIA was avidly and amorally experimenting on both witting and unwitting subjects with drugs, electric shock, hypnotism, electrode implantation and other technologies in the search for ways to completely control the actions of humans. Another area of research was devoted to finding ways of creating perfect, if temporary, amnesia so that an agent could perform a task and truly be able to have no memory of it when questioned later. The Senate report on these experiments showed the CIA felt this could be done through the administration of drugs.

How far did these experiments progress? There is little in the way of a written record. In the wake of the exposés during the Watergate period, exiting CIA Director Richard Helms ordered all files relating to the CIA's various mind control experiments destroyed. A few years later, a small number of documents were found and reviewed by the Senate. The information found in these few documents may give some hints as to what happened to Robert Kennedy. One surviving document in particular bears an uncanny resemblance to the circumstances surrounding the assassination. The 1954 CIA document describes efforts to find a way to induce a subject "to perform an act, *involuntarily*, of *attempted assassination* against a prominent [redacted] politician or if necessary, *against an American official* [emphasis added]." Note too the suggestion that the subject be "surreptitiously drugged through the medium of an alcoholic cocktail at a social party." Sirhan had been drinking Tom Collinses that night. His last memory was of pouring coffee for a pretty girl, described by a waiter there as wearing a polka-dot dress. Had Sirhan been surreptitiously drugged?

The use of drugs, or hypnosis, or likely a combination of both, would go a long way toward explaining Sirhan's strange behavior as recorded by the witnesses that night. Several witnesses noticed something odd in Sirhan's behavior before and during the shooting.

Earlier that evening, one of the Western Union teletype

operators, Mary Grohs, noticed Sirhan staring at the teletype machine as though transfixed. “[H]e came over to my machine and started staring at it. Just staring. I’ll never forget his eyes. I asked what he wanted. He didn’t answer. He just kept staring.”

One of the men attempting to overpower Sirhan during the shooting, George Plimpton, was amazed that Sirhan’s eyes were “dark brown and enormously peaceful.” Another man in the same position, Joseph Lahaiv, described Sirhan as looking “very tranquil” during the struggle. Two waiters, Vincent Di Pierro and Martin Patrusky, reported that Sirhan appeared to be smiling. A cook named Yosio Niwa said, “I’ll never forget that guy’s face ... I was so upset ... he was smiling ... ”

When Sirhan was taken from the scene, a patrolman shined a flashlight in Sirhan’s eyes to check for indications of drugs or alcohol. On the stand at Sirhan’s trial, the patrolman “couldn’t recall” what he determined. But in an earlier statement he had said that Sirhan’s pupils “didn’t react” to the light and that they “were real wide.” The official records from Sirhan’s blood test were lost by the Los Angeles Police Department. This is the same department that destroyed the doorframes from the scene of the crime that contained bullets, according to several witnesses, and that lost Scott Enyart’s film which might well have shown who was close enough behind Kennedy to have fired the fatal shots.

If the bulk of the witnesses who gave matching stories are correct, then Sirhan couldn’t have fired the shots, and was in a disassociative state during the shooting. If he was under hypnosis and given amnesia-producing drugs such as the CIA was experimenting with for well over 14 years by that time, then Sirhan’s claims of memory loss and innocence, while strange, may well be true.

Sirhan was denied his tenth bid for parole, even though those who have more provably committed murder against less famous people have been released. His current lawyer, Larry Teeter, is pursuing a new evidentiary hearing on Sirhan’s case. To make the case for Sirhan’s guilt, all one needs to do is pick

and choose selectively from the evidence, as did Trapp before the parole board. But for seekers of truth, the full record presents the very likely and disturbing possibility that Sirhan was a mind-controlled patsy performing an act of “attempted assassination” to distract from the real killers.

The most likely shooting suspect has always been a security guard who was in the perfect position, behind and just slightly to the right of Senator Kennedy and so close as to be guiding him by the arm through the crowd at the moment of the shooting. He was also the first witness to pinpoint the location of each shot in Kennedy with accuracy. The man’s name is Thane Eugene Cesar. While admitting he pulled a gun in the pantry that night, he insists it was a .32, not a .22 (the caliber of the bullets found). Is he to be believed on this point? He also was mistaken (putting it generously) about having sold his .22 *before* the assassination, when a receipt surfaced showing he had sold the gun *after* the assassination.

Bill Turner and Jonn Christian present a compelling case for Cesar’s guilt. They also present a strong case that the gun Sirhan used was firing blanks, creating the long, visible flame so many witnesses described. This was to ensure, the authors suggest, that the person behind RFK doing the actual shooting was not accidentally felled in the process by a stray bullet when Sirhan fired.

Dan Moldea, who for some time claimed to believe there was a conspiracy in this case, spent time with Cesar and concluded he was not involved. He had Cesar take a lie detector test, which he passed. Lie detectors are not allowed in court because they are both unreliable and easy to beat, for those who know the tricks. And having worked at several places where many CIA people were employed, such as Lockheed and Hughes Aircraft, Cesar may well have picked up a few tips over the years.

Dan Moldea wrote the *Case Closed* of RFK literature: *The Killing of Robert F. Kennedy*. He injects himself into the story at every turn, telling of his “discovery” that Sirhan was faking the memory loss, in his opinion, and that despite the distance

problem, RFK must just have fallen into Sirhan's gun—implying that every eyewitness just happened to miss that crucial moment. In a stunning display of selectively quoting from the record, he makes a very poor case for Sirhan's, and only Sirhan's, guilt. But, as Jim DiEugenio shows later, Moldea is not credible when you match the fuller record with his conclusions. Besides, who could trust the integrity of anyone who dedicates his book to that saboteur of the Garrison investigation, Walter Sheridan?

Harold Weisberg wrote a book in 1969 (which he never published) called *Coup D'Etat II* that opens with a discussion of the Robert Kennedy assassination. In it, he talks of a conversation he had with an intimate of the Bobby Kennedy camp. Weisberg was angry that RFK was not speaking out against the Warren Commission's false verdict of Oswald's lone guilt, and voiced strongly his opinion that Bobby's silence would sign Bobby's death warrant. Harold asked how Bobby could say that he had seen the entire record of the Warren Commission, a feat that would have required much time and which could not have led to an endorsement of the Commission's conclusions. "It is simple," the friend replied. "Bobby wants to live." The Kennedy associate went further, telling Weisberg that "there are already too many guns between Bobby and the White House." When Weisberg asked, "Whose guns?" the friend inferred those of the CIA. On a small television station in Washington, on June 4, 1968, Weisberg recounted this discussion and discussed the possibility of an assassination of Robert Kennedy. The next day, Bobby was shot. "No prophet was ever less pleased with the accuracy of his position," Weisberg wrote.

There has never been any official investigation of this assassination beyond the LAPD's original one by a group called Special Unit Senator or SUS. When the House Select Committee on Assassinations was formed in the '70s, the RFK assassination was originally to have been included. In the end, only the John Kennedy and Martin Luther King assassinations were investigated. Many researchers would like to know what

the CIA knew about the following key figures:

- Sirhan, who, as a young, man, already spoke four languages, including German and Russian.
- Thane Eugene Cesar, whose places of work overlapped with Agency partner corporations.
- Grant Cooper, Sirhan's primary lawyer at his trial, who had just finished representing an associate of the CIA's partner in Castro assassination plots, Johnny Roselli.
- William Joseph Bryan, the hypnotist who was on the air in Los Angeles before Sirhan had even been identified as a suspect saying the assassin was probably mind-controlled, and who later bragged to prostitutes about his work for the CIA and of having hypnotized Sirhan.

Can there be answers to the assassinations of the '60s? Weisberg thinks so:

I will not, here, recapitulate all those many things that require belief these [assassinations of John Kennedy, Martin Luther King and Robert Kennedy] could have been CIA operations. Obviously, the spooks do not carry signs, do not advertise or, as Dean Andrews so aptly put it, do not "hit" by telegraph.

The CIA is so secret it does not know itself, does not know what it is doing, what is being done in its name ... It conceives itself omniscient, everyone else uninformed, without understanding, and incapable. It arrogates to itself and exercises powers that are incompatible with a democratic society. Such a society cannot continue if the CIA is unchecked. Those who, in the past, have sought this have not survived it. Preeminently, John Kennedy.

Bill Turner made a plea for truth about the assassination of John Kennedy the centerpiece of his 1968 run for Congress. The campaign brochure read as follows:

The assassination of President Kennedy brought immediate and drastic changes in the foreign and domestic policies of this country. We must solve the problems these changes created ...

To do less not only is indecent but might cost us the life of a future President of John Kennedy's instincts.

The fulfilled prophecies of Weisberg, Turner and others linger as a dark echo, warning us into the present of the crimes not solved, deeds still unpunished, and the healing that cannot yet begin.

The RFK Plot Part I: The Grand Illusion

By Lisa Pease

“If he isn’t guilty, it’s the sweetest frame in the world.”

—Los Angeles Deputy District Attorney John Howard,
1975

Have you ever seen a master magician? Have you found yourself gasping in amazement asking half-aloud, “How did he *do that?*” You see a man step into a box on a hollow platform that’s immediately hoisted into the air. Within seconds, the man you *saw* get into a box that still hangs in front of you appears from behind you in the audience, walking down the aisle. Your eyes have convinced you this is not possible, because you saw the man get into the box. Yet there he is, the impossible made real. Such a trick is called a grand illusion, designed to confuse and deceive. Most enjoy being deceived in this manner; few want to ponder the evidence through logically to the only possible conclusion of how such a trick has to be done. After all, the man cannot both be in the box and on the ground at the same time!

The assassination of Robert F. Kennedy is also a carefully constructed illusion, designed to confuse and obfuscate. Imagine what the eyewitnesses in the crowded pantry saw. Robert Kennedy had obviously been shot, and Sirhan was firing a weapon. Sirhan *must* have killed Kennedy. And yet, *the physical evidence does not support this conclusion*. Sirhan cannot have killed Kennedy any more than the magician could be both in the box and in the audience. It is not physically possible. Just as only another magician or an extremely perceptive observer can tell you the truth behind the box illusion, only the conspirators themselves or perceptive observers can throw light on the events of June 5, 1968.

The quantity of people who have seriously investigated the

RFK assassination is surprisingly small, given the large number of people who have at some point or another devoted time and energy to learning the facts surrounding the assassination of Bobby's older brother John. But what this small, dedicated group of citizens has uncovered is astonishing. The evidence they have uncovered deserves to be dealt with honestly in a court of law. Sirhan's family and legal representatives have in recent years petitioned the California Supreme Court to hold an evidentiary hearing based on newly discovered evidence.

Justice in this case has yet to be served. This author is aware that an extraordinary claim requires extraordinary evidence. Indefatigable researchers such as Bill Turner, Jonn Christian, the late Greg Stone, Philip Melanson, Ted Charach, Rose Lynn Mangan and Sirhan's own family have discovered much over the intervening years. Mangan in particular has come up with evidence that should properly cause any court to doubt the legitimacy of the case against Sirhan. This study owes much to her guidance through the snaking paths of contradictory evidence, and her assistance has been both generous and exacting.

In the case of Watergate, Deep Throat advised Bob Woodward to "Follow the money." If Deep Throat had anything to say about this case, it would be "Follow the bullets." Nothing is more important in a murder conviction than establishing that a certain person, by means of a certain gun and certain bullets, caused the death of another. The chain of evidence is critical in any such case. As will be shown, the chain of evidence here resembles not a chain at all, but a patchwork quilt made from squares of dubious origin. Hitler once wrote that the bigger the lie, the more likely people are to believe it, since few people can imagine telling so gross a lie. It is perhaps the size and nature of the lies in this case that have made the fictitious version of the event seem more plausible than the real one.

There is no quick way to tell the incredible story of this case. It defies abbreviated summation. Those who wish to learn the truth must first find within themselves the requisite patience

and interest necessary to discover it.

Not long after midnight, on the morning of June 5, 1968, Senator Robert F. Kennedy finished up his victory speech at the historic Ambassador Hotel on Wilshire Boulevard in Los Angeles. He had just won the California primary in his effort to secure the Democratic nomination to be that party's presidential candidate in November. As Kennedy was about to leave the stage, a fateful event occurred. LA Rams tackle Roosevelt Grier, who had been working with Kennedy's California campaign, would tell the LAPD:

Well first of all, we were up on the stage, and they said they was going off to the right of the stage, and at the last minute. ... Bill Barry decided to change and go a different direction because people had found out which way the senator was going to go, and we had to go downstairs to another ballroom where people were waiting. This was a press gathering here, and so Bill Barry and someone else took the senator down and I was lifting Mrs. Kennedy down from the stairs and we started walking ... [1](#)

As Kennedy left the podium, he walked down a ramp and entered a pair of swinging doors, heading east. Between the stage and the press area was the kitchen pantry, where food for guests at the Ambassador was prepared.

Maître d' Karl Uecker gripped Kennedy's right wrist with his left hand. Ace Guard Service employee Thane Eugene Cesar joined Kennedy as he went through the double doors into the pantry, touching his right elbow. Bill Barry, an ex-FBI man who was ostensibly serving as Kennedy's bodyguard had fallen behind Kennedy as he entered the pantry.

As they headed east through the room, Kennedy stopped every few feet to shake the hands of hotel workers. The last hand he shook was that of busboy Juan Romero. Uecker pulled Kennedy as he moved forward. The tiny kitchen held, by official count, 77 people (including Sirhan and the shooting victims) who were possible witnesses to what happened next.

Uecker related that with Kennedy still in hand, he felt someone sliding in between himself and the steam table about two feet away from where he stood. Busboy Juan Romero and waiter Martin Patrusky saw Sirhan approach Kennedy, as did Lisa Urso, a San Diego high school student. Urso saw Sirhan push his way past her towards the Senator. She thought he was going to shake his hand, then saw a movement that made her stop in her tracks in frightened anticipation. Vincent DiPierro, a waiter who had observed Sirhan standing and talking to a pretty girl in a white, polka-dotted dress earlier that night, heard someone yell "Grab him" a split second before the shots were fired. Somebody reported Sirhan saying, "Kennedy, you son-of-a-bitch," and then firing at Kennedy with his hand outstretched.

Uecker felt Kennedy slip from his grasp as he fell to the ground. Screams were heard as bystanders Paul Schrade, William Weisel, Ira Goldstein, Erwin Stroll and Elizabeth Evans were hit by flying bullets. Kennedy suffered gunshot wounds in three different places, with a fourth bullet passing through his coat without entering the skin.

Uecker immediately grabbed Sirhan's hand and forced it down onto the steam table. A swarm of men descended upon Sirhan, surrounding him, while holding the gun. Decathlon champion Rafer Johnson, Grier, George Plimpton and others formed a barricade around Sirhan. One man held his head, while another kept a finger in the trigger to prevent additional shots and another grabbed Sirhan in a crushing bear hug.

Uecker and DiPierro reported initially hearing two shots, followed by a flurry. DiPierro told the LAPD, "I saw the first two go off. I saw them actually." Several witnesses reported hearing one or two shots, and then a pause. Then all hell broke loose. Witnesses not within eyesight of what was happening thought they were hearing balloons popping or firecrackers. Los Angeles photographer Boris Yaro, in a phone interview with Robert Morrow, recounted his memory of the event:

There was either one or two shots fired. O.K. And then, boom, boom, boom, boom. There was a pregnant pause

between those two because my initial impression was some jackass has set off firecrackers in here; because I got hit in the face with debris ... And then it hit me. Oh, my God, it's happened again.²

Sirhan was eventually subdued and taken into police custody.

The police created a unit—originally named “Special Operations Senator,” and renamed a week later “Special Unit Senator”—to investigate the circumstances surrounding the assassination. The unit put together the evidence that became the basis of the prosecution’s case against Sirhan.

Sirhan’s defense team stipulated to his guilt. The trial of Sirhan Bishara Sirhan was a trial solely for the purpose of determining his sentence, not whether or not he really was guilty of the crime. Sirhan himself, to the belief not only of his defense team but to the belief of the prosecution as well, truly could not remember the incidents of that night. His defense only offered that he had not been in control of his senses at the time of the killing. Not surprisingly, given such a defense, Sirhan was sentenced to death, a sentence which was commuted by the abolishment of the death penalty in California. The illusion was complete. A deranged lone gunman had killed another Kennedy. Most people, even those fairly knowledgeable about the John Kennedy assassination, assumed that this time the truth was self-evident.

It is due to the success of this grand illusion that to date, there has never been a serious official investigation of the strange facts surrounding this case. It is the most politically incorrect of all cases. So many people saw Sirhan firing and Kennedy falling just a short distance away. How could the truth be other than what it seemed? Could that many people have misrepresented the case to us, including Sirhan’s own defense team? Could officials now serving at the higher levels of the California State government have really been accessories after the fact to a deliberate cover-up?

Ironically, as this study will show, it was the efforts of those

who—by any means necessary—strove most to prove Sirhan guilty, who created the evidence that may yet serve to set him free.

Police, FBI and press photographers swarmed into the pantry, each recording in their own way what had transpired that night. The photos told a story that was opposite what the police and the District Attorney's office was telling. There were too many bullets to be accounted for. To limit the record to the maximum number of bullets Sirhan's gun could have fired, eight, the official account of what transpired had to be stretched in some extraordinary—and ultimately dishonest—ways.

One of the most ridiculed aspects of the *John* Kennedy assassination is the preposterous claim that one bullet created seven wounds. In that case, we are asked to believe that a bullet entered Kennedy's back at a downward angle, exited from his neck (at an upward angle), turned around and went back down into Connally's back. It then exited Connally's chest, entered and exited (and shattered) Connally's wrist to land, in near pristine condition, in his thigh, only to work its way out and to end up, undiscovered until by accident, on a cot in the hall of the hospital. This bullet, known among researchers by its Warren Commission exhibit number, CE399, has been called, appropriately, the "magic bullet." Science had been changed. No longer did bullets fly in straight paths; they imitated instead the paths of stunt pilot barnstormers such as the Great Waldo Pepper of movie fame.

The Robert Kennedy assassination requires not just one but *several* magic bullets to reduce the bullet count to eight. Without even getting into the evidence that there were more bullets than Sirhan's gun could hold, let's focus first on the route those eight supposedly took, according to the official LAPD summary.

As you will recall, five people were shot besides Kennedy, one of whom was shot twice; Kennedy himself was shot four times. Doesn't that add up to ten bullets? Not if the LAPD could come up with some magic ones.

The bullet that pierced Kennedy's coat without entering him took a path of roughly 80 degrees upwards. The bullet was moving upward in a back-to-front path (as were all of Kennedy's wound paths). But the LAPD figures this must be the bullet that hit Paul Schrade. Had Schrade been facing Kennedy, he would still not be tall enough to receive a bullet near the top of his head from that angle. But he was *not* standing in *front* of Kennedy. He was *behind* him by all eyewitness accounts, and as shown by the relative positions where the two fell after being hit.

For Sirhan alone to have made all the shots, we are asked to believe that one of the bullets that entered Kennedy's coat just below the armpit exited up and out of the coat just below the seam on top of his shoulders. Then the bullet pulled a U-turn in midair to hit Schrade in the forehead. Schrade has been one of the most persistent in calling for a new investigation of this case for precisely this reason. He *knows* the report is incorrect, and if it's incorrect, there had to be at least one more gun firing in the pantry.

Ira Goldstein had been shot twice, although one shot merely entered and exited his pant leg without entering his body. He was less fortunate on a separate shot, which entered his left rear buttock. But since there were no bullets to spare, according to the LAPD's strict adherence to the eight-bullet scenario, the pant-leg bullet was made to do double duty. According to the LAPD, after passing through his pants, the bullet struck the cement floor and ricocheted up into Erwin Stroll's left leg. The only bullet that seemed to take a plausible path was the one that hit Weisel in the left abdomen.

One of the big problems the LAPD had with the crime scene was the number of bullet holes in the ceiling tiles. Based on witnesses' recollections, there were too many holes to account for. There are photos of the LAPD running strings through bullet holes in the ceiling to establish trajectories. Somehow, these had to be accounted for.

Elizabeth Evans had bent over to retrieve a shoe she had momentarily lost. Suddenly she felt something had hit her

forehead. Medical reports confirm that the bullet entered her forehead below the hairline and traveled “upward,” fitting the scenario she remembers. Because the LAPD needed to account for some of the bullet holes in the ceiling, they decided that a bullet from Sirhan’s gun had been fired at the ceiling and entered a ceiling tile. The bullet then bounced off something beyond the ceiling tile, reentered the room through a different ceiling tile and struck Evans in the forehead. This bullet must have pulled more of a hairpin turn than a U-turn, if the LAPD’s version and the medical reports are to be merged.

This left still one unaccounted-for hole in the ceiling, or rather, at least one. We don’t know how many holes there were because the tiles were destroyed. But the LAPD knew that there were more than two holes in the ceiling. One of the bullets that entered Kennedy passed straight through on a near vertical path, parallel to the one that entered the coat, but not the body, of Kennedy (the one that supposedly terminated its path in Schrade’s head). This bullet supposedly passed through Kennedy and continued on upwards into the ceiling. Since Kennedy was facing Sirhan, and the bullet entered back to front, that would aim the bullet into the ceiling nearly directly above Sirhan’s head, according to witness placements of Kennedy and Sirhan. And indeed, there was a tile removed from that very spot. But Sirhan’s arm is not the many feet long it would have taken to reach around Kennedy to shoot him from behind, while standing several feet in front of the Senator.

As we have seen, the official police reports strove to present a plausible scenario for where each bullet went. Even if one accepts the accounts above as legitimate, despite the important difficulties in those trajectories, the problem is bigger still. There is a substantial amount of evidence to show that *more* than eight bullets had been fired in the pantry that night. And if there were more than eight bullets, Sirhan was not a deranged, lone gunman, but somehow part of a conspiracy which has yet to be officially acknowledged.

Evidence of additional bullets surfaced nearly immediately.

On June 5, an AP photo was published showing two police officers pointing at something in the center frame of the swinging doors that led into the pantry. The caption read, "Bullet found near Kennedy shooting scene." In 1975, Vincent Bugliosi, who was then working with Schrade to get the case reopened, tracked down the two police officers depicted in the photograph. Until that time, their identity had been unknown. Bugliosi identified the two officers as Sgt. Charles Wright and Sgt. Robert Rozzi. Both Wright and Rozzi were sure that what they observed was not only a bullet hole, but a hole *containing* a bullet.

If the hole contained a bullet, then it would have been the ninth bullet, since seven bullets had been recovered from victim wounds and the eighth was to have disappeared into the ceiling (necessary to account for acknowledged holes in the ceiling tiles). So any additional bullet presented a serious problem for those wishing to state there was no conspiracy.

In a declaration filed with the courts, Bugliosi stated:

Sgt. Rozzi had told me and he told me unequivocally that it was a bullet in the hole and when I told him that Sgt. Rozzi had informed me that he was pretty sure that the bullet was removed from the hole, Sgt. Wright replied "There is no pretty sure about it. It definitely was removed from the hole, but I do not know who did it."

Shortly after the assassination, the LAPD removed the doorjambs and ceiling panels in the Ambassador Hotel and booked them into evidence. One has to wonder why someone would tear off a doorframe or book a ceiling panel into evidence if it contained *no* evidence of bullets.

Investigative reporter Jonn Christian found a *Chicago Tribune* article authored by Robert Weidrich. Weidrich had evidently been in the pantry as the doorjamb was being removed, for his account contained the following information:

On a low table lay an 8-foot strip of molding, torn by police from the center post of the double doors leading from the ballroom. These were the doors through which Sen. Kennedy

had walked. ...Now the molding bore the scars of a crime laboratory technician's probe as it had removed two .22-caliber bullets that had gone wild.^{3,4}

Philip Melanson contacted Weidrich in December of 1988. To that point Weidrich had not been aware of the controversy surrounding the number of bullets in the pantry. He told Melanson that the police in the room had been "amazingly cooperative," answering his questions and allowing him access. At that point, neither the police nor any reporters present could have known how significant additional bullet holes would be.

Amongst a great deal of additional evidence that will not be discussed here, perhaps the strongest piece supporting the contentions of Rozzi and Wright came from the FBI. The FBI had taken their own photos of the pantry after the assassination. Three photos in particular have been particularly important to this discussion, photos E-1, E-2, and E-3. The official FBI report of these photos labels them as follows:

E-1 View taken inside kitchen serving area showing doorway area leading into kitchen from the stage area. In lower right corner from the photo shows two bullet holes which are circled. The portion of the panel missing also reportedly contained a bullet.

E-2 A close up view of the two bullet holes of area described above.

E-3 Close up view of two bullet holes which is located in center door frame inside kitchen serving area and looking towards direction of back of stage area.

Bullets do not create bullet holes in wood frames behind victims, exit those holes in the reverse direction, and then circle around to enter victims from the front! There is no way to account for these holes using the existing victim wounds. Two bullet holes in the doorframe would make ten bullets

overall *at a minimum*.

This particular point so worried the County of Los Angeles that in 1977, Investigator Robert Jackson, writing for Chief Administrative Officer Harry L. Hufford, asked the FBI for any clarification they might offer regarding these photos. The full text of this interesting letter is included here:

Dear Sir:

In the course of an inquiry by the Los Angeles County Board of Supervisors into certain aspects of the physical evidence at the Senator Robert F. Kennedy assassination, questions have arisen concerning certain FBI photographs. These photographs, purportedly taken by Special Agent Greiner and numbered E-1, E-2, E-3 and E-4, are captioned "bullet holes."

If these were, in fact, bullet holes, it could be inferred that more than one gun was fired in the pantry during the assassination. Mr. Allard Lowenstein, Ambassador to the United Nations, among others, has maintained that a possibility exists that another assassin was present. Mr. Lowenstein and other critics of the official version have referred to the above photographs as representing the official opinion of the FBI inasmuch as the captions are unequivocal in stating "bullet holes."

If the captions had said possible, probable, or apparent bullet holes, one could assume that no precise examination had taken place at the time the photographs were taken. However, the captions would lead one to believe that a determination has been made, by someone with the requisite knowledge and skills.

The dilemma we are faced with is that the photograph captions are being used as evidence of the official FBI position in the absence of any other official stated position.

If more bullets were fired within the pantry than Sirhan Sirhan's gun was capable of holding; we should certainly find out who else was firing. If, in fact, the FBI has no evidence that the questioned holes were bullet holes, we should know that so that the air may be cleared. It is therefore requested that the

official position of the FBI regarding these bullet holes be relayed to this office.

Thank you for your cooperation.⁵

To date, no record of any formal reply to this appears to have surfaced. In addition, new corroboration for this evidence came in 1975, when Vincent Bugliosi tracked down Martin Patrusky, a waiter at the Ambassador and an eyewitness to the shooting. Patrusky gave Bugliosi a signed statement describing all the events he could recall that related to the assassination and its aftermath. He recounted being at the hotel when, a few days after the assassination, the LAPD arrived to do a reconstruction of the crime. Patrusky wrote, "Sometime during the incident, one of the officers pointed to two circled holes on the center divider of the swinging doors and told us that they had dug two bullets out of the center divide."⁶

One final witness whose credibility is hard to shake is FBI agent William Bailey, who stated in an affidavit that he and several other agents of the FBI noted at least two small caliber bullet holes in the center divider. He added, in refutation to the hilarious claim that these holes were made by food carts, "There was no question in any of our minds as to the fact that they were bullet holes and were not caused by food carts or other equipment in the preparation room."

Inexplicably, not only has the LAPD denied that there were additional bullet holes in the pantry, they destroyed the evidence that could have proven their claims true! On June 27, 1969, a destruction order was issued for the ceiling panels and doorjamb, which had been removed from the Ambassador and booked into evidence.⁷ Given that the AP photograph was circulated on June 5, 1968, it seems beyond the realm of plausibility that such an order could have been given in ignorance of the suspicions that would surely surround the doorjamb and ceiling panel evidence.

Ten bullets (and likely more) would indicate that at least two guns were being fired in the pantry that night, and that a conspiracy had been at work. But if more guns were firing, why

didn't anyone report this? *Or did they?*

Contrary to popular belief, there were witnesses who indicated that more than one gun had been present in the pantry that night. Consider the following statements:

"It sounded as if there was more than one gun being used at that point."

—Booker Griffin to the LAPD, 7/25/68.

"After the shots, I saw to my left a guard holding a revolver."

—Statement attributed to Richard Lubic in a manuscript analyzed in the LAPD files.

"But the security guard had a gun and I think he went like this [drawing a gun] or he put it in a holster or something..."

—Lisa Urso to Dr. Phil Melanson.

"I'm pretty doggone sure he [a security guard] fired his gun."

—Don Schulman to the DA's office in 1971, reiterating his earlier comments to a reporter on 6/5/68.

"TV reportsSuspect shot at guard, guard shot suspect in the leg."

—Intelligence Division log entry from 6/5/68, LAPD.

"Two or three seconds after Kennedy entered the kitchen, he heard eight or nine shots in quick succession. (He thought there had been two guns.)"

—LAPD interview of Roy Mills, 8/9/68.

"The guy with the gun could have left. No one seemed to pay any attention."

—Darnell Johnson to LAPD, 7/24/68.

"My God, he had a gun and we let him go by."

—Joseph Klein, referring to a man leaving the pantry in a hurry while Sirhan was being subdued, to LAPD, 7/3/68.

“We had reports from two of the eyewitnesses that there were two assailants involved.”

—Larry Scheer, KTLA live broadcast footage from 6/5/68.

This is by no means intended to represent a comprehensive list of such statements, but is included here to show that the LAPD had no reason to assume from the start that Sirhan was the only person firing in the pantry that night.

There were Ace Security Guards in the room that night. One of them, Thane Eugene Cesar, told the LAPD the morning of June 5th that when he saw a gun in an extended arm, he reached for his own gun. Incredibly, no one from LAPD asked to see Cesar’s gun, or even inquired as to what kind of gun he had on him! If it was *not* standard procedure, then someone should have followed up with Cesar as to just why he did have a gun that night. If it *was* standard procedure for guards to carry guns, then the LAPD should at least have questioned each of the guards about their guns, and perhaps should have confiscated and tested them. Cesar once told Ted Charach, “There were three of us [guards who] had their guns out [when the shooting began].”⁸

Those who have wished to refute the evidence of conspiracy in this case just choose to ignore statements such as those shown here. People were just confused, or mistaken, and even if Cesar had his gun out, there is no evidence that he fired. Those people should remember, however, that absence of evidence is not evidence of absence, and it would have been prudent for the LAPD to thoroughly investigate these claims if only to refute them. Cesar, for example, claimed to have a .38 on him. But the police never asked to see the gun, never fired any test shots, never followed up on the evidence of too many bullets that necessitated the presence of at least one additional gun.

The perplexing lack of curiosity is amplified by the fact that at least for the next several days, LAPD officers were far from sure that Sirhan was acting alone. In fact, even before Sirhan was taken to the Rampart Station, an APB had been put out on

two very different suspects: a man in a gold sweater and a girl in a polka-dot dress.

Immediately after the shooting, 20-year-old “Youth for Kennedy” volunteer Sandy Serrano saw something disturbing, and reported it immediately to both the press and the police. A recent BBC special included the video of the live interview of Sandy Serrano from this night. She was very credible, very sure of what she had heard. She told Sander Vanocur of NBC about a wild encounter she had just had. At 2:35 a.m. on June 5th, and several additional times that morning, she repeated this story to the LAPD. Earlier in the night, she had seen a young woman in a white dress with black or dark blue polka dots walking up the back stairway of the Ambassador hotel, accompanied by two men—one was wearing a white shirt and a gold sweater, the other looking dirty and out of place, “borracho,”⁹ (under) 5’5”, with bushy dark hair. Shortly after hearing what she assumed were backfires from a car, the woman and one of the men came back down the stairs, in an excited fashion, talking loudly. She described the encounter in this way:

She practically stepped on me, and she said, “We’ve shot him. We’ve shot him.” Then I said, “Who did you shoot?” And she said, “We shot Senator Kennedy.” And I says, “Oh, sure.” She came running down the stairs, very fast, and then the boy in the gold sweater came running down after her, and I walked down the stairs.¹⁰

Serrano’s description of the third man in this group, the one who had gone up but had not come back down, bore a strong resemblance to Sirhan.

An older couple who spoke to the first policeman to arrive at the scene provided confirmation of Serrano’s story. Sergeant Paul Sharaga had only been a block away from the hotel when the call came that shots had been fired at the Ambassador Hotel. Sgt. Sharaga recounted this event to author Dan Moldea as follows:

I arrived at the hotel, and there was mass confusion. I got up on the parking lot, and there were people running in all directions.

Right away, an older Jewish couple ran up to me, and they were hysterical. I asked them, "What happened?" The woman said that they were coming out of the Ambassador Hotel by the Embassy Room, when a young couple in their late teens or early twenties, well dressed, came running past them. They were in a state of glee. They were very happy, shouting, "We shot him! We shot him!" The older woman asked, "Who did you shoot?" The girl said, "Kennedy, we shot him! We killed him!"

... This put this old Jewish woman into hysterics. She was still in hysterics at the time I talked to her. The one thing I learned during my many years in the police department is that remarks that are made spontaneously are seldom colored by people's imagination. These were spontaneous remarks from this couple. As far as I was concerned, that was the most valid description available.[11](#)

Sharaga put out APBs on both the male and female suspects. The female was described in the APB as follows:

Prior to the shooting, suspect observed with a female cauc., 23-27, 5-6, wearing a white viole dress, 3/4 inch sleeves, with small black polka dots, dark shoes, bouffant type hair. This female not identified or in custody.[12](#)

An early entry in the LAPD's log of radio dispatches contains the entry of the male suspect just before 12:30 a.m.:

Description of a suspect in the shooting at 3400 Wilshire Boulevard, male Caucasian, 20 to 22, 6' to 6'2", built thin—blond curly hair, wearing brown pants and a light brown shirt, direction taken unknown at this time.

Sirhan was short, dark-haired, and wearing a light blue shirt and blue pants. The police were already looking for *two other suspects* besides Sirhan within minutes of the shooting. A *third suspect* is referred to in the following LAPD broadcast log.

Note how the talk of multiple suspects becomes a cause for concern. (The number 0034 refers to the time, 12:34 a.m.)

114 to 33 ... Is the suspect in custody or what's the story?

...

0034

He left there approximately five minutes ago. He was taken into plus—in custody in a police car, and *there was another suspect being held within the building*, and I sent Nunley into—

114 to 70 Boy, one suspect in custody. One suspect inside the building. Is there a supervisor up at the station? ...

0113

2L30, 2L30, come in.

2L30, go.

2L30, the description we have is a male Latin, 25-26, 5-5, bush hair, dark eyes, light build, wearing a blue jacket and blue levis and blue tennis shoes. Do you have anything to add?

2L30, that's not the description that I put out.

2L30, the description I put out was a male Caucasian—

0114

—20 to 22, approximately 6' to 6'2, sandy blond curly hair, and wearing brown pants and a light tan shirt.

Rampart Base Station to Tac 1 units, we now have a base station set up in the watch commander's office, Rampart Station, KMA 367.

2L10, go.

2L30 Roger. 2L30, would you suggest I contact Rampart Detectives and find if this suspect is in custody?

...

Affirmative 21-1 Attn units in the vicinity of the Ambassador hotel,

Sups descrip is a male, cauc, 20/22, 6' to 6'2 Sandy blond curly hair Brn pants Lt. tan shirt. (end of description)

2L30 to control come in

2L30 go ahead

2L30 Code 2 on that Bus

Affirmative...

0143...

2L30 the 2nd suspect came from a witness who was pushed over by this suspect. Witness and his wife we have name and address

0144

The Juvenile officers who were collecting witnesses initially have a sheet of paper with the name and address and phone number of this witness.

What proximity to the shooting were these people

Staff 9 Staff 9 Come into Control 1

—To 2L30 in what proximity where these 2 witnesses [sic]

2L30 they where adjacent to the room [sic]

2L30 Disregard that Broadcast, we got Rafer Johnson and Jesse Unruh who were right next to him and they only have one man *and don't want them to get anything started on a big conspiracy*. This could be somebody that was

0145

—Getting out of the way so they wouldn't get shot. But the people that where [sic] right next to Kennedy say there was just one man ... 2L30 to control disregard my broadcast. A description M/C 20-22 6' to 6'2 this is apparently [sic] not a correct description. Disregard and cancel. [13](#) [Emphasis added.]

That others were being considered seriously by the LAPD as suspects in the original shooting is not surprising. What is surprising is how quickly they were willing to dismiss these suspects—a curious bias displayed overtly, on the record, and just over an hour after the shooting. Had this been the first political assassination of a Presidential figure by the name of Kennedy in this country, such an attitude, while surprising, may have been normal. But after all the questions raised in the

aftermath of President John F. Kennedy's assassination, such a cavalier dismissal of the evidence of additional suspects becomes more serious. As Los Angeles Chief of Detectives, Robert Houghton, reported in his book about the case, it wasn't as if no one was making the connection:

Inspector [John] Powers had instructed Communications Division at 1:44 a.m. to cancel its broadcasts of Sharaga's "second suspect" the male Caucasian with blond curly hair, after satisfying himself that it was a false lead ...

Thoughts of accomplices were much on the minds of both [Captain Hugh] Brown and Powers. Had the man they were holding really been alone? Could it possibly be a foreign conspiracy? Could it be the first in a series of assassinations planned in the midst of national election campaigns in order to paralyze the entire nation? Or was this perhaps the second? Just two months had gone by since Dr. Martin Luther King, Jr., was murdered. As yet, there was no suspect in that killing. Could it possibly be the third? Dallas, Memphis, Los Angeles?

[14](#)

Houghton fails to explain how Brown was able to "satisfy himself" that the APB should be cancelled when he harbored such dark thoughts and when an hour was hardly long enough to get to the bottom of a conspiracy. This would become the *modus operandi* of many at Special Unit Senator, the LAPD task force created to investigate the circumstances of the assassination. While one public official after another proclaimed that they "didn't want another Dallas," they avoided, denied, and as we will see lied and even destroyed evidence, creating in effect a second "Dallas."

The evidence in the pantry presents many problems. There were too many bullet holes than could be accounted for by one gun. At least one other gun was present in the pantry, and possibly more as well. Suspicious characters fled the scene, one laughing and saying, "We killed him."

In the final analysis, we will find that not one of the bullets

recovered from the pantry victims was ever legitimately matched to Sirhan's gun. There is even reason to doubt the gun currently recorded as Sirhan's was the one he fired that night! If we follow the evidence, we will reach the point where we must seriously question the case for Sirhan's guilt, even if there *was* a conspiracy.

This begins to sound like a rip-off of an *X-Files* episode. Yet it is no fiction; it is the bizarre reality presented by the official records of the case.

One of the most problematic pieces of evidence for the case against Sirhan's having fired the shots that killed Kennedy, is his distance from Kennedy. Autopsy evidence showed that all four bullets that entered Kennedy's body and clothes were fired at a distance no greater than six *inches*, and that the fatal shot to the head was fired at a distance of no greater than two *inches*. Yet all the eyewitness testimony puts Sirhan's gun muzzle at a range of from one and a half to three *feet* from Kennedy. Sirhan would have had to be standing considerably closer to have been able to position the gun close enough to Kennedy's head to have produced the stippling patterns found during the autopsy.

The LAPD had a list of the "five best" witnesses who were in a position to see both Sirhan and Kennedy. These were (in alphabetical order): Frank Burns, Martin Patrusky, Jesus Perez, Juan Romero, and Karl Uecker. Others close by who had an opinion on the distance included Richard Aubry, Vincent DiPierro, Pete Hammill, Richard Lubic, Edward Minasian, Valerie Schulte, Lisa Urso, and Boris Yaro.

Phil Melanson questioned Frank Burns about his recollection as to distance in 1987. Burns told him that there were "several feet" between Sirhan and Kennedy. Burns did a mock recreation of the scene in his office, and positioned the gun about three to four feet from Kennedy's head.¹⁵ Martin Patrusky, in the signed statement he gave to Bugliosi, specified the distance between the gun muzzle and Kennedy at

“approximately 3 feet.”¹⁶ I have been unable to find a record of Perez’s opinion on the distance.

Juan Romero reported the gun being “approximately one yard from the senator’s head.”¹⁷ Romero, incidentally, did not identify Sirhan as the gunman at the trial. Asked if anyone in the courtroom resembled the killer, he said no. Asked specifically if the defendant, pointed out to him, was the assassin, he replied, “No, sir. I don’t believe that’s him.”¹⁸ Uecker, considered by the prosecution to be their “star witness,” was not asked to speak on the question of the distance at the trial. Uecker, however, gave a written statement later to Congressman Allard Lowenstein in 1975. At that point, Lowenstein was seriously considering calling for a reinvestigation of the case. In his statement, Uecker said:

[T]here was a distance of at least one and one-half feet between the muzzle of Sirhan’s gun and Senator Kennedy’s head. The revolver was directly in front of my nose. After Sirhan’s second shot, I pushed his hand that held the revolver down, and pushed him onto the steam table. There is no way that the shots described in the autopsy could have come from Sirhan’s gun. When I told this to the authorities, they told me that I was wrong. But I repeat now what I told them then: Sirhan never got close enough for a point-blank shot.¹⁹

Richard Aubry heard the shots and saw a blue flame from the gun. He told the LAPD that Sirhan was six or seven feet ahead of Senator Kennedy.²⁰ Vincent DiPierro told the Grand Jury that Sirhan was four to six feet from Kennedy.²¹ Hammill put the gun at a distance of at least two feet from Kennedy; Minasian put the gun barrel about three feet away; Schulte put it six feet away, and Urso said the distance was “three to six feet.”²² Boris Yaro has been the only witness to put the gun inside of one foot from Kennedy; however, Yaro was also looking through a camera viewfinder in a foreshortened sightline, and told the FBI that Sirhan and Kennedy were “little

more than silhouettes.”²³

Clearly, Sirhan was just not close enough to have fired the shots described by the wounds. In addition, even if Sirhan *had* been close enough, it’s unlikely he would have been able to position his right hand at Kennedy’s right ear *and* behind Kennedy’s back to shoot upwards at angles near 70 degrees to the vertical, considering that Kennedy’s body, if not his head as well, was reported to be facing Sirhan.

Solve this one for yourself. Place a friend in front of you and slightly to your left, as Kennedy was reported to be in relation to Sirhan. Now, reach around behind your friend’s head with your right hand as if you held a gun. Feel the awkward flexion required of your wrist to position yourself in such a manner. Even if your friend obligingly turns his or her head, you would still need to reach around the right backside of your friend to fire upwards, in a back-to-front direction, into the back bottom of your friend’s armpit.

Now of course you could just cheat and turn your friend’s back to you. Anything is possible if you are willing to alter the evidence in this case. Evidently, the LAPD felt the same way, for that is exactly what they did. Regardless of the testimony, they constructed their own scenario of how the bodies were positioned. Despite the fact that they used actual witnesses and filmed reenactments that made a farce of their scenario, the LAPD decided that the only way to prove their case was to make all the witnesses wrong, and their postulation right.

Los Angeles District Attorney Evelle Younger, in one of the most provably inaccurate statements ever uttered by a public official about this case, shrugged off the distance problem with the following:

If somebody says one inch and somebody else says two inches, that’s a discrepancy. But the jury didn’t think it was significant and neither did I.

Younger’s statement lies on two counts: 1) the “discrepancy” is a distance of a *foot and a half or more*, not an inch or two, and 2) the jury was never made aware of the distance problem

during Sirhan's trial. And even assuming Sirhan's defense team would have acted honestly with this information had they taken the time to understand it, they were not given that chance.

People who get this far in the case inevitably ask, how could Sirhan's defense team not have brought this discrepancy into evidence? According to Robert Kaiser, a *LIFE* magazine reporter who was serving as an investigator for the defense in this case, the official autopsy report was not made available to the defense until after Sirhan's trial had commenced on January 7th, 1969. The first mention of the autopsy report from the defense appears in a memo dated February 22, 1969 that Kaiser wrote to Sirhan's lead attorney, Grant Cooper, indicating that the report showed the gun was fired from a distance of one to two inches. In a sworn statement that accompanied Sirhan's writ to the California Supreme Court, Kaiser stated that he usually reported anything he found within a day or two of discovery. So it seems unlikely that the defense team had the report much sooner than a couple of days preceding the date on Kaiser's memo. Kennedy had died on June 6, 1968, and the autopsy had been performed immediately upon his death.²⁴ In the SUS card index, a card labeled only "Medical" reports: "Coroners protocol—Final Summary: 10 pages received 11-27-68."

What could possibly have kept the autopsy report from being delivered for nearly *six months*? Was it held back to keep the defense from figuring out that Kennedy was shot at a distance that could not be reconciled with the consistent reports of Sirhan's position relative to Kennedy's?

The autopsy report discusses the three wounds in Kennedy. The wound numbers are not meant to correspond to the order of entry of the bullets, which could not be determined. Wound #1 was to the head, the actual fatal wound. The bullet that entered fragmented into a couple of large and many tiny pieces. Two wound tracks were visible in the X-rays. Wounds #2 and #3 were fired from near the back of Kennedy's armpit and traveled upward at angles of respectively 59 and 67-70

degrees to the vertical, moving back to front. Wound #2 was described as a "through and through" wound. Wound #3 was caused by a bullet moving in a nearly parallel path, but the bullet did not exit the skin, lodging near the sixth cervical vertebrae, just about where the neck meets the back. All three bullets traveled back to front, right to left, and upwards. There was a fourth bullet that passed through the outside of his coat without entering his skin, also traveling the same path. This, recall, was the bullet that was to have entered Paul Schrade's head. The killer would have nearly had to be touching Kennedy from behind his right side to have fired any of these shots. Powder tests were conducted by LAPD Criminalist DeWayne Wolfer, and by Coroner Thomas Noguchi. Both concluded that the firing distance, based on comparable patterns produced by test firings, was approximately one inch.

By now, most people would be convinced that it was not possible for Sirhan to have been the sole gunman. Dan Moldea, who until recently seemed to be calling for a new investigation, wrote in his book on the case that he feels Kennedy must have somehow been in the correct position for Sirhan to have made all the shots, and that the eyewitnesses all just missed that crucial moment. As bizarre a deduction as that is, let's follow that for a moment and see where it takes us. If that were true, one would expect, at a minimum, to find some evidence that the neck bullet found in Kennedy from Wound #3, and the bullet fragments from the fatal bullet in the head, could be matched to Sirhan's gun. Most people who have heard passing news about the case over time assume this has been done. Most people are in for a surprise.

On the morning of the autopsy, June 6, 1968, bullets and bullet fragments were removed from Kennedy's body. The neck bullet had not been removed immediately because it was not life-threatening. The surgeons had focused on removing bullet fragments from the head. The autopsy report states that *fragments* were recovered from Kennedy's head. Wolfer's log, however, reports receiving a "bullet" from Kennedy's head, and even indicates that color photographs were taken of this

“bullet.” In the autopsy report, a 6x3x2 millimeter fragment was found in Kennedy’s head, but no mention is made as to this fragment’s recovery. Slides are taken, and fragments are in evidence, but nowhere in the autopsy report does it state who took the fragments or who booked them into evidence.

In the summary section of the report, under the heading “Bullet Recovery” for Wound #1, you will find only “see text.” But within the text of the section regarding Wound #1, there is no mention of the recovery of fragments, although many fragments were seen and described. Fragments were recovered and are in evidence, but there is no record in the report of to whom the fragments were given or when. Yet under both the summary and within the text for Wound #3, there is a *specific* reference to the bullet found, its removal and the all-important markings made to preserve the chain of evidence. The following detailed description for Wound #3 is provided in the report:

A deformed bullet (later identified as .22 caliber) is recovered at the terminus of the wound path just described at 8:40 a.m., June 6, 1968. There is a unilateral, transverse deformation, the contour of which is indicated on an accompanying diagram. The initials, TN, and the numbers 31 are placed on the base of the bullet for future identification. The usual evidence envelope is prepared. The bullet, so marked and so enclosed as evidence, is given to Sergeant W. Jordan, No. 7167, Rampart Detectives, Los Angeles Police Department, at 8:49 a.m. this date for further studies.

Clearly, the autopsists were being careful, marking the evidence appropriately and tracking where it went. So why wasn’t this done with the fatal bullet? This author has no satisfactory answer for that question.

In the evidence log, there is also something odd about the way the fatal bullet fragments were booked. On one page, items 13–27 are listed, but where entry 24 should be, something odd happens. The handwriting changes drastically, the numbers 24 and 25 are mysteriously skipped, and the

number of the item booked immediately after item 23 is number 26. It looks like the numbers "26" and "27" have been added over previous numbers that were partially whited out. The back of the page reports the following:

Item #26, bullet fragments, were taken from the right mastoid area of vict's head, along with numerous bone fragments. These items were removed from the operating room by Dr. Wertlake, Good Samaritan pathologist, and taken into custody by Sgt. D.D. Varney 10833, from Dr. Wertlake. The items were taken to Rampart station and booked as evidence. Photos of the items were taken by Dept photographer Gaines, prior to removal from the hospital.

Item #27, received from Dr. Wertlake at 7:00 a.m. by Lt. Hogue. Taken to Rampart station and booked as evidence by Sgt. Varney.

It's clear that these items were originally recorded as items number 24 and 25. The actual evidence vials and tags still contain this original number listing. Why was it changed? Why were the photos of "George Clayton" booked into evidence instead as items 24 and 25? What was so important about these photos that it necessitated reordering the evidence log? Or was the purpose to hide the bullet evidence relating to the only fatal wound in the pantry?

The story gets more curious. After entry number 37 in the evidence log, we find out where the bullet fragments spent the next several nights:

Items 26-34 inclusive were released to F.B.I. Special Agent E. Rhead Richards Jr. Credential #4560 on 6-5-68 3:00pm by Sgt. W.E. Brandt # 10004.

At this point, the bullet fragments labeled items numbers 24 and 25 but booked as 26 and 27 disappear from official records for a period of eight days. On June 13th, Wolfer's log reports the recovery of these fragments as follows:

9:30 a.m.—Received Items #24 and #25, bullets from Kennedy's head (Lodola, Patchett and MacArthur).

On the following day, Wolfer's log reports a startling pair of entries:

8:00 a.m.—Ballistic tests and *clean fatal bullets*. Ammunition and nitrate patterns.

1:00 p.m.—Photos taken in color of Kennedy's head bullet by Watson. [Emphasis added.]

The first entry begs this question: is it usual practice to "clean" evidence in a murder case? The second entry is interesting as well. Dinko Bozanich, in a 1974 memo to Joseph Busch, both of the DA's office, wrote:

Wolfer never had any photographic reproductions prepared of the evidence and test bullets used in his microscopic comparisons during the Sirhan investigations.

For whatever reason, the fatal bullet fragments were entered into evidence under one set of numbers, booked as evidence under new numbers, disappeared with an FBI agent for over a week, and then returned only to be cleaned and photographed, while officially no photographs were taken. What is going on here?

And what about the neck bullet? That bullet, marked by Noguchi upon removal, is at the center of one of the most damning indications of deliberate fraud in this case. Before that episode can be understood, another event needs to be examined, one that occurred a year prior to the assassination.

In 1967, former Los Angeles Deputy District Attorney Jack Kirschke was charged with the murder of his wife and another man. At that trial, LAPD Criminalist DeWayne Wolfer showed the jury huge blow-ups of bullet comparisons, and told the jury that based on his own examination of the evidence, "No other gun in the world other than Jack Kirschke's could have killed his wife and her lover." Kirschke had alibis that put him on the road to Las Vegas at the time of the murders. Veteran Criminalist William H. Harper of Pasadena was called into the case by the defense to examine the evidence. The evidence showed that the bodies had been shot while in bed. But the

man's body was discovered on the floor. Wolfer tried to say that a post-mortem "settling" of the body fluids had caused the body to roll off the bed, a notion not supported by any known scientific phenomena. On a more serious note, Harper found that the photographs Wolfer had introduced into evidence compared *one land* from a test bullet with *two different land impressions, 120 degrees apart* on the fatal bullet. In other words, Wolfer had fudged the evidence and presented it to the jury as fact in order to obtain a conviction in a murder case.

In 1971, when Wolfer was promoted to head of the LAPD Scientific Investigation Division (SID) Crime Laboratory, Los Angeles attorney Barbara Warner Blehr submitted a formal request for a hearing on Wolfer's qualifications before the Civil Service Commission. Blehr stated six basic precepts of criminology, and then examined three cases in which Wolfer had violated these basic precepts. The middle case was the Robert Kennedy assassination. Of the Kirschke case, Blehr wrote:

His testimony combined with his very esoteric photographic manipulations, label his work in this instance nothing but perjury.

Her words were uncanny; she could not possibly have known at that point in time that history was to repeat itself in the case of the Robert Kennedy assassination. But again, I'm ahead of the story.

If this strange, twisted case has heroes, surely Harper is at the top of the list. Harper had contact with the Robert Kennedy case almost from the beginning. After his experience with Wolfer, Harper felt it his duty to inform Sirhan's defense lawyer Grant Cooper not to accept Wolfer's testimony at face value. Harper even warned the DA, Evelle Younger, to keep an eye on Wolfer's handling of the evidence. Younger was eager to build a career, however, upon the successful prosecution of Sirhan, and Cooper had his own troubles (a topic that will be dealt with in part two of this study). Cooper stipulated eagerly

to anything that came out of Wolfer's mouth, regardless of whether or not it was supported by the evidence. Harper had so many doubts about Wolfer that in 1970, through Sirhan's lawyer, he obtained permission to examine the evidence.

Harper read much of the witness testimony, and the autopsy report, and reached his first conclusion. There had to be at least two firing positions to account for all the bullets and all the wounds.

Harper took a Balliscan camera to the County Clerk's office so that he could photograph the bullets in evidence. He focused attention on the two least-mutilated bullets, the Kennedy neck bullet and the bullet removed from William Weisel. What he found stunned him and all that had heard about his findings. In the sworn affidavit he executed outlining his findings, Harper stated:

My examinations disclosed no individual characteristics establishing that Exhibit 47 [the Kennedy neck bullet] and Exhibit 54 [the Weisel bullet] had been fired by the same gun. In fact, my examinations disclosed that bullet Exhibit 47 has a rifling angle of approximately 23 minutes (14%) greater than the rifling angle of bullet Exhibit 54. It is, therefore, my opinion that bullets 47 and 54 could not have been fired from the same gun.

Harper's findings sent shockwaves, and may well have provided the impetus to the elevation of Wolfer to the head of the Crime Lab. Once Wolfer became the head of the Crime Lab, would not his word seem by the uninformed to carry more weight? Blehr and Harper failed in their efforts to overturn Wolfer's appointment. LAPD Chief Ed Davis hailed Wolfer as "the top expert in the country." Klaber and Melanson have a whole chapter of their book devoted to Wolfer, and wrote this about his qualifications:

At the time of the [Sirhan] trial, there was no specific major or grade point average required for the position of LAPD criminalist, and Wolfer's studies at USC seemed to relate tangentially at best to his chosen profession. As a zoology

major he received more C's than all other grades combined, and he received five D's, including one in his major and two in chemistry. He also had a history of offering inflated credentials to bolster his perceived expertise, something that would come to haunt him in a few years.²⁵

But the fact that the bullets could not be matched to the gun or to each other was only a *piece* of what Harper found. He found another element when he started looking at the test bullets. They came out of an envelope with the *wrong gun number on it*. The Sirhan gun had a serial number of H53725. The serial number for the gun on the evidence envelope, however, read H18602. Harper used an analogy to demonstrate the significance of this problem:

“Let us ponder a simple analogy,” Harper, 72, said recently. “Let’s say that one day you become ill and your doctor sends you to a hospital for a biopsy test for cancer. The biopsy specimen is numbered H53725. The test is reported negative for cancer, and you go home. Then you get your bill—and you find out you’re paying for a test with a different number, H18602.

“Hell’s fire, you’d want to get tested again, wouldn’t you?”²⁶

Wolfer claimed that he had fired eight test bullets from Sirhan’s weapon after the gun was recovered. One of the bullets was not recovered. Wolfer testified that he had given four of the remaining seven to the Grand Jury to examine, while retaining the three “better” bullets to compare against other victim bullets which had not at that point been recovered. The four that were given to the Grand Jury became Grand Jury item 5B. The three that remained, however, were stored in an evidence envelope that bore something troubling. The serial number of the gun indicated did not match that of the Sirhan gun. The Sirhan gun had a serial number of H53725. The test bullets evidence envelope, however, bore the serial number of H18602. Wolfer tried to pass this off as a simple mistake, claiming he had asked someone for the number of the Sirhan

gun, and this was the number given to him. But this gun had belonged, according to the LAPD's records, to a Jake Williams. It does not make sense that someone would look up the record of the Sirhan gun and come up with Jake William's gun number by mistake. Wolfer claimed he stored these bullets in, depending on which version you want to believe, a plain envelope, a manila envelope, or a paper bindle. He claims that the bullets were stored in his desk drawer for some time, and that he recorded them later. If this is true, Wolfer's actions showed a remarkable disdain for the necessity of retaining an impeccable chain of possession for important evidence in a highly visible case of political assassination.

There is of course, another possible explanation. Wolfer had marked the envelope with the *correct* gun number, one that *differed* from the Sirhan gun. Wolfer had, after all, fired gun H18602 in relation to the Sirhan case. He admitted to using that gun to fire test shots to recreate stippling patterns in order to determine the distance of the gun from Kennedy. He also used the gun to conduct sound tests. Is it possible he fired bullets from that gun and put them in an evidence envelope instead of bullets fired from gun H53725? If that is the case, Wolfer's statement at Sirhan's 1969 trial that "no other gun in the world fired the evidence bullets" would indicate either that gun H18602 had been fired in the pantry(!), or that Wolfer's comparisons were simply not credible on any point.

Wolfer claims that he was not in possession of the gun H18602 until June 10, 1968. However, this is contradicted by Wolfer's own log. He claimed that he turned four test bullets and Sirhan's gun over to the Grand Jury on June 7, 1968. (The serial number of the gun turned over to the Grand Jury was, inexplicably and quite contrary to policy, not recorded. The gun was tagged as Grand Jury Exhibit 7. To date, there is no Grand Jury tag on the "Sirhan" gun currently in evidence, nor is there any gun tagged Grand Jury Exhibit 7 in evidence.)

It was the absence of Sirhan's gun, says Wolfer, that necessitated his using a second gun to perform the sound and powder pattern tests. Wolfer said, in a sworn deposition

statement, that he conducted tests at Cal State Long Beach. But his log places the date of this event as June 8th, contradicting his assertion that he did not withdraw gun H18602 from the LAPD until June 10th.

Blehr questioned Wolfer during a 1971 deposition about the possibility of his having used any other gun for the Long Beach tests. The exchange went as follows:

Q: How many guns did you use, other than H18602, and the Sirhan gun 53725, in your testing for sound, muzzle distance, whatever?

A: I believe this was the only gun that we used.

Q: What test exactly, did you use?

A: For the sound test—I am sorry, but that is for the sound test and the muzzle distance test. Those are the only two tests.

Q: Those were the only two tests that you ran?

A: No, I am sorry. I did run a test down at Long Beach State on the cc. Those were the three tests that I recall here today.

Q: And this gun, H18602, was used for all those tests?

A: I believe it was, to the best of my recollection here today. I am not sure.

The four Grand Jury test bullets, the three withheld test bullets, and the Kennedy neck bullet were ultimately stored in evidence envelopes labeled respectively "A," "B," and "C." Envelopes are usually numbered in a logical sequence, and any reasonable person would expect that envelopes marked A, B and C would have been created and filled in a chronological order. But this presents a problem for those striving to believe Wolfer. Envelope A (the A is partially but recognizably visible), bearing the gun serial number of H53725, was dated June 5th.

Envelope C is dated June 6, 1968. One would then logically expect envelope B to have been prepared sometime on the 5th or 6th, certainly not on, say, the 10th. Envelope B is dated June 6th, which certainly makes sense. But inexplicably, Envelope B bears the gun number H18602.

This presents a serious problem for those wishing to believe Wolfer. He claims he didn't have any contact with gun H18602 until June 10th. Yet, envelope B, which bears that number, is dated June 6. We know the date could not have been in error, at least not for a later date, as the next envelope in sequence, marked C, was also created on June 6th. In other words, Wolfer had to have had gun H18602 as early as June 6th, contradicting his own sworn assertions, and casting doubt on his other sworn assertions.

It is easier to believe that Wolfer is wrong (or even lying) than to believe that on June 6th, someone had a premonition of the number of a gun that would not enter the case until four days later!

There is no simple excuse for the mishandling of evidence in such a case. The notion that Wolfer was simply sloppy just does not hold water. What criminalist worth his salt would not only make such mistakes, but go out of his way to leave no written or photographic record of the work he had done? Wolfer claimed to have performed all sorts of examinations and tests. But there are no extant records to support any of his assertions. In a case sure to receive extraordinary scrutiny, it is beyond belief that Wolfer just forgot to record his examinations, and suggests instead that perhaps his examinations were not producing the desired findings.

In *Shadow Play*, Klaber and Melanson quote from Sir Gerald Burrard's book *The Identification of Firearms and Forensic Ballistics* about the caution that should be accorded any criminalist's unsupported claims:

Mere assertions by some investigator, no matter how great his reputation as an expert, should be regarded with extreme caution ... The most ridiculous claims have been put forward on behalf of the comparison microscope, and there is a danger

that the mere fact of its possession may endow a witness with all sorts of imaginary skill and knowledge, at least in the eyes of the jury and public ... If, therefore, the evidence is unsupported by photographs, which clearly tell their own story, that evidence should be regarded with suspicion.²⁷

As we saw in the Kirschke case, Wolfer certainly understood the importance of photographic comparisons, blowing up a huge, but ultimately misleading (some would say dishonest) representation of a comparison, designed to lead the jury to the conclusion of guilt. Wolfer apparently realized that sooner or later his word would not be enough. His worst fears came to pass in 1974, when County Supervisor Baxter Ward held public hearings to present evidence that shattered Wolfer's presentation of the case.

In 1974, Los Angeles County Supervisor Baxter Ward presented to the public a hearing on evidence from the Sirhan trial. By that time, Ted Charach with his film *The Second Gun* and William Harper with his 1970 findings had raised the specter of a second gun having been fired in the pantry that night. Ward conducted hearings that included the testimony of two highly respected ballistics experts: famous New York criminalistics professor Herbert Leon MacDonnell and California state crime lab veteran Lowell Bradford.

In his original 1970 affidavit, Harper had stated that he could not match either of the two most intact bullets, the Kennedy neck bullet (Exhibit 47), and the Weisel bullet (Exhibit 54) to each other, casting doubt as to whether they had been fired from the same gun. MacDonnell had signed an affidavit in 1973 that presented the following as his professional conclusions:

- 1) The bullet removed from the late Senator Robert F. Kennedy, exhibit #47, and the bullet removed from Mr. Weisel, exhibit #54, could not have been fired from the same weapon.

- 2) The bullet removed from the late Senator Robert F. Kennedy, exhibit #47, was not fired from the Iver Johnson .22

Cadet #H53725, the revolver reportedly taken from Sirhan.

In 1974, MacDonnell was questioned about his findings, as was Bradford. Bradford explained to Ward, at the hearings, the significance of a problem raised by dissimilar cannellures.

Bradford: It appeared from these photographs [the photographs of the bullets taken by criminalist Harper] that there was one cannellure of the knurled type, and let me stop for just a moment and explain cannellures. A cannellure is defined as any circumferential groove around a bullet or cartridge case, and that refers then not only to the knurled types of grooves which are placed there by the manufacturer as you depicted in your earlier sketches, but it also includes the groove which is placed there for the purpose of receiving a crimp by the cartridge case—and I'll limit myself to the knurl cannellures now. ...And I noticed that the photograph No. 47 portrays an image which appears to be that of one of these knurled cannellures, whereas 54 has an image which appears to portray two.

In addition to this evidence, Bradford went on to present his conclusions, or lack thereof, regarding matching the bullets to each other:

I could find no evidence of any specific identification marks of the type which would be necessary to identify one bullet as having been fired from the same weapon as the other.

The following exchange summarizes MacDonnell's findings regarding these two bullets:

MacDonnell: The only two that I have really had an opportunity to compare are 47 and 54, and I could not find sufficient agreement in individual characteristics to consider it a positive identification.

Ward: In the layman's consideration or evaluation, of what you've just said, are you suggesting then that the bullets were not fired from the same gun?

MacDonnell: I'm suggesting that they were not fired on the same gun, based upon the photographic evidence ... I could not positively identify them as being fired in the same weapon.

MacDonnell, like Bradford, also noticed the differing number of cannellures. Ward and MacDonnell shared the following exchange on this matter:

Ward: To go back, the cannellures between 47 and 54 are different in number?

MacDonnell: That is correct.

Ward: Would that suggest they are from a different manufacturer?

MacDonnell: Yes.

Ward: Trial testimony, as I recall, in the Sirhan case indicated that all of the bullets used in the Sirhan gun came from the same manufacturer and also from the same batch of lead development. If you state that the cannellures are numbered differently, would this rule out the possibility of their being from the same manufacturer and same batch of lead?

MacDonnell: For all practical purposes, yes. However, I must qualify that by saying that it is reasonably common for the manufacturer to purchase projectiles from another manufacturer, but it is extremely unlikely that if, for example, Omark Industries did in fact purchase a single-caliber projectile from Federal, that just one or two in the Sirhan revolver happens to be the one that hit Kennedy, and the other ones are consistent with their normal manufacture. It is an astronomical improbability, but it is a probability.

Ward's motives in presenting these hearings were to urge a reexamination of the ballistic evidence by a panel of experts. Such proposals had been made in the past, but with the momentum gained by such strong statements from respected

experts, and with Allard Lowenstein's persistent efforts, it became necessary to create just such a panel, which could either conclusively refute or support the findings to date. Dr. Robert J. Joling, then President of the American Academy of Forensic Science, called for the same, stating that "Only an independent, non-governmentally controlled body of experts can really be relied upon to let the arrows of truth come to rest wherever that may be."

The efforts of Ward et al. in conjunction with a suit filed by victim Paul Schrade finally came to fruition in September of 1975, when Superior Court presiding Judge Robert A. Wenke formally ordered a retesting of the firearms evidence.

From the start, there was something odd at work with this panel. Joling's warnings concerning the importance of finding an impartial panel apparently went unheeded. One of the experts appointed, Alfred Biasotti of the state crime lab, had been on record as backing Wolfer's shenanigans in the Jack Kirschke case. Considering the panel was convened specifically to reexamine Wolfer's evidence in the Kennedy case, Biasotti's past record implied a conflict of interest. Attorney General Younger, the one who had claimed that the important distance problem between the gun and Kennedy was nothing more than a minor "discrepancy," picked another expert whose objectivity left something to be desired: Courtland Cunningham of the FBI. Cunningham had been one of the FBI men involved in the investigation of the John Kennedy assassination evidence. In that case, Cunningham tried to explain away the negative results of a paraffin test on Oswald's cheek. While false positives could be expected, false negatives seemed odd. Cunningham created a test condition that produced false negatives; however, to do so, he used a scenario where the gun was cleaned between shots and handed to the shooter. Cunningham failed to explain how this situation approximated Oswald's "loner" act. [28](#)

Beyond the conflict of interest issues, even more serious problems were at hand. In the original court order, Wenke had asked the panel to examine not just the bullets, but the shell

casings as well. Yet when the order was conveyed to the panel, the reference to shell casings had been curiously, and without explanation, deleted.

This becomes a significant point because there has always been a problem surrounding the shell casings. SUS leader and chronicler Robert Houghton wrote about the importance of shell casings, describing them as:

used brass, each branded with the indentation mark of the firing pin, a brand as unique and infallible in matching spent shells to the guns which fired them as fingerprints are in identifying people.²⁹

How could such “infallible” evidence have been omitted in the new version of Wenke’s court order? Was this omission a mistake, or a deliberate act?

Lending credibility to the notion that the deletion of the reference to the shells was deliberate was the fact that Wolfer was given over 489 expended shell casings from the range where Sirhan allegedly spent June 4th, 1968 firing his gun. Wolfer’s comment at the bottom of this evidence report, dated 7/8/68, reads: “None of the above shells were fired in the Iver Johnson 22 caliber revolver H53725.” This was apparently such a serious problem that a week later, Sgt. McGann of the LAPD brought *37,815 more shell casings* from the range into evidence. The comment on this report reads: “I was unable to find any shell casings which were fired from the weapon taken from arrestee Sirhan Sirhan (Iver Johnson, 22 caliber revolver #H-53725).”

In the daily log of the Commander of Detectives for the Bureau of Investigations, the August 27, 1968 entry displays concern at this failure:

One hole that has been overlooked that should be checked was discovered in this reading. The FBI, within a day or two after the Kennedy assassination, sent agents to the Pistol Range in San Gabriel and they gathered some 40,000 shell casings, which were forwarded back to the FBI Crime Lab. They threw

up their hands, and at our request, the brass was sent back to us. Wolfer reports he examined all of these casings and could not connect any of them to Sirhan's gun. This means that *if* Sirhan shot several hundred rounds at the San Gabriel range, either he took the brass with him or someone else picked it up. *Neither of these conclusions appears at this time to make sense.* More investigation is needed. There is a possibility that Wolfer really did not examine all of this brass (this should be checked) or that the FBI still has brass in Washington (this should be checked.) [Emphasis added.]

Apparently this *was* checked, and SUS continued to come up empty. Wolfer's failure to match any shells to the gun is reported in a footnote in Houghton's 1970 book *Special Unit Senator*.[30](#)

Despite the presence of a few experts with questionable independence, their findings were in the end, at best, inconclusive and as supportive to the notion that the bullets from the victims were *not* fired from the Sirhan gun as to the notion that they *were*. While several of the experts said it was their *belief* that the bullets did indeed come from the Sirhan gun, not one of them was willing to say the evidence proved such.

One thing the panel uncovered, however, was significant. Wolfer misrepresented to the Panel surprise evidence in the form of a long-hidden photograph that became the panel's Special Exhibit 10. And for all that the panel found regarding this exhibit, the truth is worse yet. In this little item lay the heart of the case against Sirhan, and it contained a two-tiered deception.

LAPD files contain these statements in regards to the RFK case: "Comparison photographs are not taken in Los Angeles Police Department cases," and "There were no photomicrographs taken for comparison purposes." But the LAPD files also contain the following:

Confidential Addenda to the Lowenstein Inquiry

This separate addenda contains confidential information relative to the questions submitted by Allard Lowenstein. The information has not been revealed prior to this report and may conflict with previous statements made by the Chief of Police and other officials.

Serious consideration should be given to the release of this information.

There exists a photograph of the Kennedy bullet and a test bullet taken through a comparison microscope showing one Land comparison.

It is *not* intended to be a bullet striation identification comparison because the lighting and details of the bullet are not displayed in the proper position.

The photograph is an overall photo *not* shot for striation detail. [Emphasis in the original.]

The photograph is of a groove made by a Land in the barrel of the gun; the principal area of the photo is referred to as "one Land width." The area on either side of this Land width depicts a partial groove marking.

The fuzzy area on the left side of the photo is due to a deficiency in the optics of the microscope. This defect has existed since the Department first received the microscope and efforts to correct the defect have been unsuccessful.

The defect was a subject in the Kirschke case. The photograph shows identical Land widths between the Kennedy and test bullet. It also shows a comparison area between the shoulders of the Land widths. This comparison area is located approximately in the center of the shoulders.

The existence of this photograph is believed to be unknown by anyone outside of this Department. It should be rebuttal evidence were this case ever to be retried. However, the release of this information at this time would be susceptible to criticism because lay people would in all probability have difficulty deciphering this photograph. The issue as to its not being revealed at an earlier time may further make its authenticity suspect, particularly to the avid, exact assassination buff.

Using the same defective equipment Wolfer had used to manipulate evidence in the Kirschke file, a secret photo had been prepared in the RFK case. This photomicrograph purported to show a comparison of the Kennedy neck bullet compared to one of the original test bullets fired from the Sirhan gun. But the 1975 panelists found that Wolfer's photograph was *not* a comparison against a test bullet, but rather, against another *victim* bullet, the Goldstein bullet. To prove their point, they made their own photographic comparison, carefully lining up and photographing the same sections of both bullets. So someone was pulling yet another fraud in this case by concocting evidence in the hopes of convincing a panel of experts that a test bullet from Sirhan's gun matched a bullet from Kennedy himself.

But the finding that the photo did not depict the bullet described was only half of the deception. In the film *The Parallax View*, a film whose subject seems loosely patterned after the Robert Kennedy assassination, the main character is seeking an alias under which to operate. He uses a fake alias, but when that is discovered, he gives yet another alias, telling the person checking him out that he used the fake identity to hide the fact that he had committed indecent acts in public. His friend had told him to do this so that, after checking his first alias carefully, anyone would be less careful checking out the second, figuring he had nothing more to hide.

This same logic appears to have been at work in the 1975 Panel's identification of the bullets in the photomicrograph. Having discovered one level of deception, not one of the experts sought to examine the evidence further. And by stopping there, the Panel could make the assertion that whether or not the bullets matched each other, at least they had both come from the same gun, which would discredit the notion that Kennedy was shot by a different gun than had been used against the other victims.

Lynn Mangan, however, at Sirhan's request, looked deeper. Mangan had become close friends with William Harper. He so trusted her that he left her all his files. Harper had become a

lightning rod to people within the LAPD looking to expose the fraudulent goings-on with regards to the evidence in this case. He had many contacts in the Pasadena Crime Lab, and once he went public with his affidavit in 1971, people began leaking information to him. He had told Mangan many times, and in no uncertain terms, that the 1975 panel had been "a fix." "They switched the guns," he told her. "They switched the bullets." Not many people are aware that Harper himself used to be a member of the OSS, the WWII intelligence apparatus that became, after the war, the CIA. Harper had maintained contact with some people over the years, and his information always checked out. So in 1994, when Mangan, after a long absence, reentered the case as Sirhan's official investigator, along with Sirhan's ever-faithful brother Adel, she paid special attention to the evidence from the 1975 panel. What they found exposed the second layer of deception.

Patrick Garland had written a detailed inventory of all the evidence to be examined. He noted which bullets bore which markings. The Kennedy neck bullet, #47, bore the markings "DWTN" on its base. The Goldstein bullet, #52, bore only a "6."

The original bullet #47, however, should have had "TN31" on its base. And bullet #52 should have had only an "X." *Someone had switched the bullets, and then created the photographs.* The chain of evidence had been completely broken, and there is no way to know what two bullets the panel had evaluated.

Mangan also obtained firsthand proof of evidence tampering. Mangan visited the California State Archives to examine the evidence from the Sirhan case on two different dates. She took photos of People's #47, the Kennedy neck bullet, on both visits. On her first visit, Mangan knew just by looking at it that the bullet in evidence could not be the correct one. She called Lowell Bradford and demanded he come to the Archives with her. He could not believe that just by looking at a bullet she could tell that it was incorrect. But he did not understand Mangan, her eye for detail, and her voluminous knowledge of the minutiae of the case. Mangan recalled distinctly the description of the bullet, which indicated a deformity not

present on the bullet in evidence.

Bradford finally relented at Mangan's insistence, and accompanied her to the Archives. But when they went again to the archives on August 3, 1994, a different bullet was in evidence as People's #47. Lest someone think the bullets were simply photographed from different angles, Mangan and Bradford labored to position the bullet in a way that would most resemble the bullet in Mangan's photo from her earlier visit. But the deformity caused the bullet to consistently roll to the same position, and they concluded that this could not be the same bullet that had earlier been in evidence.

Mangan asked Bradford to examine the all-important markings on the base of the bullet. Bradford found that grease had been applied to the bullet, making identification impossible. Such grease can rapidly disintegrate details, and Bradford complained to the State Archivist, insisting that the bullet be cleaned. Shortly after this episode, Mangan states that the Archives barred her access to the evidence in the case. (Her visitor status was later reinstated.)

There is a great deal more evidence that cannot possibly be fit into this study that shows not just occasional problems, but a *pattern* of substitution of evidence in this case. Mangan had discovered several evidence envelopes that were clearly forged after the fact. They bore Sirhan's name at a time when it was not yet known, and they had on them a murder charge at a time when Kennedy was still *alive*, and when other contemporaneous envelopes bore the correct charge for *attempted* murder. These items are the subject of the writ that awaits a chance for a genuine hearing.

There is just one other item I wish to deal with, and that is the gun in evidence, H53725. Throughout this study I have referred to it as the "Sirhan gun." But *is it?* As with so much else in this case, that conclusion no longer seems certain.

A little-known fact brought out at the trial but hardly discussed since is that at some point during the struggle in the pantry, the gun was temporarily out of Sirhan's hand. Uecker

had been slamming Sirhan's hand against the steam table in an effort to get him to drop the gun. Bill Barry told the LAPD later that morning:

I took the gun away from him and put the gun on the counter. The susp. grabbed the gun and then Rayford [sic] Johnson and Roosevelt Grier helped me subdue the susp. again.

Supporting Barry's original statement to the LAPD was pantry witness Jack Gallivan:

Then I turned to where Bill [Barry] was and he had the suspect pinned against the steam tables and disarmed him, with the weapon sitting on the steam table, not far from where the suspect was.³¹

At the trial, Barry told a slightly different version of events:

A [Barry]: At this time this individual with the gun fell on this table.

Q: [David Fitts]: And the gun fell out of his right hand?

A: Yes.³²

Barry also added, "I am not sure who took the gun at this juncture. There were many hands grabbing it."³³ One of those hands apparently belonged to Boris Yaro, who claims to have been momentarily in possession of it:

... The two guys went for him, and I moved; and they hit him; and pushed him kind of spread eagle on the counter; and they were trying to slam the gun loose; and the gun came loose; and I took it ... And I picked it up and I'm thinking the son of a bitch doesn't have any knurls on the grip. This gun is still warm ... And I'm thinking this. And all of a sudden, wham, and the gun goes over my shoulder. Somebody pulled it out of my hand. As it turned out, it was apparently Rosy Grier. But the first thing I said when I came to and into [sic] our office, where I'm on a dead run, and I hollered at Bill Thomas who is now the editor of

the *Los Angeles Times*, and I said, “My fingerprints are on that gun!”³⁴

Grier too remembered the gun being out of Sirhan’s hand:

I saw the gun in his hand at first and then it seemed that the gun was lying on the table. ...And I looked back again and it was in his hand and that is when I went for him.³⁵

How the gun ended up back in Sirhan’s hand is not clear. And whether the gun that ended up in his hand is the same gun that was taken from it cannot truly be proven. That’s not to say it wasn’t, but there is room for question.

But the weirdness doesn’t end there.

After Sirhan was subdued, Rafer Johnson took the gun, and did not give it to the police. Instead, he went home and wrote the gun number in his diary.³⁶ Almost two hours after the incident, he took the gun to the police. The following is the very curious exchange recorded when Rafer handed the gun to Sgt. Michael J. McGann of Homicide, in the presence of Sgt. R.L. Calkins:

McGann: We have an Iver—

Calkins: Iver-Johnson—

McGann: Iver-Johnson Cadet, model 55-A

Calkins: More of these goddamn guns kill more people—

McGann: Model number 50—number 56-SA. The serial number is H53725 ...

Normally this would seem to be just a simple confusion, and were it not for the other evidence of deliberate deception in this case, frankly I would have dismissed this. But Harper had also told Mangan something he had learned as “fact” from one of his LAPD sources; that Sirhan was firing blanks. That would explain why almost no one recognized gun shots and instead

thought the noise was just balloons popping. Turner and Christian also came to the conclusion that Sirhan had to have been firing blanks, which are basically shells stuffed with paper that flash-burns, creating a visible flame that appears from the muzzle and a little shower of paper residue. Before I return to the model number issue, considering the following witness statements:

“It didn’t sound like gun shots to me, and I’ve heard a lot of gun shots. It sounded like a cap pistol or somebody cracking a balloon.”

—Norbert Schlei, a former assistant attorney general under Presidents Kennedy and Johnson, on a KTLA interview broadcast immediately after the assassination, 6/5/68

“I just saw this blue ... like a flash, like maybe something from a firecracker... flash, like a little spark from a ... it was just the flashes I saw, I thought somebody threw a firecracker right at him ... ”

—Richard Aubry to the LAPD, 6/5/68

“I—at that time I didn’t recognize what it was, and I saw some paper flying. I don’t even remember what it was, paper or white pieces of things.”

—Karl Uecker to the LAPD, 6/5/68

Richard Lubic ... heard two shots “which sounded like shots from a starter pistol at a track meet.”

—Reported by Robert Blair Kaiser in *R.F.K. Must Die!*

“I thought it was a balloon. I heard the first pop and then I heard about three or four just right after another. ...I looked, and then the second shot, I saw smoke and saw like something from a—like a—the residue from a bullet or cap, looked like a cap gun throwing off residue.”

—Rafer Johnson (who, as an Olympic Decathlon champion, would certainly recognize the sound and appearance of a cap gun being fired) to the LAPD, 6/5/68

It is a shame McGann couldn't have told us a single correct model number when he took the gun into evidence. Like so much of the evidence in this case, it may go down as an unsolvable mystery.

The gun in evidence today is an Iver-Johnson Cadet, Model 55-SA.

Iver Johnson Model 56-A, however, is a starter gun that fires blank cartridges.

[1](#) Robert A. Houghton with Theodore Taylor, *Special Unit Senator* (New York: Random House, 1970), p. 42.

[2](#) Robert Morrow, *The Senator Must Die* (Santa Monica: Roundtable Publishing, Inc., 1988), p. 279. Morrow was sued by a person he claims in this book was the real killer, using a special camera that was rigged to fire bullets (Morrow is himself an ex-CIA operative who claims to have known of such weapons). Morrow lost his suit. I viewed footage of the Ambassador from that night and found that Morrow's suspect did not even enter the pantry at the time of the shooting, but was clearly visible on the stage the Senator had left, with camera still in hand. As a result of this lawsuit, the judgment required Morrow to destroy all remaining copies of this book. I am including the quote here on the assumption that Morrow has accurately represented Yaro's comments to him in the transcript included in his book, and primarily because Yaro's statements correspond to the record of that of other witnesses at this moment.

[3](#) Paul Schrade in a 1975 petition to the Superior Court of California.

[4](#) Philip Melanson, *The Robert F. Kennedy Assassination* (New York: SPI Books, 1994) p. 55.

[5](#) This letter, dated November 2, 1977, appears on the last microfilm reel of the SUS files from the California State Archives (SUS hereafter). I have yet to find any official response in any of the files I have viewed. Philip Melanson discovered this letter and wrote about it *The Robert F. Kennedy Assassination* (pp. 46-47). He pursued this by writing the FBI in 1985. He received a response from Assistant

Director William M. Baker, who stated, “Neither the photographic log nor the photographs were ever purported to be a ballistics report,” an interesting non-denial of the evidence.

[6](#) Turner and Christian, *The Assassination of Robert F. Kennedy* (New York: Thunder’s Mouth Press, 1993), p. 350.

[7](#) Turner and Christian, p. 178, citing LAPD Deputy Chief Daryl Gates in an August 22, 1975 NBC network interview.

[8](#) From Ted Charach’s video, *The Second Gun*.

[9](#) LAPD Interview of Sandy Serrano, 4 a.m., June 5, 1968, p. 12. On p. 15 she explains that by “borracho” she didn’t mean he was drunk, but that he “looked messy” and “he looked like he didn’t belong there.”

[10](#) LAPD interview of Sandy Serrano, 2:35 a.m., June 5, 1968, p. 27.

[11](#) Dan Moldea, *The Killing of Robert F. Kennedy* (New York: W. W. Norton & Company, 1995), p. 40.

[12](#) APB from SUS files. This one was dated 6/21/68, and was not cancelled until 6/21/68.

[13](#) Telephone and Radio Transmissions Log (H-XIII), Radio transmission, reel 6 from the California State Archives SUS Files Microfilm Collection (SUS hereafter). The man who knocked over the people while running out of the room was Michael Wayne, a curious figure to be discussed in the second part of this study.

[14](#) Houghton, p. 32.

[15](#) Melanson, *The Robert F. Kennedy Assassination*, p. 33.

[16](#) Turner and Christian, Copy of Patrusky’s signed statement, p. 350.

[17](#) Klaber and Melanson, *Shadow Play: The Murder of Robert F. Kennedy, the Trial of Sirhan Sirhan, and the Failure of American Justice* (New York: St. Martin’s Press, 1997), p. 96.

[18](#) *New York Times* (2/15/69), p. 12.

[19](#) Klaber and Melanson, p. 96.

[20](#) LAPD Interview of Richard Aubry, June 5, 1968, p. 16.

[21](#) Melanson, p. 33.

[22](#) Klaber and Melanson, p. 96.

[23](#) LAPD case summary, p. 25.

[24](#) As a side note to those who follow the John Kennedy assassination, it's interesting to find the reappearance of Pierre Finck, one of the autopsists in the John Kennedy assassination, as well as Russell Fisher. Fisher was the Maryland Coroner who made the preposterous claim that a bound, gagged, and weighted man found in the ocean was really a suicide victim, the sensitively positioned CIA officer William Paisley. Fisher's improbable verdict of suicide prevented what would have led to an uncomfortable examination that could have embarrassed the CIA. Fisher, in 1968, was part of the Clark Panel, a panel convened to examine the autopsy photographs from the John Kennedy assassination. The Clark panel had suspicious origins, and was timed to discredit the growing voices critical of the Warren Report, as well as the investigation of New Orleans District Attorney Jim Garrison. Both Finck and Fisher provided advice and assistance in the autopsy of Robert Kennedy.

[25](#) Klaber and Melanson, p. 94.

[26](#) *New York Post*, 5/21/75.

[27](#) Klaber and Melanson, p. 102, citing Sir Gerald Burrard, *The Identification of Firearms and Forensic Ballistics* (New York: A.S. Barnes, 1962), pp. 154-155.

[28](#) Warren Commission Hearings, Vol. III, p. 494.

[29](#) Houghton, p. 266.

[30](#) Houghton, p. 266.

[31](#) Jack Gallivan's Testimony, Sirhan Trial Transcript, p. 3351.

[32](#) Bill Barry's Testimony, Sirhan Trial Transcript, p. 3451.

[33](#) *Ibid.*

[34](#) Morrow, p. 279. No fingerprints of any kind were recovered from the gun, despite it having been held by Sirhan, Grier, Johnson, Barry, and others.

[35](#) Roosevelt Grier's Testimony, Sirhan Trial Transcript, p. 3310.

[36](#) Mangan's record of a conversation she had with Rafer Johnson during a chance meeting. He told her he had the gun number, and gave her his unlisted number, saying if she called he would read to her the number. Mangan called many times

after that, but Rafer's mother always answered, and always told her he was not available, but that she would take a message.

The RFK Plot Part II: Rubik's Cube

By Lisa Pease

"We've shot him! We've shot him!"

"Who did you shoot?"

"We shot Senator Kennedy!"

We have now exposed the grand illusion. Sirhan could not have shot Kennedy. Indeed, there is a great deal of evidence to suggest that Sirhan was firing blanks. If Sirhan did not shoot Kennedy, who did? Why? And how is it that Sirhan's own lawyers did not reveal the evidence that he could not have committed the crime for which he received a death sentence?

Before one considers the above issues, one larger issue stands out. If Sirhan did not kill Kennedy, how has the cover-up lasted this long? In the end, that question will bring us closer to the top of the conspiracy than any other. No matter who was involved, if there were a will to get to the bottom of this crime, the evidence has been available. The fact that no official body has ever made the effort to honestly examine all the evidence in this case is nearly as chilling as the original crime itself, and points to a high level of what can only be termed government involvement. In the history of this country and particularly the '60s, one entity stands out beyond all others as having the means, the motive, and the opportunity to orchestrate this crime and continue the cover-up to this very day. But the evidence will point its own fingers; it remains only for us to follow wherever the evidence leads.

It has often been said that a successful conspiracy requires not artful planning, but rather control of the investigation that follows. The investigation was controlled primarily by a few LAPD officers and the DA. Despite Congressman Allard Lowenstein's efforts, no federal investigation of this case has

ever taken place. The Warren Commission's conclusions were subjected to intense scrutiny when their documentation was published. Evidently the LAPD wanted no such scrutiny, and simply refused to release their files until ordered to do so in the late '80s.

SUS members predominantly came from military backgrounds.¹ Charles Higbie, who controlled a good portion of the investigation, had been in the Marine Corps for five years and in Intelligence in the Marine Corps Reserve for eight more. Frank Patchett, the man who turned the Kennedy "head bullet" over to DeWayne Wolfer after it had taken a trip to Washington with an FBI man, had spent four years in the Navy, where his specialty was cryptography. The Navy and Marines figured prominently in the background of a good many of the SUS investigators. The editor of the SUS Final Report, however, had spent eight years of active duty with the Air Force, as a Squadron Commander and Electronics Officer.

Two SUS members were in a unique position within the LAPD to control the investigation and the determination of witness credibility: Manuel Pena and Hank Hernandez. Pena had quite the catbird seat. A chart from the LAPD shows that all investigations were funneled through a process whereby all reports came at some point to him. He then had the sole authority for "approving" the interviews, and for deciding whether or not to do a further interview with each and every witness. In other words, if you wanted to control the flow of the investigation, all you would have to do is control Lt. Manuel Pena.

In a similarly powerful position, Sgt. Enrique "Hank" Hernandez was the *sole* polygraph operator for the SUS unit. In other words, whether a witness was lying or telling the truth was left to the sole discretion of Hernandez. Some people mistakenly think that a polygraph is an objective determiner of a person's veracity. But a polygraph operator can alter the machine's sensitivity to make a liar look like a truth teller, or a truth teller look like a liar. In addition, the manner of the polygraph operator will do much to assuage or create fear and

stress in the person being polygraphed. In addition, no less than William Colby himself said it is possible to beat the machine with a few tricks. For these and other reasons, no court in America allows the results of polygraph tests to be used as evidence. But Hernandez's polygraph results were given amazing weight in the SUS investigation. Indeed, his tests became the sole factor in the SUS' determination of the credibility of witnesses.

Because of their prominent roles in the cover-up, the background of Pena and Hernandez has always been of special interest. Pena has an odd background indeed. His official SUS information states he served in the Navy during WWII and in the Army during the Korean War, and was a Counterintelligence officer in France. According to Robert Houghton, he "spoke French and Spanish, and had connections with various intelligence agencies in several countries."² Pena also served the CIA for a long time. Pena's brother told TV newsman Stan Bohrman that Manny was proud of his service to the CIA. In 1967, Pena "retired" from the LAPD, leaving to join AID, the agency long since acknowledged as having provided the CIA cover for political operations in foreign countries. Roger LaJeunesse, an FBI agent who had been involved in the RFK assassination investigation, told William Turner that Pena had performed special assignments for the CIA for more than ten years. LaJeunesse added that Pena had gone to a "special training unit" of the CIA's in Virginia. On some assignments Pena worked with Dan Mitrione, the CIA man assassinated by rebels in Uruguay for his role in teaching torture to the police forces there. After his retirement from the LAPD (and a very public farewell dinner) in November of 1967, Pena inexplicably returned to the LAPD in 1968. ³

Hernandez had also worked with AID. During his session with Sandy Serrano, he told her that he had been called to Vietnam, South America and Europe to perform polygraph tests. He also claimed he had been called to administer a polygraph to the

dictator of Venezuela back when President Betancourt came to power.

One of Hernandez's neighbors related how Hernandez used to live in a modest home in the Monterey Park area, a solidly middle-class neighborhood. But within a short time after the assassination, Hernandez had moved to a place that has a higher income per capita than Beverly Hills: San Marino. He came into possession of a security firm and handled large accounts for the government.

Another all-important position in the cover-up would necessarily have been the office of the District Attorney, then occupied by J. Evelle Younger. Evelle Younger had been one of Hoover's top agents before he left the FBI to join the Counterintelligence unit of the Far East branch of the OSS.⁴

Under these three, credible leads were discarded. Younger wrote off the problem of Sirhan's distance as a "discrepancy" of an inch or two, when in fact the problem was of a foot or more. Truthful witnesses were made to admit to impossible lies under Hernandez's pressure-cooker sessions. Pena took a special interest in getting rid of the story of the girl in the polka-dot dress. But no investigation could be considered fully under control if one did not also have control over the defense investigators. Sirhan's defense lawyers could not be allowed to look too deeply into the contradictory evidence in the case.

Despite the late appearance of the autopsy report (after the trial had already commenced), its significance *was* noted and reported to Sirhan's lead attorney, Grant Cooper by Robert Kaiser. Why did Cooper not act on this very important information? Was Cooper truly serving Sirhan, or was Cooper perhaps beholden to a more powerful client? What of the others on Sirhan's team? Just what kind of representation did Sirhan receive?

Several people were key to Sirhan's original defense. These were—in order of their appearance in the case—A.L. "Al" Wirin, Robert Kaiser, Grant Cooper, Russell Parsons, and Michael McCowan. Who were these people?

Upon Sirhan's arrest, he asked to see an attorney for the ACLU. Al Wirin showed up. In 1954, Wirin had brought a suit against the LAPD over the legality of some of the department's wiretapping methods.⁵ Most people might expect that a lawyer for the ACLU would care a great deal about the rights of the accused; that's what the American Civil Liberties Union is supposed to be all about. But that evidently wasn't Abraham Lincoln Wirin's style. Consider the following information from Mark Lane:

On December 4, 1964, when I debated in Southern California with Joseph A. Ball... [of the Warren Commission and] A.L. Wirin. ...Wirin made an impassioned plea for support for the findings of the commission ... He said, his voice rising in an earnest plea:

"I say thank God for Earl Warren. He saved us from a pogrom. He saved our nation. God bless him for what he has done in establishing that Oswald was the lone assassin."

The audience remained silent. I asked but one question: "If Oswald was innocent, Mr. Wirin, would you still say, 'Thank God for Earl Warren' and bless him for establishing him as the lone murderer?" Wirin thought for but an instant. He responded, "Yes. I still would say so."⁶

Wirin has made a number of claims, including that Sirhan confessed the assassination to him. Given the evidence, such a confession is of little value, since no matter what Sirhan thought, he could not have been the shooter. But more troubling is the fact that an ACLU lawyer would share a comment made by a prisoner, in confidence to what he thought was a legal representative there to help him. And when Sirhan requested a couple of books relating to the occult shortly after his arrest, Wirin felt the need to report this to the media.

How Robert Blair Kaiser entered the case is a bit fuzzy. According to Melanson and Klaber, Wirin commissioned Kaiser to approach Grant Cooper. But according to Kaiser, he had injected himself into the case right after the assassination. Upon hearing of the assassination, he claimed he "choked,

cried, cursed, and, instead of sitting there weeping in front of the TV, tried to do something.” His something was to call *Life* magazine’s LA bureau, where he “found that the bureau needed [his] help and tried to get on the track of the man who shot Kennedy.”⁷

One of Kaiser’s first acts on the case was to interview Sirhan’s brother Saidallah in his Pasadena apartment on the night of June 5th, less than 24 hours after RFK had been shot. Kaiser brought along *Life* photographer Howard Bingham, who tried to take Saidallah’s picture. Saidallah did not want his picture taken.⁸ Saidallah later filed a police report detailing an incident later that night after Kaiser’s visit. The LAPD record states:

At approximately 11:30 p.m. he heard someone kick on his front door. He answered the door and just as he unlocked the screen, the door was kicked open. A man rushed through the door and struck [Saidallah] Sirhan in the cheek with his fist and stated, “Damn it, we’re gonna kill all you Arabs...” The man stated, “If you don’t give your photograph to *Life*, we’re going to take it from you.” He took a photograph of Sirhan from a small table and walked out of the apartment. Another man was with the one who entered Sirhan’s apartment, but he did not enter.

Kaiser claims this event never happened. But how could he know? On a strange note, Kaiser gave Sirhan a copy of *Witness*, the book detailing Whittaker Chambers’ account of “exposing” Alger Hiss.⁹

Kaiser initiated contact with Sirhan by calling Wirin to ask if he could get him in to see Sirhan. During the call, Kaiser mentioned that he had discussed the case with Grant Cooper, a well-known Los Angeles criminal attorney. When Wirin heard Kaiser knew Cooper, Wirin asked Kaiser to urge Cooper to help Sirhan. Curiously, Sirhan had also picked out Cooper’s name when shown a list of lawyers. It seemed everyone wanted Cooper in this case, including Cooper himself.

Cooper had an interesting background. He had but a year earlier gone all the way to Da Nang, Vietnam, to defend a Marine corporal on a murder charge before a military court. Why would a Los Angeles lawyer fly all the way to Vietnam to defend a man in military court? Answered Cooper, "I'd never been asked to defend a man before a military court before."¹⁰ This highly paid lawyer with no reported proclivities for lost causes nonetheless agreed to take on Sirhan's case, even though the family had virtually no money to offer for Sirhan's defense. He couldn't do so immediately, however, as he was busy defending an associate of Johnny Roselli in the Friar's Club card-cheating scandal. Roselli was hired by Robert Maheu to head up the CIA's assassination plots against Castro. Roselli spent time at JMWAVE, the CIA's enormous station in Miami, training snipers among other activities.¹¹ Cooper's client was also accused by another associate of Roselli's of having passed him money to pay for a murder.¹²

James DiEugenio has demonstrated how the CIA worked hand in hand with Clay Shaw's attorneys to undermine New Orleans District Attorney Jim Garrison's investigation of John Kennedy's murder. The CIA maintained a "Cleared Attorneys' Panel" from which they could draw trustworthy, closemouthed representation as needed.¹³ When someone as knowledgeable as Roselli of the CIA's innermost secrets is being defended, one would assume that the CIA would go to great lengths to provide him legal assistance. Cooper was in direct and extensive contact with Roselli's lawyer James Cantillon. In connection with this case, Cooper himself obtained stolen grand jury transcripts by bribing a court clerk, a very serious (not to mention illegal) offense. In addition, Cooper had twice lied to a federal judge. Frankly, Cooper sounded more like a candidate for the CIA's Cleared Attorneys' Panel than for the role of a justice crusader. The notion that he would volunteer to defend Sirhan at a time when his own legal troubles were raging around him is preposterous. Something besides pity for a penniless, guilty-looking client was likely motivating Cooper.

While Cooper was waiting to finish the Friar's Club case, Wirin showed Cooper a list of attorneys that included the names of Joseph Ball and Herman Selvin. Curiously, it was Ball and Selvin who had participated with Wirin in the debate with Mark Lane (all three defending the Warren Report against the attacks of Mark Lane). Ball and Selvin were Cooper's first choices, but they turned him down.¹⁴ Two others on the list included Russell E. Parsons and Luke McKissack. Cooper chose Parsons, saying he did not know McKissack, but that he had "worked with Russ before."¹⁵ (McKissack was later to become a lawyer for Sirhan.¹⁶) Parsons immediately accepted defending this "poor devil in trouble," as he characterized Sirhan.¹⁷ For whatever strange reason, LAPD files record Russell Parsons as having an alias: Lester Harris.¹⁸ Perhaps that was a remnant from his days as a Mob lawyer.¹⁹

Parsons, in turn, brought Michael McCowan into the case as a private investigator. McCowan was an ex-Marine, an ex-cop and an ex-law student.²⁰ Michael McCowan had been expelled from the LAPD in the wake of his dealings with David Kassab and others who were running a land scam deal in the San Fernando Valley in 1962. In the SUS files, there are continual references to the "Kassab Report," a report of an investigation into "alleged ties between the J.F.K. and the R.F.K. assassinations." The report itself is nowhere to be found. Listed as being in the report are names such as Clay Shaw, Lyndon B. Johnson, John F. Kennedy, Jim Braden, Russell Parsons, and many others of interest to assassination researchers. The report is over 900 pages long, according to page references scattered among these files. Why was such a massive report compiled? Why do so many references to it appear in the SUS files? And why has the full Kassab report been suppressed *to this day*?

McCowan had other problems to bring to the table beyond the Kassab deal. A former girlfriend of his notified the police that he kept a large stash of weapons in his residence. The

police issued an order to investigate whether the weapons represented “loot” from other crimes, but asked that the investigation be kept quiet. At the time McCowan entered the Sirhan case, he was on a three-year probation, having appealed a five-year sentence he received in conjunction with theft and tampering with U.S. mail.

Following his involvement in the Sirhan case, McCowan worked as a defense investigator for peace activists Donald Freed and Shirley Sutherland. Freed and Sutherland had been set up by a self-proclaimed former CIA Green Beret named James Jarrett. In March of 1969, Freed and Sutherland helped organize “Friends of the Black Panthers.” Jarrett had infiltrated the group by offering training in the area of self-defense, as members of the group had experienced assaults and even rape. Freed asked Jarrett to buy him a mace-like spray to use for defensive purposes. Jarrett instead presented Freed a brown-paperwrapped box of explosives while wearing a wire and attempting to get Freed to say that the “stuff” was for the Panthers. Minutes after the exchange, agents of the FBI, LAPD and Treasury raided Freed’s home. Freed was charged with illegal possession of explosives. McCowan was hired by the defense as an investigator. McCowan in turn hired Sam Bluth to assist the defense. But Bluth worked instead as a police informant, stealing defense files and witness lists and proffering them to the police.²¹

Cooper had originally secured an initial agreement from yet another lawyer to participate in the case: the famous Edward Bennett Williams. Williams had represented the *Washington Post* during its Watergate coverage while also representing the target of the break-in, the Democratic National Committee. He had defended CIA Director Richard Helms when he was charged with perjury in the wake of the revelations about the CIA’s participation in the events surrounding the assassination of Allende in Chile. Williams in fact defended a number of CIA men.

Williams had also defended Jimmy Hoffa when Robert Kennedy was aggressively pursuing him. And he had the gall to

ask Robert Kennedy's personal secretary Angie Novello, recipient of the John Kennedy autopsy materials, to work for him after Robert was killed. Novello refused until Williams convinced her (rightfully or wrongly) that he and Bobby had made up in the wake of the Hoffa pursuit. In addition, Williams had defended Joseph McCarthy when he was under attack from the Senate. Lastly, and perhaps importantly, Williams had become good friends with Robert Maheu, the man who had hired Roselli to kill Castro on behalf of the CIA. Maheu himself appears to play a larger and more interesting role in the story of the RFK assassination, a point to which we'll return. All in all, Williams was a most curious choice of Cooper's, and one wonders what moved Williams to make even a tentative agreement to represent Sirhan.

When Williams bowed out, Cooper turned to Emile "Zuke" Berman. Berman's biggest case had involved defending a Marine drill instructor who had led his troop into a fast-rising estuary. Six drowned in this incident. Berman was able to get the man's sentence reduced to six months, and then obtained a full reversal from the Secretary of the Navy. Berman was later accused by Cooper of leaking the story of a proposed plea bargain (in which Cooper would plead Sirhan guilty to first degree murder in the hopes of avoiding a death sentence) to the press during the trial. (Judge Walker claimed he had been told the source was Kaiser.²²) Berman was distressed that the Israeli/Palestinian battles were being given focus by the defense team during the case, and Kaiser was later to say Berman was "there in name and body only; his spirit wasn't there."²³

Now if you temporarily throw out any questions raised by the evidence that has just been presented, and focus solely on how well these people served Sirhan, the picture is grim indeed. On the key point of the lack of a clear chain of possession of the bullets, Cooper met with the prosecuting attorneys in Judge Walker's chamber on February 21, 1969. The way Cooper gives in on an issue he has every reason to fight goes to the heart of

the credibility of how well he defended his client. Here is the relevant section:

Fitts (Deputy DA): Now, there is another problem that I'd like to get to with respect to the medical. It is our intention to call DeWayne Wolfer to testify with respect to his ballistics comparison. *Some of the objects or exhibits that he will need illustrative of his testimony will ... not have adequate foundation, as I will concede at this time.*

Cooper: You mean the surgeon took it from the body and this sort of thing?

Fitts: Well, with respect to the bullets or bullet fragments that came from the alleged victims, it is our understanding that *there will be a stipulation that these objects came from the persons whom I say they came from.* Is that right?

Cooper: So long as you make that avowal, there will be no question about that.

Fitts: Fine. Well, we have discussed the matter with Mr. Wolfer as to those envelopes containing those bullets or bullet fragments; he knows where they came from; the envelope will be marked with the names of the victims ... [24](#) [Emphasis added.]

Cooper would make many strange moves, allegedly in "defense" of Sirhan. He kept the autopsy photos from being presented in court under the notion that they would cause sympathy for Kennedy and arouse even more ire against his client. But that was the evidence that could have been used to absolve Sirhan of guilt in the case. But Cooper wasn't looking for evidence of Sirhan's innocence. In addition, Sirhan's notebooks were found during an illegal search (a search authorized by Adel, but Adel had no legal authority to give such authorization) of Mary Sirhan's house, where Sirhan was living at the time. Cooper had every reason to bar these notebooks

from being admitted into evidence, but he chose not only to admit them into evidence, but even had Sirhan read portions of them from the stand. And it was Cooper who supplied Sirhan the motive he lacked, claiming that Sirhan was angry that RFK was willing to provide jets to Israel. Sirhan, lacking any memory of the crime or why he was there with a gun, readily accepted this in lieu of the only other explanation suggested to him, that he was utterly insane.

Kaiser involved himself with Sirhan's defense team by negotiating a book contract, claiming that a portion of the proceeds could be used to pay the lawyers. In return for his access, he would work as an investigator for Sirhan. It was Kaiser who brought the distance problem regarding Sirhan's position relative to Robert Kennedy's powder burns to the attention of Sirhan's defense team, albeit late in the game. Yet Kaiser believes that Sirhan and Sirhan alone fired all the bullets in the pantry. Kaiser was also the first to bring attention to the strange behavior of Sirhan during the crime that so strongly suggested to Kaiser that he was under some sort of hypnotic influence.

This issue is all-important to the question of Sirhan's guilt. The ballistics and forensic evidence indicates clearly that there was a conspiracy. So wasn't Sirhan a conspirator? Not necessarily. The question has always been this: did Sirhan play a witting, complicit role, or was he guided in some manner by others to the point that he was not in control of his actions and their consequences? This most serious issue was never brought up during Sirhan's only trial.

The defense team hired Dr. Bernard Diamond to examine Sirhan to ascertain his mental state, and to find out if Sirhan could be made to remember what happened under hypnosis. As soon as Diamond hypnotized Sirhan, he found that Sirhan was an exceedingly simple subject. In fact, Sirhan "went under" so quickly and so deeply that Diamond had to work to keep him conscious enough to respond. Such rapid induction generally indicates prior hypnosis. Kaiser recorded that the very first

words that Sirhan spoke to Diamond when put under hypnosis were “I don’t know any people.”²⁵

The tapes of Diamond’s hypnosis sessions reveal a man that sounds like he is more interested in implanting memories than recovering them. This has been well detailed in other literature so I will not focus on it here. Diamond, however, argued against Kaiser’s notion that Sirhan had been somehow hypnotically in the control of another, and claimed Sirhan had hypnotized himself. But self-hypnosis rarely (if ever) results in complete amnesia. In addition, Sirhan “blocked” when asked key questions under hypnosis, such as “Did you think this up all by yourself?” (five second pause), and “Are you the only person involved in Kennedy’s shooting?” (three second pause).²⁶ In hypnosis, blocks are as important as answers, in that they can indicate some prior work in that area. Skilled hypnotists can place blocks into the subject’s mind that prevent memory of actions undertaken and associations made while under hypnosis.

Dr. Eduard Simson-Kallas, the chief psychologist when Sirhan was at San Quentin Prison, remains convinced that Sirhan was hypnoprogrammed. He spent hours getting to know Sirhan, and when Sirhan talked about the case Simson-Kallas said it was as if he was “reciting from a book,” without any of the little details most people tell when they are recounting a real event. Sirhan came to trust the psychologist, and asked him to hypnotize him. At this point, the psychologist was stopped by prison authorities who claimed he was spending too much time on Sirhan. Simson-Kallas resigned from his job over the Sirhan case. Simson-Kallas also said he had no respect for Diamond, who claimed both that Sirhan was schizophrenic, and that he was self-hypnotized. Schizophrenics cannot hypnotize themselves.²⁷

The evidence that Sirhan was in some mentally altered state on the night of the assassination is plentiful. By his own account he had about four Tom Collinses. But not one person reported

him as appearing drunk. Sandy Serrano, who had seen him walk up the back steps into the Ambassador had described him as “borracho” but specifically explained that by that she didn’t mean drunk, but somehow out of place. Yosio Niwa, Vincent DiPierro and Martin Patrusky all saw Sirhan smiling a “stupid” or “sickly” smile while he was firing. Mary Grohs, a Teletype operator, remembered him standing and staring at the teletype machine, nonresponsive, saying nothing, and eventually walking away. And then there was the issue of his incredible strength. Sirhan was a fairly small man, and he was able to hold his own against a football tackle and several other much larger men in the pantry. George Plimpton recalled that Sirhan’s eyes were “enormously peaceful.” Plimpton’s wife said Sirhan’s “eyes were narrow, the lines on his face were heavy and set and he was completely concentrated on what he was doing.” Joseph Lahaiv reported Sirhan was strangely “very tranquil” during the fight for the gun. Some have claimed Sirhan was simply tranquil because he was fulfilling his quest to kill Kennedy. But he didn’t kill Kennedy, and even if he did, such a premise would have required at least a recollection of having finally completed successfully the planned act, if not an exclamation of “Sic Semper Tyrannus.” Sirhan, like the other “lone nut assassins” of the ‘60s, was neither jubilant nor remorseful. But he could not claim that he hadn’t shot Kennedy, because he truly didn’t remember anything from that moment.

Even at the police station, Sirhan’s conversation could only be termed bizarre. He would not tell his name, didn’t talk about the assassination, and was interested only in engaging in small talk with the frustrated officers around him. These trained officers tried every tactic they knew to get him to talk, but Sirhan remained silent on anything relating to his identity. When he was arraigned before the judge, he was booked only as “John Doe” until his identity was eventually discovered. This point worried the police; usually when a subject didn’t divulge his identity, it was a ruse to protect confederates, giving them a chance to get away.

An Arab doctor spoke Arabic to Sirhan, but obtained no response in recognition. Sheriff Pitchess would say of Sirhan that he was a “very unusual prisoner ... a young man of apparently complete self-possession, totally unemotional. He wants to see what the papers have to say about him.”²⁸ At the station in the middle of a hot Los Angeles June night, Sirhan got the chills. He exhibited a similar reaction every time he came out of hypnosis from Diamond.

Sirhan’s family and friends insisted that Sirhan had changed after a fall from a horse at a racetrack where he was working as an exercise jockey. One of his friends from the racetrack, Terry Welch, told the LAPD that Sirhan underwent a complete personality change; that he suddenly resented people with wealth, that he had become a loner. After the fall, Sirhan was treated by a series of doctors. It’s possible that one of these doctors saw Sirhan as a potential hypnosis subject, and started him down a path that would end at the Ambassador hotel. Curiously, renowned expert hypnotist Dr. George Estabrooks, used by the War Department after Pearl Harbor, suggested planting a “doctor” in a hospital who could employ hypnosis on patients.²⁹

The strange notebook entries, if they were indeed written by Sirhan, show certain phrases repeated over and over, including “RFK must die” and “Pay to the order of.” Other words that pop up with no explanation, scattered throughout the writing, are “drugs” and “mind control.” Diamond once hypnotized Sirhan and asked him to write about Robert Kennedy. Out came “RFK must die RFK must die RFK must die” and “Robert Kennedy is going to die Robert Kennedy is going to die Robert is going to die.” When asked who killed Kennedy, Sirhan wrote “I don’t know I don’t know I don’t know.”

Just hours after the assassination, famed hypnotist Dr. William Joseph Bryan, on the Ray Briem show for KABC radio, mentioned offhandedly that Sirhan was likely operating under some form of posthypnotic suggestion. Curiously, in the SUS files there is an interview summary of Joan Simmons in which

the following is listed:

Miss Simmons was program planner for a show on KABC radio and was contacted regarding allegations of Sirhan belonging to a secret hypnotic group. She stated that she knew nothing of a Doctor Bryant [*sic*] of the American Institute of Hypnosis or Hortence Farrchild. She was acquainted with Herb Elsmann [*the next few words are blacked out but appear to say "and considered him some right-wing extremist."*]

Dr. Bryan was the President of the American Institute of Hypnosis, the headquarters of which were located on Sunset Boulevard in Hollywood. Bryan was famous for having hypnotized Albert De Salvo, the "Boston Strangler," and claimed to have discovered De Salvo's motive under hypnosis. There is good reason to doubt that De Salvo was in fact the killer, according to Susan Kelly in her recent, heavily documented book *The Boston Stranglers*.³⁰ If he was not, that throws a more sinister light on Bryan's overtly coercive involvement with De Salvo. Curiously, De Salvo was the topic of one of Sirhan's disjointed post-assassination ramblings at LAPD headquarters, and references to "Di Salvo" appear in Sirhan's notebook.

Bryan, by his own account, had been the "chief of all medical survival training for the United States Air Force, which meant the brainwashing section."³¹ He also claimed to have been a consultant for the film *The Manchurian Candidate*, based on Richard Condon's famous novel about a man who is captured by Communists and hypnotically programmed to return to the United States to kill a political leader. Condon's novel was itself based upon the CIA's ARTICHOKE program, which sought to find a way to create a programmed, amnesiac assassin. ARTICHOKE became MKULTRA.

Bryan bragged to prostitutes that he had performed "special projects" for the CIA, and that he had programmed Sirhan. Publicly, Bryan denied any involvement with Sirhan. Bryan was a brilliant but sometimes insufferable egotist who seems to have had a ready opinion on nearly any subject. But whenever

Sirhan came up, with the exception of that first night, he uncharacteristically shut down and refused to discuss the case. It would appear that if Bryan was not himself directly responsible, he had some inside knowledge perhaps as to who was, and chose not to reveal it. Ultimately, the case for hypnosis does not rest on Bryan, and whether or not he worked on Sirhan has no bearing on the overall issue of Sirhan having been hypnotized.

After seeing the movie *Conspiracy Theory*, many people wondered if MKULTRA was indeed a real government program. Yes, Virginia, there was a sinister mind control program in which people were made to undergo hideous, obscene mental and physical tortures in the CIA's quest for a way to create a Manchurian Candidate. It should be noted that Allen Dulles, Richard Helms, and surprisingly, the Rockefeller Foundation were instrumental in developing, supporting and funding the CIA's various mind control programs.³²

Most CIA doctors and hypnotists will claim that they never found success, that they could never program someone to do something against their will. Not true, argue others. On the latter point, the simple way to get someone to do something against their will is to alter their reality. Estabrooks had salient comments in relation to this point:

There seems to be a tradition that, with hypnotism in crime we hypnotize our victim, hand him a club, and say, "Go murder Mr. Jones." If he refuses, then we have disproven the possibility of so using hypnotism. Such a procedure would be silly in the extreme. The skillful operator would do everything in his power to avoid an open clash with such moral scruples as his subject might have.³³...

Will the subject commit murder in hypnotism? Highly doubtful—at least without long preparation, and then only in certain cases of very good subjects ... Yet, strange to say, most good subjects will commit murder ... For example, we hypnotize a subject and tell him to murder you with a gun. In all

probability, he will refuse ... But a hypnotist who really wished a murder could almost certainly get it with a different technique ... he hypnotizes the subject, tells the subject to go to [the victim's place], point the gun ... and pull the trigger. Then he remarks to his assistant that, of course, the gun is loaded with dummy ammunition [even though it is not].³⁴

Under such a scenario, Estabrooks and other hypnotists are certain that creating a murderer is possible.

But even more to the point is a note John Marks makes in his book *The Search for the Manchurian Candidate*, which details the CIA's efforts in this regard. He quotes a veteran CIA officer who says that while it would be highly *impractical* to program an assassin, due to the unpredictable number of independent decisions the subject might encounter which could lead to exposure before the deed was done, creating an assassin in this manner is also *unnecessary*. Mercenaries have been available since the dawn of time for this heinous act. Marks then adds the following:

The veteran admits that none of the arguments he uses against a conditioned assassin would apply to a *programmed "patsy"* whom a hypnotist could walk through a series of seemingly unrelated events—a visit to a store, a conversation with a mailman, picking a fight at a political rally. The subject would remember everything that happened to him and be amnesic only for the fact the hypnotist ordered him to do these things. There would be no gaping inconsistency in his life of the sort that can ruin an attempt by a hypnotist to create a second personality. *The purpose of this exercise is to leave a circumstantial trail that will make the authorities think the patsy committed a particular crime.* The weakness might well be that the amnesia would not hold up under police interrogation, but that would not matter if the police did not believe his preposterous story about being hypnotized or if he were shot resisting arrest. Hypnosis expert Milton Kline says he could create a patsy in three months; an assassin would take him six.³⁵ [Emphasis added.]

Sirhan exhibited behavior during the trial that also appeared to indicate post-hypnotic suggestion. One day, two girls showed up in court that Sirhan identified as Peggy Osterkamp (a name that appeared frequently in the notebook) and Gwen Gumm. Sirhan became enraged at their presence and demanded a recess, asking to talk to the judge in chambers. The judge refused to hear Sirhan in chambers, and Sirhan, visibly fighting for self-control, said "I, at this time, sir, withdraw my original plea of not guilty and submit the plea of guilty as charged on all counts." Asked what kind of penalty he wanted, Sirhan answered, "I will ask to be executed." Asked why he was doing this, Sirhan replied, "I killed Robert Kennedy willfully, premeditatedly, with 20 years of malice aforethought, that is why." This ridiculous "confession" that a four-year-old Sirhan was contemplating the murder of a man not yet famous almost half a world away strains credulity past the breaking point.

Making this even more bizarre is the fact that the two girls were *not* the two girls Sirhan said they were, but in fact two other people, identified by Kaiser as Sharon Karaalajich and Karen Adams. Sirhan's extreme reaction to two people who were not the people he thought they were forced Kaiser to conclude that "Sirhan was in a kind of paranoid, dissociated state there and then ... "36 It follows that if someone programmed Sirhan to be the perfect patsy, they would likely also have programmed a seemingly spontaneous "confession" that could be spouted at the appropriate time, triggered by some person or event.

In an interesting little book named *254 Questions and Answers on Practical Hypnosis and Autosuggestion*, author Emile Franchel put forth some very relevant information on hypnosis. For example, when asked how long a person could be held in a hypnotic state, Franchel replied: "With sufficient knowledge and skill on the part of the hypnotist, indefinitely." Also when asked whether the hypnotic state could always be detected, Franchel said "No, not in all cases." Franchel referred to hypno-espionage without further explanation, and when asked what official government agencies he worked for,

Franchel declined to answer. He stated that he felt he was a bit of a “black sheep” among associates, explaining, “I help the innocent as well as convict the guilty.”

The following question and answer pair seemed particularly relevant to Sirhan’s case. Recall that Sirhan kept firing his gun, even while six big men were pounding him, causing a sprained foot and a broken finger.

Q: Reading about an assassination attempt recently, the report described how it took six or more bullets to stop each assassin. Could these assassins have been “conditioned” with hypnosis not to feel any pain?

A: Well, I am not sure who is going to like or dislike my answer to your question, but I read the same reports that you did. Unfortunately, I do not have access to any more official information. From what I read, I would conclude that they not only had been hypnotically conditioned to feel no pain, but in all probability were working, perhaps partly of their own free desires, but also under hypnotic compulsion, to complete a given mission.

The reports seem to clearly indicate that the assassins had to have a bullet placed in a vital organ to stop them. Bullets that hit anywhere else did not apparently deter them in any way.

For whatever reason, in this 1957 book, Franchel felt compelled to offer a warning regarding hypnosis and its usage:

[A:] The hypnotic techniques being employed at present make the hypnotic technicians of the ex-Nazi regime look like well meaning psychiatrists ...

Q: Do I understand correctly, that you are saying that hypnotism is being abused, completely without regard to human rights?

A: You understand correctly. I am fully satisfied that hypnotic techniques are being used on a vast scale, both criminally and for other terrible reasons. Perhaps one day I might be

permitted to tell you.

Q: I have heard you say many times during your television programs [*Adventures in Hypnosis*] that a subject under hypnosis “cannot be made to do anything that is against his moral or religious beliefs.” How can you say that now?

A: I am afraid you have not been listening too closely to what I was saying. The only similar remark I have made is, “IT IS SAID that a person under hypnosis cannot be made to do anything that is against their religious or moral beliefs.” I trust that the implication is clear.

It should be noted that hypnosis is considered dangerous enough that it is illegal to broadcast a hypnotic induction on television.

If Sirhan was indeed programmed, then his statements at the trial, his appearance at the shooting range hours before the assassination, and his firing of a gun in the pantry may all have been actions carried out without the intervention of will. There is a strong possibility that Sirhan was not only hypnotized, but also drugged by alcohol or some stronger substance. Frankel warned that drugs could shut down the conscious mind, preventing it from filtering what reaches the subconscious, adding:

With the conscious filter action removed, anything can be forced into the subconscious mind, which must obey it in one way or another, as the subconscious cannot argue but must believe all information reaching it, and use it.

Had Sirhan had a real trial, the possibility of his having been hypnotized may have provided reasonable doubt on the question of his guilt. But if Sirhan wasn't guilty, then who was?

One of the most intriguing figures in this case has been “The Girl in the Polka-Dot Dress” who was seen with Sirhan immediately prior to the shooting, and who was subsequently witnessed running from the scene crying “We shot him! We

shot him!” The LAPD tried to shut down this story by getting the two most public witnesses to retract their stories. But there were *so many credible sightings* of this girl that the police were forced to take a different tack. They identified first one, then a second woman as “the” girl, despite the fact that neither bore much of a resemblance to the girl described. Meanwhile, languishing unnoticed in the LAPD’s own files is the name of a far more likely candidate, someone who leads to a host of suspicious characters.

Over a dozen witnesses gave similar descriptions of a girl in a polka-dot dress, who for varying reasons drew their attention. The two most famous of these were Vincent DiPierro, a waiter at the Ambassador Hotel, and Sandy Serrano, a Kennedy volunteer. DiPierro first noticed Sirhan in the pantry because of the woman he saw “following” him. The LAPD interviewed him the morning of the shooting (Kennedy was shot at 12:15 a.m. the morning of June 5th). During one interview, DiPierro gave the following information about the girl:

A (DiPierro): The only reason that he [Sirhan] was noticeable was because there was this good-looking girl in the crowd there.

Q: All right, was the girl with him?

A: It looked as though, yes.

Q: What makes you say that?

A: Well, she was following him.

Q: Where did she follow him from?

A: From—she was standing behind the tray stand because she was up next to him on—behind, and she was holding on to the other end of the tray table and she—like—it looked as if she was almost holding him.

DiPierro reported that he saw Sirhan turn to her and say something, to which she didn't reply, but smiled. He said Sirhan had a sickly smile, and said, "When she first entered, she looked as though she was sick also." He described her as Caucasian and as about 20 or 21 years old, definitely no older than 24. She was "very shapely" and was wearing a "white dress with—it looked like either black or dark violet polka dots on it and kind of a [bib-like] collar." He said her hair color was "Brown. I would say brunette," "puffed up a little" and that it came to just above her shoulders. DiPierro told the FBI that she had a peculiar-looking nose.

That same morning, Sandy Serrano had described to the LAPD a "girl in a white dress, a Caucasian, dark brown hair, about five-six, medium height ... Black polka dots on the dress" in the company of a man she later recognized as Sirhan and another man in a gold sweater. She had seen this trio walk up the back stairs to the Ambassador earlier in the night. Sometime later, the girl and the guy in the gold sweater came running down the back stairs. Serrano recalled to the LAPD this encounter:

She practically stepped on me, and she said "We've shot him. We've shot him." Then I said, "Who did you shoot?" And she said, "We shot Senator Kennedy."

She described the girl's attitude in this manner:

"We finally did it," like "Good going."

Serrano thought the girl was between the ages of 23 and 27, with her hair not quite coming to her shoulders, done in a "bouffant" style, wearing a polka-dot dress with a bib collar and 3/4 length sleeves. She also recalled that the girl had a "funny" nose.

Ultimately, the LAPD pressured Serrano and DiPierro into backing down on these stories, getting each to admit they had first heard of the girl from the other. This is an impossibility the LAPD hoped would go unnoticed. Across page after page of witness testimony cover sheets Pena scrawled "Polka Dot Story

Serrano Phoney,” “Girl in Kitchen I.D. Settled,” “Wit[ness] can offer nothing of further value” or “No further Int[erview].” But the interviews behind these sheets tell a different and compelling story.

Dr. Marcus McBroom was in the pantry behind Elizabeth Evans, one of the shooting victims. He exited the kitchen through the double doors at the west end and noticed a brunette woman aged 20-26, medium build, “wearing a white dress with silver dollar size polka dots, either black or dark blue in color.” The report of his LAPD interview records what drew McBroom’s attention to the girl:

This young lady showed no signs of shock or disbelief in comparison to other persons in the room and she seemed intent only on one thing—to get out of the ballroom.

George Green was also in the pantry during the shooting. He reported seeing a girl in a polka-dot dress (early 20s, blond hair) and a young, thin, taller male with dark hair. He saw this couple earlier in the night and after the shooting. Afterwards, Green stated, “They seemed to be the only ones who were trying to get out of the kitchen ... Everyone else was trying to get in.”³⁷

Ronald Johnson Panda told the LAPD that a good-looking girl, about 5’6,” in a polka-dot dress ran by him in the Embassy room immediately after the shooting and yelled, “They shot him.” He had seen her earlier that night carrying some drinks.

Eve Hansen had talked to a girl in a “white dress with black or navy blue polka dots approximately the size of a quarter” who had dark brown hair that hung just above the shoulders, who had a “turned-up nose.” The girl gave Hansen money for a drink and Hansen ordered the drink. When she brought it back to her, the girl made a toast “To our next President” and shortly thereafter left the bar.

Earnest Ruiz reported something he thought was odd to the police. He had watched a man and a girl in a polka-dot dress run out of the hotel, but said the man later came back as Sirhan was being removed and was the first to yell, “Let’s kill

the bastard.”

Darnell Johnson, another pantry witness, told the police the following:

While I was waiting [for Kennedy], I saw four guys and a girl about halfway between Kennedy and where I was standing. The girl had a white dress with black polka dots. During the time that a lady yelled, “Oh, my God,” they walked out. All except the one ... this is the guy they grabbed [Sirhan]. The others that walked out seemed unconcerned at the events which were taking place.

Johnson also told the police that he had received threatening phone calls and that his car brakes had been tampered with, causing a near-accident.

Roy Mills also observed a group of five people, one of which was female, standing outside the Embassy Room as Kennedy was speaking. He claimed that Sirhan was one of the four males in the group, remembering him distinctly for his baggy pants. He thought one of the other men was a hotel employee. He couldn't remember anything about the girl except that she was wearing a press pass. Curiously, Conrad Seim—who, like Serrano, DiPierro and Hanson, had noticed the girl's “funny nose”—reported being asked by a girl in a white dress with black or navy polka dots for his press pass. He refused her request, but she came back about 15 minutes later. “She was very persistent,” he told the police. He thought the girl's nose might have been broken at one time, and described her as Caucasian but with an olive complexion.

Bill White saw a female Latin and two male Latins near the door of the embassy room. Their dress looked out of place. He also noticed a busboy wearing a white button-down jacket in the Anchor Desk area sweeping up cigarette butts where there were no butts to be swept up. He wasn't sure this was really a busboy.

Earnest Vallero was a job dispatcher for the Southern California Waiters Alliance. He reported that a man resembling

Sirhan appeared at the union office two or three weeks prior to the assassination and requested placement as a waiter at the Ambassador Hotel. Vallero said the man got upset when he was refused, and flashed an Israeli passport.

A Hungarian refugee “with absolutely no credentials at all”³⁸ named Gabor Kadar had been turned away from the Embassy Room during the night, but found a waiter’s uniform, and donned it. Kadar later involved himself directly in the struggle to wrest the gun from Sirhan.

Booker Griffin, another pantry witness who had reported seeing a woman in a polka-dot dress,³⁹ asked Richard Aubry, a friend of his who was also in the pantry during the shooting, “Did they get the other two guys?”⁴⁰

At about 9 p.m. the night of the 4th, Irene Gizzi noticed a group of three people who “just didn’t seem to be dressed properly for the occasion.” Her LAPD interview report summarizes the events as follows:

[Gizzi] saw a group of people talking who did not seem to fit with the exuberant crowd. Observed the female to be wearing a white dress with black polka dots; approximately the girl was standing with a male, possible Latin, dark sun bleached hair gold colored shirt, and possible light colored pants, possibly jeans. Possibly with suspect [Sirhan] as a third party ... ”

A friend of Gizzi’s, Katherine Keir, who was also present, gave a very similar description of this group. She described a male in a “gold colored sport shirt” and blue jeans, another man of medium build with a T-shirt and jeans, both with dark brown hair, and a girl in a black and white polka-dot dress. Keir was standing at a stairway when the polka-dot dress girl ran down yelling, “We shot Kennedy.” The police were able to persuade Keir to consider that she had heard the girl say instead, “Someone shot Kennedy.”

Jeanette Prudhomme also saw two men, one of which looked like Sirhan and the other of which was wearing a gold shirt, in the company of a woman who appeared to be 28-30, with

brown, shoulder-length hair, wearing a white dress with black polka dots.

A couple of people even recalled seeing this girl on the CBS broadcast. A Mr. Plumley, first name unrecorded, claimed he had seen a polka-dot dress girl in the CBS broadcast the night of June 4th. Duncan Grant, a Canadian citizen, wrote the LAPD when he heard they were canceling their search for the polka-dot dress girl, stating that he had seen her on the CBS broadcast. He wrote:

We could hear two shots fired and then another burst of shots. At this moment someone shouted that the Senator had been shot. There was more confusion and at this moment a young lady burst in on the picture and she shouted, We have shot Kennedy then shouted again We have shot Senator Kennedy. She was what I would call half-running and she crossed right in front of the camera from left to right and disappeared from view.

Sirhan himself remembered talking to a girl shortly before he blacked out that night. According to Kaiser, one of Sirhan's last memories is of giving coffee to a girl of "Armenian" or "Spanish" descent in the pantry:

"This girl kept talking about coffee. She wanted cream. Spanish, Mexican, dark-skinned. When people talked about the girl in the polka-dot dress," he figured, "maybe they were thinking of the girl I was having coffee with."[41](#)

Sirhan had been at the Ambassador the Sunday before election night. A girl matching the description of the polka-dot dress girl was also seen there Sunday. Karen Ross described her to the LAPD as having a nose that had been "maybe fixed," a white dress with black polka dots, half-length sleeves, dark blond hair worn in a "puff" and with a round face. Sirhan and a girl were also recorded as behaving suspiciously at a previous Robert Kennedy appearance in Pomona on May 20th.

One man may have spent the last day of Kennedy's life with this girl. While his tale is extraordinary, it is eerily credible for

the nuances and details, which matched other evidence of which he could not possibly have been aware. Kaiser and Houghton referred to this man by the pseudonym of "Robert Duane." His real name is John Henry Fahey.⁴²

At 9:15 a.m. on June 4th, Fahey entered the back of the Ambassador Hotel. He had planned to meet another salesman there 45 minutes earlier, but had left late and been held up in traffic. On his way up the back stairs, he noticed two men who he thought looked Spanish. When they spoke, however, he realized it wasn't Spanish because he knew Spanish. He presumed they were kitchen workers.

While in the lobby area, he spotted a pretty girl and made a flirtatious comment to her. She asked him where the Post Office was, but he couldn't help her, so she left. About ten minutes later, she returned. He invited her to join him for breakfast in the coffee shop at the hotel. She spoke "very good English" but also had a "slight accent" that he couldn't place. He asked her where she was from. She said she had only been there three days, and that she was from Virginia. Fahey had a relative in Virginia, and asked her if she knew Richmond, whereupon the girl said she really had come from New York, and before that a Middle Eastern country ("Iran" or "Iraq," Fahey thought). She mentioned specifically Beirut. (Fahey had to ask his interviewer if there was a place named "Beirut.") She also mentioned "Akaba." When he asked her name, she gave him one, and soon another, and another. He didn't know what her real name was. She, meanwhile, pumped him for as much information as she could get, asking his name, his occupation, and his business at the hotel. When he asked her about her own business, she said "I don't want to get you involved ... I don't know if I can trust you to tell you the whole thing."

She told him that they were being watched, and indicated a man near the door of the coffee shop. Fahey saw a man he thought might be Spanish or Greek, resembling one of the men he had seen on the back stairs when entering the hotel. He thought the man resembled Sirhan, except that this man was taller and had sideburns. When later shown pictures of Sirhan's

family, Fahey said the man was not one of the Sirhan brothers.

The girl wanted Fahey to help her get a passport. Fahey said he had no idea how to do that, at which point she explained to him that you just find a deceased person, use their Social Security Number and write to the place where he was born to get a passport. He said she seemed shaken, and very nervous, with clammy hands, and that she seemed to be genuinely in some sort of trouble.

He described her as “Caucasian” but with an “Arab complexion, very light.” He called her hair “dirty-blond” and guessed her age might be 27-28. He said her clothes, shoes and purse were all tan. In addition, he felt the purse and stockings looked foreign. He also said, “Her nose was of the hooked fashion where you can realize that she was from the Arabic world.” Asked if the nose was what one might call prominent, Fahey answered affirmatively.

Fahey had business calls to make in Oxnard, and invited the girl to come along for the ride with him, since she seemed so troubled. When they got up to leave, she wanted to pay the bill, and opened a purse where he saw a fistful of money in her wallet—“big stuff—50 dollar bills—hundred dollar bills.”

They drove up the coastal route through Malibu. Two different tails followed them for part of the way. At one point, Fahey was so nervous he pulled off the road, thinking the tail would leave him. As he started to get out of the car, he noticed the girl eyeing his keys, and thinking she might run off with his car, decided not to get out after all. During the ride, she said the people tailing them were “out to get Mr. Kennedy tonight at the winning reception.” He thought they should call the police to get rid of the tail but she insisted they should not call the police, and asked to be taken back to Los Angeles. In the end, although they drove to Oxnard, Fahey opted out of his sales calls and returned with the girl to the Ambassador Hotel. After driving and eating meals, they returned at around 7 p.m., where he dropped her off. She wanted him to come into the hotel with her. When he refused, she got angry.

Fahey might not have thought of this incident again, had it

not been for the assassination and the story of the strange woman who ran out into the dark afterwards. A frightened Fahey called the FBI and told them he thought he might have spent the day with that woman. After talking to the FBI, Fahey read a story by journalist Fernando Faura in the *Valley Times* about the polka-dot girl. He called Faura and told him he might know something about the girl. Faura was hot on the trail of the mystery girl, and took Fahey's detailed description of the girl to a police artist. Fahey tweaked the image with the artist until he saw a match.

Faura then showed the drawing to Vincent DiPierro. "That's her," DiPierro responded. "She's the girl in the polka-dot dress. The girl's face is a little fuller than this sketch has it, but this is the girl."⁴³ Faura then brought in Chris Gugas, a top Los Angeles polygraph operator, who put Fahey and his story through a lie detector. Faura told Fahey he passed the test "like a champion."⁴⁴

Jordan Bonfante, the Los Angeles bureau chief of *Life* magazine, was interested in publishing Faura's account. Hank Hernandez of SUS, however, was busy trying to crack Fahey under his own polygraph test. Under pressure from Hernandez, Fahey told an untruth, saying it was Faura who had persuaded him to connect the girl he was with to the polka-dot girl. But Fahey had made the connection to the FBI long before he ever spoke with Faura. This lie was pronounced "true" by Hank Hernandez, proving again that a polygraph's value depends a great deal upon the integrity of the operator. Sgt. Phil Alexander tried to persuade Bonfante that Fahey was not credible, and that *Life* shouldn't run the story on the girl. Kaiser amusingly recounts this incident:

"I don't think you've really proved that [Fahey] was mistaken," said Bonfante. He was right. It was practically impossible to do so. But if the police didn't do so, the implications were that there was a girl who knew something about the Kennedy assassination and that the police couldn't find her. That was a black eye for the department.

To Bonfante, this sounded too much like *Catch-22* to be true. He decided to discover how important this was to the LAPD and let Alexander talk. Six hours later, Alexander was still talking, and had not yet managed to persuade Bonfante there was no “girl in the polka-dot dress.”⁴⁵

So then the final question is this. Was the LAPD really so deficient? Could they really not find the girl? Amazingly, the LAPD evidence log itself contains a plausible name that may well lead to the heart of the conspiracy.

A former New York Police Department detective named Sid Shepard, then working at CBS-TV in New York as Chris Borgen, happened upon Sander Vanocur’s 5 a.m. (Eastern time) interview of Sandy Serrano. He recalled a couple of people who seemed to fit the description of the polka-dot dress girl. In fact, he had observed them at a protest demonstration in New York at the United Nations building, which had been captured on 16mm film. He felt so strongly about the match that he put the film, along with a couple of blowups made from the film, onto a TWA flight for Martin Steadman of the WCBS-TV affiliate in Los Angeles. Steadman brought the film and two photos made to Rampart detectives L.J. Patterson and C.J. Hughes. These items were booked into evidence as items #69 and 70 in the evidence log for the case as follows:

#69 1 Film—16mm roll on gry plast reel

#70 1 Photo—8” x 10” of female (1) protest demo (taken from abv film)

Photo—3” x 4” of female “Shirin Khan” with writing on back “Shirin Khan DOB 4/22/50 daughter of Khaibar Khan Goodarzian, presented flowers & court order to Shah of Iran in NY 6/1964.”

That Shepard/Borgen would identify Shirin Khan as a likely candidate for the girl was positively uncanny. He could hardly have known at that point that her father had reportedly been

seen with Sirhan at Kennedy headquarters just two days before the assassination, and that some campaign workers had identified Khan as a suspicious person in the Kennedy camp.

Bernard Isackson, a Kennedy campaign volunteer, had been at the Ambassador in the Embassy room at the time of the shooting. His interview summary contains this interesting tidbit:

Mr. Isackson was asked if anything or anyone acted strange or out of place around the headquarters. He stated the only thing that stood out as being unusual [*sic*] was the actions and statements of Khaibar Khan (I216). He stated Khan would never fill out cards or write on anything from which the handwriting could be positively ID (*sic*) as Khan. He also stated to Mr. Isackson he was from Istanbul, Turkey and currently living in England. Mr. Isackson stated Khan was very overbearing when it came to the point of trying to impress someone.

Mr. Isackson recalled one incident when Khan asked one of the office girls if she had seen a [*sic*] unidentified volunteer, when the office girl started to page the volunteer Khan became very nervous and told the girl to never mind. Khan would often meet volunteers entering the headquarters and escort them to the information desk to register them as if they were personal friends of his; this was evidence[d] by many of them using his address and phone number.

Khan was from Iran, not Turkey, and had been living in New York before he came to Los Angeles. He filled out over 20 volunteer cards (present in the SUS files) with names of "friends," always using his own address as their contact information. For this, and a more sinister reason, Isackson was not the only one suspicious of Khan. Several campaign workers said they had seen him with Sirhan.

Eleanor Severson was a campaign worker for RFK. She told the LAPD that on May 30, 1968, a man named Khaibar Khan came into Headquarters to register for campaign work. Khan

claimed to have come to California from back East to help the campaign. From that day, Khan came into Headquarters every day until the election. The Sunday before the election, June 2, he brought four other foreigners (of Middle Eastern extraction) in to work as volunteers. Severson and her husband both said that Sirhan was one of these men. She remembered this group in particular because while she was registering the men, Kennedy's election-day itinerary was taken from her desk. Her husband thought Sirhan might have taken it. Severson reported seeing Sirhan again early in the afternoon of June 3, standing near the coffee machine.

Larry Strick, another Kennedy worker, confirmed this account. He said he had spoken to Sirhan in the company of Khan. When Sirhan's picture was finally shown on TV, he and Mrs. Severson called each other nearly at the same instant to talk about the fact that this was the man they both remembered from Headquarters. Strick positively ID'd Sirhan from photos as the same man he had seen on June 2nd to both the LAPD and the FBI in the days immediately following the assassination.

Estelle Sterns, yet another Kennedy volunteer, claimed to have seen Sirhan at Headquarters on Election Day itself. He was with three other men of Middle Eastern extraction and a female who was wearing a white coat or dress and who had dark hair that was nearly shoulder-length. Sterns said Sirhan offered to buy her a cup of coffee (a typical Sirhan act), which Sterns declined. Sterns said that Sirhan and another one of the men were carrying guns. The day after the assassination, Sterns claimed to have received a phone call from a man who sounded muffled, as though he was speaking through a towel. He told her "Under no circumstances give out any information to anybody as to the number of people or their activities at your desk on Tuesday."

The LAPD loved this. They "discredited" the whole Sirhan-at-headquarters sighting by focusing solely on Sterns' account. They even used Severson to discredit this story, although the LAPD buried Severson's interview where she stated she too

had seen Sirhan at Headquarters. The LAPD also claimed Strick had retracted his identification of Sirhan.

Surprisingly, Khan himself, as well as his “sister” (who was really his personal secretary/consort), Maryam Koucham, both claimed they saw Sirhan at Headquarters. Khan claimed to have seen Sirhan standing in Headquarters on June 4th at around 5 p.m. in the company of a girl in a polka-dot dress. The question is, did he really see a girl with Sirhan and was he trying to help, or was he instead helping to muddy the waters about a girl who may have been his own daughter? Khan also claimed to have seen Sirhan with the woman on June 3rd, the same day he brought his daughter *Shirin* Khan into headquarters. (On this day, he also met Walter Sheridan and Pierre Salinger at the Ambassador Hotel.) But did he bring his daughter Shirin into Headquarters, or his other daughter, Rose, some other woman, or no woman at all? *Did* he see a girl with Sirhan, or did Khan just *say* he did to deflect suspicion away from both himself *and* his daughter? How are we to know which statements of his are to be believed?

He refused to take a polygraph or to attend a showup to identify Sirhan more positively. He was illegally in the country, having overstayed his visa. He told the police he was on the run from the Shah of Iran’s goons. But Khan had previously had a working relationship with the Shah. Khan wasn’t using his real name, but was going by the alias of Goodarzian, as was his ex-wife and daughter Shirin. He had a prior arrest recorded with the LAPD (1/13/67), at which time he had been using the alias of Mohammad Ali. And when the LAPD checked the names of the volunteers whom he had registered under a single address, the LAPD stated that “Records show that none of these persons entered the U.S. between the period of June 1968 through December 1968.”⁴⁶ (As an aside, 13 Iranians suspected of participating in a political assassination in 1990 came under suspicion when it was found that they had all listed the same personal address. The address in that case turned out to be an intelligence-ministry building.⁴⁷)

The address Khan used belonged to Khan's ex-wife and Shirin's mother, Talat Khan. Talat had lived there with sons Mike and Todd and daughter "Sherry." (After the assassination, "Shirin Goodarzian" went by the name of "Sherry Khan.") Although housing herself and three children, according to the LAPD records, Talat had no source of employment. Her son Mike was working as a manager at a small pizza outlet in Santa Monica. Her daughter Shirin showed two different places of employment for the same dates. She had only just graduated from University High and allegedly worked for either or both "University Ins. Co." and "Pacific Western Mtg. Co." in Los Angeles. Despite her working status, Sherry had no social security number.

Talat told the LAPD that she was divorced from Khan. She initially told them she did not know his whereabouts, but then was able to contact him to tell him the police wanted to talk to him. The LAPD recorded that Talat was not involved in politics. She may have been involved with Khan and Koucham in a bank fraud scheme in 1963, after having divorced Khan in 1961, but the evidence in that regard is far from clear.⁴⁸ Khaibar Khan, Maryam Koucham and Talat Khan became political targets when Khaibar Khan brought some astounding information to the attention of Senator McClellan's Committee on Government Operations in May of 1963. Khan had accused several prominent Americans, including David Rockefeller and Allen Dulles, of receiving payoff money from the Shah of Iran from funds received through an American aid program. In short, Khan was no ordinary Iranian. He was master over a powerful intelligence network that had worked for and against the Shah of Iran at various points in time.

Khaibar Khan's father had been executed by the Shah's father when Khan was only a boy of eight. Khan might have been killed as well, but a British couple named Smiley, who worked for oil interests, had taken pity on him and removed him from the country. Khan was educated in Scotland, and in 1944 joined British military intelligence. In 1948 his Iranian title was restored, and he ran a fleet of taxicabs, trucks and

operated a repair shop. He also worked for the Anglo-Iranian Oil Company and maintained ties with British and American missions there. Fred Cook, who wrote about Khan's life in detail in *The Nation* (4/12/65 & 5/24/65), dropped this interesting piece of information:

The Khaibar Khan's role in the counter-coup that toppled Mossadegh is not quite clear, but indications are that he helped.

Was Khan working with the CIA in that operation?

Despite the Shah's father's role in Khan's father's death, Khan and the Shah became friends. The Shah even provided Khan a villa on the palace grounds. Their friendship took a turn for the worse, however, when Khan wanted to use some of the plentiful American foreign aid coming into the country for a sports arena. The Shah and his family had other plans for the land and the money, leading to a falling-out between Khan and the Shah. One day, the Shah discovered that Khan's large and lavishly equipped Cadillac El Dorado was wiretapped to the hilt, and realized that he had a major spy in his midst. Khan was warned of the Shah's discovery and fled the country. But Khan had spent years building up a powerful spy network. As Khan later told the Supreme Court:

...We put engineers, doctors, gardeners and as servants and as storemen; all educated people working in several different places. And we put a lot of secretaries; a lot of people who was educated in England. And we put them as secretaries.

Through this network, Khan noticed something interesting. Some \$7 million of the sports arena's funds had been redirected to the Pahlavi Foundation, the Shah's family's personal fund. He directed his spies to find out where the money was going, to whom and what for. What his agents found was rather astonishing, and led to a most peculiar congressional investigation. He found that days before the Shah was to have an audience with President Kennedy in the U.S., six- and seven-figure checks had been cut from the

Pahlavi Foundation account to a number of prominent and influential Americans. Kennedy had no great love for the Shah or his operations, and was not planning on granting the largesse the Shah was seeking. Was the Shah feathering the nest before his arrival by spreading money around? Khan's agents photocopied a batch of checks from the Shah's safe. The checks included payments to the following:

Allen Dallas [sic]: \$1,000,000

Henry Luce: \$500,000

David Rockefeller: \$2,000,000

Mrs. Loy Henderson: \$1,000,000

George V. Allen: \$1,000,000

Seldin Chapin: \$1,000,000

Henderson, Allen and Chapin had all served at some point as Ambassador to Iran, a role Richard Helms would later play when removed from the CIA by Richard Nixon. (Richard Helms, by the way, had been a childhood friend of the Shah. They had attended the same Swiss school in their youth.) David Rockefeller, Allen Dulles and Henry Luce had contributed to Mossadegh's overthrow, an effort double-headed by the CIA and British intelligence. The Shah's family members also received checks ranging from six to eight figures in length, the highest being a \$15,000,000 check paid to Princess Farah Pahlavi. Princess Ashraf, the Shah's twin sister, came in second at \$3,000,000. High-level British officials were also on the list.

Needless to say, when this news was given to Congress, the earth began to rumble. According to Cook:

The Khaibar Khan's disclosures [of May and June 1963] were called to the attention of President Lyndon B. Johnson in late December by one of the President's closest advisers, Washington attorney Abe Fortas. Since then, there have been these seemingly significant developments: the American Ambassador to Iran has been relieved of his duties; the Iranian Ambassador in Washington has been recalled—and for the past year there has been a stoppage on all economic (i.e. non-

military) aid to Iran ... [49](#)

From the look of it, it appeared Khan's revelations were being taken seriously. Khan's credibility was enhanced when a secret Treasury report provided solely to McClellan's committee was photocopied from within the Iranian embassy and given to Khan, who showed the copy to the committee. His copy proved that 1) someone on McClellan's committee was providing information to the Iranian embassy, and 2) Khan had agents so sensitively placed within the embassy as to be able to intercept this highly sensitive information. Khan's credibility became something that needed to be destroyed at all costs. Who in Congress dared accuse David Rockefeller, Henry Luce and Allen Dulles of receiving payoffs from a foreign government? Someone had to be taken down, and the spotlight focused on Khan. An attempt was made to physically assault Khan, but the attempt was performed in a public arena and was quickly stopped. A more violent attack was made upon Maryam Koucham in an effort to scare her into revealing Khan's sources within the Embassy.

The publication of Cook's article about these events in *The Nation* seems to have been the impetus for a sudden and furious turnaround from McClellan's committee. After two years of pursuing evidence of what the committee had termed "gross corruption" in the use of American aid money to Iran, the committee suddenly launched an all-out assault on Khan. McClellan suddenly surfaced a letter (dated a year earlier) from the bank in Geneva from which the records of payoffs had surfaced. The letter from the bank managers stated that the records Khan had submitted were false, citing typeface differences, differing account number systems and so forth. But were this true, why did McClellan's committee *continue to investigate Khan's allegations for a full year*? Clearly the committee knew no one would buy the letter, at least at that point. But once Cook made the issue public, then anything had to be used, no matter how ill-supported, to discredit Khan. It was at this point that Khan, his ex-wife and Koucham were

accused of bank fraud.

What had started as Khan's crusade to regain money that was to be used for Iran turned into an ugly, losing battle. Khan was a very resourceful man, and knew how to play on a winning team. It seems highly unlikely that he continued forever his fight against the Shah, and more likely that he gave in to the old adage of "if you can't beat 'em, join 'em." And a man with Khan's sources could not be allowed to become an enemy of American intelligence. He had too powerful a network. One can't help but wonder if the CIA took an interest in protecting the actions of their own (Dulles, Rockefeller, the Shah et al.) while using Khan for their own purposes.

Khan appeared out of the blue at RFK Headquarters, was seen with Sirhan, lied about his background, raised suspicion by his secretiveness, and may have fathered the girl in the polka-dot dress. But perhaps his most suspicious act was giving a ride on election night to a man who was arrested while running out of the pantry immediately after the shots had been fired: Michael Wayne.

Michael Wayne, whose real name was Wien, was a twenty-one-year-old from England who the LAPD wrote, "professes to be of Jewish background, but not from the mid-east."⁵⁰ Wayne worked at the Pickwick Bookstore on Sunset Boulevard. Wayne had gained entry to the pantry by obtaining a press button, and even managed to get into Kennedy's suite on the fifth floor. When Kennedy went down to the Embassy room to make his speech, Wayne followed. He was loitering in the kitchen, was asked to leave, and returned shortly before the shooting took place. Cryptic references in the extant files on Wayne seem to indicate that Wayne made some comment indicating foreknowledge of the assassination to a man in the electrician's booth shortly before the shooting. In fact, the first question on the proposed list of questions to be asked of Wayne under a polygraph was this:

Did you have prior knowledge that there might be an attempt

on Senator Kennedy's life?

Curiously, that question does not appear on the actual list of questions asked.⁵¹

Right after the shots were fired, Wayne, who bore a resemblance to Sirhan, although taller and with sideburns, ran out of the east end of the pantry and then out through the Embassy room. William Singer described this event to the LAPD:

I was in the lobby of the Ambassador Hotel right next to the ballroom. Senator Kennedy had just walked away from the podium after his victory speech. Several moments before the commotion started a man came running and pushing his way out of the ballroom past where I was standing. I would describe this man as having Hebrew or some type mid-eastern features, he was approx 18/22 5-10 thin face, slim, drk swtr or jkt, drk slacks, no tie, firy [sic] neat in appearance, nice teeth, curly arab or hebrew type hair. He may have been wearing glasses, I'm not sure. I can ID him. He isn't one of the men in the pictures you showed me (Saidallah B. Sirhan or Sirhan Sirhan) this man was in a big hurry and was saying, "Pardon me Please" as he pushed his way out of the crowded ballroom. He was carrying a rolled piece of cardboard, maybe a placard. This placard was approx one and a half yards long and 4-6" in diameter. I think I saw something black inside. Just as he got pst [sic] me I heard screaming and shouting and I knew something bad had happened. Two men were shouting to "Stop that man." these two men were chasing the first man. I don't know if they caught him.⁵²

Gregory Ross Clayton also reported this incident to the LAPD, adding that it was a newsman who yelled, "Stop him." Clayton then tackled the man and held him while a hotel security guard handcuffed and removed the man. Clayton reported having seen this man standing with a girl and three other men, one of which resembled Sirhan, earlier that night at the hotel.⁵³ Clayton identified Michael Wayne as the man he

had seen. The LAPD confirmed that Ace Security guard Augustus Mallard had arrested and handcuffed Wayne because of his suspicious behavior running from the scene of the shooting.

The press man was evidently Steve Fontanini, a photographer for the *Los Angeles Times*. Thinking Wayne was a suspect, he ran after him. Fontanini didn't buy Wayne's explanation that he was running to a telephone because he was running *out of* the press room (adjacent to the pantry), a room full of phones. That fact bothered neither the LAPD nor Robert Kaiser, who accepted Wayne's explanation as the truth.

Joseph Thomas Klein, Patti Nelson and Dennis Weaver had seen Wayne run by with something rolled up in his hand. Klein originally described the roll as larger at one end than at the other. Weaver remembered Nelson had yelled, "He's got a gun," although Weaver did not see a gun. Weaver said he only saw Wayne for several seconds. A month later, when questioned again, the LAPD recorded the following interesting comments, begging the question of what had given rise to them:

The man was carrying a blue poster, rolled up in his left hand. It could have been a cardboard tube, or rolled up posters. Mr. Weaver states he had a clear view of the object and states that there was no gun sticking out of the roll.

This investigator questioned Mr. Weaver additionally concerning the object being carried by the man crossing the lobby. Weaver states he is absolutely sure there was no gun protruding from the object. He states the object was blue, but was not wood colored at the one end, or even resembling a gun stock.

Patti Nelson's interview appears to no longer exist. Joseph Klein's, however, contained the interesting notation:

Klein states that as he pursued Wayne, he passed Nelson and Weaver and said, to them; "My God, he had a gun, and we let him get by." (Klein states this is the first time since the incident he can recall making the statement.)

What happened after Wayne was arrested and handcuffed by Ace Security Guard Mallard is unclear, and troubling. An LAPD supplemental report to Michael Wayne's interview states:

This investigator received information that the business card of Keith Duane Gilbert was in the possession of Wayne, at the time of his apprehension after Sen. Kennedy was shot. Gilbert is reported to be an extremist and militant who has been involved in a dynamite theft, previously.

Wayne, however, denied any knowledge of Gilbert, and did not remember ever having his card. But in the SUS files, yet another problem cropped up. Gilbert's file, when checked, contained a business card as well. The card belonged to Michael Wayne.

Sgt. Manual Gutierrez of SUS spent a great deal of time trying to find out whether there was some sinister association between Wayne and Gilbert, a radical Minuteman activist. Gutierrez did not believe Wayne's denials of a relationship, and ultimately pushed to have Wayne polygraphed. Unfortunately, the polygraph was operated by Hernandez, whose record of truth in this case is so poor, that his tests are rendered worthless. Not surprisingly, Hernandez determined Wayne was "truthful" about not knowing Gilbert. Gutierrez died in 1972 at the young age of 40. Turner and Christian wrote, "It was said that he [Gutierrez] had privately voiced doubts about the police conclusion [that Sirhan alone had killed Kennedy]." SUS ended up claiming that that the Michael Wayne card in Gilbert's file referred to a different Michael Wayne. They never did explain the reverse possession.

One witness, Fred Droz, had a conversation with Wayne in the kitchen area around the time Kennedy had passed through there on the way to give his speech in the Embassy room. As Droz left the kitchen, in the lobby area just past the Embassy room he saw another interesting person in this case, a former classmate of his, John Khoury.

The SUS final report has a section devoted to John Antoine

Khoury, which opens with this interesting information:

John Khoury became the object of an investigation by the District Attorney's Office and this Department after witnesses reported that they had seen him at the Ambassador Hotel the night of the assassination. It was alleged that Khoury was connected to the assassination investigation due to his allegedly anti-Israeli and anti-Kennedy attitudes. Khoury is similar in appearance and nationality with Sirhan Sirhan, and his employment at the Ambassador Hotel caused the suspicion of the reporting persons to be aroused.

Khoury had taken a course at California State Fullerton from Professor Joel Fisher. The two had worked together for the Republican Party in the 1966 election. But Fisher did not have a high opinion of Khoury. Khoury had tried to bribe Fisher with a Cadillac to get a better grade so he could get into law school. (Khoury managed to get an incomplete turned into a passing grade, and was reportedly accepted into Hastings Law School.) Fisher also stated that Khoury had verbally blasted Robert Kennedy.

Fisher was distressed the night of the assassination because he had learned in January of that year that Khoury worked for the Ambassador Hotel. Given his similarity in appearance and heritage to the suspect Sirhan (Khoury was born in the Mideast, and was an Arab Christian), and given Khoury's political views, Fisher feared Khoury may have been involved in the assassination. Fisher was contacted by Sanford Groves, another classmate of Khoury's, immediately following the assassination, and Fisher asked had Groves seen Khoury there at the Ambassador that night. Groves said yes. The next morning, Fisher called Droz, who told Fisher that he too had seen Khoury there that night, around midnight. Lastly, yet another person who had known Khoury as a student, Judy Groves, reported his presence at the Ambassador on the night of June 4th to the police. She put Khoury at the hotel with a group of four to five men, all of similar general appearance, of medium stature and with dark hair about an hour before

midnight. She saw him three different times during the night from 9:30-11:30 p.m., both inside and outside of the Embassy room. Judy Groves did not appear to be related to Sanford Groves (she was identified as "Miss," not "Mrs." and no cross-linking has appeared in either account). So three different witnesses placed Khoury in the Ambassador that night, and one had even seen him multiple times.

When Khoury was interviewed by police, on June 10, 1968, he stated that he had left the Ambassador Hotel, his place of employment, at 5 p.m. He said that night, that he had gone directly home and had stayed home until he left to meet his wife's 1:40 a.m. inbound flight at the international terminal at the airport. Evidently, the police were not convinced, because they requested Khoury's fingerprints be sent to the LAPD "for fingerprint comparisons, re the Sirhan Case." These were received on July 3rd. The police called Khoury in for a second interview, and, according to the SUS report, "explained that his relationship with the shooting was becoming suspicious and that he should provide information that would alleviate that suspicion." At this second interview, on July 15th, Khoury reported an alibi. He now claimed that he had worked as a security guard for Globe Security, Inc. from 6:30 p.m. to midnight. His supervisor at the RCA building vouched that Khoury had been working security that night, providing a sign-in sheet for the date, and stating that he recalled seeing Khoury there about 15 minutes before midnight. It's hard to believe that three witnesses could be wrong, and that Khoury would not have mentioned this the first time he talked to the police. Khoury explained this by saying he wanted to keep his moonlighting a secret from his Ambassador Hotel employer. It's also hard to believe that someone who didn't seem to put much effort into school would be motivated to work two jobs. In addition, Fisher and Droz had talked of how odd it was that, after manipulating his instructors to get grades that allowed him to gain entrance to law school, Khoury had chosen instead to work for the Ambassador Hotel.

There were also reports that Khoury appeared to live beyond

his means. Fisher stated Khoury always had plenty of money as a student, but didn't have a job. He was able to spend summers traveling the world, sending Fisher postcards from the Caribbean, Mexico, Paris and Lebanon. Fisher said it was widely believed that Khoury was the son of a rich banking executive in Beirut. But another student had advised Fisher that was not true, that Khoury was a "phony." Did Khoury really need the extra income of a second job? Did he bribe someone to cover for him, as he had allegedly attempted to bribe instructors for grades? Or was that job a cover for some other form of employment? There is an interesting episode which hints at Khoury possibly being connected to some powerful people. He had an incident with a woman from whom he claimed to have borrowed a car. She called and reported the car stolen and had Khoury apprehended, but subsequently received a call from the American Embassy in Lebanon (not the Lebanese Embassy in America, which would at least have made sense, given his nationality), requesting that she not sign a complaint against Khoury. Khoury produced evidence which indicated that the car had been promised to him in exchange for some under-the-table payments, and also claimed to have secretly recorded the woman stating that the car really belonged to him. In the end, all charges against him were dropped. But that begs the question of why the American Embassy called at all. (As an aside, David Phillips' CIA boss' cover employment was as an officer in the American Embassy in Lebanon during Phillips' service there from 1957-1958.)

One can't help wondering about Khoury's late-night trip to the airport to pick up his wife, presumably coming in from Beirut, and the woman with Fahey who mentioned Beirut; who was so desperate to get a passport before Kennedy's "winning reception," the woman he believed to be the girl in the polka-dot dress. And who was the man seen running down the stairs with the girl in the polka-dot dress when she said, "We shot Kennedy"? He couldn't have been Wayne. Wayne had just been apprehended by an Ace Guard Service security guard right about that time. But at least two people thought *three* people

had left right after the shooting. According to Phil Melanson, Ace Guard Service employee Jack Merritt saw “two men and a woman leaving the kitchen through the back exit.” And recall that Booker Griffin had asked, “Did they get the other two guys?” Might Khoury have been the one exiting with the polka-dot girl after Wayne got stopped? Might he later have dropped her off at the airport under the cover of picking his wife up? (He really did pick up his wife at 1:40 a.m., according to the SUS report.) Recall that Roy Mills saw a girl with a “funny nose,” standing just outside the Embassy room while Kennedy was inside speaking, around midnight, and that the woman had been in a group with four men, one of which he thought was a hotel employee. The lobby was just outside of and beyond the Embassy Room. Darnell Roberts reported seeing “four guys and a girl” that left together unconcernedly when the shooting began, with the exception of one “they grabbed” (Sirhan). And Gregory Clayton had seen a woman and four men between 11:00-11:30 p.m. near the fountain in the lobby, and thought one of the men resembled Sirhan, and that another was Michael Wayne. (Remember that he had tackled Wayne when Wayne tried to run away, and subsequently identified Wayne as a member of the group he had observed earlier.) Clayton told the police he was sure that the group of people he observed were all together. Fred Droz saw Khoury in the lobby around midnight, near the fountain. He didn’t remember if Khoury was with anyone else or not. But Judy Groves remembered seeing Khoury in the company of four or five similar looking men. And the police have told us that both Khoury and Wayne resembled Sirhan. This could all just be bizarre coincidence. Or not.

The SUS report completely cleared Khoury of any involvement in the assassination. And that may well be appropriate. But the SUS report also claimed there was no conspiracy, and clearly the facts on that point show otherwise.

Whether or not Khoury and Wayne were together, Wayne remains the more interesting of the two. He was seen in a group that allegedly included Sirhan. He obtained a ride to the Ambassador Hotel that night from the suspicious Khaibar

Khan. A couple of people thought he had a gun as he ran out of the pantry and he was apprehended by a guard from the service that employed one of the most famous alternate suspects in this case, Thane Eugene Cesar.

Thane Eugene Cesar was just behind and to the right of Kennedy, at the time the shots were fired. If Cesar is telling the truth about his position, then either he was the shooter, or the shooter had to be between himself and Kennedy. Cesar denies that he shot Kennedy, and denies that anyone else in that position shot him either. Cesar's proximity to Kennedy is graphically demonstrated by the presence of his clip-on tie just beyond Kennedy's outstretched hand as he lay on the floor, as captured in a famous photo. Cesar has made many statements that he has later contradicted, adding to the suspicion of sinister involvement. For example, he told police he had sold his .22 before the assassination, and that he had lost the receipt. But the police found the receipt, and found that he had sold the gun *after* the assassination.

Cesar was also one of the first people to accurately pinpoint where Kennedy was shot. Most people thought Kennedy was shot in the head. Cesar, on the other hand, in an interview immediately following the shooting, reported that Kennedy was shot in the head, the chest and the shoulder. He also said he was holding Kennedy's arm when "they" shot him. Asked if Sirhan alone did all the shooting he said, "No, yeah. One man."⁵⁴ Paul Hope of the *Evening Star* also obtained early comments from Cesar. Hope recorded Cesar's comments as follows:

I fell back and pulled the Senator with me. He slumped to the floor on his back. I was off balance and fell down and when I looked up about 10 people already had grabbed the assailant.⁵⁵

Cesar told the LAPD that he ducked and was knocked down at the first shot, hardly the same report he gave the press. Richard Drew witnessed something similar to Cesar's original version, as he reported in a separate article in the *Evening Star*

that same day (6/5/68):

As I looked up, Sen. Kennedy started to fall back and then was lowered to the floor by his aides.

In Drew's LAPD interview, he reduced the plural to the singular, saying "Someone" had lowered Kennedy to the floor. Since Kennedy was shot in the back at a range of one to two inches, anyone lowering him to the floor should have been an immediate suspect.

Equally important was Eara Marchman's report to the LAPD of what she witnessed prior to the assassination. Thane Eugene Cesar had been assigned to guard the pantry area that night. The LAPD recorded the following information from Marchman:

She walked out towards the kitchen area and observed a man in a blue coat, dark complexion, possibly about 5-3/6 wearing lt. colored pants, standing talking to, and possibly arguing with, a uniformed guard who was standing by swinging kitchen doors (after showing mugs susp Sirhan was pointed out, although she only saw the man from the side position).

Was Cesar arguing with Sirhan earlier that night? Cesar claims he never saw Sirhan in the pantry before the shooting, despite his having been sighted there by several other witnesses. But is Cesar to be believed?

Anyone wishing to look into the involvement of Cesar eventually runs into Dan Moldea. It's almost as if Moldea has become Cesar's handler, deciding who will get access to his prize.

Moldea spends a great deal of his book on the case discussing Cesar. Cesar was standing immediately behind and to the right of Kennedy—exactly the spot from which the gun had to have been fired, according to the autopsy report. While many researchers have felt (and continue to feel) that Cesar was the top suspect for the actual assassin of RFK, Moldea has not. Moldea, curiously, has been a defender. In his first published article on the case in *Regardie's*, Moldea concluded with the following statement about Cesar:

Gene Cesar may be the classic example of a man caught at the wrong time in the wrong place with a gun in his hand and powder burns on his face—an innocent bystander caught in the cross fire of history.

Whatever Moldea's motives may have been in 1987, when the above quotes were published, by 1997 he was singing an even more disturbing tune:

To sum up, Gene Cesar proved to be an innocent man who since 1969 has been wrongly accused of being involved in the murder of Senator Kennedy.

What would cause a man to state such a thing, in the face of overwhelming evidence to the contrary, some of which he dug up himself?

Moldea tells us that Cesar had secret clearance to work on projects at Lockheed's Burbank facility, and at Hughes Aircraft. Note that Robert Maheu, Roselli's partner in assassination plots, was overseeing a great deal of Hughes' operations in 1968. Note too that the CIA has had a long and admitted relationship with Hughes. A CIA document dated 1974 but not released until 1994 relates the following:

DCD [Domestic Contacts Division] has had close and continuing relationships with the Hughes Tool Company and Hughes Aircraft Company since 1948. Both companies have been completely cooperative and have provided a wealth of information over the years. ...It should be noted...that in the case of Hughes Aircraft, DCD has contacted over 250 individuals in the company since the start of our association and about 100 in Hughes Tool over the same period. The substance of the contacts ranged from FPI collection to sensitive operational proposals. In addition, there is some evidence in DCD files that both companies may have had contractual relationships with the Agency. In the context of such a broad range in Hughes/CIA relationships, it is difficult to state with certainty that the surfacing of the substance of a given action would not cause Congressional and/or media

interest.⁵⁶

He also reveals that at a lunch with Cesar, Cesar casually mentioned that he had purchased some diamonds from a businessman who was a Mafia associate. Despite these points, Moldea writes:

For years, numerous conspiracy theories have alleged that Cesar worked for the Mafia, the CIA, Howard Hughes, or even as a freelance bodyguard, leg breaker, and hit man.

There is no evidence to support any of these allegations.

While one could argue that there is no *proof*, there is plenty of *evidence* to support such allegations. Moldea even provided some of it, but did so in a sneaky fashion. For example, the Burbank Lockheed facility is the famous “Skunkworks” facility that housed the CIA’s U-2 program. And Howard Hughes *owned* Hughes Aircraft. The CIA *also* had a stake in Hughes Aircraft (and the entire Hughes operation), a non-secret at this point. Why did Moldea leave out such salient points?

The denouement of Moldea’s exploration of Cesar comes in the form of a much-touted polygraph test, which Cesar passed. Cesar had offered to take a polygraph in the past, but LAPD consistently avoided all opportunities to do so. Moldea claims that had Cesar failed his test, he would have pursued him to the ends of the earth. But since he passed, he concludes that Cesar is credible. He could have passed some of the questions he was asked whether he was the shooter or not. Consider the following:

Between the ages of twenty-eight and forty-five, other than your kids, did you ever hurt anyone?

No.

One can’t help but wonder, from the wording, just what Cesar *did* do to his kids between those ages! But worse, Cesar was 26 at the time of RFK’s assassination, not 28! That question and a similar one had no relevance to June 5th at all!

Examine the semantic trick in the next question:

Did you fire a weapon the night Robert Kennedy was shot?

No.

Kennedy was shot at about 12:15 a.m. in the *morning*, so “the night” he was shot would have been the night of the 5th, long past the point at which the shooting took place. No assassin fired a gun that “night.”

The wording of this next question was interesting.

Were you involved in a plan to shoot Robert Kennedy?

No.

Note how the question was limited specifically to shooting, and not to any other broader kind of involvement in a plan to kill Robert Kennedy. What if Cesar was *not* the shooter, but was protecting the shooter’s identity by saying he was the only one in the shooter’s position? He might do this if he knew it could never be proved that he was the shooter. And if he didn’t fire any shots into the Senator, it would be difficult, despite circumstantial evidence, to link him in a court of law to the crime. But by saying he was there and that no one was between them, possibly he could be lying to protect someone else. If that were true, his next answer could very well be true:

Regarding⁵⁷ Robert Kennedy, did you fire any of the shots that hit him in June of ‘68?

No.

The following question and answer either supports this theory, or proves Cesar to be inaccurate or lying about his position relative to Kennedy:

Could you have fired at Kennedy if you wanted to?

No.

By his own account, he had been practically touching Kennedy, and did have a gun with him that night. So it would seem that his answer is inaccurate, unless someone was physically between him and Kennedy.

There are other possibilities to the postulations that I have just suggested. He might have truly had no involvement, and genuinely told the truth. Another possibility is that he faked his way through the test. No less than former CIA Director William Colby said this was doable if you knew the tricks of the trade. A third possibility is that the operator, Edward Gelb, altered the machine and/or results to achieve the desired results. These suggestions are not mutually exclusive.

Whatever the results, Moldea was not justified in basing his sole conclusion as to the question of Cesar's guilt or innocence upon a test that is not even admissible in court. Moldea's unquestioning credence casts as many doubts about Moldea as Cesar's conflicting statements continue to cast upon him.

Lastly, there is the question of Ace Guard Services. Ace was formed in the beginning of 1968, by Frank J. and Loretta M. Hendrix. Cesar was only hired in May of 1968, just days before the assassination. Years after the assassination, DeWayne Wolfer, the criminalist in Sirhan's case, became president of Ace under its newer name of Ace Security Services. Is this all just coincidence?

Like a Rubik's cube, this case seems to involve many small, separate players. But as you get closer to solving the puzzle, you find there are really only a few planes, all of which connect in a single, logical fashion. The conspiracy is obvious; the players semi-obvious. The motive, however, is considerably less obvious. The question of *Cui Bono* remains all-important: Who Benefits?

Once a supporter of Red hunter Joe McCarthy, Bobby had grown a great deal since his brother's death. He became the champion of the disenfranchised. He marched for civil rights, and lashed out at the inefficiencies in our social system. He was not a supporter of welfare handouts but of jobs for all. He was often accused of being "angry," and retorted "I am

impatient. I would hope everyone would be impatient.” “I think people should be angry enough to speak out.” Another favorite: “It is not enough to allow dissent. We must demand it.” As Richard Goodwin has written, it was the very qualities that people most appreciated that caused the establishment to loathe and fear him. The people loved a Senator who would stand up and tell it like it was, without fear, without softening rhetoric. The establishment wanted him to go away.

Bobby Kennedy had more enemies it would seem than his brother. Where John Kennedy played the politician, Bobby Kennedy played the populist. A famous episode recounted by Richard Goodwin shows how radical Bobby had become. The State Department had threatened to cut off aid to Peru over a dispute Peru had with the International Petroleum Company, a Standard Oil subsidiary. Kennedy had been outraged at the State Department, saying, “Peru has a democratic government. We ought to be helping them succeed, not tearing them down just because some oil company doesn’t like their policies.” But when Kennedy was confronted with what he considered excessive anti-Americanism from a Peruvian audience, Kennedy turned the tables on them. Goodwin recounts what transpired as follows:

Irritated by the attacks, Kennedy turned on his audience. “Well, if it’s so important to you, why don’t you just go ahead and nationalize the damn oil company? It’s your country. You can’t be both cursing the U.S., and then looking to it for permission to do what you want to do. The U.S. government isn’t going to send destroyers or anything like that. So if you want to assert your nationhood, why don’t you just do it?”

The Peruvians were stunned at the boldness of Kennedy’s suggestion. “Why, David Rockefeller has just been down here,” they said, “and he told us there wouldn’t be any aid if anyone acted against International Petroleum.”

“Oh, come on,” said Kennedy, “David Rockefeller isn’t the government. We Kennedys eat Rockefellers for breakfast.”

Bobby had outraged the CIA by exercising heavy oversight

after the Bay of Pigs fiasco. Richard Helms, the friend of the Shah and a key MKULTRA backer, held a special animosity for Bobby Kennedy. And Bobby was the one who asked, immediately after the assassination, if the CIA had killed his brother. What might Bobby have uncovered had he been allowed to reach the office of the Presidency? Powerful factions hoped they'd never have to find out.

Kennedy himself expected tragedy for his efforts. "I play Russian roulette every time I get up in the morning," he told friends. "But I just don't care. There's nothing I could do about it anyway," the fatalist explained, adding, "This isn't really such a happy existence, is it?"⁵⁸

The assassination of both Kennedys guaranteed the elongation of our involvement in Vietnam, a war that personally brought Howard Hughes and everyone involved in defense contracts loads of money. Killing Bobby prevented any effective return to the policies started under John Kennedy, and prevented Bobby from opening any doors to the truth about the murder of his brother. And killing Bobby removed a thorn in the side of many in the CIA who felt he had treated them unkindly and unfairly.

Who killed Bobby? One man gave me an answer to that. I interviewed John Meier, a former bagman for Hughes and by association the CIA. Meier was one of the tiny handful of people in direct contact with Howard Hughes himself. His position gave him entrée to circles most people will never see.

Meier had worked for Hughes during the assassination, and saw enough dealings before and after the assassination to cause him to approach J. Edgar Hoover with what he knew. For example, he knew that Thane Eugene Cesar had an association with Maheu. (Maheu also had an extensive working relationship with the LAPD. This partnership produced a porno film pretending to show Indonesian president Sukarno in a compromising position with a Soviet agent.⁵⁹) According to Meier, Hoover expressed his frustration, saying words to the effect of "Yes, we know this was a Maheu operation. People

think I'm so powerful, but when it comes to the CIA, there's nothing I can do."

People will choose what they will believe. But the evidence is still present, waiting to be followed, if any entity has the fortitude to pursue the truth in this case to *wherever* it leads. And so long as Sirhan remains in jail, the *real* assassins will never be sought.

[1](#) The SUS files begin with biographies of all the SUS members, including military service information.

[2](#) Robert A. Houghton with Theodore Taylor, *Special Unit Senator* (New York: Random House, 1970), pp. 102-3.

[3](#) Jonn Christian and William Turner, *The Assassination of Robert F. Kennedy* (New York: Thunder's Mouth Press, 1978), pp. 64-66.

[4](#) Richard Harris Smith, *OSS: The Secret History of America's First Central Intelligence Agency* (Berkeley: University of California Press, 1972), p. 20.

[5](#) Frank Donner, *Protectors of Privilege*, p. 249. For his efforts, Wirin, a native-born Russian, was branded a Communist. One can only wonder at the effect that had on his career or his subsequent actions.

[6](#) Mark Lane, *Plausible Denial* (New York: Thunder's Mouth Press), p. 52.

[7](#) Robert Blair Kaiser, *RFK Must Die* (New York: E.P. Dutton & Co., 1970) p. 102.

[8](#) Kaiser, pp. 103-104.

[9](#) In Kaiser's own book, he writes that he had been the one to recommend the book to Sirhan (p. 239). But in his January 17, 1969 article for *Life* magazine, Kaiser writes that Sirhan "requested" the book *Witness*. Similarly, in *RFK Must Die* Kaiser writes that Eason Monroe, the president of the ACLU, had called A.L. Wirin after the assassination with the suggestion that Wirin approach Sirhan (p. 60). But in the *Life* article, Kaiser implies that Adel Sirhan brought Wirin into the case.

[10](#) Kaiser, p. 124.

[11](#) Brad Ayers, *The War That Never Was* (Indianapolis: Bobs-

Merrill, 1976) and private correspondence.

[12](#) Klaber and Melanson, *Shadow Play: The Murder of Robert F. Kennedy, the Trial of Sirhan Sirhan, and the Failure of American Justice* (New York: St. Martin's Press, 1997) p. 43.

[13](#) CIA document dated 3/18/68 referencing the "cleared attorneys' panel," quoted in *Probe* (7/22/97), p. 18.

[14](#) Kaiser, p. 128.

[15](#) Kaiser, p. 129.

[16](#) Luke McKissack was eventually removed from the Sirhan defense team and replaced with Godfrey Isaac.

[17](#) Klaber and Melanson, p. 26.

[18](#) SUS Files, Index Card under Russell E. Parsons.

[19](#) Kaiser, p. 245. "In the forties ... Russell Parsons was defending some well-known members of what is sometimes called The Mob ... " See also the SUS final report (unredacted version), p. 1430.

[20](#) Kaiser, p. 152.

[21](#) Frank Donner, *Protectors of Privilege* (Berkeley: University of California Press, 1990), pp. 261-263.

[22](#) Klaber and Melanson, p. 72.

[23](#) *Ibid.*

[24](#) A copy of this transcript is provided by Lynn Mangan in her monograph on the case on p. 214 (p. 3967 of the original trial transcript). Sirhan was not present in chambers when this agreement was reached.

[25](#) Kaiser, p. 296.

[26](#) Kaiser, pp. 302-303.

[27](#) Alan W. Scheflin and Edward M. Opton, Jr., *The Mind Manipulators* (New York: Paddington Press Ltd., 1978), p. 439.

[28](#) Kaiser, p. 86.

[29](#) Walter H. Bowart, *Operation Mind Control* (New York: Dell Publishing Co., 1978), p. 58.

[30](#) Kelly makes a good case for De Salvo's innocence, and the guilt of his closest associate, George Nasser. The lawyer in that case was F. Lee Bailey, a friend of Bryan's. Bryan helped Bailey on two other famous cases. F. Lee Bailey was later to defend a mind control victim named Patty Hearst. (Curiously, her

father's first two choices for a lawyer for her defense were Edward Bennett Williams and Percy Foreman, the notorious lawyer who coerced James Earl Ray into pleading guilty, an act Ray forever after regretted.)

[31](#) Turner & Christian, p. 226, quoting Bryan's KNX Radio interview of February 12, 1972.

[32](#) Allen Dulles' and Richard Helms' participation in these programs is well documented. Lesser known has been the role the Rockefeller family funds played in developing these horrific programs. The Rockefeller Foundation, for example, set up the infamous Allen Memorial Institute at McGill University in Montreal. See *Thy Will be Done* by Gerard Colby (New York: HarperCollins Publishers, 1995), p. 265.

[33](#) George H. Estabrooks, *Hypnotism* (New York: Dutton, 1948), p. 172.

[34](#) Estabrooks, p. 199.

[35](#) John Marks, *The Search for the "Manchurian Candidate"* (New York: W.W. Norton & Company, 1979), 1991 paperback edition, p. 204.

[36](#) Kaiser, p. 407.

[37](#) Kaiser, p. 114 and SUS I-613.

[38](#) Kaiser, p. 19.

[39](#) Noted in the interview of Samuel Strain, SUS I-62.

[40](#) Kaiser, p. 46.

[41](#) Kaiser, p. 305.

[42](#) The following account is taken from the SUS file on John Henry Fahey. This document is marked S.F.P.D. which presumably stands for the San Fernando Police Department. The interviewer is listed as "Fernando" and "Fdo," and is likely Fernando Faura, a journalist who was hot on the trail of the polka-dot girl.

[43](#) Kaiser, p. 174. This drawing is shown in Ted Charach's video *The Second Gun*.

[44](#) Kaiser, p. 175. Gugas is a past president of the American Polygraph Association.

[45](#) Kaiser, p. 225.

[46](#) Supplemental Report Khaibar Khan Investigation, SUS

Files, prepared by R.J. Poteete.

[47](#) "The Tehran Connection," *Time* 3/21/94.

[48](#) Fred Cook, "Iranian Aid Story: New Twists to the Mystery," *The Nation* (5/24/65), pp. 553-4.

[49](#) Cook, *The Nation* (4/12/65), p. 384.

[50](#) SUS Interview of Michael Wayne (I-1096).

[51](#) SUS files contain both proposed questions and actual questions/responses. There are several differences between the sets of questions.

[52](#) SUS Interview of William Singer (I-58-A).

[53](#) SUS Interview of Gregory Ross Clayton (I-4611).

[54](#) Turner and Christian, pp. 167-168, sourcing a KFWB transcript.

[55](#) "Senator Felled in Los Angeles; 5 Others Shot," *The Evening Star* (6/5/68).

[56](#) CIA memo to the Inspector General regarding DCD's response to the Agency-Watergate File Review. Dated 24 April 1974; released 1994, CIA Historical Review Program.

[57](#) "Regarding" may also have been used in the sense of "While looking at." In other words, Cesar may have shot Kennedy while not "regarding" him.

[58](#) "Kennedy Expected Tragedy to Strike," *Dallas Times Herald* (6/6/68).

[59](#) William Blum, *Killing Hope* (Monroe, ME: Common Courage Press, 1995), p. 102.

The Curious Case of Dan Moldea

By James DiEugenio

(This article is an update of DiEugenio's original critique of Moldea's 1995 *The Killing of Robert F. Kennedy*. That rather brief and concise review of Moldea and his book received a lot of attention. Moldea was peppered with many inquiries. Stung by the reaction, he wrote a rebuttal to it that is nearly twice as long as the original. Jim incorporates a response to Moldea's rebuttal and revises and expands his original points below.)

Dan Moldea's *The Killing of Robert F. Kennedy* is divided into three sections, titled The Case, The Controversies, and The Crime Scene Revisited. The first section is basically a description of the crime and its immediate aftermath. It includes relatively brief profiles of the three main protagonists as chosen by Moldea, i.e., Robert Kennedy, Thane Eugene Cesar (the security guard suspected by many of being Kennedy's actual assassin) and Sirhan Bishara Sirhan, the alleged and convicted killer. It concludes with a brief summary of the trial of the accused. The second section chronicles the official and unofficial critical broadsides leveled at the Los Angeles Police Department for their myriad shortcomings and failures in their handling of the case. This takes us from 1969, the first written and published critiques of the LAPD/District Attorney's presentation of the case against Sirhan, to 1986. At that point a citizen's movement led by Professor Philip Melanson (author of three books on this case) and the late Greg Stone, assistant to former and deceased Congressman Allard Lowenstein, pressured the Los Angeles authorities to release all documents still withheld by LAPD on the RFK murder. The last section begins with the release of these new files and Moldea's personal investigation of the crime. It

concludes with what he sees as three crucial chapters containing his polygraph of Cesar, his interview with Sirhan, and his conclusions about what really happened the night of the murder.

From the description I have provided above, one would think that the middle section would be the longest and meatiest part of the book. After all, other writers have written the major part of their books on just this issue: the controversies surrounding the official story. Also, it contains the longest timeframe. However, this is not the case. It is actually the shortest part of the work. In and of itself that is a telling fact about the volume. For if one were to *really* explore the tangled web that the LAPD wove when handling evidence or the inherent paradoxes of the official version, there would be too much to weave. Or how about the belated revelation that the autopsy made Sirhan an unlikely assassin, or the numerous and shocking discoveries about the work of firearms expert DeWayne Wolfer by people like William Harper, Lowell Bradford, Herbert MacDonnell, Robert Joling, Larry Teeter and Lynn Mangan. To do justice to all this material, to confront it in all its complexity, to make the reader understand it all, by necessity this would take a much longer, more objective volume by a much more painstaking researcher than Moldea. To this mass of material, Moldea devotes less than 90 pages. That is a generous allotment since the last two chapters of the section do not really deal with the challenges to the evidence in the case; rather they deal with Moldea's personal and subjective evaluation of Cesar (I will have more to say on this later). That is not an unfair example. The trial of Sirhan, which would be a perfect place to detail to the reader some of the paradoxes of the evidence, is given all of six pages.

The above enumeration tells us a lot about the quality of the book and approach of the author. The first section, and especially the actual murder and immediate aftermath, is told through the eyes of the LAPD officers who were on the scene that night. Moldea intervenes very little; there is very little

analysis, interpretation or addition on his part. It almost amounts to an oral history. This has some value, I suppose, since, to my knowledge, it has not been done before. But why the boring and irrelevant detail? I fail to see how the fact that Sirhan got a parking ticket that night influences the case. Does it really matter what restaurant some policemen were eating at when they got the call to go to the crime scene, i.e., the Ambassador Hotel? Or that another cop lives in Playa Del Rey and his daughter telephoned him that RFK had been shot? This first section resembles the William Manchester-Jim Bishop school of journalism: if you accumulate many factual observations through authoritative figures, you will recreate the truthful essence of an event. As Dwight MacDonald pointed out, there is a fallacy here. It very much matters *which* facts are chosen and *who* is choosing the facts. For it is impossible to detail *every* fact about a major event. Where does one stop? Facts will not equal the truth. Often, one fact left out will alter the whole picture assembled by an accumulation of facts. And as experience has told us in relation to the assassinations of the '60s, the official investigators have not always been the most trustworthy people. If they were, there would not be over one thousand books written about the four major assassinations of the '60s.

But Moldea seems to disagree. In his preface, he writes that the police are the most objective people available (p. 14). Yet he doesn't really believe this, because throughout the book, he details what he sees as errors in the LAPD's handling of the case and of evidence. One page later, after quoting a laudatory review of a previous book of his, he says that his approach to this material is similar, apparently meaning disinterested and detached. As we shall see, that is also a dubious statement. At the end of the preface, Moldea says that Sirhan and Cesar "have been permitted to approve their quoted words, as well as given the opportunity to amend and expand upon them." As we shall see, this is not actually so.

One of the problems with the book is its sources or lack thereof. The book has no bibliography or endnote section. The

footnotes are listed on the page, but in the best sense, many of these are not actually footnotes since they do not support the text, they add other information to it. Moldea would probably respond that since a lot of the material is taken from interviews it is self-explanatory. There are two problems with this. Many of these people have been interviewed more than once, so it would have been helpful if he would have given the date and added who was doing the interviewing. Secondly, at times he actually quotes two people in conversation. Yet we do not know which side gave him the quote, or if he actually interviewed both people. This is not a minor point, for in the first chapter, he shows Cesar getting summoned to the Ambassador Hotel to work that night and talking to some superiors who gave him his assignment. This is important information. For there have always been intriguing questions about the man's employment history with Ace Guard Service, the company for which he moonlighted to supposedly supplement his income. Cesar says that he was supposed to be clearing the way for RFK that night (p. 32), but then what was he doing walking *behind* him? These conversations were important in establishing Cesar's positioning. But Moldea does not properly source them, so we do not know if they are from other people or from Cesar. If the latter is the case, they are not nearly as valuable. Finally, I should add that although much of the book is made up of interviews, not all of it is. Some of it describes legal proceedings and some of it is biographical. Even here the book is very loosely sourced. This is a serious shortcoming because it makes it hard to crosscheck things that are said or stated.

In this first section, although much of it is pure description, occasionally the author steps forward to make a point. Ted Charach in his film *The Second Gun* made the interesting observation that the left sleeves of RFK's shirt and jacket are missing from the evidence file. This could be important if they show any kind of bullet tracings. Moldea insinuates (p. 56) that he has solved that mystery. But he really has not. What he does is explain why the doctors severed them from Kennedy's clothes. He does not tell us if he found the separated sleeves or

if he did, where he found them or if there were any markings on them. A few pages later, Moldea comes up against one of the most crucial aspects of the case: Paul Sharaga's report about the famous "girl in the polka-dot dress." Sergeant Sharaga was one of the very first policemen to report to the scene and he set up a station in the parking lot of the hotel. A few minutes after he got there, an elderly couple who appeared to be Jewish told him that a young couple had approached them shouting gleefully, "We shot him! We shot him!" The older woman asked, "Who did you shoot?" The girl, who had on a polka-dot dress, said, "Kennedy, we shot him! We killed him!" When Sharaga called in a report on this to set up an APB, it came out as just *one* suspect in the broadcast, the male. Moldea asks him about the discrepancy and Sharaga steadfastly maintains he described both the girl and the man and the description of the female was more copious than the male. He then adds that he sent a written report to his superior at the Rampart Division of LAPD. The superior said he did not recall getting that report.

It should be noted that Sharaga has stuck by his story at personal and professional cost through over three decades. There is nothing in his prior record that would cause any neutral observer to doubt him. So what does Moldea do with this intriguing tale? In the next paragraph, he reduces it to a conditional. He describes it as "Sharaga's *supposed* broadcast" (p. 60, emphasis added). However, there are two problems with relegating Sharaga to the netherworld of possibilities only. First, Sharaga's description shows up on the LAPD log of radio dispatches at right around 12:39 a.m., about 14 minutes after the assassination. Moldea acknowledges this briefly, but does not quote from the log at length, perhaps because the log contains this message: " Disregard that Broadcast [Sharaga's description] ... they only got one man and don't want to get anything started on a big conspiracy." This is quite revealing of the mentality that had set in quite early in the case at LAPD. One might ask, who broadcast this message and who they were referring to with the pronoun "they"? Moldea doesn't ask the

question. Why didn't he share with the reader that quite intriguing quote? The second problem with trying to wish this broadcast away as "supposed" is that the commander of "Special Unit Senator" (SUS), the unit inside LAPD which ran the RFK investigation, acknowledged it himself. In his book on the case, called *Special Unit Senator*, Bob Houghton mentions Sharaga's APB of a "second suspect" (p. 32, his term). Further, as Phil Melanson notes in his 1991 book, *The Robert F. Kennedy Assassination*, FBI documents refer to and reiterate it (p. 99). Melanson also notes that an LAPD interview credits Sharaga with the APB and adds that he gave the names and addresses of his witnesses to Rampart detectives (p. 100). As we shall see, the weight of the evidence seems to back Sharaga. So why does Moldea discount him?

Like the LAPD, Moldea is out to dispel one of the strongest indications of a conspiracy in this case: the girl in the polka-dot dress. Secondly, he is going to minimize the actual destruction of vital evidence in the case, e.g., Sharaga's original report. Concerning the first, commentators like Lisa Pease, Melanson, Bill Turner, Jonn Christian, and others have all reported many, many witness reports of a girl in that striking dress who was seen at the hotel that night and with Sirhan. Clearly, she existed. How did she know Sirhan? Why was she tagging along with him that night? Why is she his last memory before the shooting? Throughout the book, Moldea does what he can to reduce her to a meaningless cipher. He parrots the LAPD line that two witnesses, Sandra Serrano and Vincent DiPierro, conferred with each other on the night of the shooting about Sirhan being with this girl just prior to it. The implication being that the two at least partially contrived the story at police headquarters (p. 115). To say the least, this is highly unlikely. In a witness report, June 10, 1968, assistant DA John Ambrose states that he was at the hotel that night and about 15 minutes after the shooting. He said Serrano came up to him and told her a story very similar to the one Sharaga heard about the two people, male and female, running out of the hotel on an adrenaline high over the shooting and saying just about the

same things. So, as with Sharaga, attempts were made to discredit her story. In addition, since DiPierro had also seen the girl with Sirhan, he had to be discredited also. However, Ambrose places the time of his encounter with Serrano too soon for her to be in contact with anyone else at police HQ. Ambrose took down her information and then escorted her “toward the main halls of the Ambassador where the main body of police and press men were.” He turned her over to the detectives. Ambrose then states, “At approximately this time, but before Sandra appeared on the television, another man who had identified himself as a witness to the shooting, was overhearing Sandra relate what she had seen and volunteered he had seen a girl of the same description with the same type dress ... ” As Melanson notes, this is DiPierro. Therefore, the idea that there was a collusion at the Rampart Division police headquarters, or a plot to “get their stories straight” for some nebulous, sinister reason is just wrong. Serrano told her story alone; she was escorted to a police location at the hotel. DiPierro overheard her, and said something like, “Yeah, I saw that too.” All of this is so spontaneous, so corroborative, and so soon after the crime that it seems to me to be ultimately genuine. How could five people—Sharaga and his two informants, and Serrano and DiPierro—within minutes after a sensational murder, when everyone else is literally in a state of emotional shock (something which Moldea does a good job of describing), coldly conspire to create a dramatic and sensational conspiracy? Especially when none of them knew each other before that night? The logical answer is they could not have. Precisely because everything about this story seemed so real and true, LAPD set out to destroy it. Moldea recounts part of Detective Hank Hernandez’s infamous and disgraceful interview with Serrano. To his credit, Moldea criticizes it. Yet, again, as with the Sharaga episode, as with the Ambrose report, he leaves out a crucial segment. At one point, Hernandez insinuates that Serrano heard the story from *DiPierro*:

Q: And is that when you heard the kid say something?

A: Right.

Q: In a polka dot dress?

A: Right.

Q: So that's where the thing about ...

A: I guess. I don't know.

Q: The polka dot dress, that's where it started.

A: I guess. (Melanson p. 247)

After 87 minutes of badgering and harassment—which Moldea acknowledges—Serrano herself has become uncertain and has forgotten that she told her story to Ambrose *before* encountering DiPierro. Again, Moldea had to have been aware of this crucial exchange which reverses sequential order, adulterates the truth, and implicates interrogator Hank Hernandez, and the LAPD, under whose auspices the session was conducted, in a deliberate cover-up. For like Moldea, LAPD knew what the significance of the girl was—and this is where the Serrano story, and its corroboration, became explosive. For in her FBI interviews, Serrano said that she also saw the girl go *into* the hotel that night. But she went in with *two* men, one tall and one short. When she emerged, running down the stairs, in an excited, exhilarated mood, only the *tall* man was with her. Serrano told the FBI that the short man, the one left behind in the hotel, the one she was seen by DiPierro with, resembled Sirhan. Couple that with Sirhan's last memory, mentioned above, before he had a cup of coffee, and now the LAPD had a "big conspiracy" on their hands; something that, by their own admission, they were out to avoid. And what made it worse was the work of journalist Fernando Faura, a man not mentioned by Moldea. Faura was a prominent journalist in LA who relentlessly pursued the RFK case, especially the female

accomplice angle. He had extraordinary contacts inside the department who helped him to detail the anxiety inside LAPD about their dilemma: too many witnesses had seen her, so the LAPD could not deny her existence. In a hugely headlined article dated August 14, 1968, he began his story with, "Search for the mysterious girl in the 'polka dot dress' continues feverishly in spite of police statements that she does not exist."

The eventual solution produced by SUS—and agreed to by Moldea (p. 116)—was Valerie Schulte. She was a Kennedy worker who could not be tied in any way to Sirhan or any other sinister accomplices. In addition, she wore a polka-dot dress that night. But instead of being a white dress with small dark polka dots, her dress was green with large yellow ones. She also wore a large Kennedy badge described by virtually none of the witnesses. Finally, there was a rather dramatic detail that all those witnesses missed. Her leg was in a cast and she walked with a crutch. So how could she be running down the stairs in an excited state after the shooting? And how could Serrano, DiPierro, and Sharaga's informants miss that obvious detail? With a straight face, Moldea accepts Schulte.

Just how much will Moldea accept from the LAPD? Accepting firearms expert DeWayne Wolfer is saying a lot. But Moldea does. In fact (and this is where his true colors begin to show), he attempts the seemingly impossible: he tries to rehabilitate Wolfer. Grievous errors are reduced to "clerical" mistakes. Colleagues are allowed to characterize his work on the RFK case as superb. Generally speaking, Wolfer is depicted as a flawed professional who may have made some mistakes but got it right anyway. However, as with the incidents above, the author is clever in his depiction. He mentions the criticism of Wolfer but he manages to minimize it, quoting selectively and placing much of it in footnotes. Moldea mentions the Jack Kirschke murder case in which Wolfer was opposed by Pasadena criminalist William Harper. But, interestingly, he does not mention any of the specifics of that case. It was a double murder case in which Wolfer matched up a test bullet

with a victim bullet and said that only Jack Kirschke's gun could have killed the two people (which is what he did in the Sirhan case). Harper exposed this deception by showing that the photographs Wolfer used were not proper comparisons. They compared one segment of a test bullet with a *completely different* segment of a victim bullet. This is what many suspect happened in the RFK case. Wolfer was sued over this issue by attorney Barbara Blehr, who called his testimony in this case "nothing but perjury." He was later reprimanded by the state court system, which stated his testimony "borders on perjury." In the RFK case, although Wolfer says that there were no extra bullets in the walls, there are photos of him standing in front of those walls pointing at holes and circles on the walls. Both the LAPD and the FBI took photos of the holes and circles around them at the crime scene. Thomas Noguchi, at the crime scene with Wolfer, asked him where he found bullet holes. In an affidavit to Vincent Bugliosi, Noguchi stated that Wolfer pointed to a hole "in a ceiling panel above, and an indentation in the cement ceiling. He also pointed to several holes in the doorframes of the swinging doors leading into the pantry. I directed that photographs be taken ..." (Melanson pp. 42-43) Wolfer's own words make the case against him. In a deposition for the Blehr case, Wolfer said that there really was no reason to photograph a hole in the wall unless it was a bullet hole.

Clearly, Moldea has his work cut out for him. Therefore, the author tries to minimize what the circles on the wall actually mean. The circles were drawn by a deputy in the LA Sheriff's Department named Walter Tew. Moldea never talked to Tew; he passed away in 1988. He also never talked to two FBI agents who photographed what they thought were bullet holes in the wall: Al Greiner and Richard Fernandez. Yet in spite of not getting their firsthand testimony on the subject, he goes ahead and challenges their direct eyeball examinations of the holes in the wall. He needs to do this because he realizes that if any of the holes really are bullet holes, again, it's a conspiracy because Wolfer has already accounted for the eight bullets that Sirhan's revolver carried.

And now we see why Moldea has been so intent on rehabilitating Wolfer at any cost. His rationale is simple: Wolfer spent more time examining the crime scene and since this was his bailiwick, then his observations must take precedence over others. Or more directly, as he said at a conference in Washington in 1995, what would be Wolfer's motive for lying? Apparently, Moldea forgot the contents of his own book. On page 137 he quotes a letter from acclaimed forensic analyst Marshall Houts: "Wolfer suffers from a great inferiority complex for which he compensates by giving the police exactly what they need to obtain a conviction. He casts objectivity to the winds and violates every basic tenet of forensic science and proof by becoming a crusading advocate. This is rationalized as being entirely legitimate since the accused is guilty anyway which makes the social objective worthy of the means required to get it." (Houts actually called Wolfer a 'charlatan' in this letter, but Moldea leaves that out.) He "gave the police exactly what they needed" in the Kirschke case by faking a bullet comparison. In the RFK case, from evidence adduced above, it is clear that the LAPD wanted to limit the crime to Sirhan quite early. Wolfer, it appears, went along with that, and as Houts said, he gave the police what they needed. To the point of changing his bullet trajectories. As Ted Charach notes in *The Second Gun*, Wolfer altered the trajectory of one bullet between the writing of two reports to fit the eight-bullet scenario. For most objective observers, it would seem that Wolfer was tailoring the evidence to come to a preordained conclusion, even if it meant fitting a square peg into a round hole.

In Wolfer's work, there are three bullets that have to do acrobatic feats to account for all the wounds in all the victims. Since Dr. Thomas Noguchi's autopsy dictated four bullets in RFK, all from behind, and all at extreme upward angles, that used up half the bullets already. Yet, five other people were hit, so Wolfer had to find a way to bounce bullets off of walls and place people in positions they were not actually in. After working on it a while, he did it. Actually improving on the

Warren Commission, he has three “magic bullets,” not just one. Then of course, there is Wolfer’s two-gun controversy. At the trial of Sirhan, Wolfer (incredibly) testified that all the bullets fired at RFK came out of a gun *that was not Sirhan’s!* Sirhan’s gun had a serial number of H53725, yet Wolfer said the bullets matched a gun with the number of H18602. Shockingly, Grant Cooper, Sirhan’s lawyer, accepted this testimony. (Unsurprisingly, Moldea does not go into what that acceptance could possibly mean.) Moldea is worth quoting on this, since it is typical of his approach in defense of the LAPD: “In other words, it *appeared* as though Wolfer *claimed* to have positively matched the bullets recovered from three victims with bullets fired from a gun that Sirhan didn’t use ... In a response to Harper, Wolfer described this discrepancy as simply a “clerical error” he had made while labeling evidence. This became one of the most critical *mistakes* made by the LAPD in the Kennedy case ... ” (p. 139, emphasis added). Note how Moldea soft-pedals this mind-boggling episode with the italicized words to cushion the blow for the reader. Undoubtedly, this was the biggest case Wolfer ever handled. Coroner Thomas Noguchi realized this immediately and responded by having national experts supervise his autopsy. It turned out to be one of the finest pieces of forensic work noted in the literature; some have called it “the perfect autopsy.” However, Moldea wants us to think that Wolfer did not realize how important his work was going to be in this case, what it really meant to the country, to history, to the world. Therefore, he treated the evidence in a cavalier manner, as if the murder of RFK was equivalent to the shooting of a hapless, abandoned vagabond on the outskirts of the northern San Fernando Valley. Moldea parrots the excuse that Wolfer just mislabeled the evidence envelopes between the Sirhan gun and the test gun. On the surface, that doesn’t wash simply because of the aforementioned gravity of the case. But again, there is more to the story, and again, Moldea leaves it out. First of all, as can be seen in *The Second Gun*, Wolfer wrote down the number of the test gun on the envelope not once, but twice. Second, Wolfer said that he asked someone for

the number for the Sirhan gun and was given this mistaken number, H18602. Did Wolfer not know by heart the serial number to the most important weapon ever handed to him? And then didn't realize *for months* that the number given to him was not correct? Also, there is the problem of Wolfer's sworn testimony in the Blehr suit about the dates on the bullet envelopes. Wolfer stated, and Moldea repeats (p. 140) that he did not have H18602 until June 10, 1968. Yet, in the evidence envelope that is supposed to logically contain bullets from H18602, the date on the envelope is June 6. Again, this brings up the most serious questions about the evidence and about Wolfer. Not a peep was heard from Moldea about any of this.

Here is one last point about Wolfer and Moldea's carefully embroidered treatment of him. There may be another reason that Moldea did not detail the reasons for the accusations of perjury in the Kirschke case, i.e., the faking of evidence. That has to do with so-called Special Exhibit #10, a photomicrograph purported to depict a comparison of a bullet from RFK to one of the test bullets fired from *Sirhan's* gun. Moldea has to know about this exhibit because he quotes the file copy that accompanies this photograph from the LAPD (p. 175). Yet he quotes it selectively and fails to relate it to the so-called Wenke Panel's conclusion that the bullet photographed couldn't conclusively be matched to Sirhan's gun. Instead, the court-appointed panel found that the RFK bullet was compared in the photomicrograph to another bullet taken out of another victim shot that night. This is startling in itself because the obvious question is: If Wolfer could have matched the RFK bullet to one from Sirhan's gun, why didn't he do it? But as Lisa Pease, Lynn Mangan, and Sirhan's present attorney Lawrence Teeter have shown, the photo comparison is even worse than that. When the doctors extracted the bullets examined, Noguchi marked the RFK bullet under discussion with 'TN31' on its base. The other victim bullet withdrawn by a different physician had only an 'X' on its base. The markings on the bullets the Wenke panel had were different.

The way that Moldea handles all these deeply dismaying questions is quotable. Toward the end of his book he writes: "Clearly, the law enforcement community should have been much more vigilant in its handling of ... evidence ... It should have minimized its bullying tactics against people like Sandy Serrano ... Finally, the dismal manner in which records were handled implies disorganization within the LAPD, which might explain its reluctance to be candid in later years ... In the end, the most serious mistakes made by the LAPD were *errors of omission* rather than commission." (Emphasis mine, pp. 308-309) How is substituting the photo of one bullet for another an error of omission? It's as if Wolfer had said: "Sorry, I forgot to tell you that that second bullet in the comparison photomicrograph wasn't test fired from Sirhan's gun; it was extracted from Ira Goldstein's body," and Moldea's reply was simply, "Tsk, tsk. Errors happen." Forget about Sirhan and his rights to a fair trial.

As we shall see, that is not an unfair depiction of Moldea's concern about what happened to Sirhan. In sharp contrast to Moldea's kid-gloves treatment of the LAPD, consider the case of Scott Enyart. Enyart was a young high school student at the Ambassador Hotel that night. Enyart says he shot three rolls of film the entire evening, over 100 pictures. He was in perfect position, atop a steam table, to snap photos of RFK coming through the pantry. He did. And he continued to do so as the firing commenced. Afterwards, upon leaving the scene, the police stopped him at gunpoint. He was then placed in a squad car and questioned (Bill Klaber and Phil Melanson, *Shadow Play*, p. 308). When the police found out about his photos, they confiscated his film. After they interviewed him, the police told him they would process the film. (*Ibid.* p. 310) Scott was told it was needed as evidence at trial. (Interestingly, the photos were not used at the trial.) When the trial was over, Scott asked for his film back. He eventually got back only 18 prints and no negatives. He was told the rest would now remain secret and archived for 20 years. Scott waited for two decades to get this "Zapruder film of the RFK murder" back. He first wrote to the

LAPD on May 26, 1988, asking for his photos back. (*Ibid.* p. 302) In June, Chief of Police Daryl Gates wrote him back saying that all the RFK files were now in Sacramento at the California State Archives. The archivist in Sacramento informed him that they were gone. The letter said that the archivist could only conclude that they were among the many destroyed by LAPD in 1968 (*Ibid.* p. 303). However, the LAPD has always maintained that the photos burned in 1968 were prints and/or duplicates. Scott wanted his *originals* back and said that no one else was in a position to photograph what he had shot that night, so they could not be “duplicates.” Scott sued in 1989. The suit was delayed for six years. The delay was in part because the city tried to get the suit thrown out on a statute of limitations technicality. They did, but on appeal, in a case handed down in 1993, that decision was overruled. The reason: the LAPD itself had told Enyart to wait in secrecy: “The [LAPD’s] own actions for over 20 years prevented [Enyart] from obtaining his property or any information about its status or existence.” (*Ibid.*) So now the city prepared for trial. Although the city had 358 attorneys on staff, they hired a private law firm, namely, Robert Shapiro’s, to defend them against Enyart. Even the *Los Angeles Times* (7/9/96) howled at this one. Columnist Bill Boyarsky asked why the city had to hire a high-priced, high profile law firm in this case? “Is it because the city is trying to cover up failures in the Kennedy investigation, as Enyart charges?” He later added, in answer to his question, that the case was ‘too big for the city and the LAPD to lose.’”

Then on eve of trial, the photos somehow were recovered. This after Enyart was told that they were destroyed by burning. Enyart said the supposed print collection was incomplete—there were none from inside the pantry, he did not recognize some of them, and the actual film stock was different. He concluded that an elaborate forgery might have taken place. Now these rejuvenated photos were sent to Los Angeles by courier. But, amazingly, they were stolen out of the back seat of a courier’s car, right before they were to be delivered to the

court to be used as evidence at the upcoming trial (*Ibid.* p. 305). Enyart's attorney said, "Somebody, for some reason, is making sure those photos do not reach public view." (*Los Angeles Times*, 1/18/96) In 1996, Scott's lawsuit finally went to trial. Had LAPD destroyed these important photos? As Enyart's attorney, Christine Harwell, said in her opening statement, "We will prove that had Mr. Enyart's negatives been available for use in the investigation and trial of Sirhan B. Sirhan ... many questions that plague us today would have been answered about whether or not someone else may have shot off guns at the same time." She later said her client's pictures were lost or "destroyed to hide what they showed ... to keep the LAPD from being embarrassed for doing a one-sided job and hiding evidence in one of the three major political assassinations of the century." (Klaber and Melanson pp. 301-302) If they upheld the official story, why were they not used at trial? Why were they not returned to Scott? The jury held with the plaintiff. Granted, the book was published the year before the trial, but still Moldea could have included more than a paragraph about Enyart (p. 91). Is this just another example of an error of omission by the LAPD? They forgot to look at those photos before they were burned?

We have seen how Moldea foreshortens the picture to a) reduce the culpability of LAPD, and b) smother the strands that lead to a wider conspiracy. How does he then go ahead to acquit Cesar and convict Sirhan? This mainly occurs in the book's last three chapters, where the author sponsors a polygraph test for Cesar, interviews Sirhan, and then postulates what he thinks happened at the Ambassador that night.

But first, a word about polygraphs to explain why they are not admissible in court. As Jim Garrison noted in his *Playboy* interview in 1967, a person in complete control, with some anticipation of what the questions will be, stands a good chance of passing a test, even though he may be lying because what the test does is measure one's physiological response to a series of questions. In addition, the need for a skilled and

honest operator is imperative, since it is easy to rig the test and get away with it. Finally, it is important to choose the questions carefully and to arrange them in such a way that the operator can get an idea of what actual responses he is measuring. There should be some “shock” questions, that is, unanticipated ones which the operator knows the respondent will have problems with, in order to measure the actual ‘deceptive criteria’ to look for in an obvious lie.

If one were to look at the chapter in Moldea’s book devoted to Cesar’s polygraph, it breaks all three rules. This test, from what I could see, involved 14 questions. (In the so-called pretest interview, there are more questions, but this does not appear to be part of the actual polygraph examination.) Moreover, five of those involved a silly “test” to gauge Cesar’s responses to the machine. Apparently then, as depicted in the book, the real battery consisted of nine questions. This probably lasted about a minute or two. What would be so difficult about psyching yourself up for that period of time in order to control your emotions? Further, there were no “shock questions” included among the nine. There should have been. There is evidence that Cesar has been deceptive about his job with Ace Guard Service and events concerning the night in question. For instance, Cesar has said he worked for this company for about six months before the assassination. In fact, he told Moldea this (Melanson p. 85). Yet, when researcher Betsy Langman visited Ace in 1973 she found out that Cesar was hired in *May* of 1968, and his first assignment was actually on May 31st (*Ibid.*). In a 1971 interview with city authorities Cesar denied he owned a .22 caliber weapon—a weapon like Sirhan’s—on the night of the assassination. This also turned out to be false. He *did* own one at the time (see *The Second Gun*). In addition, Cesar has told conflicting stories about when he pulled his gun that night. He told the LAPD he pulled his gun during the firing sequence before he collapsed. A week later he told the FBI that he fell *before* drawing his gun and drew it as he scrambled to his feet. (Melanson p. 75). These would have been excellent questions with which to test Cesar for genuine

reactions. But none of these questions was asked.

And what about the operator? Moldea writes in his book that an unnamed federal prosecutor suggested the name of Edward Gelb to him (p. 281). Now, it was imperative, if this test was to have any real credibility, for Moldea to employ a completely independent technician, one whose skill and honesty were beyond reproach. Yet, on the next page of the book, Moldea admits that Gelb served with the LAPD! But there's even more to it than that. Lawrence Teeter had the opportunity to question Gelb under oath at a trial where Teeter had sued the LAPD over just this issue, its polygraph practices. Gelb was there to testify for the police. Teeter asked him if he had worked for the department. He said yes. He then asked if he had ever worked for any other government agencies. Gelb replied with words to the effect that he had worked for agencies that had tried to attain intelligence in foreign countries. Teeter then asked if that agency was the Central Intelligence Agency. Gelb's answer was an exquisite "Maybe" (author interview with Lawrence Teeter 5/25/02). Given all this, it's pretty clear that Cesar lied in this test and that Gelb and Moldea let it pass. One of the questions Gelb asks, "Could you have fired at Kennedy if you wanted to?" (p. 287) The key phrase is "if you wanted to." By all accounts Cesar carried a weapon that night and he was, more than anyone else, in perfect position to shoot Kennedy. He has admitted to pulling his gun. So the obvious answer is yes, he *could* have fired. When I saw the question I thought it was a "shock question," to see if Cesar would answer in the negative to test if he was cheating. Amazingly, Cesar replies with a "No." Yet Moldea is so eager to exonerate Cesar that he makes nothing of this obvious deception. Clearly, one of three things happened: either, the test was rigged; Cesar rehearsed his reactions perfectly; or Moldea did not bother to have the results checked by a truly independent operator who had all the data necessary. (Moldea writes that the test was "blind scored" by a second expert, but no background is given on him, and it is not clear what exact data he had. See p. 289.) In a breathtaking

piece of concluding pedantry, Gelb is praised and Moldea now brands Cesar an innocent man.

This rush to judgment is reversed in the next chapter when Moldea confronts Sirhan. Before discussing that interview it is important to note a revealing double standard. Moldea is always sensitive to Cesar's predicament: his reputation, his image, his ethical right to have an attorney present. Yet, Moldea tells us nothing about his efforts to respect Sirhan's right to counsel. And from his descriptions, there was no attorney present during his interviews. Why not? Sirhan's story is that he recalls very little from that night and nothing after having the coffee with a girl. He has been consistent with that story all along. The two doctors who have tested him the most, Dr. Bernard Diamond and Dr. Eduard Simson-Kallas, Sirhan's prison psychiatrist, believe this mental block to be genuine. They, along with the famous Herbert Spiegel, also agree that Sirhan is an exceedingly good subject for hypnosis (Melanson p. 198). On a scale of one to five used to classify subjects, Sirhan is given a five, which means highly susceptible to hypnosis. Simson-Kallas had treated Sirhan more than any other doctor and felt he had been hypnoprogrammed previously and wanted to try to get him to fight through the mental blocks he thought had been installed in his subconscious. At that point, he was taken off the case by the prison authorities. Simson-Kallas was very critical of Dr. Diamond, the psychiatrist hired by defense attorney Grant Cooper. In a long affidavit, partly quoted by Moldea (pp. 154-156), he criticized Diamond harshly and on a variety of grounds. Still, keeping this criticism in mind, consider some of the things Diamond came up with. In 1974, he said, "Let me specifically state that it was immediately apparent that Sirhan had been programmed. ... His response to hypnosis was very different ... strange, in many respects. And he showed this phenomenon of automatic writing, which is something that can be done only when one is pretty well trained." (Melanson p. 167) Diamond once described this writing under hypnosis as robotic, writing mechanically, and taking a long time, as much as 30 seconds to

finish a line. Once, with pencil in hand, Diamond asked Sirhan: Who was with him when he shot Kennedy? Sirhan wrote down, "Girl, the girl, the girl." (Klaber and Melanson p. 217) When Diamond asked Sirhan if he was hypnotized when he wrote his famous and self-incriminating notebooks, he wrote, "Yes, yes, yes." (*Ibid.* p. 218) And to top it all off, when Diamond would awaken Sirhan from his trances, Sirhan would resist the fact that he had just been hypnotized. As Robert Kaiser describes in his book *RFK Must Die!* (p. 374), Diamond once hypnotized Sirhan into climbing the bars of his cell like a monkey. He did so and told Diamond he was there "for exercise." Sirhan replied later that his lack of memory of this frightened him. Moldea gives all this urbane and highly professional testimony the back of his hand. Consider this exchange:

Q: Were you a participant in a conspiracy?

A: Do you think I would conceal anything about someone else's involvement ... I have no knowledge of a conspiracy.

Q: But, yes or no, were you part of a conspiracy, Sirhan?

A: I wish there had been a conspiracy. It would have unraveled before now.

Nevertheless even this, Sirhan denying any knowledge of a conspiracy, is not good enough for Moldea. He wants more:

Q: Then, why do you even talk about the possibility of being mind controlled?

A: My defense attorneys developed the idea of *The Manchurian Candidate* theory. (p. 300)

If one has been hypnotized as often as Sirhan, and if one has listened to as many psychiatrists tell you about your susceptibility to hypnosis, and if one has practiced meditation as Sirhan did, then what would be wrong about discussing that particular subject? Clearly, Moldea is trying to put the

unsuspecting Sirhan in a box where he either totally denounces any kind of conspiracy aspect in his case, or he produces an emotional response that he can then pounce upon and use to promote his thesis. Moldea's opportunity comes on the following page. Sirhan has a painful memory and he exclaims, "It's so painful! I want to expunge all of this from my mind!" This shocks Moldea, in his words, as if he had been hit with a right hand. He concludes from those 13 words that Sirhan has been lying to him all along. He then asks him if he committed the crime. Sirhan replies that he doesn't want the blame if there is exculpatory evidence which the jury did not see, and "In view of this, no, I didn't get a fair trial." For Moldea, this was it. Now he claims he was being used to keep up a case for Sirhan. Keeping all the above in mind, Sirhan's inability to recall anything about the murder (yet the strategy of his attorneys for him to accept his guilt) and his susceptibility to hypnosis (yet his inability to recall names of any possible conspirators) appears to be perfectly consistent with the known facts of the case. It would be painful to have shot someone and not to recall it. Especially if one was in a hypnotic state that one also does not recall and even fears recalling. And what on earth is wrong with admitting you fired shots that night, but not being sure if you were guilty since none of the complex, exculpatory evidence was given to the jury. Sirhan may have shot someone that night; but he surely did not kill Robert Kennedy, and that is what he is in jail for. And by all accounts, his was not a fair trial by any means. Consider the first questions asked of DeWayne Wolfer by Grant Cooper:

Q: Officer Wolfer, let me ask you what time are you leaving?

A: When we get through. Then I will go over and make my reservations for the first flight I can get on.

Q: We won't keep you. (Klaber and Melanson, p. 114)

Cooper seemed more interested in Wolfer's flight plans than he was in securing evidence of his client's innocence. And he

didn't hold those plans up. Instead of having Wolfer explain how Sirhan could have shot RFK from behind at a distance of two inches, when he was standing in front of him at a range of about three feet, Cooper asked the following:

Q: Let me ask you this. With your experience in firearms ... a weapon like this can cause death, and it did cause death, is that true?

A: Yes.

Q: And it can cause death from one inch, two inches, three inches, six inches, one foot, three feet, six feet ... It could cause death if it were in the right place.

A: Yes. (*Ibid.*)

Considering this pitiful performance, Sirhan is totally justified in thinking he did not get a fair trial. In fact, I think he could have sued Cooper. Strangely, Moldea does not.

This encounter with Sirhan leads into his last chapter, entitled "What Really Happened." This is to be Moldea's solution to the crime. He prefaces it with the following: "Although I still have problems with certain aspects of this case—which will probably never be resolved—I believe that most of the principal questions can now be satisfactorily answered." (p. 309) And what does the word "satisfactorily" mean to Moldea? Let us examine his solution to find out. He asks this question first: Who did Sirhan hit with the first shot? So Moldea begins with a question that almost no one worries about. In fact it is deceptive in its very framing. For how do we know if a) Sirhan hit anyone with his first shot, or b) if he even fired the first shot, or even c) if Sirhan fired *any* shot other than blanks, as is suggested by some of the eyewitness evidence? The answer is we really don't know. However, it does reveal where Moldea is headed. And it shows that, like Wolfer, he is hell-bent on making the evidence fit his verdict, and not have the verdict

flow naturally from the evidence. Moldea says that the first shot hit Paul Schrade. Schrade was walking *behind* RFK. So, if we buy Moldea's argument, Sirhan, who was actually closer to RFK, completely missed a man three feet in front of him and hit a stranger standing four to five feet behind *him*. What Moldea does not reveal here is that his man Wolfer had problems with this also. As Ted Charach shows in *The Second Gun*, in Wolfer's first report, just a few days after the murder, he postulated something like this. One month later this had changed, and a bullet that went through Kennedy's coat also went through Schrade's forehead. There was a reason for this. Wolfer understood completely what Moldea apparently does not: it's a zero sum game. Wolfer *had* to do what he did no matter how *improbable* in order to escape something that was patently *impossible*: namely, Sirhan firing nine shots with an eight shot revolver. If you separate the Schrade shot from RFK's shots, you have nine shots. Incredibly, he writes here, "I believe that scenario [Wolfer's], which has contributed heavily to the second-gun theories, is wrong." (p. 310) What Moldea does here, of course, is *guarantee* a second gun. And nowhere in the rest of this chapter does he acknowledge this, let alone explain it.

Right after this, Moldea explains the sequence of four shots into Kennedy, the first three non-fatal, and the last—the shot to the head—which killed him. As Phil Melanson pointed out in his critique of the book, what Moldea tries to convey here is that Noguchi's sequencing proves the one-gun theory. But all this shows is that one gunman could have inflicted *Kennedy's* wounds, and even then RFK's arms must have been raised for trajectory reasons and wound pattern. As Moldea knows, Noguchi has avoided ruling out a second gun or saying that Sirhan alone shot all the rounds that night. He was explicit about this in his book *Coroner* (p. 108).

The third conclusion stated is both the wildest and the most crucial one. Moldea is absolutely intent on solving the muzzle distance problem. To do so he postulates something that, to my knowledge, is unique in the literature. He says that the crowd

propelled RFK “toward the steam table and into Sirhan’s gun ... Sirhan ... managed to fire four point-blank shots into the senator’s body and clothing.” (p. 313) There is a reason that no one else has ever proposed this. It is unsupportable. No one ever said they saw this happen. Moldea realizes this and tries to protect himself by saying that nobody saw Kennedy get shot either. Is Moldea saying what I think he’s saying? Is he equating RFK being *thrown forward three feet toward Sirhan* with someone seeing the bullets impact into his body? How could they if the bullets were shot at contact or close to contact range? But it’s worse than that, because as Melanson notes in his critique, there were witnesses who reported Kennedy’s reaction to being shot: he raised his hands up in front of his face and then fell on his back onto the floor (p. 7). Again, Moldea selectively quotes a witness, Lisa Urso, by saying her “last image of Kennedy during the shooting spree was seeing him ‘jerk a little bit, like backwards and then forwards’.” (p. 313) But Melanson notes this was *not* the last thing she saw. The last thing she saw was “Kennedy slumping backward, not forward and certainly not into the steam table. In Urso’s account the Senator falls *before* Sirhan’s gun is pinned to the steam table.” (*Ibid.* p. 8, emphasis in original) If Urso really backed up Moldea’s account, why didn’t he go back, interview her, and put it in the book?

Actually, it’s even worse than *that*. RFK has to be thrown forward about three feet while Sirhan’s arm is pinned to the top of a four foot high steam table by witness Karl Uecker who had been escorting him through the pantry. Miraculously, Kennedy, who is about 5’10” had to be bent over a significant degree with his back twisted toward Sirhan. And Sirhan’s gun hand has to be positioned at an extreme upward angle and then in two different planes in the body, in the right shoulder area, below the shoulder blade, and then at the very top of the shoulder and low in the back of the skull. Then, RFK has to be raised back up and pushed backward about four or five feet and deposited on his back, where he is photographed. I ask the reader, really, could no one have seen this? There were

upwards of 70 people in the pantry that night. Could everyone have missed such an acrobatic feat? Even Uecker, who is right in the middle of it? If no one saw such a dramatic movement then one has to conclude it did not happen. Moldea's attempt reminds one of the shenanigans pulled by the Warren Commission in the positioning of the bodies in the limousine to arrange the 'magic bullet' theory.

Next up is Moldea's attempt to back Wolfer in his position that there were no bullet holes in the doorframes. Moldea himself produces several witnesses himself who say they saw this. He even produces people who say they saw the extracted projectiles. How were the projectiles caused by people mistaking circles on the walls? And as I have said, Wolfer himself said in 1971 there was really no other reason to photograph a hole in the wall. That testimony appeared in Melanson's petition to the grand jury to reopen the case, so Moldea is probably familiar with it. And FBI agent Bill Bailey saw actual bullets in the walls *before* any circles were drawn. In addition, as the Kranz Report on the case noted, Wolfer kept no backup records on his examinations, including examinations and even X-rays of the walls, ceiling tiles, and doorframes. Moreover, the actual physical evidence was destroyed by LAPD because it was "too large to fit into a card file." (Melanson p. 45) Again, if it supported the idea of Sirhan's guilt would it have disappeared? What makes it worse is that, as Melanson notes, the disappearance occurred (shockingly) while Sirhan's case was still on appeal!

Point number five in Moldea's diaphanous case against Sirhan tries to explain the mystery of why the Wenke panel concluded that they could not match the victim bullets to Sirhan's gun. Moldea postulates another unproven: on the word of a colleague of Wolfer's, David Butler, a man who likes Wolfer quite a bit, the author concludes that people in the LAPD repeatedly fired the Sirhan gun because they wanted bullet souvenirs from it. Butler says he has some. Did Moldea ask to see them? Why didn't he try to test them to see if Butler was being accurate? For that matter, why does he trust Butler

at all? Just two pages earlier (p. 317), he says that Butler had “self-destructed” by backtracking on seeing extra bullets at the crime scene. Yet, two pages later he is now rehabilitated for this silly souvenir story? Clearly, Moldea is groping to find a benign solution to the 1975 non-match. The Wenke Panel concluded that there were too many firings of the Sirhan gun to retest the barrel; the repeated firings caused a lead build-up in the barrel. Maybe that was the case then, but today as we saw in the Martin Luther King case, there are ways of cleaning the barrel without fouling it. This is done with a liquid solution.

But what does Moldea actually want us to believe? On this unproven souvenir anecdote, we are now supposed to forget Wolfer’s unbelievable story about the mistaking of the two guns. We are also to forget the bullet labeling errors, the shocking revelations about Special Exhibit #10, and the resultant (inescapable) conclusion that Wolfer could not even get *one* bullet out of Sirhan’s gun to match one victim bullet for a photographic comparison. And let us quote the Kranz report, which most people feel, as Moldea once did, is quite gentle with Wolfer: “The apparent lack of reports, both written and photographic, either made by Wolfer and destroyed, or never in existence, raises serious doubts as to the substance and credibility of the ballistics evidence presented in the Sirhan trial.” (Melanson’s critique, p. 15)

However, if Moldea wants to postulate something that is silly and hard to swallow, let adults without blinders on postulate something that is easier to believe. Let us think back to Wolfer’s testimony at the trial where he said the victim bullets came from gun H18602. If we take him at his word, then it is imperative to inform the reader that *that* particular gun was later destroyed, and rather quickly in either the summer of 1968 or 1969. Now if that gun was disposed of, and if Wolfer had test-fired Sirhan’s gun frequently in a futile effort to get even one match, then there is now no way to determine if a) the bullets really came from Sirhan’s gun, or b) the bullets Wolfer offered up as test bullets actually came from H18602. What makes this even more of an interesting possibility is

that as Lisa Pease pointed out in her essay earlier in this volume, Wolfer could not match up the shells Sirhan had supposedly test-fired at a shooting range with any of the recovered bullets. As Pease pointed out, the SUS Chief himself, Bob Houghton, said that matching a shell with a bullet is as solid an identification as a fingerprint. Yet as she further chronicled, the LAPD brought in 489 shells from the San Gabriel Valley Gun Club in Duarte but could not come up with one match. Then over *37,000 more* were retrieved. Wolfer admitted that he could not find any shell casings fired from H 53725, the Sirhan weapon. Moldea says that Sirhan fired 300-400 rounds at this range on June 4, 1968. (p. 27) I could not find any analysis of the shell casing issue in Moldea's book.

The last item in Moldea's chapter is titled, "What was Sirhan's motive for killing Senator Kennedy?" To his credit, Moldea rejects the Israeli-Palestinian issue. But he has to come up with something to fill in the space. He writes, "I believe that Sirhan's motive had less to do with politics and more to do with his own personal problems." (p. 322) He then goes on for three pages trying to explain how these problems resulted in Sirhan's shooting of RFK. These pages are reminiscent of the quite embarrassing parts of the Warren Report where the staff attorneys tried to supply a motive for Oswald. Years later one of those lawyers, Wesley Liebeler, admitted they hadn't come up with anything and that he really did not have an answer to the motive question. Consider this from Moldea: "As a man who had unfairly prejudged himself as a failure at age 24, Sirhan decided to make his mark, even if it was by committing a terrible and violent act." Sounds like *Life* magazine on Oswald or James Earl Ray, just another Krazy Kid. Moldea himself calls this amateur psychology (p. 325). Note that none of the real psychologists who studied Sirhan at length concluded this as the reason for Sirhan's firing. They thought some kind of hypnotic state was involved. In fact, even Robert Kaiser, a source for Moldea, thought there was more to it. In a 1970 interview, he stated that hypnosis was definitely involved somehow. (Melanson p. 168)

Moldea uses information conveyed to him through Kaiser from another investigator from Sirhan's hapless defense team. That man is Michael McCowan. Although he concludes his book with a purported "confession" from Sirhan through McCowan, there is virtually no background on McCowan in the book. Let us fill in, one more time, what Moldea leaves out.

McCowan was a former Marine, former LAPD cop, and former law student. He had been drawn up on charges in the wake of his dealings with David Kassab and others who were running a real estate swindle in the San Fernando Valley. McCowan and Sirhan lawyer Russell Parsons are both listed in SUS files as being named in the "Kassab Report"; yet this lengthy report is nowhere to be found today. Why?

In addition to the theft and mail fraud charges, a girlfriend of McCowan's notified LAPD that he kept a large cache of weapons at his house. A secret police investigation followed to determine whether the weapons were stolen, i.e., whether he was dealing in the black market of arms. Whatever the results of that secret investigation, McCowan was suspended from LAPD, had appealed his sentence and was on probation at the time of his entry into the case. (Klaber and Melanson p. 30, *Probe* Vol. 5 #4)

As Lisa Pease noted in the second part of her two-part article on the RFK case, it is highly likely that McCowan recruited a police informant onto the defense team of leftist activist Don Freed after Freed was entrapped by the police on a phony explosives charge. (*Ibid.*) As Kaiser notes in his book (p. 152), when Parsons asked McCowan to work on the Sirhan case as an investigator, he agreed to do so without fee and without hesitation. When he looked at a collection of books Sirhan owned, he jumped to the ridiculous conclusion that Sirhan was a Communist. (*Ibid.*, p. 168) At one point in the legal proceedings, McCowan urged Sirhan to follow the disastrous strategy outlined by his attorneys or "he was finished." (*Ibid.*, p. 402)

What Kaiser does not say though is that this disastrous strategy, which never considered the possibility that Sirhan

may have been innocent, was actually pushed on them by McCowan. As Klaber and Melanson note (p. 151) on the issue of the potentially exculpatory testimony of Sandra Serrano, McCowan wrote out a memo to the defense about her. Amazingly, this investigator who is supposed to be digging up evidence to acquit his client—who is facing the gas chamber—followed the same line as *Hank Hernandez and SUS* did on Serrano. Namely, Vince DiPierro and Serrano colluded on a phony story. As I have shown above, this is provably false. One can only imagine the impact of Serrano's story with the Ambrose report, or his testimony, on a jury. (Thanks, in part to McCowan, all we *can* do is imagine it.) The authors then add that McCowan's reports were unusual in their reliance on the LAPD's spin on witness testimony and their lack of breadth and depth.

On the other hand, the hand Moldea refuses to look at, this all suggests that McCowan was a plant. Which is probably why Moldea leaves it all out. Also ignored by Moldea, but relevant to this issue, is the Carmen Falzone episode. Falzone was a former prisoner who was first an informant on Sirhan and then was used by the DA's office to spy on Sirhan's family. He was supposed to implicate Sirhan and his brothers in an alleged Libyan terrorist plot run by Muammar Qaddafi. Unfortunately, Falzone got details of his story wrong, like which hand Sirhan used to fire his gun. (For the whole tawdry Falzone episode, see Melanson pp. 116-126) This episode shows the lengths the LA authorities would go to, and the fact that they did use undercover informants on Sirhan.

And so to McCowan's *Deus Ex Machina* "confession." His story is that he had a prison visitation with Sirhan, presumably alone. He was trying to reconstruct the murder with Sirhan. Sirhan says that his eyes met RFK's right before he shot him. McCowan asks why he didn't shoot him between the eyes. Moldea then writes that without hesitation or remorse, Sirhan replied "Because that son of a bitch turned his head at the last second." (p. 326) Now, in addition to McCowan's shady background, which has red flags sprouting all over it, an

objective writer would certainly have to ask: Why isn't this episode in Kaiser's book? After all, Kaiser worked with McCowan on Sirhan's defense team. Kaiser is no real friend of Sirhan's, believing that he alone killed Kennedy. Why is it surfacing now, decades after the Kaiser book was published? Also, Sirhan has consistently maintained that he has no memory of the shooting. Even under hypnosis he cannot recall it. Yet, we are to believe that alone with a man he really did not like, he would suddenly open up his subconscious mind and pour out this deep-rooted memory? And so conveniently with McCowan there all by himself so as not to be contradicted? This is most curious because Moldea says in his preface that he gave everyone the right to see what he would print about them in his book. But this McCowan exchange was not given to Sirhan and his late brother Adel prior to publication. Moldea deprived Sirhan and his associates of the opportunity to protest this alleged conversation to his publisher before the book came out, while leaving intact the bit about Sirhan having had the chance to review and revise. Sirhan hotly denies that this exchange ever took place.

However, there is more to show just how eager Moldea was to print McCowan's dubious exchange. Taking consideration of Noguchi's autopsy, how could McCowan's story be true? He says that Sirhan said RFK turned his head. If that were so, did Sirhan then crouch down and jump forward to inflict the wound? The bullet came in at an upward angle and at contact range, and RFK was about seven inches taller than Sirhan. If McCowan's tale actually occurred, why did no one see those two movements? Also, what about the wounds in Kennedy's back? McCowan only says his *head* turned around. Did Sirhan then run around the victim, crouch down behind him, and fire three more shots? No one saw that either.

Moldea is so intent on pummeling Sirhan that, astonishingly, he also misses the fact that McCowan's tale contradicts Moldea's *own* solution to the crime that he has just finished spelling out. In the chapter entitled "What Really Happened?" Moldea stated that Sirhan shot *Schrade* first, then RFK was

thrown forward, and as Uecker held his wrist down onto a steam table, Sirhan delivered the RFK shots, the non-lethal ones first, and the headshot *last*. None of this is in McCowan's story. Therefore, in both positioning and sequence, McCowan's anecdote is at odds with the author's conclusion, and in the extreme. In other words, they cannot both be true. Only a man with an agenda would include McCowan's nonsensical tale and either a) not realize it contradicts his own, or b) hope the reader wouldn't notice.

For a reader who *did* notice, it is clear that the reason no one saw either McCowan's fantastic scenario, or Moldea's spectacular one, is that neither one occurred. So both indictments carry about the weight and seriousness of the Warren Commission verdict. And like that fairy tale, Moldea's book was praised by the *New York Times*. Moldea said that he was kind of surprised by the two good reviews of his book. He shouldn't have been. Most researchers of the John Kennedy assassination could have predicted it, given the lauding of other error-filled lone-nut-did-it books such as Gerald Posner's *Case Closed*. Ultimately, with nine bullets out of an eight-shot revolver, with people gyrating acrobatically about while no one sees them, what does the book amount to? Actually, it's a good case for Sirhan's innocence. If one has to go to these risible extremes, Sirhan couldn't have done it. This is a book whose every major tenet is highly suspect, whose sourcing is not explicit, whose fairness is, to say the least, one-sided, whose completeness is just not there, whose use of witnesses—like Kaiser and McCowan—is rather lenient. In reality, what use is it then? I can think of only one. When the FBI wanted a book written about its dubious case against King's alleged assassin, James Earl Ray, number three man Cartha DeLoach suggested to J. Edgar Hoover that they cooperate with a trusted writer, in that case, George McMillan. DeLoach told Hoover it would be good to have a book supportive of the Bureau's King case on the bookshelves. Well, that's what Moldea's book is. Something the other side can point to and say "Well, it's not just SUS and LAPD, there's that book by Moldea." It's a "bookshelf" book

that has no real intellectual content or substance, and, as shown above, cannot withstand scrutiny. Nevertheless, it does, in a very weird and exotic way, support the official version. In that sense it provides a means to distract the public. Hank Hernandez, who understands the techniques and uses of propaganda, must be happy. Considering how Hoover felt about RFK, the former FBI Director would have been too.

AFTERWORD

“Robert Kennedy’s death, like the President’s, was mourned as an extension of the evils of senseless violence; events moved on, and the profound alterations that these deaths ... brought in the equation of power in America was perceived as random ... What is odd is not that some people thought it was all random, but that so many intelligent people refused to believe that it might be anything else. Nothing can measure more graphically how limited was the general understanding of what is possible in America.”

—Allard Lowenstein, *New York Congressman, 1977*

The following opens a recent best-selling book about the modern political scene: “Bobby Kennedy was my first political hero; his legend helped shape my early social conscience. Before heading off to college, I looked forward to serving as an intern at the Robert F. Kennedy memorial foundation in Washington D.C., which was dedicated to continuing RFK’s work.” The author is neither a liberal nor a Democrat. He is David Brock, the self-confessed right-wing hit man.

Brock’s book *Blinded by the Right* is an almost painfully candid exposé of his role in the New Right apparatus that dominates Washington today. Brock tells the reader that after Robert Kennedy’s death, he began to drift rightward. The real meat of the book is its description of the hardcore conservative apparatus: its power hunger, its viciousness, its Orwellian disregard for truth. A closeted homosexual, Brock is finally sickened by the hollowness and fundamental hypocrisy at the right wing’s core; a hypocrisy that he felt personally after he decided that he wanted to be an honest writer and not a hired gun. At that moment, the New Right turned on him. Brock’s insider description of this highly organized and well-funded organization is invaluable to the readers of this book. Throughout his tome he calls it an anti-government cabal, one opposed to civil rights, to the concept that government can be

an egalitarian force, and, most tellingly, to the liberal activism of the '60s. To them, Bill Clinton was a reminder of the '60s. As Ann Coulter puts it about Clinton: he was "creepier and slimier than Kennedy."

Brock's book tells the familiar parable of a young man making his way through a political forest where, at the end, he finds the truth about both himself and the hollow politicians around him. But along the way, he answers a question that invariably comes up whenever the assassinations of the '60s are under discussion. That is, of course, "Geez, it happened so long ago, why is it relevant today?" As Brock says, the real horror of the moralistic New Right is that, in reality, the moral pose is a charade: they have no morals. Brock is at pains to demonstrate that their only real politics is that of destruction: the destruction of the liberal ideal of the '60s. The idea that government can be a progressive force, that Washington can actually help to better society. The attitude that we must do this because, in the ultimate analysis, we are all bound up in this together.

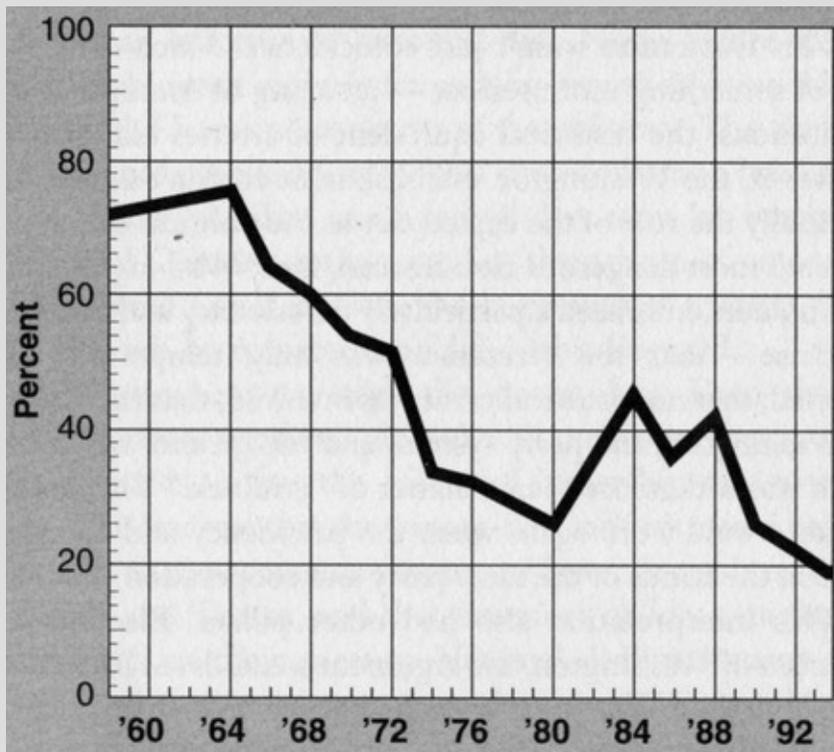
Brock is detested by his old friends today, just as another former right-wing operative is also unwelcome in their midst. That other man is Kevin Phillips. Phillips was an integral part of Richard Nixon's epochal campaign in 1968, which, for all practical purposes, brought an effective end to the era. In fact, Phillips was one of the designers of Nixon's southern strategy: the idea of peeling away the Democratic solid South on the issue of civil rights. In other words, of using white backlash and racist appeals to divide the black/white coalition that Democrats, like the Kennedys, had been trying to forge. Phillips eventually grew disenchanted at what he had helped create. And he wrote a book called *Arrogant Capitol* in which, like Brock, he offers compelling evidence of the influence of the assassinations on our present political descent.

In *Arrogant Capitol*, Phillips printed a breathtaking visual aid in order to illustrate the same phenomenon under discussion here. It was a poll taken by the Gallup Organization for *US News and World Report*. We reprint that rather jarring graph

below:

Trust in Washington: A Loss of Faith
Percentage of people who say that they can trust
Washington to do what is right all or most of the
time

Source: Gallup Organization



Phillips cogently titled this graph: "A Portrait in Contempt." The most conspicuous aspect of the poll finding is the clear fact that the first serious decline in the public's belief in their government happened in 1964, the year the Warren Report was issued. When asked about this point, Phillips, a Republican who worked for Richard Nixon, noted that this was probably the reason for this initial decline. The other steep decline occurred during the Watergate scandal. In addition, there were

less steep, yet significant, arches during the Vietnam years and also the Iran-Contra scandal. Before 9/11, less than 20% of the public believed in what their government was doing or saying, an incredible figure that declined from over 70% when JFK was inaugurated.

In our view, it was no coincidence that in 1992 Ross Perot, a third-party candidate, with no experience and little name recognition, provided a significant scare to the system. If he had not dropped out of the race, he might have won.

Why was Perot so incredibly popular for that moment in time? Because he filled a vacuum. The vacuum that Phillips and his graph describe so eloquently and simply. Most people didn't know who Perot was or what he stood for. However, they did know he wasn't another Washington insider infected by the compromises and corruption that that city now symbolizes. Perot excited people who had not been excited about politics in some time. Probably since 1963.

The power elite and their media like to ignore this extraordinary phenomenon—namely the issue of credibility, or lack of it, in both our institutions and in the press. And it stems from 1964 and the issuance of the Warren Commission Report. Media pundits of both the right and left, e.g., George Will, as well as Alexander Cockburn, agree on this—that the assassinations of the '60s are irrelevant and don't really matter. But we believe the contrary. As Mr. Phillips' graph reveals they actually cut to the heart of our disbelief in the political system, i.e., they matter too much.

If you read and understand this book, you will see that we have attempted a radical reconstruction of history. Historical revisionism would be too mild a term. The first title to David Lifton's popular *Best Evidence* was *Scenario for Treason*. Jim Garrison in his two non-fiction books used the term coup d'état for the JFK assassination. We have presented strong evidence that each of the four cases was a complex conspiracy that the government sponsored or abetted. All four of these leaders, not just one, were deprived of their lives by, in today's parlance, acts of state terrorism. Four men in the prime of life, at the

height of their powers, all to the left of the political spectrum, all in the space of five years. And at the end of that string of assassinations, the republic was ready to elect Richard Nixon as their president in 1968: the man John Kennedy defeated in 1960 to launch his New Frontier.

The cumulative effect of these assassinations is quite clear. They resulted in the death of the old Democratic Party and the birth of the new Jimmy Carter-Bill Clinton-Al Gore Democratic Party. And there is a huge difference between the two. The new Southern corporate-sponsored descendant surfaced when the old Democratic apparatus was declared officially deceased in 1972, the year that Nixon wiped out George McGovern. After that smashing loss, Bill Clinton, who worked for McGovern, started moving rightward, and Bob Strauss, a Carter advisor, began to solicit campaign funds from corporate sponsors in pale imitation of what the Republicans had been doing for decades. McGovern's campaign advisers, Gary Hart and Pat Caddell, had generally eschewed this and they had gone for thousands of small contributions via the direct-mail route. Clinton, Carter, and Strauss forgot one (huge) point in their deductions. George McGovern came to prominence as a substitute candidate for Robert Kennedy at the tumultuous 1968 Democratic convention. If Robert Kennedy had lived, he very likely would have won that nomination and defeated Richard Nixon. He would have gotten us out of Vietnam, and spared us from Watergate. This, of course, would have saved the rest of us from Carter, Strauss, and maybe Clinton.

But what if all four had lived? As Hamlet said, "That is the question." Researching *Probe*, we discovered the extent to which those four men dominated the news media in the '60s. Take a relatively small event: the 1962 LAPD shooting at the Black Muslim Temple in Los Angeles, which killed one and wounded several Muslims. Malcolm X flew into LA immediately and began organizing rallies against the LAPD. King was in town two weeks later and addressed the police brutality issue also. Jackie Robinson, then a syndicated writer, phoned the Kennedy White House to ask if there was any substance to the

rumor of a Justice Department investigation of the Nation of Islam. (The answer was negative.) Or the extraordinary March on Washington where all four men figured in staging that incandescent event, of which Ralph Abernathy has said, "It was the greatest day of my life." That event floundered before President Kennedy publicly endorsed it in July of 1963. He then turned it over to his brother to handle organizationally, at a time when no white Washington politician wanted any part of it. Of course, Malcolm criticized it as "The Farce on Washington," but he was there nonetheless. Or take the Vietnam War: Malcolm was an early critic of that war. King, although later, also spoke out against the war in no uncertain terms. As both David Kaiser and John Newman have shown, John Kennedy was working to escape from that war when he was gunned down in Dallas. Senator Kennedy made our withdrawal from that war a keystone of his presidential campaign. When all four men were eliminated, the war dragged on with varying degrees of American support until its final debacle in 1975. These four men managed to energize, galvanize, and with the March on Washington, electrify their Democratic liberal base, making it into a strong, sometimes overwhelming progressive force on the left that had to be dealt with. In very real terms, they revived the New Deal coalition first defined by Franklin Roosevelt in his epochal landslide of 1936. Roughly speaking, it consisted of Jews, Catholics, African-Americans, urban ethnic groups, labor unions, and farmers. Roosevelt showed that this coalition was just about impossible to beat. The Republicans could not beat him no matter who they put up. So they then passed an amendment creating term limits on the presidency so it would not happen again.

King's "I Have a Dream" speech mentions the disaffection of northern black Americans who, as opposed to southern blacks, were allowed to vote but had "nothing to vote for." To further exemplify this point, in 1968, during the California presidential primary, Robert Kennedy was advised by Cesar Chavez and others to campaign in both East LA (the barrio area) and South

Central LA (the ghetto area). His more professional, urbane managers told him not to. It wasn't worth the time; historically those people did not vote. RFK went with his instincts and Chavez. Jack Newfield, a writer who worked on the campaign, rose early on Election Day to check the results of that decision. In both areas, at the crack of dawn, lines had formed before the polling place doors were opened. For the first time in decades, the turnout in those blighted areas matched that of the prosperous Westside and Beverly Hills.

With those four men alive, the traditional Democratic base was energized. Moreover, let us never think that they were not aware of what a powerful and unusual political locomotive they had assembled. Before his August 28, 1963 March on Washington speech, A. Philip Randolph introduced King as "the moral leader of our country." JFK didn't like that. And RFK, who had been President Kennedy's point man on civil rights, didn't like it either. Just ten weeks earlier, on June 11th John Kennedy made a televised speech, which was the strongest public statement on the issue of race ever made by an American president on the issue. Therefore, when he met King after the demonstration he said, "*I have a dream.*" (*Kennedy*, by Theodore Sorenson, Bantam Books, 1966, p. 567.) With King applying pressure from the left, the Kennedys had the torque to follow through on their Irish sentiments. What made that pressure even stronger was that Malcolm was there pushing King. By 1963, Malcolm X realized that was his role in the four-star constellation. James Douglass has noted his comment to Coretta King in Selma. But he made a similar comment to a reporter as he returned home to New York after his speech: "I think that the people ... would do well to listen to Dr. Martin Luther King ... before another faction comes along and tries to do it another way." In a speech in New York in January of 1965, he was even more explicit about this, sending a telegram to George Lincoln Rockwell of the American Nazi Party warning him that if he harmed King in Alabama he would be met with retaliation by those not restrained by Gandhian tactics. He explained that King had to use nonviolent tactics to keep the

support of the liberal political establishment. But he was not going to restrain himself and would do anything he could to protect King in his efforts. (*Malcolm X: On Afro-American History*, Pathfinder Press, 1990, pp. 52, 53.) After his separation from the Nation of Islam, Malcolm X realized that pressure had to be applied to the Democratic Party to keep them straight and true. This constant pressure from Malcolm, plus the death of both him and JFK pushed King further left by 1967: “You have got to have a reconstruction of the entire society, a revolution of values... We are not interested in being integrated into this value structure. Power must be relocated, a radical redistribution of power must take place” (*Orange County Weekly*, 7/12/02).

Imagine if you can, that if in the mid-1980s, at the height of the GOP Revolution, Ronald Reagan, Pat Robertson, Newt Gingrich, and George Bush Sr., had all been assassinated in the space of five years. Would the Republicans and the media not suspect something more than coincidence or happenstance? Would their party and their causes be able to sustain the loss? Would Dan Quayle and Bob Dole have been able to pick up the baton? Would history not have been quite different? Certainly, the Democrats were not able to sustain the loss. Nothing comparable filled the gap, nothing even came close. So the constellation fell from the sky and without any pressure from the left, our public debate shifted slowly, inexorably to the right.

One of the things we harped on in *Probe*—especially when we wrote about the disclosures of the Church Committee regarding the abuses and crimes of the intelligence community in the mid-'70s—was the loose but clear connections between that community, the upper classes, and right-wing organizations. In the mid '70s, a political sea change began to take effect. It was powered by billionaire Richard Mellon Scaife who was angered by the exposure of CIA operations by the Church Committee. When Robert Strauss and Jimmy Carter ran their administration adrift, this Scaife-funded movement transformed itself into a juggernaut under Reagan-Bush.

Strauss then became a driving force in the creation of the Democratic Leadership Council to be sure that no more Democratic candidates would stray too far from the GOP model. As Ralph Nader has noted, the age of the DemRep or RepDem was upon us. How does one tell the difference between the two parties? And when the differences are that narrow, why bother to vote?

The right knows it can only win if people don't vote. Their political pollsters will be frank about this: the less voters, the better for them and their causes. In Perry Young's *God's Bullies*, he describes a talk with Robert Boege, a right-wing organizer who quite openly admits that theirs is actually a minority group that has to be highly organized in order to win. With the help of allies in the CIA and FBI, the right wing shot their way into power. And now the media insists that all this does not matter. Yet, The History Channel's most requested program is *The Men Who Killed Kennedy*. Generation X's two most admired statesmen are King and Robert Kennedy. When Stone's *JFK* came out, it dominated the networks and bookstores for nearly a year. Jim Garrison's *On the Trail of the Assassins* shot to the top of the bestseller lists and stayed there. The truth is that the mainstream media fears this issue like no other. And the reason goes back to the Kevin Phillips graph. They have welded themselves so hard to this new power base that they dare not let all the sleeping dogs awaken. Therefore, this book, historically speaking, is not simply revisionism. It is history that can help explain our present (sorry) state. As Michael Parenti has said, "Reality is radical."

The state of the left today is worse than sorry. The titular heads avoid this enormous issue as much as the mainstream right wing. When Alexander Cockburn was in Los Angeles pitching an anthology of collected writings, he answered a question about "reconfiguring the Left." My (unstated) question was: "What Left?" There were about 90 people at this function to listen to this supposed "vanguard" of the Left who writes regularly for this "vanguard" publication, *The Nation*.

I thought back to a story told by Roy Wilkins and James

Farmer about a talk they did in New York in the early '60s. They were puffed up about the 5,000 people who had turned up to listen to them. They then turned a corner and the feeling dissipated: Malcolm X was addressing an outdoor crowd of about 15,000. What had been a mainstream and large movement has receded into a miniscule, almost inconsequential one. What had once been a huge street movement now plays to small crowds with the likes of Noam Chomsky at small college auditoriums. What had been a large and growing majority is now a tiny minority.

Brock ends his memoir by writing that only when his social conscience had been stirred, that is, when he was reading the speeches of Bobby Kennedy in high school, only then had he really been on the right track. Brock's journey was echoed by Jack Newfield in his book, *Robert F. Kennedy: A Memoir*:

Now I realized what makes our generation unique, what defines us apart from those who came before the hopeful winter of 1961, and those who came after the murderous spring of 1968. We are the first generation that learned from experience ... that things were not really getting better, that we shall not overcome. We felt, by the time we reached thirty, that we had already glimpsed the most compassionate leaders our nation could produce, and they had all been assassinated. And from this time forward, things would get worse: our best political leaders were part of memory now, not hope. The stone was at the bottom of the hill and we were alone.

This book belatedly attempts to push the stone back up the hill.

—Jim DiEugenio, October, 2002
Long Beach, California

INDEX

A

Abel, Rudolph, [174](#)
Ablard, Charles D., [208](#)
abrasion collar, [71](#)
Ace Guard Services, [606](#), [612](#)
Acheson, Dean, [10-13](#), [15](#), [16-17](#), [324](#)
acoustical evidence. see [evidence](#)
Adams, Karen, [583](#)
Addison, Lavada, [493](#)
Adelson, Alan, [22](#)
Afro-American community, [395](#)
Agee, Phillip, [158](#), [163](#)
Agency for International Development (AID), [42](#)
Aguilar, Gary, [75-76](#), [250-251](#), [439](#)
aid to Iran, [595-596](#)
aid to Peru, [606-607](#)
Albert, Carl, [58](#), [61](#)
Alcock, Jim, [24](#), [212](#)
Alcorn, Daniel, [526](#)
Alexander, Bill, [25](#), [26](#), [330-331](#)
Alexander, Holmes, [26](#)
Alexander, Phil, [591](#)
Ali, John
 and the FBI, [391-392](#)
 FBI infiltrator into NOI, [378-799](#)
 on loyalty to Elijah Muhammad, [396](#)
 and Malcolm X, [380-381](#), [387-388](#), [402](#), [410-411](#)
aliases, [441-442](#)
Alien Agenda, [360](#)
Alleged Assassination Plots Involving Foreign Leaders, [351](#)
Allen, George V., [595](#)

Allende, Salvador, [325](#)
Alliluyeva, Svetlana, [435](#)
Alsop, Joseph, [10-17](#), [190](#), [301](#)
Alsop, Stewart, [301](#)
AM/LASH plots, [326](#)
Ambrose, John, [614-615](#)
Ambrose Report, [629](#)
American aid, [595-596](#), [606-607](#)
American Grotesque, [18](#), [309](#), [323](#)
American Nazi Party, [636](#)
ammunition company, [470](#)
“The Amnesty Option,” [452](#)
Anderson, Jack, [326](#), [327](#)
Andrews, Dean, [37](#), [320-321](#), [323](#)
Andrews, J.A., [229](#)
Angelos, Louis, [413](#)
Angleton, Cicely, [339-341](#)
Angleton, James Hugh, [136-137](#)
Angleton, James Jesus
and assassinations, [163-166](#)
and the Bay of Pigs episode, [139](#)
and blackmail, [140](#)
career of, [143](#), [173](#), [192-194](#)
childhood of, [136-137](#)
connection to the Vatican, [139](#)
connections to the Mob, [138](#), [166](#)
and E. Howard Hunt, [195-196](#)
education of, [137](#)
and Edward Epstein, [189](#), [309](#)
and illegal surveillance, [141-142](#)
incarceration of Nosenko, [184-187](#), [192](#)
and Jim Garrison, [187-189](#)
and the Mary Pichot Meyer story, [192](#), [338](#), [339-344](#)
and the media, [189-192](#)
memo about Quaid, [35](#)
memo about Sheridan-Beaubouef, [39](#)

name traces on jurors, [45-46](#)
OSS officer, [137](#)
Oswald's control officer, [90](#)
ousted from CIA, [137](#)
Poet-Spy, [137](#)
pushing Soviet conspiracy, [180-183](#)
replies to Schweiker's questions, [150-152](#)
and the Sino-Soviet split, [193](#)
slush fund/journalists, [303](#)
and the Special Procedures Group (SPG), [138](#)
and William Harvey, [164-165](#)
and William Sullivan, [158-159](#)
and Win Scott, [175](#), [192](#)
Anson, Robert Sam, [364-367](#)
anti-Castro activist, [210](#)
anti-Kennedy biographies
Blair's *The Search for JFK*, [346-349](#)
Capell's pamphlet, [358-359](#)
Collier/Horowitz's *The Kennedys: An American Drama*, [354-356](#)
Davis' *The Kennedys: Dynasty and Disaster 1848-1983*, [349-354](#)
Reeves' *A Question of Character*, [357-358](#)
antimony, [78](#)
Appeal to Reason, [299](#)
Appel, Charles, [44-45](#)
Applin, George, [128](#), [129](#)
Arbenz, Jacob, [163](#)
Arkin, Eli, [495-496](#), [515-516](#), [517](#)
Arledge, Roone, [363](#)
Arm, Walter, [409](#)
Armstrong, John, [90](#), [91](#)
Army Intelligence, [173](#), [502-503](#)
Arndt, Charles, [122](#)
Aronoff, Alvin, [413](#)
Arrogant Capitol, [633](#)

Aschkenasy, Ernest, [82](#)
Ashbrook, John, [59](#)
Ashworth, Valentine, [113](#)
The Assassination Chronicles, [21](#)
The Assassination of Robert F. Kennedy, [532](#)
Assassination Records Review Board (ARRB)
and the BRILAB tapes, [85](#)
and the CIA segregated collection, [65](#)
confirmation of Garrison Group at CIA, [45](#)
creation and purpose of, [2](#)
declassified material, [66](#), [90](#)
and HSCA files, [51](#)
reviewing records, [47](#)
and Wegmann files, [17](#), [24](#)
Atlanta Constitution, [503](#)
Atlanta Journal-Constitution, [455](#), [488-489](#)
attorneys referral list, [34-35](#), [49](#), [575](#)
Aubry, Richard, [550](#), [568](#), [588](#)
Audubon Ballroom, [407-408](#), [409-412](#)
The Autobiography of Malcolm X, [377](#)
autopsy evidence. see [evidence](#)
autopsy materials, [256-257](#)
autopsy of brain, [250-252](#)
autopsy of RFK, [550-552](#), [617-618](#), [630](#)
autopsy photographs
alteration of, [280-281](#)
authentication of, [279-280](#)
vs. autopsy witnesses, [273-275](#)
black and white vs. color photos, [74-75](#)
of JFK's brain, [261](#), [263-264](#)
placement of wound, [71-75](#) of RFK, [578](#)
and Sandra Spencer, [252](#)
and Thomas Canning's testimony, [79-80](#)
autopsy, quality of, [57](#)
autopsy report
of JFK, [251-254](#)

of RFK, [551-553](#), [573](#)
Aynesworth, Hugh
and the assassination reportage, [304](#)
attempt to discredit Mark Lane, [325](#)
badgering witnesses, [211](#)
and Bill Alexander, [330-331](#)
correspondence with Wegmann, [27-28](#)
and Cynthia Wegmann, [18](#)
FBI/CIA ties, [24](#), [24-25](#), [27](#), [29](#), [308](#)
interview with Cuban exile, [27](#)
and Marina Oswald, [25-26](#)
reports to *Newsweek*, [24](#), [26-27](#)

B

back channel, [175-176](#)
Baden, Michael, [56](#), [70-75](#), [79-80](#), [88](#)
Baetz, Conrad, [68-69](#)
Bagert, Judge, [43](#)
Bagley, Pete, [184](#)
Bagot, Alfred W., [521](#)
Bailey, Walter, [497](#)
Bailey, William, [544](#), [627](#)
Baish, Edyth, [61](#)
Baker, Howard, [196](#), [325](#)
Baldwin, Edward, [34](#)
Ball, Joseph, [575](#)
ballistics evidence. *see* [evidence](#)
"The Ballot or the Bullet," [386](#), [387](#)
Banister, Guy
CIA ties to, [29-32](#)
and Clay Shaw, [30-31](#)
and Gerard Tujague, [103-104](#)
Gurvich's testimony about, [23](#)
and Henry Earl Palmer, [206-207](#)

and Lee Harvey Oswald, [119](#), [175](#), [232](#)
and Lloyd Cobb, [210](#)
and Sergio Arcacha Smith, [231-232](#)
and Tommy Baumler, [46](#)
Barrett, FBI agent (Robert), [129](#)
Barry, Bill, [538](#), [566-567](#)
Bartes, Frank, [233](#), [234](#)
Baton Rouge States Times, [203](#)
Battle, W. Preston, [456](#), [464](#), [465](#), [469](#), [474-475](#)
Bauman, Bob, [59](#), [61](#)
Baumler, Tommy, [31](#), [46](#)
Bawley, T.F., [129](#)
Bay of Pigs invasion
and Bobby Kennedy, [607](#)
failure of the, [139](#), [195](#), [236](#)
Ferrie's part in the, [85](#)
and JFK, [324](#)
Novel's part in the, [20](#)
training for the, [231-232](#)
views of Richard Helms, [352](#)
Bayo, Eddie, [437](#)
Beagle, Gail, [60-61](#)
Bealle, Morris, [324](#)
Beaubouef, Al, [35](#), [39](#)
Beckham, Thomas, [27](#)
Beckwith, Bab, [348](#)
Begich, Nick, [133](#)
Belcher, Carl, [41](#), [43](#)
Belin, David, [54](#), [76](#), [183](#), [194](#)
Bell, Griffin, [62](#)
Belmont, Alan, [6](#), [133](#), [158-159](#)
Benavides, Domingo, [128-129](#), [130](#)
Bennett, Harry, [48](#)
Bennett, Robert, [315](#)
Bentley, Paul, [131](#)
Bergeron, Wilfred A., [31](#)

Berman, Emile "Zuke," [577](#)
Bernstein, Carl, [189-190](#), [298](#), [302-303](#), [308](#), [313](#)
Berton, Pierre, [101](#)
Bertrand, Clay. *see* [Shaw/Bertrand controversy](#)
Best Evidence, [51](#), [76](#), [634](#)
Bethesda witnesses, [75-76](#)
Bethlehem Orphans Asylum, [93](#)
Bevel, James, [498](#)
Beyond Conspiracy, [51](#), [82](#)
Biasotti, Alfred, [562](#)
Billings, John, [458](#), [459](#)
Billings, Richard (Dick)
 as co-author for HSCA, [26](#), [52](#)
 and the CIA, [309-310](#), [436-437](#)
 co-author of *The Plot to Kill the President*, [51](#), [84](#)
 and the Garrison investigation, [205](#), [437-438](#)
 on James Earl Ray, [435](#)
 letter from George de Mohrenschildt, [449](#)
Bingham, Howard, [574](#)
The Bio Assassins, [310](#)
Bishop, [118](#)
Bissell, Richard, [139](#), [193](#), [351-352](#)
Black Legion, [376](#)
Black Muslim movement, [406](#)
Black Panthers, [576](#)
Blackburn, Cheryl, [456](#)
blackmail, [139-142](#), [325](#)
Blackmer, Jonathan, [85-86](#), [204-205](#)
Blahut, Regis, [86-87](#)
Blair, Clay, Jr., [346-349](#)
Blair, Joan, [346](#)
Blakey, Robert
 attitude toward critics, [68](#)
 on the autopsy photographs, [279](#)
 changes made on the committee, [63-67](#)
 as chief counsel for HSCA, [52](#), [58](#), [61](#), [63](#), [70](#), [77](#), [439](#)

co-author of *The Plot to Kill the President*, [51](#), [84](#), [207](#)
and the HSCA final report, [207](#)
influence on Baden and Purdy, [70-71](#)
and intelligence agencies, [65-66](#), [89](#), [309-310](#)
and James Earl Ray, [435](#), [439-440](#), [458](#), [466](#)
on JFK assassination, [93](#), [436](#)
magic bullet theory, [51](#)
and Mark Lane, [68](#)
and the New Orleans investigation, [85-86](#)
and the Regis Blahut incident, [86-88](#)
and the rifle experiment, [82-83](#)
thoughts of Gaeton Fonzi about, [69-70](#)
views about King's case, [457](#)
and the Warren Commission, [5](#)
"Blakey's Problem," [82](#)
Blanton, Ray, [504](#)
Blehr, Barbara Warner, [555](#), [558](#), [616](#)
Blinded by the Right, [632-633](#)
Bliss, Howard, [304](#)
Bloody Treason, [84](#)
Bluth, Sam, [576](#)
Boege, Robert, [636](#)
Bogan, Furman, [48](#)
Boggs, Hale, [52](#), [119](#), [133](#)
Bohrman, Stan, [572](#)
Bolling, Richard, [58](#)
Bolton Ford incident, [232](#)
bomb threat, [516](#)
Bonfante, Jordan, [591](#)
Bonge, Lyle, [18](#)
Book Depository, [121-125](#)
Booty, Dale, [208](#)
Borgen, Chris, [591-592](#)
Borjesson, Kristina, [296](#)
Boswell, J. Thornton, [74](#), [250-251](#), [253](#), [254](#), [277-278](#)
Bouers, Chester, [252](#)

Bowen, John Howard, [119](#)
Bowron, Diana, [251](#)
Boxley, Bill, [22-23](#), [45](#), [116](#). *see also* [Wood, William](#)
Boyarsky, Bill, [620](#)
Boyle, Tony, [54](#)
Braden, Thomas, [141-142](#), [301](#)
Bradford, Lowell, [560](#), [565-566](#)
Bradlee, Benjamin, [303](#), [338-339](#), [338-339](#), [342-344](#)
Bradlee, Tony, [339-341](#), [342-344](#)
Bradley, Edgar E., [22](#), [22-23](#), [46](#)
Bradley, Edmund, [402](#)
Bradley, Leslie Norman, [163](#)
Bradley, William, [429](#)
brain (JFK's), [250-252](#), [253-258](#), [267-270](#)
brainwashing, [581](#)
Branigan, William A., [239](#)
Breckinridge, Scott, [88](#), [89](#)
Brenner, Milton, [34](#), [36](#)
Brenner, Jacob, [521-522](#)
Brewer, Johnny, [129](#)
bribes and witnesses, [24](#), [28](#)
BRILAB tapes, [84-85](#)
Binguier, Carlos, [118](#), [134](#), [233](#), [234](#), [235](#)
Brinkley, Douglas, [16-17](#)
British defense secrets, [92](#)
Brock, David, [632-633](#), [637](#)
Brock, Mary, [130](#)
Bross, John, [193](#)
Brown, Hugh, [549](#)
Brown, Joe
 comments at Centenary Methodist Church, [467-472](#)
 comments at COPA (Coalition on Political Assassinations),
[472-478](#)
 removed from Ray's case, [455-457](#), [461](#)
 and rifle testing, [447](#), [453](#), [454](#)
 struggle for a new trial, [449-451](#)

surveillance of, [471](#)
testimony of, [499](#)
Brown, Nat, [48](#)
Bryan, William Joseph, [535](#), [580-581](#)
Bugliosi, Vincent, [541-542](#), [544](#), [617](#)
Bulky Exhibit Room, [48](#)
bullet from assassinations. *see* [physical evidence](#)
Bundy, Vernon, [28-29](#), [321-323](#)
Bundy, William, [16](#)
Buras, Bob, [85-86](#), [237](#)
Bureau of Special Service and Investigation (BOSSI), [380](#), [390-391](#), [413](#). *see also* [New York Police Department \(NYPD\)](#)
Burkley, George W., [254-256](#)
Burnham, David, [59](#), [439](#)
Burns, Frank, [550](#)
Burrard, Gerald, [559](#)
Burroughs, Butch, [128](#), [129](#)
Burt, Jimmy, [128](#), [130](#)
Butler, David, [627](#)
Butler, Ed, [118](#), [210](#)
Butler, Norman, [413](#), [425-426](#)
Butterworth, Alfred, [208-209](#)
Buznedo, Julian, [27](#), [46-47](#)
Into the Buzzsaw, [296](#)

C

Caldwell, Earl, [446](#), [498](#)
Calkins, R.L., [567-568](#)
camera
Imperial Reflex, [248](#)
Minox, [238-242](#), [245-248](#)
spy, [246](#)
used for autopsy photographs, [279-280](#)
Campbell, John

Billings/Herman subpoena, [458](#)
against Colton, [455](#)
and Joe Brown, [468](#)
objection to cleaning rifle, [450](#)
objection to rifle testing, [454](#)
opposition to new trial for Ray, [445-446](#)
and Robert Blakey, [457](#)
Campbell's decision, [20-21](#)
Canale, Phil, [464](#), [465](#), [466](#)
Cancler, John, [28](#), [37](#)
Canipe, Guy, [499-500](#)
Canning, Thomas, [79-82](#)
Cantillion, James, [575](#)
Canty, Vincent, [406](#)
Capell, Frank, [359-361](#)
Capozi, George, [334](#)
Cardona, Jose Miro, [231](#), [233](#)
Carew, Jan, [417](#)
Carmen, Jeane, [363](#)
Carney, Ray, [115](#)
Carr, Richard, [126](#)
Carr, Waggoner, [5](#), [36](#)
Carro, John, [96](#), [98](#)
Carroll, John, [414](#)
Carson, Charles, [33](#), [48](#)
Carter, Jimmy, [54](#), [638](#)
Carthew, Sidney, [501](#)
Carto, Willis, [195](#)
Case Closed, [17](#), [188](#), [211](#), [310](#), [319](#), [323](#)
Cassisi, Peter, [110](#)
Castling, Olivia, [514](#)
Castro, Fidel
CIA kidnapping plot, [27](#)
CIA plot to assassinate, [52](#), [162](#), [166](#), [173](#), [326-327](#), [333-334](#),
[352](#)
and Jack Ruby, [132](#)

Oswald's support for, [118](#)
photo in *Houston Chronicle*, [119](#)
regime of, [26](#)
Catling, Olivia, [497-498](#), [509](#)
Central Intelligence Agency. see [CIA](#)
Cesar, Thane Eugene
and the CIA, [535](#)
day of RFK assassination, [538](#)
employment at the Ambassador Hotel, [612](#)
his own gun, [545](#)
and Robert Maheu, [608](#)
suspect for RFK murder, [311](#), [534](#), [602-606](#)
Chaitkin, Tony, [342](#)
Chamberlain, Ann, [340](#)
Champon, Marcel, [115](#)
Chandler, David, [26-27](#), [28](#)
Changing My Mind, [342](#)
Chapin, Seldin, [595](#)
Chapman, George, [129](#)
Charach, Ted, [545-546](#), [559](#), [613](#), [617](#), [625](#)
Chase, Sylvia, [363](#)
Chastain, Wayne, [453](#), [454](#), [457](#)
Cheney, Dick, [297](#)
Cheramie, Rose, [225-230](#)
Chicago Daily News, [465](#)
Chicago Sun-Times, [21](#)
Chicago Tribune, [542](#)
Christenberry, Herbert, [52](#)
Christian, Jonn, [532](#), [534](#), [542](#), [568](#), [599](#)
Church Committee probe
Angleton about Burt Turner, [178-179](#)
on the CIA and the media, [303](#)
disclosures of, [636](#)
formation of, [194](#)
obstruction of the, [325-326](#)
political fallout from the, [326-328](#)

report from, [351](#), [354](#)
Schweiker questioning Angleton, [150-152](#)
search for Pash, [164](#)
Smith's views on the, [335](#)
views on the Kennedys, [345-346](#)
Church, Frank, [52-53](#), [54](#), [325](#), [335](#)
CIA 201 files, [144](#), [147-149](#), [156-158](#), [173](#)
CIA actions
 against Achmed Sukarno, [379-380](#)
 blackmail, [139-142](#)
 exposed by the Church Committee, [52](#)
 against the FPCC, [223](#)
 illegal domestic operations, [325](#)
 illegal surveillance, [139-142](#), [396](#)
 name traces on jurors, [46](#)
 to stop investigation, [43](#), [44](#)
 "The Family Jewels," [193](#)
 use of sex to discredit, [325](#)
 witness tampering, [45](#)
CIA and Bobby Kennedy, [607](#)
CIA and Counterintelligence. *see* [Counterintelligence](#)
CIA and Jim Garrison, [20](#), [41](#), [42-43](#)
CIA and SIG, [143-149](#)
CIA and the assassination reportage, [303-311](#)
CIA and the HSCA, [63](#), [65-66](#)
CIA and the JFK assassination, [52](#)
CIA and the media, [189-192](#), [301-303](#), [311](#), [313](#), [369-370](#), [434-436](#)
The CIA and the Media, [302](#), [313](#)
CIA and the Regis Blahut incident, [86-88](#)
CIA and the Watergate scandal, [325](#)
CIA assassination plots
 against Allende, [162](#), [576](#)
 against Castro, [162](#), [166](#), [173](#), [179](#), [188](#), [345](#), [352](#), [575](#), [577](#)
 and the Church committee, [326-327](#)
 against Diem, [179](#), [345](#)

JFK's views on, [329](#)
against leaders, [52](#), [53](#)
against Lumumba, [179](#)
against Malcolm X, [377](#), [399](#), [404](#), [411](#)
and Staff D, [174](#)
against Trujillo, [173](#), [179](#), [345](#)
CIA back channel, [175-176](#)
CIA connections
to Aynesworth, [24-25](#), [27](#), [308](#)
to Banister, [29-32](#)
to Blakey, [89](#)
to Dymond, [42](#)
to Epstein, [308-309](#)
to Ferrie, [85](#)
to Hemming, [245](#)
to Howard Hughes, [314-315](#)
to Hughes Aircraft and Tool companies, [604](#)
to Khan, [596](#)
to McCullough, [447](#), [517-518](#)
to McMillan, [435](#)
to Novel, [42](#)
to Oswald, [90](#), [115](#), [117](#), [131](#), [144-145](#), [155](#), [159-161](#), [172](#),
[176-177](#), [217-218](#), [359](#)
to Pena, [572](#)
to Phelan, [308](#), [313-314](#)
to Santana, [236](#)
to Shaw, [39-40](#), [44-45](#), [47](#), [575](#)
to Smith, [231-233](#)
to Teeter, [622](#)
to Wood, [23](#)
CIA cover-up. *see* [cover-up](#)
CIA crimes. *see* [CIA actions](#)
CIA declassified files. *see* [declassified documents](#)
CIA documents, [166-168](#), [533](#), [604](#)
CIA files, [19](#), [24-25](#), [65](#), [435](#)
CIA, formation of, [139-141](#), [300](#)

CIA funds, [303](#)
CIA in Mexico City, [173-174](#)
CIA, investigation of the, [52-53](#), [67](#), [150-152](#), [159-161](#), [325-326](#)
CIA investigations, [183](#)
CIA mind control experiments, [532-533](#), [581](#)
CIA-Mob link, [327](#)
CIA programs
 ARTICHOKE, [532](#), [581](#)
 BLUEBIRD, [532](#)
 HTLIGUAL, [154](#)
 MH/Child, [88](#)
 MKULTRA, [208-209](#), [581](#)
 MLULTRA, [532](#)
 MOCKINGBIRD, [302-303](#)
 Operation Red Cross, [436-437](#)
 U-2, [153-154](#), [604](#)
CIA referral list of attorneys, [34-35](#), [49](#)
CIA severs ties with FBI, [192](#)
CIA, Weisberg's thoughts on, [535-536](#)
CIA's creation of Oswald, [3-17](#), [135](#)
CIA's Public Affairs Office (PAO), [311](#)
A Citizen's Dissent, [21](#)
Civil Air Patrol, [103](#)
Civil Disorder Operation, [515](#), [526](#)
Civil Rights Act, [387](#)
Civil Rights Movement, [386](#)
Clark, Alfred Corning, [190](#)
Clark, Earl, [494](#), [500](#), [516](#), [518](#)
Clark, Kemp, [272-273](#)
Clark Panel, [275-276](#), [440-441](#)
Clark, Ramsey, [74](#), [275](#), [435](#), [440-441](#), [465-466](#)
classified documents, [135](#)
Clayton, Gregory Ross, [598](#), [602](#)
Clemons, Acquilla, [128](#), [130](#)
Clinton-Jackson incident, [201-207](#)

Clinton-Jackson witnesses, [201-207](#), [210-212](#), [322-323](#)
CNN special on nerve gas, [296](#)
Cobb, June, [325](#)
Cobb, Lloyd J., [35](#), [45](#), [209](#), [209-210](#)
Cocaine Politics, [236](#)
Cockburn, Alexander, [637](#)
Cocke, J. Bernard, [31](#)
Coffee, Lee, [450](#)
Cohen, Jerry, [437](#)
Cohen, Leon, [497](#)
COINTELPRO operations, [330](#)
Colby, William (Bill), [143](#), [193-194](#), [326](#), [367](#)
Cole, Alma, [97](#)
Coleman, Veronica, [455](#)
Collier, Peter, [354-357](#), [358-359](#)
Collins, Corrie, [203-204](#)
Colson, (Charles), [196-197](#)
Colton, John, [450](#), [454](#), [455-456](#)
Colton-Roberts maneuver, [454](#)
Commission on the assassination of JFK. *see* [Warren Commission](#)
communication theory, [299](#)
Communism, [94](#), [104](#), [139](#)
Communists, [98](#)
Condon, Richard, [532](#), [581](#)
Congo leader, [162](#)
Congress of Cultural Freedom, [301](#)
Congress of Racial Equality (CORE), [203](#), [206](#)
Congressional Black Caucus, [426](#)
Connick, Harry, [319](#)
Conspiracy, [51](#), [84](#)
conspiracy
 assassination plot (JFK), [217](#), [236-237](#)
 and Clay Shaw, [29](#), [32](#)
 evidence of, [18](#)
 impending against JFK, [120-121](#)

indications of, [82](#), [133-134](#)
to kill Bobby Kennedy, [21](#)
to kill Malcolm X, [406-407](#)
to kill Martin Luther King, [492-498](#), [502-503](#)
mentioned in the HSCA report, [84](#)
mob-based, [310](#)
triangular, [84](#)
Conspiracy of Silence, [229](#)
conspiracy theories, [4](#), [6](#), [306-308](#)
Conspiracy Theory, [581](#)
Conspiracys: Unravelling the Assassination of Malcolm X, [377](#),
[428](#)
The Continuing Inquiry, [78](#)
The Control of Oil, [350](#)
Conversations With Kennedy, [338](#), [344](#)
Cook, Fred, [594](#), [595-596](#)
Cooper, Grant, [551-552](#), [555-556](#), [573-578](#), [618](#), [624-625](#)
Cooper, Roy, [127](#)
Copeland, Miles, [137-138](#), [141](#), [301](#)
Coppola, Francis Ford, [331](#)
Cornwell, Gary, [52](#), [77](#), [82-83](#), [87-88](#)
Coroner, [626](#)
Corruption of Blood, [57](#)
Corso, Phillip, [133](#)
Corvo, Max, [137](#)
The Councillor, [211](#)
Counterespionage (CE), [173](#)
Counterintelligence (CI) vs. Counterespionage (CE), [173](#)
Counterintelligence (CI), [143](#), [161-163](#), [174](#)
Counterplot, [22](#), [189](#), [308](#)
Coup D'Etat II, [535](#)
Coup D'Etat in America, [245-246](#)
coup plot, [163](#), [174](#), [176](#)
court cases
Bradley v. Lane, [22](#)
Eidson v. Pepper, [453](#)

Enyart vs. LAPD, [619-621](#)
Hinton vs. NYPD, [380](#)
Hunt v. *Spotlight*, [154](#), [195](#)
King family vs. Loyd Jowers, [492-494](#), [504-507](#), [508](#), [514](#)
Memphis vs. Joe Brown, [449-451](#)
Novel vs. DA and *Playboy*, [20](#)
Shabazz/Ali vs. NYPD, [381](#)
Teeter vs. LAPD, [622](#)
U.S. v. Steven Harris Landeberg, [115](#)
Cover Up, [367](#)
cover-up
of the assassination of MLK, [503-507](#), [514-515](#), [526](#)
concerning Oswald in Mexico City, [224](#)
of JFK assassination, [178](#), [180-183](#), [218](#)
of military illegal activities, [524](#)
of Oswald's identity, [131-135](#), [173](#)
reasons for, [324-325](#)
of RFK assassination, [615](#)
and the Warren Commission, [4](#), [46](#)
Cox, Archibald, [63](#)
Craig, Roger, [126](#), [127](#)
The Crime Against Cuba, [234](#)
crime scene
of Malcolm X assassination, [407-408](#), [409-412](#)
of MLK assassination, [498-499](#), [525](#)
of RFK assassination, [237](#), [533](#), [541-544](#), [616](#)
criminal conspiracy, [70](#), [134](#)
criminal negligence, [516](#)
critics' conference, [67-68](#)
Cronkite, Walter, [304](#), [353](#)
Crouch, Erick, [209](#)
Crumbly, William O., [519](#)
Cuba
Aynesworth's visa application, [25](#)
Castro's agents, [92](#)
Castro's regime in, [26](#), [114](#)

CIA operations against, [85](#)
Fair Play for Cuba, [114](#), [118](#)
Flying Tiger missions, [115](#)
Friends for Democratic Cuba, [104](#), [114](#)
and the JFK assassination, [131-132](#)
missile crisis, [437](#)
and Oswald, [102](#)
Shaw and Ruby's trip to, [235](#)
Cuban Consulate, [219-220](#), [221](#)
Cuban embassy, [173-174](#), [176-177](#), [221](#)
Cuban exiles, [20](#), [27](#), [33](#), [113-114](#), [210](#), [233](#)
Cuban/Kremlin plot, [218](#)
Cuban Liberation Committee, [124](#)
Cuban Missile Crisis, [179](#), [180](#)
Cuban operations, [164-165](#), [173](#)
Cuban Revolutionary Council (CRC), [232](#), [233](#)
Cunningham, Courtland, [562](#)
Curington, John, [486](#)
Custer, Jerrol, [251](#)
Czech Embassy, [25](#)

D

Dallas Morning News, [25](#), [246](#)
Dallas policemen, [27](#)
The Dark Side of Camelot, [345](#)
D'Autremont, Cicely, [137](#)
Davis, Deborah, [302-303](#), [343](#)
Davis, Ed, [556](#)
Davis, Gene, [115](#)
Davis, Howard, [437](#)
Davis, Jack, [128](#)
Davis, John, [84](#), [84-85](#), [230](#), [349-354](#)
Davis, Leon, [392-393](#), [411-412](#), [425-426](#), [428](#)
Davis, Virginia, [130](#)

Davison, Jean, [326](#)

Davy, Bill

- book on Clay Shaw, [28-29](#), [441](#)
- on CIA's proprietary airline, [163](#)
- on Davis and the BRILAB tapes, [84-85](#)
- on Oswald's street leafleting incident, [233-235](#)
- on Smith, Silva, and Oswald, [234-235](#)

D'Avy, Leander, [115](#)

Dawnay, Peter, [444-445](#)

de Borchgrave, Arnaud, [301](#)

De Brueys, Warren, [33](#), [234](#), [242](#), [246](#)

De La Guardia, Patricio and Antonio, [92](#)

De Salvo, Albert, [581](#)

de Toledano, Ralph, [363](#)

De Torres, Bernardo, [47](#), [236](#)

Dealey Plaza, [27](#), [236](#), [237](#), [459](#)

Dean Acheson, [16](#)

The Death of a President, [36](#)

debriefing of Oswald, [150-153](#)

declassified documents

- about government use of reporters, [315-318](#)
- about Santana and the CIA, [236](#)
- autopsy witnesses' interviews, [274-276](#)
- on Banister and Johnson, [30](#)
- on Bennett and the Mullen Company, [315](#)
- BRILAB tapes, [85](#)
- CIA file Banister's detective agency, [31-32](#)
- CIA files on Blahut, [86-87](#)
- CIA files on Guy Johnson, [31](#)
- CIA on Cobb, [35](#)
- CIA on Sergio Arcacha Smith, [232](#)
- CIA's attitude toward Garrison, [42](#)
- on critics' conference, [67-68](#)
- FBI memo about Quiroga, [235](#)
- Garrison Group at CIA headquarters, [45](#)
- on Grand Jury testimony, [34](#)

HSCA records, [46](#), [230](#)
on Lee Harvey Oswald, [90](#)
letter from Banister to Johnson, [31](#)
on medical evidence, [75-76](#)
on Oswald's diary, [25](#)
on wounds in Kennedy's head, [81](#)
"Deep Throat," [298](#)
defectors to the Soviet Union, [147](#)
Delgado, Nelson, [105](#)
DeLoach, Cartha, [34](#), [314](#)
approval of fake letter, [383](#)
Delsa, L.J., [56](#), [85-86](#)
Demaris, Ovid, [330-331](#), [353](#)
Democratic Party, [634](#)
density measurement, [260](#)
Department of Justice, [5](#)
Department of Justice report. *see* [King report](#)
Destiny Betrayed: JFK, Cuba and the Garrison Case, [234](#), [306](#)
Destructive Generation, [354-357](#)
Devaney (Sergeant), [414](#)
Dewey, Thomas, [63](#), [64](#)
Diamond, Bernard, [578-579](#), [623](#)
diary of Mary Pichot Meyer, [191-192](#), [339-344](#), [342-344](#)
diary of Oswald, [25](#)
Diaz, Abram, [209](#)
Diaz, Nino, [232](#)
DiEugenio, James, [234](#), [306](#), [575](#), [610](#)
DiPierro, Vincent
on girl in polka-dot dress, [585-586](#), [590](#)
and Serrano, [614-615](#)
on Sirhan's behavior, [533](#), [538](#), [579](#)
testimony of, [550](#)
on witnessing shots fired, [539](#)
The Director, [330](#)
Directorate of Plans (DDP), [143](#), [145](#), [161](#)
Dirksen, Everett M., [5](#)

discrediting witnesses. *see* [witnesses](#)
Disposable Patriot, [503](#)
Dobb, Henry, [64](#)
Dodd, Christopher, [64](#), [64-65](#)
Dodd, Thomas, [64](#), [98](#)
Dolly Shoe Company, [103](#)
Domestic Contact Division (DCD), [604](#)
Domestic Contacts Services (DCS), [35](#), [44](#)
Domestic Intelligence Unit (DIU), [515-516](#)
Donaldson, Sam, [446-447](#), [493](#)
Donovan, Hedley, [26](#)
Donovan, William "Wild Bill," [139](#), [299-300](#)
Dorman, Michael, [459](#)
Douglass, Jim, [514](#), [524](#)
Dowling, Mary, [124](#)
Downey, Jane, [81](#)
Downing-Gonzalez bill, [54](#)
Downing, Thomas, [53-54](#), [57](#), [61](#), [70-71](#)
Dox, Ida, [71](#), [80](#)
Drew, Richard, [603](#)
Droz, Fred, [599](#), [600](#), [602](#)
drug smuggling scheme, [225-227](#)
Dulles, Allen
 and assassination plots, [326](#), [351](#)
 and the FBI investigation, [285](#)
 and the Guatemala campaign, [302](#)
 letter from Ed Wegmann, [40-41](#)
 and mind control programs, [581](#)
 OSS officer, [138](#)
 and the Shah of Iran, [594](#), [595](#)
Dulles, John Foster, [302](#)
Dunbar, Charles, [42](#)
Duran, Silvia, [219](#), [325](#)
Dymond, Irvin
 and Burton Klein, [35](#)
 and the Clinton witnesses, [211-212](#)

and Ed Wegmann, [28](#)
Kirkwood's view of, [18](#)
letter to Dulles, [40-41](#)
meeting with Kossack, [38](#)
replacement for Johnson, [30](#)
requests of CIA, [42](#)
in Shaw's defense, [36](#), [45](#)

E

E. Howard Hunt v. Spotlight, [154](#)
East Louisiana State Hospital, [208](#), [208-209](#)
Eastern Establishment, [324-325](#), [326](#)
Eastland, James O., [16](#), [437](#), [519](#)
Ed Lopez-Dan Hardway report, [65](#)
Edwards, Don, [54](#)
Edwards, Sheffield, [328](#)
Egerter, Ann
 communicating Oswald's identity, [173](#)
 and Oswald's 201 file, [146-149](#), [155-158](#), [172](#)
 SIG members, [144](#)
 and the watch list, [154](#)
eight bullet scenario, [540-544](#)
Eisenhower, Dwight, [326](#)
Eist, Alexander Anthony, [439-440](#)
Ekdahl, Edwin, [95](#)
Elder, Walt, [149](#)
Ellington, Buford, [515](#)
Ely, John Hart, [105](#), [133](#)
Enyart, Scott, [533](#), [619-621](#)
Epstein, Edward J., [21-22](#), [189](#), [308-309](#), [311](#)
espionage, [92](#)
Estabrooks, George, [580](#), [581-582](#)
Evans, Courtney, [36](#)
Evans, Elizabeth, [541](#), [586](#)

Evans, Sam, [499](#), [500](#), [519](#)
Evanzz, Karl, [377](#), [379](#), [399](#)
Evening Star, [602-603](#)
evidence. *see also* [physical evidence](#)
 acoustical, [82](#), [84](#)
 autopsy, [550-552](#)
 ballistics, [134](#), [561](#), [578](#), [628](#)
 forensic, [578](#)
 for the James Earl Ray case, [458](#)
 medical, [57](#), [75-76](#)
 photographic, [57](#), [67](#), [71](#), [72](#), [561](#)
 X-ray, [250](#)
evidence log (RFK), [553-555](#), [591](#)
evidence tampering
 autopsy photographs, [74-75](#), [278](#), [280-281](#)
 bullets, [450](#), [470-471](#), [553-555](#), [565-566](#), [619](#)
 camera and the inventory list, [238-242](#)
 crime scene, [498-499](#), [525](#), [541](#), [542](#), [544](#)
 Enyart's film, [533](#)
 falsifying bullet testing, [79](#)
 files on mind control experiments, [533](#)
 film from the Minox camera, [245](#)
 gun referenced in Wolfer's testimony, [628](#)
 JFK's brain, [260](#)
 in the Kirschke murder case, [555](#)
 McCullough's FBI reports, [517](#)
 Mexico City tapes and cables, [224](#)
 MIG reports, [526](#)
 records on Oswald, [105](#), [107](#), [133](#), [135](#)
 Sirhan's blood test, [533](#)
Ewing, Michael, [364](#)
Executive Intelligence Review (EIR), [188](#)
Exner-Giancana association, [332](#), [333](#), [336](#)
Exner, Judith Campbell, [329-333](#), [335-337](#), [349](#), [353](#), [360](#)

F

factional dispute, [378](#)
Fahey, John Henry, [589-591](#), [601](#)
Fain, John W., [101](#)
Fair Play for Cuba Committee (FPCC), [114](#), [115](#), [118](#), [234](#)
Faircloth, Linda, [105](#)
Faisal (Prince of Arabia), [389](#)
False Witness, [315](#)
Falzone, Carmen, [629-630](#)
“Family Jewels,” [193](#)
Farmer, James, [637](#)
Farrakhan, Louis, [400](#)
Fauntroy, Walter, [62](#), [68](#), [434](#), [466](#), [503-504](#), [524](#)
Faura, Fernando, [590-591](#), [615-616](#)
FBI actions
 cover-up and illegal surveillance, [32-33](#)
 exposed by Church Committee, [52](#)
 FLASH or STOP on Oswald, [222](#)
 illegal surveillance, [388](#), [394](#), [395](#), [396](#)
 against Malcolm X, [379](#), [380](#), [384](#), [387](#)
 against Martin Luther King, [378](#)
 name traces on jurors, [46](#)
FBI agents, [19](#)
FBI and JFK assassination investigation, [52](#)
The FBI and Martin Luther King, [433](#)
FBI and rifle in King’s murder, [445](#)
FBI and Shaw, [38-39](#), [47](#)
FBI and Soviet operations, [178-179](#)
FBI and the BRILAB tapes, [84-85](#)
FBI and the Mannlicher-Carcano bullet, [282-284](#)
FBI and the media, [313](#)
FBI and the Odio incident, [217](#)
FBI and the test firing, [450](#), [453](#), [455](#)
FBI assassination plots, [377](#), [387-388](#), [395](#), [411](#), [492-494](#)

FBI COINTELPRO operations, [378](#), [379](#), [380](#), [383](#), [387](#), [388](#), [515](#)

FBI concealing evidence, [239-242](#), [246](#)

FBI connections

to Ali, [391-392](#)

to Aynesworth, [24](#), [308](#)

to BOSSI, [391](#)

to Capell, [359](#)

to Guinn, [77](#)

to McCullough, [517-518](#)

to Oswald, [26](#), [101-102](#), [115](#), [121](#), [131](#). *see also* [FBI informants](#)

to Patterson, [68](#)

to Phelan, [308](#)

to Ray, [479](#), [484](#)

to Shaw, [441](#)

FBI cover-up. *see* [cover-up](#)

FBI discrimination issues, [479-480](#)

FBI documents, [499](#), [614](#)

FBI files, [114](#), [517](#)

FBI illegal Counterintelligence programs, [378](#)

FBI informants

Abdul Basit Naeem, [379](#), [380](#), [405](#)

Al LaBiche, [34](#)

Charles Hall Steele, [118](#)

Eugene Clair Davis, [115](#)

Gordon Novel, [32](#)

Hassan Sharrieff, [379](#)

James Phelan, [188](#), [314](#)

John Ali, [378-379](#)

Lee Harvey Oswald, [123](#), [234](#), [248](#). *see also* [FBI connections](#)
and the riot in Memphis, [516](#)

Sam Jaffe, [304](#)

Wallace Muhammad, [379](#)

FBI investigation, [5](#), [6](#), [33](#), [36](#)

FBI memo, [37-38](#), [321](#), [377](#), [378](#), [411](#), [434](#)

FBI on the scene in Dallas, [36](#)
FBI probe into methods of, [67](#)
FBI report, [4](#), [6](#), [10](#), [542-543](#)
FBI severs ties with CIA, [192](#)
Febsterwald, Bud, [31](#)
Fenton, Cliff, [56](#)
Fernandez, Richard, [617](#)
Ferrell, Mary, [53](#)
Ferrie, David
 acquaintances at East Louisiana State Hospital, [209](#)
 and Aynesworth's reports, [24](#), [26-27](#)
 CIA files on, [38](#)
 and Clay Shaw, [320](#), [322](#)
 death of, [311](#)
 dismissal proceedings, [19](#)
 and Emilio Santana, [236](#)
 and Oswald, [85](#), [115](#), [203-206](#), [211](#), [320](#), [322](#)
 and Ruby, [459](#)
 and Sergio Arcacha Smith, [231-232](#)
 and Shaw, [30](#)
 ties to CIA, [85](#)
film of JFK assassination. see [Zapruder film](#)
Finck, Pierre, [73-74](#), [254](#), [277](#), [323](#)
firing sequence, [82-84](#)
Fisher, Joel, [599-600](#), [601](#)
Fisher, Russell, [74](#), [76](#)
Fithian, Floyd, [80](#)
FitzGerald, Desmond, [173](#), [193](#)
Flammonde, Paris, [235](#)
Flanagan, Mark, [81](#)
FLASH on Oswald, [222](#)
Flashbacks, [341-342](#)
Flood, Sam. see [Giancana, Sam](#)
Flying Tiger missions, [115](#)
Fontanini, Steve, [598](#)
Fonzi, Gaeton, [52](#), [56](#), [59](#), [69-70](#), [71](#)

Ford, Gerald, [54](#), [58](#), [194](#)
Foreman, Percy, [451](#), [464-465](#), [466](#)
forensic pathologists, [71-73](#)
Fort Worth Star-Telegram, [101](#)
Fortas, Abe, [4](#), [5](#), [596](#)
Fortune, [324](#)
Foul Foe, [221](#)
Fowler, Alberto, [134](#)
Fowler, Will, [362](#)
France's ban on Malcolm X, [404](#)
Franchel, Emile, [583-584](#)
Frank, Gerold, [434](#)
Franklin, Ben, [59](#)
Franklin, Benjamin, [293](#), [294](#)
Frazier, Wesley, [124-125](#)
Freed, Donald, [576](#), [629](#)
Freedom Fighters of America, [389](#)
Freedom of Information Act (FOIA), [311](#), [315-316](#), [404](#), [526](#)
Friendly, Alfred, [10-12](#), [15](#), [16](#)
Friends of Democratic Cuba (FDC), [104](#), [114](#), [232](#)
Friends of the Black Panthers, [576](#)
Fritz, Captain, [228](#)
frontal skull X-ray. see [X-ray](#)
Frontline, [247](#)
Fruge, Francis, [210-211](#), [225-226](#), [227-230](#), [237](#)
Fruit of Islam (FOI), [393](#), [394](#), [401](#)
Fuensterwald, Bud, [69](#)
Furioso, [137](#)
Furr, Lloyd, [21](#)

G

Gallery, [65](#)
Gallivan, Jack, [566](#)
Galt, Eric S., [438](#), [441-443](#), [445](#)

Gambino, Robert, [87-88](#)
Gandolfo, Ted, [51](#), [54](#), [66-67](#)
Garland, Patrick, [565](#)
Garner, Darrell, [24](#)
Garrett, Richard, [95](#), [108](#)
“GARRISON GUILTY: Another Case Closed,” [319](#)
Garrison, Jim
actions against, [41](#), [308](#)
and Allen Dulles, [40](#)
attempt to discredit, [162](#)
and Aynesworth’s reports, [24](#)
and Bill Boxley, [22-23](#)
and the Cancler interviews, [28](#)
character of, [29](#)
CIA’s views on requests from, [43](#)
files of, [22](#), [319](#)
and Gordon Novel, [40](#)
and Guy Banister, [29-30](#)
infiltration of office, [20](#), [32-33](#)
interview with *Playboy* magazine, [20](#), [27-28](#), [35](#)
interview with WilliamWalter, [32-34](#)
investigation of Kennedy assassination, [305](#)
and James Angleton, [187-189](#)
Leonard’s review of book, [309](#)
memo to Lou Ivon, [134-135](#)
and Miller, [36](#)
NBC special on, [39](#)
and the New Orleans investigation, [86](#)
perjury charges against Shaw, [52](#)
Posner’s view of, [17](#)
propaganda campaign against, [46](#)
on racism, [512-513](#)
and Richard Billings, [437-438](#)
and Rose Cheramie, [228-229](#)
and Sheridan, [34](#), [36](#)
On the Trail of Assassins, [637](#)

and the Warren Report, [32](#)
Garrison, Lewis, [493](#), [504](#), [511-512](#)
Garrow, David, [433-434](#)
Garwood, Darrell, [301](#)
Gates, Daryl, [620](#)
Gaudet, William, [119](#)
Gayton, Carver, [123-124](#), [131](#)
Gehrke, Walter, [105](#)
Gelb, Edward, [606](#), [622](#)
Gerard F. Tujague, Inc., [103-104](#)
Gertz, Elmer
 book reviewer, [21](#)
 correspondence with Epstein, [22](#)
 correspondence with Wegmann, [21-22](#)
 critic of Mark Lane, [331](#)
 Novel's attorney, [19-20](#), [35](#)
Gheesling, Marvin, [222](#)
Giancana, Sam, [327](#), [334](#), [336](#)
Gibbons, Bill, [447](#), [455](#), [457](#), [458](#)
Gibson, Donald, [324](#)
Gil, Manuel, [233](#)
Gilbert, Keith Duane, [599](#)
girl in the polka-dot dress, [585-592](#), [613-616](#)
Gizzi, Irene, [588](#)
Glankler, Mark, [504-506](#)
Gochenaur, Jim, [324](#)
Goddess, [363](#)
The Godfather, [331](#)
God's Bullies, [636](#)
Goldberg, Arthur, [63](#)
Goldberg, Milton, [111](#)
Goldman, Peter, [392](#), [393](#)
Goldstein, Ira, [540-541](#)
Golfman, Peter, [408](#)
Golitsyn, Anatoliy, [183-184](#), [192-193](#)
Golz, Earl, [246](#)

Gonzalez, Al, [56-58](#), [61](#)
Gonzalez, Henry, [53-55](#), [60-62](#), [438-439](#)
Gonzalez, Pedro Valeriano, [124](#)
Goodarzian, Khaibar Khan. *see* [Khan, Khaibar](#)
Goodarzian, Shirin. *see* [Khan, Shirin](#)
Goodell, Charles E., [5](#)
Goodman, Benjamin, [412](#), [414](#)
Goodpasture, Ann, [172](#), [173-174](#)
Goodwin, Richard, [328](#), [606-607](#)
Goody, Paul, [133](#)
Gottlieb, Sidney, [209](#)
government and reporters, [315-318](#)
Grabow, Glenda, [458](#), [501-502](#)
Grabow, Roy, [501-502](#)
Graham, Fred, [257](#)
Graham, Katherine Meyer, [16](#), [302-303](#)
Graham, Phil, [302-303](#), [342](#)
Grand Jury testimony, [34](#)
Grant, Duncan, [588-589](#)
Grant, Earl, [405](#), [415](#)
Grant, Eva, [37](#)
grassy knoll area, [82](#)
Gravey, Marcus, [376](#)
Gravitts, Joseph, [385](#)
Greaney, John, [42](#)
Green, George, [586](#)
Green, James, [522](#), [523](#)
Greene, Angela, [348](#)
Greenway, Gilbert, [303](#)
Gregory, Dick, [53](#)
Greiner, Al, [617](#)
Gremillion, Mr., [203](#)
Grier, Roosevelt, [537-538](#), [566-567](#)
Griffin, Booker, [544](#), [588](#), [601](#)
Grodin, Robert, [53](#), [70](#)
Grohs, Mary, [533](#), [579](#)

Grose, Peter, [285](#)
Groves, Judy, [600](#), [602](#)
Groves, Sanford, [600](#)
Gruson, Sydney, [302](#)
Guatemala campaign, [302](#)
Guatemalan coup, [176](#)
Gugas, Chris, [46](#), [590-591](#)
Guinn, Vincent, [76-78](#)
Gumm, Gwen, [583](#)
Gunn, Jeremy, [173](#), [250](#)
gunrunning operation, [235](#), [458](#), [501-502](#)
Guns of the Regressive Right, [324](#)
Gurvich, William (Bill)
 badgering witnesses, [211](#)
 and Clay Shaw's file, [188](#)
 and Garrison infiltration, [22-23](#), [34](#)
 Garrison investigator, [322](#)
 interview with Shaw's attorneys, [23-24](#), [29](#), [29-30](#)
 visit to the *States-Item* offices, [42](#)
Gutierrez, Manuel, [599](#)

H

Hagen, Thomas. *see* [Hayer, Talmadge](#)
Haggerty, Jim, [68](#)
Haggins, Robert, [415](#)
Haire, Bernard, [129-130](#)
Halberstam, David, [339](#)
Haley, Alex, [377](#), [404](#), [409](#), [411](#), [416](#)
Hall, Andrew, [453](#), [456](#), [457](#)
Hall, Loran, [437-438](#)
Hamblin, William, [500-501](#)
Hammill, Pete, [373](#), [550](#)
Handler, M.S., [401](#)
Hanes, Arthur, [451](#), [464](#), [464-465](#), [499](#)

Hannie, W.M., [124](#)
Hansen, Eve, [587](#)
Hardway, Dan, [65](#), [86](#), [175](#), [217-218](#)
Harlot's Ghost, [172](#)
Harper, William H., [555-557](#), [559](#), [560](#), [565](#), [568](#)
Harper's magazine, [303-304](#)
Harrelson, Leonard, [21](#)
Harris, Lester. see [Parsons, Russell E.](#)
Harrison, Dolores, [124](#)
Hart, Gary, [52](#), [325](#)
Hartman, Paul, [155](#)
Hartogs, Renatus, [95](#)
Harvey, William (Bill), [137](#)
 and Ann Goodpasture, [174](#)
 and assassination plots, [162](#), [328](#), [352](#)
 in the counterintelligence unit, [143](#)
 and Cuban operations, [173](#)
 friendship with Angleton, [164-165](#)
Hayer, Talmadge
 arrest of, [413](#)
 and the assassination of Malcolm X, [392-393](#), [411-412](#), [425-426](#)
 background of, [429](#)
 confession of, [410](#), [414](#)
Hearings of the House Select Committee on Assassinations, [9](#)
Hearst, William Randolph, [298-299](#)
Heath, Robert, [208-209](#)
Hebert, Ed, [43](#)
Helms, Richard
 about Lee Harvey Oswald, [91](#)
 Angleton/Nosenko conflict, [187](#)
 and assassination plots, [328](#)
 assassination paper trail, [173](#)
 and the Bay of Pigs episode, [139](#)
 and Bissell, [351-352](#)
 and Bobby Kennedy, [607](#)

and CNN special on nerve gas, [296](#)
and the Hunt case, [197](#)
interrogation of, [89](#)
investigation by Sprague, [67](#)
and Malcolm X, [398](#)
memo to CIA (harassing witnesses), [45](#)
and mind control programs, [533](#), [581](#)
obstructing Garrison investigation, [41](#), [45-46](#)
OSS officer, [138](#)
ousted by Nixon, [193](#)
and perjury charges, [576](#)
and the Sino-Soviet split, [193](#)
subpoena from Garrison, [43](#)
Hemming, Gerry Patrick, [245](#), [437](#)
Henderson, Loy, [595](#)
Hendrix, Frank J., [606](#)
Hendrix, Hal, [305](#)
Hendrix, Loretta, [606](#)
Henry, Gilbert, [414](#)
Henry, Milton, [396-397](#)
Henson, Eldon, [153](#)
Heritage of Stone, [309](#)
Herlihy, James Leo, [28](#)
Herman, Ken, [458](#), [459](#)
Hernandez, Celso, [115](#), [118](#)
Hernandez, Hank, [571-573](#), [591](#), [615](#)
Herodotus, [335](#)
Hersh, Seymour
on Angleton's domestic operations, [368](#)
anti-Kennedy biography, [364-369](#)
documents about JFK, Marilyn Monroe, and Giancana, [345](#)
on downing of Korean Airliner, [369](#)
on the massacre in Vietnam, [367](#)
and Michael Ewing, [364-365](#)
threatening Angleton, [196](#)
on the Watergate scandal, [368](#)

Hersh's "bombshell," [365-366](#)
Hicks, Jim, [27](#)
Higbie, Charles, [571](#)
High Priest, [342](#)
Hill, J.D., [503](#)
Hinton, Johnson, [380](#)
Hise, Frances Irene, [117](#)
Hitler's Children, [310](#)
Hoffa, Jimmy, [21](#), [576](#)
Holloman, Frank, [452](#), [496](#), [515](#), [519](#)
Holloway Associates, Inc., [19](#), [23](#)
Holloway, Walter, [23](#)
Holmes, Harry, [125](#)
Hooks, Benjamin, [465](#)
Hoover, J. Edgar
 biography of, [330](#)
 and Burt Turner, [178-179](#)
 and the camera charade, [240-241](#)
 censorships within FBI, [222](#)
 and the CIA-Mob link, [327](#)
 comments about CIA, [608](#)
 and the FBI investigation, [4](#), [285](#)
 and the investigation closing, [77](#)
 letter regarding impending assassination, [120](#)
 logs in Fauntroy's files, [524](#)
 and Martin Luther King, [486](#), [515](#), [516](#)
 and MLK assassination, [503](#)
 notice of Oswald imposter, [101-102](#), [114](#)
 opinion on King's assassination, [463](#)
 photos of homosexual activity, [140](#)
 protest against CIA formation, [139](#)
 and Ray's testimony, [465-466](#)
 report to CIA, [32](#)
 slander against Bobby Kennedy and Marilyn Monroe, [359](#)
 and the Warren Commission, [4](#), [7](#), [9](#), [9-10](#)
 and the Wegmanns, [37-38](#)

Hope, Paul, [602](#)
Horne, Douglas P., [250](#), [268](#), [279-280](#)
Horowitz, David, [354-357](#)
Horrock, Nicholas, [59-60](#), [69](#)
Hosty, James, [123-124](#), [222](#)
Hougan, Jim, [87](#)
Houghton, Robert, [549](#), [562](#), [563](#), [572](#), [589](#), [614](#), [628](#)
Houma, Louisiana, [20](#)
Houma raid, [232-233](#)
House of Intelligence inquiry, [88](#)
House Select Committee on Assassinations (HSCA)
 authentication of autopsy photographs, [279-280](#)
 Blakey's view of, [64](#)
 budget proposal, [58](#)
 contradictions in files, [319](#)
 creation of, [194-195](#)
 and the Downing/Sprague report, [57](#), [57-58](#)
 final report, [51](#), [207](#)
 findings on bullet wound, [273](#)
 influence of Blakey on Baden and Purdy, [70-71](#)
 investigation of New Orleans, [85-86](#)
 under leadership of Blakey, [63-69](#)
 and Malcolm X, [426](#)
 McCullough's testimony, [517](#)
 and Michael Ewing, [364](#)
 orders to investigate Oswald's murder, [5](#)
 origin of, [52-56](#)
 performance of, [51](#)
 propaganda campaign against, [59-60](#)
 public hearings, [72](#)
 questionable conclusions, [69](#)
 questions concerning 201 SIG file, [144-149](#)
 removal of Gonzalez, [61](#)
 removal of Sprague, [61](#), [66](#)
 report on David Ferrie, [85](#)
 report on Martin Luther King, [503](#)

review of report by CIA, [65-66](#)
and the RFK assassination, [535](#)
sealed records, [524](#)
and the shooting sequence, [83-84](#)
and the Single Bullet Theory (SBT). *see* [Single Bullet Theory \(SBT\)](#)
Sprague as leader, [54](#)
time constraints on, [65](#)
and the Warren Commission, [4](#)
Houston Chronicle, [118](#)
Houston, Lawrence
action against Garrison, [41](#)
informed of Kossack/Wegmann meeting, [38](#), [39](#)
letter from Dulles, [40-41](#)
response letter to Quaid, [34-35](#)
response to Garrison's subpoenas, [43](#)
Houston Press, [121](#)
Houts, Marshall, [617](#)
Howard Hughes: The Hidden Years, [314](#)
Howard, John, [536](#)
Howard, Lawrence, [210](#)
Hoy, Thomas, [413](#)
HSCA. *see* [House Select Committee on Assassinations \(HSCA\)](#)
HTLINGUAL program, [154](#)
Hubbard, L. Ron, [316-318](#)
Huffman, William, [114](#)
Hufford, Harry L., [543](#)
Hughes Aircraft Company, [604](#)
Hughes, C.J., [591](#)
Hughes, Howard, [314-315](#), [607](#)
Hughes Tool, [604](#)
Huie, William Bradford, [451](#), [464](#), [465](#)
human rights campaign. *see* [United Nations](#)
Human Rights Movement. *see* [Civil Rights Movement](#)
Humes, James J.
and the autopsy materials, [254](#)

and brain autopsy, [253](#)
examination of JFK's brain, [250-251](#)
head of autopsy team, [72-74](#)
on JFK head wounds, [80](#), [277](#)
notes of autopsy, [254](#)
Hunt, E. Howard
on CIA and assassinations, [164](#)
in Dallas on day of assassination, [194](#), [195-197](#)
and Martin Luther King, [486](#)
operational file of, [165](#)
and Sergio Arcacha Smith, [231](#)
Hunt, Jim, [190](#)
Hunt memo, [195-197](#)
Hurt, Henry, [235](#)
Hutchison, Leonard, [122-123](#)
Huxley, Aldous, [331](#)
hypnoprogrammed, [579](#), [623](#)
hypnosis, [578-584](#), [623](#)

I

The Identification of Firearms and Forensic Ballistics, [559](#)
illegal domestic operations, [325](#)
illegal surveillance
CIA opening mail, [154](#)
wiretap of Harry Bennett, [48](#)
wiretap on Elijah Muhammad, [388](#)
wiretap on Malcolm X, [394](#), [395](#)
wiring of Braden's home, [141-142](#)
wiring of Garrison's office, [32-34](#)
wiring of Rocca's office, [42](#)
Imperial Reflex camera. *see* [camera](#)
Inquest, [21](#), [189](#)
Inside the Company: CIA Diary, [158](#), [163](#)
International Trade Mart in New Orleans. *see* [New Orleans](#)

Trade Mart

interview

Blakey with Blahut, [86](#)

of both Oswalds by Kittrell, [121-122](#)

Carro's with Marguerite Oswald, [96](#)

between Fensterwald and Baumler, [31](#)

between Garrison and Walter, [32-34](#)

Garrison's interview with *Playboy*, [20](#), [27-28](#), [35](#)

between Gurvich and Shaw's attorneys, [23-24](#), [29](#), [29-30](#)

with Jack Ruby, [117](#)

Life magazine with Richard Garrett, [108](#)

Marguerite Oswald by Berton, [101](#)

between Norden and Garrison, [27-28](#)

with Palmer McBride, [105](#), [106](#)

between Phelan and Hubbard, [317-318](#)

between PI and Phelan, [315-318](#)

with William Wulf, [105](#)

Invaders, [513-514](#), [515](#), [516](#), [517](#), [525](#)

inventory list, [238-242](#), [256-257](#)

investigation

by Department of Justice, [5](#)

by FBI, [4-5](#), [36](#)

illegal monitoring. see [illegal surveillance](#)

by *Life*, [26](#)

and Miller, [36](#)

obstruction of, [43](#), [44](#)

recommendations for, [5](#)

Iran, [595-596](#)

Iran-Contra affair, [297-298](#)

Isackson, Bernard, [592](#)

Ivon, Lou, [134-135](#), [236](#)

J

Jack Ruby, [330](#)

Jackson, C.D., [304](#)
Jackson, Jesse, [466](#), [517](#)
Jackson, Louisiana, [202](#), [208-212](#)
Jackson, Robert, [543](#)
Jaffe, Sam, [304](#)
Jamal, Hakim A., [402](#)
James, Henry, [54](#)
James, Rosemary, [18](#), [28](#)
Jameson, Donald, [309](#)
Jarrett, James, [576](#)
Jaworski, Leon, [5](#), [10](#)
Jefferson, Thomas, [294-295](#)
Jenkins, James Curtis, [251](#), [253](#)
Jenkins, Walter, [4](#), [5](#), [7](#), [9](#)
Jenner, Albert, [97](#), [105](#), [133](#), [241](#)
Jennings, Peter, [345](#)
Jensen, George, [22](#)
JFK Records Act, [217-218](#)
JFK (the movie), [17-18](#), [30](#), [74](#), [369](#), [459](#), [637](#)
John Birch Society, [359](#)
John X. see [Ali, John](#)
Johnson, Alexis, [7](#)
Johnson, Clyde, [24](#), [29](#)
Johnson, Darnell, [545](#), [587](#)
Johnson, Guy, [18](#), [30-32](#)
Johnson, Lyndon B.
 and Khaibar Khan, [596](#)
 orders for report on Oswald, [36](#)
 and the Warren Commission, [4](#), [7](#), [9-17](#), [190](#)
Johnson, Priscilla, [304-305](#)
Johnson, Rafer, [567-568](#)
Johnson, Rayford, [566](#)
Johnson, Thomas, [413](#), [425-426](#)
Joling, Robert J., [561-562](#)
Jonau, Charles, [322](#)
Jones, Dempsey, [124](#)

Jones, Robert E., [108-109](#)
Jones, Solomon, [499](#)
Jones, Steven, [372](#)
Jordan, Donald, [28](#)
Joseph X, [405-406](#)
Josey, Chandler, [48](#)
Journal of the American Medical Association, [74](#), [273-274](#)
journalists, [296-298](#), [301-302](#)
Jowers, Lloyd
 and Betty Spates, [513](#)
 identification of Raul, [501](#)
 King family's lawsuit against. see [court cases](#)
 and the King report, [510-511](#)
 and Marrell McCullough, [447](#)
 and the plot to kill MLK, [458](#), [459](#), [479](#), [492-494](#)
 and the smoking rifle, [500](#)
The Judas Factor: The Plot to Kill Malcolm X, [377](#)
Judith Exner: My Story, [333](#), [353](#)
The Jungle, [299](#)
jury tampering, [46](#), [187](#)

K

Kadar, Gabor, [588](#)
Kahn, Talat, [594](#)
Kaiser, Robert
 on autopsy report, [551-552](#), [573](#)
 interview with Moldea, [628-629](#)
 interview with Sirhan's brother, [574](#)
 on Richard Lubic, [568](#)
 and Sirhan, [578](#), [583](#), [589](#), [623](#)
 on Sirhan's confession, [630](#)
Kalaris, George T., [221](#)
Kantor, Seth, [36](#), [305](#)
Karaalajich, Sharon, [583](#)

Karamessines, Thomas, [173](#)
Kardos, Emile, [94](#)
Karp, Walter, [303-304](#)
Kassab, David, [575-576](#), [629](#)
Kassab Report, [576](#), [629](#)
Katherine the Great, [302-303](#), [340](#)
Katzenbach, Nicholas, [4-7](#), [9](#), [13](#), [15](#), [16](#), [36](#)
Keir, Katherine, [588](#)
Kelley, Kitty, [333-334](#), [353](#)
Kelly, Jim, [254](#)
Kemp, Maxine, [208](#)
Kendrick, Ken, [48](#)
Kennedy and Cuba, [354](#)
The Kennedy Conspiracy, [235](#)
Kennedy, Joe, [355](#)
Kennedy, John F.
 assassination plot. *see* [conspiracy](#)
 autopsy of. *see* [autopsy](#)
 and the Bay of Pigs episode, [324](#)
 biographies against. *see* [anti-Kennedy biographies](#)
 brain of. *see* [brain \(JFK's\)](#)
 character of, [372-373](#)
 and the CIA-Mob link, [327-328](#)
 and Cuba, [236](#), [354](#)
 and the drug problems, [341-342](#)
 early relationships, [347-348](#)
 film of assassination. *see* [Zapruder film](#)
 health of, [347](#)
 and Judith Campbell Exner, [332-333](#), [336-337](#)
 location of bullet holes, [81](#), [216](#), [250-251](#), [258](#), [272-273](#), [275-278](#), [538](#)
 and the magic bullet. *see* [Single Bullet Theory \(SBT\)](#)
 and Marilyn Monroe, [335](#)
 and Mary Pinchot Meyer, [338-345](#)
 and Lex Cusack's fake documents, [365-367](#)
 prediction of assassination, [225-229](#)

and Roselli, [333](#)
and Sam Giancana, [333](#)
throat wounds, [324](#)
Vietnam policies of, [353](#), [372](#)
views on political assassinations, [328-329](#), [352](#)
views on the CIA, [329](#)
Kennedy, Regis, [321](#)
Kennedy, Robert F. (Bobby)
autopsy of. *see* [autopsy](#)
bullet holes. *see* [physical evidence](#)
character of, [372-373](#)
and the CIA, [607](#)
and the CIA-Mob link, [327-328](#)
comment about David Rockefeller, [607](#)
day of assassination, [537-539](#)
effects of his assassination, [530](#)
Enyart's photographs of assassination of, [619-621](#)
firing Harvey, [180](#)
foreknowledge of assassination, [597](#)
and his brother's assassination, [256-257](#), [535](#)
and Marilyn Monroe, [335](#), [358-359](#)
Moldea's book about his assassination, [310-311](#)
motive for assassination, [531-532](#), [578](#), [606-608](#), [628](#)
and Richard Helms, [607](#)
suspects in his murder, [597-606](#)
and the Warren Commission, [5](#), [13](#)
Kennedy, Rose, [350](#)
The Kennedys: An American Drama, [354-357](#)
The Kennedys: Dynasty and Disaster 1848-1983, [349-354](#)
Kenyatta, Charles, [416](#)
Kessler, Ron, [220](#), [332](#)
Key, Bill, [455](#)
the KGB, [153](#), [184](#), [219](#), [219-220](#), [221](#)
Khan, Khaibar, [591-597](#), [602](#)
Khan, Shirin, [591-594](#)
Khoury, John, [599-602](#)

Kilgallen, Dorothy, [360-361](#)

To Kill a Black Man, [377](#), [378](#)

The Killing of Robert F. Kennedy, [534](#), [610-611](#), [631](#)

Killing the Dream, [310](#), [435](#), [512](#), [520](#)

King, Coretta Scott

and James Earl Ray, [461](#), [479](#), [485](#)

on the Jowers' lawsuit, [506](#)

and Malcolm X, [403](#)

testimony of, [495](#)

King, Dexter

vs. Garrow on NBC's *Today show*, [433-434](#)

on his father's death, [508](#)

identification of Raul, [501](#)

and James Earl Ray, [446-448](#)

and Jowers' confession, [493-494](#)

on the Jowers' lawsuit, [506-507](#)

meeting with Donald Wilson, [486](#)

New York Times attack against, [459-460](#)

testimony of, [479](#)

King, J.C., [173](#)

King, Martin Luther

background to the assassination of, [494-495](#)

and Blair's book, [348-349](#)

bomb threat against, [516](#)

under CIA surveillance, [459](#)

conspiracy to kill, [495-498](#), [502-503](#)

and the Department of Justice report. see [King report](#)

family's lawsuit against Jowers. see [court cases](#)

and the FBI, [325](#), [378](#), [515](#)

and George McMillan's book, [305](#)

"I Have a Dream" speech, [635](#)

and Malcolm X, [386](#), [387](#), [394](#), [402-403](#)

and Marrell McCullough, [413](#)

and Posner/Loomis' book, [310](#)

reasons for assassination, [507-508](#)

release of records on, [447](#)

rifle used in assassination of, murder weapon
surveillance of, [502](#), [515](#), [520](#), [521](#), [522](#)
King report, [510](#), [516-518](#), [521-522](#). *see also* [Kowalski, Barry](#)
Kirkpatrick, Jeanne, [369](#)
Kirkwood, James, [18-19](#), [28-29](#), [211](#), [309](#), [323](#)
Kirschke, Jack, [555](#)
Kissinger, Henry, [296](#), [325](#)
Kittrell, Laurel, [104](#), [121-122](#), [130](#)
Klaber, William, [532](#), [556](#), [574](#), [629](#)
Klein, Burton, [35](#), [38](#)
Klein, Joseph, [545](#), [598](#)
Klein, Kenneth, [185](#)
Kline, Milton, [582](#)
Knight, Francis, [133](#)
Knudsen, Robert, [281](#)
Kohn, Aaron, [33](#), [59](#)
Kondo, Zak, [377](#), [428](#)
Korean Airliner, [369](#)
Kossack, Nathaniel, [38](#), [41](#)
Kostikov, Valery, [219-220](#), [221](#), [222](#)
Koucham, Maryam, [593](#), [594](#), [596](#)
Kowalski, Barry. *see also* [King report](#)
argument in the King report, [512](#)
attempt to discredit Garrison, [512](#)
attempt to discredit Jowers, [510-511](#)
in Donald Wilson's interview, [487-489](#)
and the investigation of McCullough, [518](#)
and the investigation of Raul, [512](#)
and the photographs of King's assassin, [522-523](#)
on the removal of police security, [519](#)
Kranz Report, [627-628](#)
Krupp, David, [35](#)
Ku Klux Klan, [210](#)
Kudlaty, Frank, [102](#)
Kuhns-Walko, Anna Marie, [314](#)
Kurian, Milton, [95](#)

Kuzmak, Walter, [196](#)
Kyles, Billy, [517](#)

L

LA *Free Press*, [444-445](#)
LaBiche, Al, [34](#)
LaCour, Louis, [43](#)
Lahaiv, Joseph, [533](#), [579](#)
LaJeunesse, Roger, [572](#)
Lambert, Patricia, [315](#)
Lamont, Corliss, [234](#)
Landesberg, Stephen, [115](#)
Lane, Mark
 and Al Wirin, [573-574](#), [575](#)
 on Angleton's testimony, [193-194](#)
 attempt to discredit, [325](#)
 and Blakey, [68](#)
 on the CIA and media, [434-435](#)
 critics of, [331](#)
 and Downing, [54](#)
 on George McMillan, [436](#)
 and the Hunt case, [195](#)
 and James Earl Ray, [439-440](#), [453](#), [456](#)
 on Lee Harvey Oswald, [86](#), [90](#)
 and Oliver Patterson, [68-69](#)
 recording Helms' response, [197-198](#)
 on reporters for the *New York Times*, [59](#)
 review of *A Citizens Dissent*, [21](#)
 on Vincent Guinn, [77](#)
Langley, Virginia, [44](#)
Lansana, Louis, [401](#)
Lansdale, Richard, [39-40](#)
Lansky, Meyer, [140](#)
Lantern Strike, [515](#), [520](#), [526](#)

Lardner, George, [60](#), [64](#), [87](#), [311](#), [439](#)
Lasswell, Harold, [299](#)
The Last Investigation, [59](#), [69-70](#)
lateral skull X-rays. see [X-ray of skull](#)
Lawford, Peter, [372](#)
Lawrence, Mary, [132](#)
Lawrence, William, [517](#)
Lawson, James, [494-495](#)
lawsuit. see [court cases](#)
Leake, Hunter, [44-45](#), [46](#)
Leaks, Douglas, [124](#)
Leary, Tim, [341-342](#)
Lee, [93](#)
Lee, Spike, [405-406](#), [415](#)
Leemans, Fred, [36](#)
Legend, [309](#)
Lehner, Bob, [56](#)
Lemann, Jane, [28](#)
Leonard, John, [309](#)
Lesar, Jim, [19](#), [451](#)
Let Justice Be Done, [28](#), [201](#), [233-235](#), [234-235](#)
letter. see also [memo](#)
 Burkley's about autopsy material, [256](#)
 from Canning to Blakey, [81-82](#)
 found in Jerry Ray's room, [69](#)
 from Nagell to Hoover, [120](#)
 to President Johnson from Alma Coke, [112](#)
 from Quaid to Helms, [49](#)
 from Strawderman to Blakey, [89](#)
 threatening letter from Oswald, [54](#)
 from Walt Elder to Church Committee, [149](#)
 from Wegmann to Dulles, [50](#)
Levine, Isaac Don, [363](#)
Lewis, Al, [56-57](#), [62-63](#), [66](#)
Lewis, Fulton, [344](#)
Lewis, John, [399-400](#)

Lewis, L.J., [130](#)
libel suit. *see* [court cases](#)
Liberto, Frank, [493](#)
Liddy, Gordon, [342](#)
lie detector test. *see* [polygraph testing](#)
Liebeler, Wesley, [43-44](#), [105-106](#), [133](#), [217](#), [628](#)
Life
 acquisition of Zapruder film, [304](#)
 on James Earl Ray and Sirhan B. Sirhan, [463](#)
 on motives for assassinations, [628](#)
 on Oswald's teeth, [100](#)
 photos of Oswald, [118](#)
 physical description of Oswald, [95](#), [108](#)
 pictures of Saidallah Sirhan, [574](#)
 rights to Oswald's diary, [25](#)
The Life and Curious Death of Marilyn Monroe, [362](#)
Lifton, David, [51-52](#), [76](#), [264](#), [634](#)
Lincoln, Evelyn, [254](#), [268](#)
Linton, Leonard M., [222](#)
Lippmann, Walter, [299](#), [339](#)
Lipson, Jerry, [465](#)
Little, Earl, [376](#)
Little, Louise, [376](#)
Little, Malcolm. *see* [Malcolm X](#)
Little, Philbert, [387-388](#)
Locke, Jimmie, [459](#), [515](#), [520](#), [522](#), [523](#)
Loftus, Elizabeth, [281](#)
Loisel, Lynn, [205](#)
Lomax, Louis, [377](#), [378-379](#), [391-392](#)
Lonsdale, Gordon, [91-92](#)
Loomis, Bob, [188](#), [310](#), [314](#), [369-370](#)
Loomis, Gloria, [138](#), [188](#), [310](#), [314](#)
Lopez, Ed
 and Ann Goodpasture, [174](#)
 on Oswald in Mexico City, [65](#), [86](#), [217-218](#)
 on Robert Blakey, [70](#)

against the single bullet theory, [71](#)
Lopez, Gilberto, [132](#)
Loquvam, Dr., [74](#), [81](#)
Los Angeles Police Department (LAPD)
broadcast log, [547-548](#)
files about photographs, [563-564](#)
official summary of RFK assassination, [540](#)
photos of crime scene, [541-544](#)
record about *Life*/Saidallah Sirhan incident, [574](#)
scenario of RFK assassination, [551](#)
tampering with evidence. *see* [evidence tampering](#)
tapes of Oswald's calls, [544](#)
Los Angeles Times, [59-60](#), [452](#), [461](#), [620](#)
Louis X. *see* [Farrakhan, Louis](#)
Lowe, Howell S., [517](#)
Lowenstein, Allard, [550](#), [561](#), [563-564](#), [571](#), [632](#)
Lowenstein Inquiry, [563-564](#)
LSD experiments, [208-209](#)
Luaces, Enrique, [114](#)
Lubic, Richard, [544](#), [568](#)
Luce, Clare Boothe, [114](#)
Luce, Henry, [595](#)
Luciano, "Lucky," [139](#)
Lumumba, Patrice, [162](#), [326](#)

M

MacDonnell, Herbert Leon, [560-561](#)
MacNeil/Leher Report, [60](#)
Madison Capital Times, [226](#)
Mafia, [84](#), [139](#), [326](#), [525](#). *see also* [organized crime](#)
magic bullet. *see* [Single Bullet Theory \(SBT\)](#)
Magruder, A.H., [228](#)
Magruder, John, [141](#)
Maheu, Robert

and Edward Bennett Williams, [577](#)
and Hughes operations, [604](#)
and James Phelan, [188-189](#), [308](#)
plot to kill Castro, [334](#), [575](#)
and Thane Eugene Cesar, [608](#)
Mailer, Norman, [172](#), [174](#), [314](#), [320](#), [361-362](#)
The Making of an Assassin, [434](#)
Malcolm X
and Alex Quaison-Sackery, [400-401](#)
autobiography of, [376](#)
banned from France, [404](#)
and Benjamin Read, [399](#)
debate with Louis Lomax, [391-392](#)
departure from the NOI, [385-387](#)
and Elijah Muhammad, [378-379](#), [381-382](#), [381-383](#), [384](#), [393](#)
eviction of family, [385](#), [393-394](#), [405](#)
and the FBI, [395-396](#)
firebombed house, [405-406](#)
Hayer's affidavits about murder, [425-428](#)
on his own murder, [377](#), [410](#), [412](#), [415](#)
and human unity, [389](#)
international connections, [379-380](#), [388-389](#), [397](#)
and Johnson Hinton, [380](#)
and Martin Luther King, [386](#), [387](#), [394](#), [402-403](#), [636](#)
and Muhammad's secretaries, [401-402](#)
opinion on JFK's assassination, [383-384](#)
and the Organization of Afro-American Unity (OAAU), [395](#)
pilgrimage to Mecca, [388-389](#), [391-392](#)
poisoned, [396](#)
and racism, [389](#), [391-392](#)
testimony against Nation of Islam, [402](#)
threats on his life, [395](#)
trial for murder of, [413-414](#)
Mallard, Augustus, [598](#)
Malone, John, [96](#), [98](#)
The Man Who Knew Too Much, [90](#)

Manchester, John, [204-205](#)
Manchester, William, [36](#)
The Manchurian Candidate, [532](#), [581](#)
Mangan, Lynn, [530](#), [537](#), [565-566](#), [568](#)
Mangold, Tom, [136](#), [143](#)
Mankiewicz, Frank, [257](#)
Mannlicher-Carcano bullets. *see* [physical evidence](#)
Mantik, David, [74-75](#), [260](#)
Manual, Mac, [230](#)
Manuel, Philip R., [519](#)
Marcello, Carlos, [84-85](#), [520](#)
Marchetti, Victor, [47](#), [195-196](#), [325-326](#)
Marchman, Eara, [603](#)
Marcum, Dorothy, [124](#)
Marcus, Ray, [44](#), [79](#), [282](#)
Marilyn, [361](#)
Marilyn and Me, [362](#)
Marina and Lee, [304](#)
Markham, Helen, [128-129](#), [130](#)
Marks, John, [208](#), [582](#)
Marlin, Myron, [461](#)
Marro, Anthony, [69](#)
Marrs, Jim, [360](#)
Marshall Plan funds, [303](#)
Martello, Francis, [98](#), [118](#)
Martin, David, [164](#), [180](#)
Martin, Harold, [313-314](#), [316](#)
Martin, Jack, [231](#), [320-321](#)
The Martin Luther King Assassination, [497](#)
Martin, William, [236](#)
Martino, John, [437](#)
Marxism, [97-98](#)
Marydale Farms, [209-210](#)
Mason, James R., [258](#)
Mather, Carl, [130](#)
Maury, John, [163](#)

May, Hoke, [20](#), [42](#)
McBride, Edward, [459](#), [520](#)
McBride, Palmer E., [104-105](#)
McBroom, Marcus, [586](#)
McCall, Steve, [522](#)
McCarthy, Elizabeth, [44](#)
McCarthy era, [98](#)
McCarthy, Joseph, [577](#)
McClellan's committee, [596](#)
McCombs, Holland, [26-27](#)
McCone, John, [328](#), [352](#), [437](#)
McCowan, Michael, [629-631](#)
McCraw, James, [500-501](#)
McCullough, Marrell, [413](#), [446-447](#), [494](#), [498](#), [516-518](#)
McClure's magazine, [299](#)
McDonald, Officer, [129](#)
McDonnell, Charlotte, [347-348](#)
McFerren, John, [493](#)
McGann, Michael J., [567-568](#), [569](#)
McGehee, Ed, [202](#), [210-212](#), [323](#)
McGehee, Ralph, [311](#)
McGill, Ralph, [316](#)
McGovern, George, [52](#)
McGown, Daniel Thomas, [117](#)
McGown, Michael, [575-576](#)
McKeown, Robert, [118-119](#)
McKinley, Wilbur, [429](#)
McKissack, Luke, [575](#)
McKnight, Gerald, [516](#)
McMillan, George, [305](#), [434](#), [436](#)
McMillan, Priscilla Johnson, [122](#), [309](#), [435-436](#)
McNeil, Jack, [453](#), [458](#), [459](#)
meat packaging industry, [299](#)
media
and the CIA, [189-192](#), [301-303](#), [311](#), [313](#), [434-436](#)
control of, [299-303](#), [346](#)

and the FBI, [313](#)
views of George Seldes, [295-296](#)
views of John Swinton, [296](#)
views of Thomas Jefferson, [294-295](#)
medical evidence. *see* [evidence](#)
Mehdi, Mohammad T., [531](#)
Meier, John, [607-608](#)
Melanson, Philip
critique of Moldea's book, [626](#)
on distance between Sirhan and Kennedy, [550](#)
on McCowan and Serrano, [629](#)
on number of bullets in pantry, [532](#), [542](#)
on pullback of police units, [497](#)
on Robert Kaiser, [574](#)
and the Sharaga report, [614](#)
testimony to grand jury, [627](#)
on witness, Jack Merritt, [601](#)
on Wolfer's qualifications, [556](#)
Melia, Gilbert, [233](#)
Mellen, Joan, [188](#), [314](#)
Meloche, Frank, [228-229](#)
memo. *see also* [letter](#)
about Al LaBiche, [34](#)
about bullet from RFK assassination, [283](#)
about CIA investigation, [87-88](#)
about Clay Shaw, [29](#), [37-38](#), [44](#), [321](#), [322](#)
about E. Howard Hunt, [195-196](#)
about Ely's memo, [105](#)
about FBI activities, [33](#), [48](#)
about Garrison, [41](#)
about human rights in the U.S., [397](#)
about James Phelan, [314](#)
about John F. Kennedy, [254](#), [276-277](#)
about Malcolm X, [398-399](#)
about Marilyn Monroe, [360-361](#)
about McCone's testimony, [158-159](#)

about Oswald, [4-5](#), [6](#), [9](#)
about Robert Oswald, [134-135](#)
about Rose Cheramie, [226-227](#)
about Sam Giancana, [327](#)
about Sergio Arcacha Smith, [231](#)
about the rifle experiment, [83](#)
Memphis-based Invaders. *see* [Invaders](#)
The Memphis Commercial Appeal, [450](#), [454](#), [458](#), [459](#), [520](#), [521](#)
Memphis Police Department (MPD), [515-516](#)
Memphis vs. Joe Brown: The Struggle for a New Trial, [449-451](#)
Mengele, Josef, [310](#)
Meredith, Scott, [330](#), [349](#)
The Messenger: The Rise and Fall of Elijah Muhammad, [377](#),
[379](#)
Metropolitan Crime Commission (MCC), [33](#), [48](#)
Metzler, John, [257-258](#)
Mexicano, [114](#)
Mexico City
 impersonation of Oswald in, [217-218](#)
 Lopez-Hardway report on Oswald in, [65](#)
 “Oswald in Mexico City,” HSCA report, [86](#)
 Oswald’s actions in, [220-221](#), [222-223](#)
 photos of Oswald in, [43](#)
 physical evidence linking Oswald to, [122](#)
 tapes of Oswald’s calls, [218](#), [219-220](#), [223-224](#)
Meyer, Cord, [338](#), [340](#)
Meyer, Mary Pinchot, [191-192](#), [338-344](#)
MH/CHILD (CIA program), [88](#)
Milam, Wallace, [26-27](#), [73](#), [78-79](#)
Miler, Scotty, [154](#), [172](#), [193](#), [196](#)
military photos, [245-246](#)
Miller, Herbert “Jack,” [35-36](#), [39](#), [39-40](#), [188](#)
Military Intelligence Group (MIG), [515](#), [520](#), [521-522](#)
Mills, Roy, [545](#), [587](#), [601](#)
Milner, James, [512](#)
Minasian, Edward, [550](#)

mind control experiments, [532-533](#)
Minnie Ali, [381](#)
Minox camera. *see* [camera](#)
missile crisis, [437](#)
Mitrione, Dan, [572](#)
the Mob. *see* [organized crime](#)
MOCKINGBIRD (CIA operation), [302-303](#)
modern communication theory, [299](#)
Moldea, Dan
 and the crime scene bullet holes, [616](#)
 and DeWayne Wolfer, [616-619](#)
 and Enyart's photographs of assassination, [621](#)
 and Gene Cesar, [534](#), [603-606](#), [621-622](#)
 and the girl in the polka-dot dress, [613-615](#)
 and *The Killing of Robert F. Kennedy*, [610-611](#), [631](#)
 and Michael McCowan, [629-631](#)
 on Sharaga and the assassination, [546-547](#)
 and the second gun theory, [625-626](#)
 and Sirhan, [552](#), [622-625](#)
 writing against conspiracy theories, [310-311](#)
Mohrenschildt, George de, [116](#), [195](#), [311](#), [436](#), [437](#), [449](#)
Molodi, Konan, [91-92](#)
Mondale, Walter, [325](#)
MONGOOSE. *see* [Operation MONGOOSE](#)
Monroe & Lemann, [28](#)
Monroe, Marilyn
 biographies of, [361-364](#)
 death of, [335](#), [346](#), [358-359](#), [360](#), [364](#)
 and FBI memo, [360-361](#)
 and Robert Slatzer, [362](#)
Montini, Mons Giovanni, [139](#)
Moore, Elmer, [324](#)
Moore, J. Walton, [25](#)
Moore, Jerry Don, [229](#)
Moore, Joseph, [232](#)
Moran, Alfred, [44-45](#), [47](#)

Morgan, Reeves, [202-203](#), [210](#)
Morphy, David, [502](#), [509](#)
Morrow, Robert, [539](#)
Mosby, Aline, [98](#)
Mother (Angleton's nickname), [137-138](#)
Moyers, Bill, [4](#), [7-8](#), [9](#), [10-12](#), [16](#)
muckraking, [299](#)
Muhammad, Clara, [383](#)
Muhammad, Elijah
 articles against Malcolm X, [404-405](#)
 and the assassination of Malcolm X, [392-393](#)
 and the bombing of Malcolm X's house, [406](#)
 conflicts with Malcolm X, [381-383](#)
 infidelities to his wife, [383](#)
 and paternity suits, [401-402](#)
 split from Malcolm X, [378-379](#), [384](#)
Muhammad, Herbert, [382](#)
Muhammad Speaks, [400](#), [404-405](#)
Muhammad, Wallace, [379](#)
Mullen Company, [315](#)
Mulligan, Barney, [391](#)
munitions bunker, [20](#)
Murder in Memphis, [439](#)
murder weapon in JFK assassination, [74-75](#), [82-83](#), [118-119](#)
murder weapon in MLK assassination
 Brown's views about the rifle, [461](#), [468-470](#), [499](#)
 controversy over, [453](#)
 Hamblin's testimony about, [500-501](#)
 location of, [501](#)
 testing of rifle, [445](#), [447](#), [450](#), [455](#)
murder weapons in RFK assassination
 matching bullet and bullet fragments with, [552-553](#)
 second gun theory, [544-546](#), [617-618](#), [625-626](#)
 serial number controversy, [531-532](#), [556-559](#), [566-569](#)
 Sirhan's gun, [627-628](#)
Murphy, [520](#), [521](#)

Murphy, Charles, [324](#)
Murphy, David, [185](#)
Murray, C.L., [48](#)
Murray, Jim, [127](#)
Murrett, Dutz and Lillian, [93](#)
Murrett, Lillian, [96](#)
Murrett, Marilyn, [117](#)
Muslim Mosque, Inc., [385](#), [390-391](#)
My Lai, [367](#)
mysterious deaths, [307](#)

N

- Naeem, Abdul Basit, [379](#), [380](#), [405](#)
- Nagell, Richard Case, [120-121](#), [236](#)
- The Nation*, [441](#), [594](#), [596](#)
- Nation of Islam (NOI)
- and the assassination of Malcolm X, [377](#), [385](#), [392-393](#), [411-412](#)
 - FBI infiltrator, [377-378](#)
 - FBI's plot against, [379](#)
 - firebombing of Malcolm X's house, [405-406](#)
 - trailing Malcolm X, [402](#)
- National Enquirer*, [330](#), [338](#), [342-343](#)
- National Security Act of 1947, [139](#)
- National Security Agency, [161-162](#)
- National Students Association (NSA), [31](#), [65](#)
- Navarre, Clancey, [322](#)
- Nazis, [139](#)
- Nebel, John, [115](#)
- Nechiporenko, Oleg, [218](#)
- Nelson, Jack, [59](#)
- Nelson, Patti, [598](#)
- Neo-Colonialism: The Last Stage of Imperialism*, [389](#)
- neutron activation analysis (NAA), [76](#), [78](#)
- New Orleans CIA station, [35](#), [38](#)
- New Orleans, investigation of, [85-86](#)
- New Orleans States-Item*
- about Sprague, [63-64](#)
 - about spy on HSCA, [61](#)
 - articles on Garrison, [42](#)
 - Sprague firing back at critics, [66](#)
 - on subversive influences in the state, [30](#)
 - on Wesley Liebler, [43-44](#)
- New Orleans Times-Picayune*, [24](#), [36](#), [233](#)

New Orleans Trade Mart, [205](#), [209](#)

The New Republic, [461](#), [463](#)

New Right, [632-633](#)

New York Police Department (NYPD). *see also* [Bureau of Special Service and Investigation \(BOSSI\)](#)

and the assassination of Malcolm X, [377](#), [395](#), [408-409](#), [414-415](#)

and Johnson X Hinton, [380](#)

and Minnie Ali/Betty Shabazz, [380-381](#)

surveillance of Malcolm X, [396](#)

New York Times

on the African move and Malcolm X, [401](#)

and the assassination reportage, [303-304](#)

coverage of Patterson news conference, [69](#)

on Dexter King, [459-460](#)

on Eric S. Galt, [442](#)

on evidence in Ray's case, [458](#)

on the Garrison files, [319-323](#)

and the Guatemala campaign, [302](#)

interview with Hunt, [164](#)

and James Angleton, [190](#), [193](#)

on JFK's Vietnam policies, [353](#)

on Malcolm X, [398-399](#)

on missing brain of JFK, [257](#)

propaganda campaign against HSCA, [59-60](#)

on reinvestigation, [452](#)

reviews of assassination books, [309](#)

and Seymour Hersh, [196](#)

story on Shaw/Bertrand, [37](#)

ties to CIA, [313-314](#)

views on Sprague and the investigation, [66](#)

and the Warren Commission, [17](#)

New York World Telegram and Sun, [77](#)

The New Yorker, [21-22](#)

Newfield, Jack, [637](#)

Newman, John

CIA's discrediting devices, [325](#)
on FBI memo about Marilyn Monroe, [360-361](#)
on JFK's Vietnam policies, [354](#)
on Oswald and the CIA, [90](#), [136](#), [157](#), [218](#)
on Oswald in Mexico City, [86](#)
on Oswald's street leafleting incident, [234](#)
"slow virus" theory, [178](#)

Newman, Sam, [233](#)

news blackout, [63](#)

news conference. *see* [press conference](#)

newspapers. *see* [media](#)

Newsum, Floyd E., [495](#)

Newsweek, [24](#), [26](#), [27](#), [297-298](#), [442-443](#)

Nichols, John, [78](#)

Niwa, Yosio, [533](#), [579](#)

Nixon, Richard, [26](#), [327](#), [346](#), [347](#)

Nixon White House, [193](#)

Nkrumah, Kwame, [389](#)

Noguchi, Thomas, [552](#), [616-617](#), [618](#), [626](#), [630](#)

NOI lawsuits, [380](#)

non-disclosure agreements, [67](#)

Norden, Eric, [27-28](#), [404](#)

Norden papers, [27](#)

Norton, Donald, [116-117](#)

Nosenko, Yuri, [184-187](#), [309](#), [369](#)

Noto, Charles, [115](#)

Novel, Gordon
attorneys for, [19-20](#)
blackmailing Hoover, [140](#)
CIA files on, [38](#)
CIA ties, [40](#), [42](#), [47](#)
and David Phillips, [175](#)
and Garrison, [40](#), [188](#)
informer for FBI, [32](#)
lawsuit against the DA and *Playboy* magazine, [20](#), [35-46](#)
and Sergio Arcacha Smith, [231](#)

and Sheridan, [34](#)
testimony of, [119](#)
Novello, Angie, [576-577](#)
Now the News, [304](#)
nuclear missiles, [179](#)
nuclear war, [218](#)
Nyberg, Stanley, [100](#)

O

Oakes, John, [190](#)
obstruction of justice, [514](#)
Ochsner, Alton, [209](#)
O'Connor, Paul, [251](#)
Odio, Silvia, [216-217](#)
O'Donnell, Ken, [332](#)
Odum, Bardwell, [240-241](#), [242](#), [247](#), [282](#), [284](#)
Office of Naval Intelligence (ONI), [30](#)
Office of Policy Coordination (OPC), [138](#), [300](#)
Office of Security (OS), [87-88](#), [144-145](#), [155](#)
Office of Special Operations (OSO), [138-139](#), [300](#)
Office of Strategic Services (OSS), [137](#), [164](#), [300](#)
Office of Strategic Services (OSS) War Report, [300](#)
Official and Confidential, [140](#)
O'Keefe, Dennis, [43](#)
Old Catholic Church of North America, [27](#)
O'Leary, Jeremiah, [305](#), [434-435](#), [439](#)
Oliver, April, [296](#)
Oliver, Beverly, [459](#)
Oliver Patterson episode, [68](#)
O'Neal, Birch, [163](#), [172](#), [176-177](#)
O'Neill, Francis, [280](#)
O'Neill, Tip, [58](#)
Operation MONGOOSE, [85](#)
optical densitometer, [260](#)

Orange, James, [498](#)
Orders to Kill, [68](#), [434](#), [458](#), [506](#), [520](#), [521](#)
Organization of African Unity (OAU), [396-397](#)
Organization of Afro-American Unity (OAAU), [395](#)
organized crime, [51](#), [67](#), [93](#), [327](#). *see also* [Mafia](#)
Orr, Patricia, [230](#)
Osterkamp, Peggy, [583](#)
Oswald, activities of
 in Cuba, [114](#), [223](#)
 with the Cuban embassy, [173-174](#), [176-177](#)
 defection to Russia, [114](#)
 in Mexico, [117](#)
 in Mexico City. *see* [Mexico City](#)
 in New Orleans, [17](#), [104-105](#), [115](#), [118](#)
 in New York City, [115](#)
 in Russia, [101](#), [153](#)
 with the Soviet embassy, [173-174](#), [177](#)
Oswald and the assassination of JFK
 evidence of guilt, [4](#)
 framing as the assassin, [123](#)
 investigation by Sprague, [66-67](#)
 pistol fired at Texas Theatre, [126](#)
 prior knowledge of, [217](#)
 rifle used, [74-75](#), [82-83](#), [118-119](#)
 shooting sequence, [83-84](#)
Oswald and the CIA, [90](#), [157](#), [218](#), [325](#)
Oswald and the Texas driver's license, [129](#)
Oswald, arrest of, [129-131](#)
Oswald association
 with Carlos Bringuier, [233](#)
 with Carlos Quiroga, [235](#)
 with Chandler, [27](#)
 with the CIA. *see* [CIA connections](#)
 with Clay Bertrand, [37](#), [115](#)
 with Clay Shaw, [203-206](#), [211](#), [320](#), [322](#)
 with David Ferrie, [85](#), [203-206](#), [211](#), [320](#), [322](#)

with the FBI, [123](#), [248](#)
with Frank Bartes, [233](#)
with Frank Silva, [233](#), [234-235](#)
with the Friends of Democratic
Cuba (FDC), [232](#)
with Gerry Patrick Hemming, [246](#)
with Guy Banister, [31](#), [119](#), [232](#)
with Jack Ruby, [117](#), [122](#), [124](#), [132](#), [226](#), [227](#), [459](#)
with the KGB, [183-187](#)
with Priscilla Johnson, [304-305](#)
with Sergio Arcacha Smith, [232](#)
with Valery Kostikov, [221](#), [222](#)

Oswald, childhood of
chart of addresses, [111](#)
connection to organized crime, [93](#)
discrepancies in photograph, [97](#)
friends, [97-98](#)
inconsistencies in description of, [95-96](#)
mental testing, [94](#)
in North Dakota, [97-98](#)
place of birth, [92](#)
places of residence, [93](#)
visits to psychiatrists, [95](#)
and the Youth House, [96-97](#)

Oswald, CIA 201 SIG file, [143-149](#), [153](#)

Oswald, death of
dental records, [100](#)
time of, [7](#)

Oswald, diary of, [25](#)

Oswald, education of
classmates at Stripling Jr. High, [102](#)
in Ft. Worth, [99](#), [101-102](#)
in New Orleans, [99](#), [100](#)
in New York, [94-97](#), [99](#)
in Russian language, [116](#)
school records of, [94-95](#)

Oswald, employment of
application to East Louisiana State Hospital, [208](#)
Army military file, [108-109](#)
co-workers, [103](#)
companies and locations, [102-103](#)
disappearance of records, [105-107](#)
discrepancies in dates, [104](#), [105-107](#)
in Florida, [114](#)
in Ft. Worth, [116-117](#)
in Japan, [105](#)
Marine records, [105](#)
in New Orleans, [105](#), [112](#)
with Pfisterer Dental Laboratory, [104](#), [105](#)
quest for, [202-203](#)

Oswald, Lee and Harvey (two people)
birth certificates, [133](#)
conflict in school attendance, [99-100](#), [101](#)
day of the assassination, [125-129](#)
discrepancies in employment record, [103](#), [104](#)
discrepancies in physical description, [95](#), [173](#)
FBI files on, [114](#)
interview by Laurel Kittrell, [121-122](#)
John Quigley's testimony, [98](#)
location before assassination, [120-121](#)
in Mexico City, [217-218](#), [219-220](#), [223-224](#)
military careers, [108-111](#)
passports, [117](#), [133](#)
two lives presented as one, [92](#)

Oswald, tax returns of, [135](#)
Oswald, threats by, [26](#), [54](#)
Oswald, wallet of, [129](#), [131](#)
Oswald's Tale, [320](#)
Oswald, Marguerite, [93](#), [94](#), [96](#), [98](#), [100-101](#), [106](#)
Oswald, Marina, [25-26](#), [100](#), [122](#), [304](#), [323](#)
Oswald, Robert, [93](#), [96](#), [97](#), [101](#), [103](#)
Owen, Wayne, [226](#)

P

Paine, Michael, [238-242](#), [246](#), [247](#)
Paine, Ruth, [107](#), [118](#), [125](#), [238-242](#)
Palmer, Henry Earl, [204-206](#), [323](#)
Panda, Ronald Johnson, [587](#)
Panzeca, Sal, [18](#), [28](#), [30](#)
Papich, Sam, [39](#), [180](#)
The Parallax View, [564](#)
Parenti, Michael, [637](#)
Parish Prison, [28](#), [29](#)
Parks, Gordon, [408](#)
Parry, Robert, [297-298](#), [299](#)
Parsons, Russell E., [575](#), [629](#)
Partin, Ed, [21](#)
Pash, Boris T., [164](#)
Passport to Assassination, [218](#)
Patchett, Frank, [571](#)
pathologists, [276-278](#)
Patrusky, Martin, [533](#), [544](#), [550](#), [579](#)
Patterson, Kermit, [122](#)
Patterson, L.J., [591](#)
Patterson, Oliver, [68-69](#)
Pawley, William, [437](#)
Payne, Larry, [515-516](#)
payoff of witnesses. *see* [witnesses](#)
PBS *Frontline*, [247](#)
Pearson, Drew, [327](#)
Pearson, Norman, [137](#)
Pease, Lisa, [46](#), [64](#), [90](#), [628](#), [629](#)
Peers, General, [367](#)
Pena, Manuel, [571-572](#), [586](#)
Penrose, Stephen, [138](#)
The Penskovkiy Papers, [309](#)
Pentagon depositories, [65](#)

People, [333](#), [353](#)

Pepper, William

on argument between Blakey and Lane, [68](#)

closing arguments, [507](#)

criticism by *Time* magazine, [461](#)

cross-examination of Mark Glankler, [504-506](#)

and Donald Wilson's interview, [485-486](#)

on FBI control of media, [434](#)

and Hamblin's testimony, [501](#)

identification of Raul, [501-502](#)

on the King report, [510](#)

and Lloyd Jowers, [493](#)

on the Military Intelligence Group (MIG), [520](#)

on a military sniper team, [453](#), [459](#)

and Ray's defense team, [457](#)

request for new rifle test, [454](#)

Tompkins' endorsement of book, [521](#)

Peretz, Martin, [357](#)

Perrusquia, Marc, [517-518](#), [520](#), [521](#), [523-524](#), [526](#)

Perry, Earl, [115](#)

Perry, Malcolm, [324](#)

Peru, [606-607](#)

Petrov, Vladimar, [134](#)

phase-one phase-two analysis, [218](#), [224](#)

Phelan, James, [188-189](#), [308](#), [313-318](#), [320](#), [369](#)

Philby, Kim, [137](#)

Phillips, David Atlee

and Ann Goodpasture, [174-175](#)

and Cuban operations, [118](#), [173](#)

and the Guatemalan coup, [176](#)

and Guy Banister, [119](#)

and Hal Hendrix, [305](#)

and Jeremiah O'Leary, [305](#)

and Oswald, [175](#), [176](#)

on Oswald's phone transcript, [220](#)

on Oswald's visit to Mexico, [220-221](#)

and Sergio Arcacha Smith, [231](#)
service in Lebanon, [601](#)
and Win Scott, [175](#)
Phillips, Kevin, [633](#), [637](#)
Phillips-Mexico City story, [220](#)
The Phoenix Program, [367](#), [502](#), [520](#)
photographic evidence. *see* [evidence](#)
photographs
autopsy. *see* [autopsy photographs](#)
of bullets in evidence (RFK), [555-556](#)
of Dealey Plaza, [236](#)
Enyart's of RFK assassination, [619-621](#)
given to reinvestigation panel, [563-564](#)
of J. Edgar Hoover, [140](#)
from Minox camera, [245-248](#)
of Oswald, [43](#)
of RFK's head bullet, [553-555](#), [564](#)
of Walker, [248](#)
photomicrograph, [564-565](#), [619](#)
physical evidence. *see also* [evidence](#)
BRILAB tapes, [84-85](#)
brown bag, [124-125](#)
bullet holes, [531](#), [534](#), [540-544](#), [552](#), [627](#)
bullets from JFK's murder, [76](#), [78-79](#), [282-284](#)
bullets from MLK's murder, [449-450](#), [453](#), [455](#), [470-471](#)
bullets from RFK's murder, [531](#), [549](#), [552](#), [560-561](#), [564-566](#),
[626-627](#)
diagrams of Dealey Plaza, [237](#)
disappearance of W-2 forms, [107](#)
FBI photos, [542-544](#)
found in Ray's Mustang, [483-491](#)
logbook from airport, [44-45](#)
Mexico City tapes, [224](#)
Minox camera and film, [238-242](#)
misabeled, [618](#)
Nagell tape, [236-237](#)

Oswald's pistol, [126](#)
Oswald's wallet, [129](#), [131](#)
photographs of RFK's head bullet, [553-555](#)
photos of Dealey Plaza, [236-237](#)
retesting of (RFK), [562](#)
shell casings, [562-563](#), [628](#)
Sirhan's gun, [531](#)
Pic, John (Oswald's half-brother), [94-95](#), [97](#), [110](#), [116](#), [118](#)
Piece Work, [373](#)
Pierson, Malcolm, [205-206](#)
Pike Committee, [194](#)
Pike, Otis, [54](#)
Pinchot, Gifford, [338](#)
Pinchot, Mary. *see* [Meyer, Mary](#)
Pinchot
Pincus, Walter, [59](#)
Pitchess, Sheriff, [580](#)
Plausible Denial, [90](#), [195](#)
Playboy (magazine), [20](#), [27-28](#), [32](#), [35](#)
Plimpton, George, [533](#), [579](#)
plot. *see* [conspiracy](#)
The Plot to Kill the President, [51](#), [84](#), [207](#), [436](#)
Plotkin, Steve, [20](#), [35](#)
Plumley, Mr., [588](#)
POA (Provisional Operational Approval), [158](#)
Poet-Spy (James Angleton), [137](#)
point aiming, [83](#)
Poison Pen, [334](#)
political system, disbelief in, [633-634](#)
police brutality, [380-381](#)
police security detail, [519](#)
Policoff, Jerry
 on Baden and the medical panel, [70](#)
 on Blakey, [64](#), [65](#)
 conversation with Rauh, [66](#)
 conversation with Sprague, [67](#)

on mole inside HSCA committee, [60](#)
political assassination, [508](#)
polygraph testing
of Carlos Quiroga, [235](#)
Delsa's witness, [85](#)
of Emilio Santana, [236](#)
of Gordon Novel, [21](#), [34](#)
of Jack Ruby, [117](#)
of John Henry Fahey, [591](#)
manipulation of results, [572](#)
of Marrell McCullough, [518](#)
of Michael Wayne, [597](#), [599](#)
of Ralph Yates, [124](#)
of Regis Blahut, [87](#)
of Sergio Arcacha Smith, [231-232](#), [233](#)
technique used during, [621](#)
of Thane Eugene Cesar, [534](#), [605-606](#), [621-622](#)
of Yuri Nosenko, [185-187](#)
Pope Paul VI, [139](#)
Porter, Marina Oswald. *see* [Oswald, Marina](#)
Portrait of a Cold Warrior, [161](#)
Posner, Gerald
book on JFK, [369](#)
book on MLK, [435](#)
and Clay Shaw, [17-19](#)
and the Clinton witnesses, [211-212](#)
and the King report, [512](#), [519-520](#)
New York Times review of book, [319-323](#)
writing against conspiracy theories, [310-311](#), [314](#)
post-assassination cover-up. *see* [cover-up](#)
Postal, Julia, [129](#)
Powell, Colin, [296](#)
Powers, John, [549](#)
Pratt, Donovan, [41](#), [187-188](#)
presidential commission. *see* [Warren Commission](#)
The President's Private Eye, [390](#)

press. *see* [media](#)
press conference, [63](#), [69](#)
Preyer, Richardson, [61](#), [62](#), [88](#), [440](#)
Prime Time Live, [493](#)
prison witnesses, [28](#), [29](#)
private detective services, [19](#)
Probe interview, [45](#)
propaganda
 about Jim Garrison, [46](#)
 about Richard Sprague, [59](#)
 Lasswell's quote about, [299](#)
 and the Mexican rebellion, [295-296](#)
 operations, [301](#)
 and the Spanish-American War, [299](#)
 Propaganda Assets Inventory, [300](#)
PRQ (Personal Records Questionnaire), [158](#)
Prudhomme, Jeanette, [588](#)
Pfisterer Dental Laboratory, [104](#)
psychological warfare, [300](#), [301](#)
Public Affairs Office (PAO), [311](#)
public hearings, [76-77](#)
Public Opinion, [299](#)
Pulitzer, Joseph, [299](#)
Purdy, Andy
 on autopsy witnesses' interviews, [274](#)
 on Burkley's comments about brain, [254](#)
 on conflict about JFK wounds, [81](#)
 leaving the HSCA committee, [88](#)
 location of bullet holes, [276-277](#)
 and the Zapruder film, [53](#), [70-71](#)
Pyle, Christopher, [522](#)

Q

Qaddafi, Muammar, [630](#)

QKENCHANT, [31](#)
QKOPERA, [301](#)
Quaid, James F., Jr., [34-35](#)
Quaison-Sackery, Alex, [400-401](#)
Queens eviction hearing, [393-394](#)
A Question of Character, [357-358](#)
Quigley, John, [98](#), [118](#), [234](#)
Quiroga, Carlos, [233](#), [235](#)

R

Rabel, Luis, [233](#)
Rabenet, Dr., [209](#)
racism, [376](#), [389](#), [512-513](#)
Racivitch, Herb, [31](#), [37](#)
raid of munitions bunker, [20](#)
Ramparts, [31](#), [47](#), [301](#)
Randolph, A. Philip, [635](#)
Rankin, J. Lee, [119](#), [133](#)
Rarick, John, [211](#)
Rather, Dan, [304](#), [443](#)
Ratlines, [139](#)
Rauh, Joe, [66](#)
Raul
admission of King assassination, [502](#)
identification of, [501-502](#)
at Jack Ruby's club, [459](#)
and James Earl Ray, [458](#), [479](#), [485-486](#)
Kowalski's investigation of, [512](#)
location of, [502](#)
and MIG, [520](#)
and a rifle, [493-494](#)
Ray, James Earl
arrest of, [444](#)
and the article in *Times* magazine, [463](#)

and Blair's book, [348-349](#)
bundle of memorabilia belonging to, [500](#)
case appeal, [453-454](#)
clemency for, [453](#)
death of, [460-461](#)
defense for, [464-466](#)
as Eric S. Galt, [441-443](#)
escape from prison, [504](#)
and the FBI, [479](#), [484](#)
guilty plea, [456](#), [457](#), [461](#), [465](#)
health conditions of, [460](#)
and his public testimony, [439-440](#)
laundry receipts, [438](#)
meeting with Dexter King, [433](#), [446-447](#)
meetings with McNeil, [453](#)
and the murder of Martin Luther King, [305](#), [310](#)
and a new trial, [445-446](#), [458](#), [467-478](#)
questions to ponder, [462-463](#)
as Ramon George Sneyd, [443-445](#)
and Raul, [458](#), [501-502](#)
rights to his story, [464-465](#)
Robert's opinion of, [457](#)
and the white Mustang, [443](#)
Ray, Jerry, [68-69](#), [457](#), [461](#)
Ray, Lloyd, [42](#), [43](#), [44-45](#)
Read, Benjamin H., [399](#)
Readers Digest, [309](#)
Reagan, Ronald, [297-298](#)
The Real Spy World, [137](#)
Reasonable Doubt, [235](#)
records, stenographic, [23](#)
Redditt, Ed, [495-496](#), [519](#)
Reeves, Thomas, [357-358](#)
referral list of attorneys, [34-35](#), [49](#)
Regardie's, [603](#)
Regis Blahut incident, [86-87](#)

Reid, Mrs., [127](#)
Reilly, Robin, [100](#)
reinterment of JFK coffin, [257-258](#)
Reis, Barbara, [502](#)
religious sect, [27](#)
Remington, Fredrick, [298-299](#)
Reno, Janet, [461](#), [479](#), [486-487](#)
reports, declassified. *see* [declassified documents](#)
Reston, James, [17](#), [76](#)
Reynolds, Harold, [124](#), [130](#)
RFK Must Die!, [568](#), [623](#)
Rhodes, John, [67](#)
Rich, Nancy Perrin, [331](#)
Richards, E. Rhead, Jr., [554](#)
rifle. *see* [murder weapons](#)
right-wing group, [324](#), [632-633](#), [636-637](#)
Rivera, Geraldo, [53](#), [363](#)
Robert F. Kennedy: A Memoir, [637](#)
The Robert F. Kennedy Assassination, [532](#), [614](#)
Roberts, Darnell, [601-602](#)
Roberts, Earlene, [126](#), [128](#)
Roberts, Gene, [390-391](#), [407](#), [409-410](#), [412](#), [413](#)
Roberts, Joan, [413](#)
Roberts, Mike, [454](#), [455-456](#), [457](#)
Robertson, Louise, [94](#)
Robertson, Rip, [437](#)
Robinson, Herbert W., [458](#), [459](#)
Robinson, Marvin, [126](#)
Rocca, Raymond G. (Ray)
 association with Angleton, [137](#), [172](#)
 cables sent within CIA, [177](#)
 and Edward Epstein, [189](#), [309](#)
 fired from CIA, [193](#)
 Garrison Group at CIA headquarters, [45-46](#)
 and the Garrison investigation, [187](#)
 HSCA questioning about 201 files, [145](#)

illegal surveillance of his office, [42](#)
memo about Garrison, [41](#)
OSS officer, [138](#)
Quaid inquiry, [35](#)
and the Warren Commission, [183](#)
and the Whitten document, [181-182](#)
work with David Belin, [194](#)
Rockefeller Commission, [183](#), [194](#)
Rockefeller, David, [355](#), [594](#), [595](#), [607](#)
Rockefeller Foundation, [581](#)
Rockefeller, Nelson, [54](#), [173](#), [194](#), [350](#)
Rockefellers, [354-355](#)
Rockwell, George Lincoln, [636](#)
Rogers, Sam, [124](#)
Roll, Stephan, [173](#)
Rolling Stone, [58](#), [60-61](#), [302](#), [313](#)
Roman, Mike, [479-480](#)
Romero, Juan, [550](#)
Roosevelt, Franklin, [299-300](#)
Root, Gladys Towles, [401-402](#)
Rose, Gus, [245](#), [245-246](#)
Roselli, Johnny, [180](#), [333](#), [575](#), [577](#), [604](#)
Rosenbaum, Ron, [333-334](#), [340-341](#), [368](#)
Ross, Karen, [589](#)
Rostow, Eugene, [7-8](#), [9](#), [15](#), [16-17](#)
Rothberg, Howard, [360-361](#)
Rowland, Arnold, [125](#), [126](#)
Rowley, James, [282-284](#)
Roy, Robert, [117](#)
Rozzi, Robert, [542](#)
Rubinstein, Jack, [117](#). *see* [Ruby, Jack](#)
Ruby, Jack
and Castro, [132](#)
and Clay Shaw, [85](#), [235](#)
day of the assassination, [125-126](#)
and Emilio Santana, [235](#)

and Ferrie, [459](#)
HSCA's investigation of, [67](#)
and Oswald, [117](#), [122](#), [124](#), [132](#), [226](#), [227](#), [459](#)
and Oswald's murder, [133](#)
portrait of, [330](#)
and Raul, [458](#)
and Rose Cheramie, [226-227](#)
and Sergio Arcacha Smith, [235](#)
sexuality of, [320](#)
trips to Cuba, [114](#)
Ruiz, Earnest, [587](#)
Rusconi, Jane, [47](#)
Rush to Judgment, [77](#)
Rusk, Dean, [7](#), [16-17](#), [41](#)
Russell, Dick, [90](#), [95](#), [467](#)
Russell, Harold, [130](#)
Russell, Richard, [133-134](#)
Russian commentary, [218](#)
Russian intelligence services, [91-92](#)
Russo, Perry, [28](#), [29](#), [38](#), [236](#), [323](#)
Ryan, George, [120-121](#)
Rydberg, H., [251](#)

S

Sack, Kevin, [460](#)
Safire, William, [329-330](#)
Sahl, Mort, [36](#), [52](#), [350](#)
Salinger, Pierre, [344](#)
Salisbury, Harrison, [190-191](#)
Saltman, Jack, [502](#)
San Francisco Chronicle, [461](#)
Sanders, Harold, [37-38](#)
Sandoz Chemical, [209](#)
sanitation workers, [515-516](#)

Santana, Emilio, [230](#), [235](#), [236](#)
The Saturday Evening Post, [313-314](#), [316-318](#)
Savage, Gary, [239](#), [247](#)
Scaife, Richard Mellon, [636](#)
Scalet, John, [173](#)
Scandals, Scams and Scoundrels, [188](#), [314](#), [315](#)
Scelso. see [Whitten, John](#)
Scenario for Treason, [634](#)
Scheer, Bob, [452](#)
Scheer, Larry, [545](#)
Schein, David, [84](#)
Schiller, Larry, [361](#)
Schlei, Norbert, [568](#)
Schlesinger, James, [193](#)
Schlumberger bunkers, [232-233](#)
School Book Depository. see [Book Depository](#)
school records for Oswald, [94-95](#), [98-99](#), [101](#)
Schorr, Daniel, [194](#)
Schrade, Paul, [540](#), [541-542](#), [562](#), [625](#)
Schulman, Don, [545](#)
Schulte, Valerie, [550](#)
Schweiker-Hart Report, [57-58](#)
Schweiker, Richard, [52](#), [53-54](#), [56](#), [150-152](#), [325](#)
Scoggins, William, [128](#), [130](#)
Scott, David, [174](#)
Scott, Peter, [218](#), [224](#), [236](#), [315](#), [436](#)
Scott, Win
 and Angleton, [175](#)
 and the CIA, [173](#)
 on CIA's knowledge of Oswald, [177](#), [221](#)
 and Goodpasture, [174](#)
 manuscript of, [192](#)
 and Phillips, [175](#)
Scowcroft, Brent, [297](#)
The Search for JFK, [346-349](#)
The Search for the Manchurian Candidate, [208](#), [582](#)

The Second Gun, [559](#), [613](#), [617](#), [618](#), [625](#)
Secret Agenda, [87](#)
Secret Intelligence (SI), [137-138](#)
security clearance, [31](#)
segregated collection (CIA files), [19](#), [24-25](#), [65](#)
Seim, Conrad, [587](#)
Seldes, George, [295-296](#), [299](#)
Selvin, Herman, [575](#)
Senate Internal Security Subcommittee, [98](#)
Senator, George, [38](#)
Serrano, Sandy, [546](#), [572](#), [579](#), [585-586](#), [591](#), [614-615](#)
Severson, Eleanor, [592](#), [593](#)
Sewell, Fred, [114](#)
Shabazz, Alauddin, [393](#)
Shabazz, Betty, [380-381](#), [413](#)
Shabazz, James, [412](#)
Shackley, Ted, [352](#)
 and the Phoenix Program, [367](#)
Shadow Play: The Murder of Robert F. Kennedy, The Trial of Sirhan Sirhan, and The Failure of American Justice, [532](#)
Shah of Iran, [594-595](#)
Shah, Yusuf. *see* [Joseph X](#)
Shanklin, Gordon, [239-240](#), [241](#)
Shapiro, Robert, [620](#)
Sharaga, Paul, [546-547](#), [613-615](#)
Sharrett, Chris, [59](#), [67](#)
Sharrieff, Hassan, [379](#)
Shasteen, Cliff, [122-123](#), [241](#)
Shasteen, Clifton, [130](#)
Shaw/Bertrand controversy, [37](#), [44-45](#), [115](#), [317](#), [321](#), [323](#)
Shaw, Clay
 and Aynesworth's reports, [24](#)
 and the CIA, [38](#), [575](#)
 connection to a conspiracy, [29](#), [305](#)
 and David Ferrie, [320](#), [322](#)
 defense team for, [18](#)

and the FBI, [38](#), [441](#)
and government ties, [30](#)
and Jack Ruby, [85](#), [235](#)
and James Phelan, [315-317](#)
Let Justice Be Done, [28-29](#)
links to Staff D, [163](#)
and the movie *JFK*, [18](#)
and New Orleans Trade Mart, [209](#)
and Oswald, [203-206](#), [211](#), [320](#), [322](#)
perjury charges, [52](#)
Posner's view of, [17](#)
relationship to Banister and Ferrie, [30-31](#)
and Sergio Arcacha Smith, [233](#)
sexuality of, [325](#)
story in *New York Times*, [37](#)
Shaw, Gary, [89](#), [229](#), [459](#)
Shaw's defense
aid by CIA, [39-40](#)
aid by FBI, [38-39](#)
dissension on team, [30](#)
and Edward Epstein, [21](#)
and Hugh Aynesworth, [24](#)
influencing jurors and propaganda campaign, [46](#)
lack of conspiracy evidence, [32](#)
and Sheridan, [36](#)
sources for, [19](#)
and the Warren Report, [36-37](#)
Washington involvement, [37](#)
Shepard, Sid, [591-592](#)
Sheridan, Walter
and attorney Miller, Hubert "Jack," [35-36](#), [39](#)
and Bill Gurvich, [23](#)
and Dan Moldea, [311](#)
and Garrison, [28](#), [34](#)
and Gordon Novel, [21](#)
infiltration of Garrison's office, [20](#)

NBC special on Garrison, [39](#), [188](#), [305](#)
payoff of witnesses, [28](#)
Shoffler, Carl, [311](#)
shooting sequence, [82-84](#)
Sibert, FBI Agent (James), [280](#)
SIG 201 file on Oswald, [144](#)
Silkwood, Karen, [59](#)
Silva, Frank, [205-206](#), [209](#), [233](#), [234-235](#)
Simmons, Joan, [580-581](#)
Simson-Kallas, Eduard, [579](#), [623](#)
Sinclair (Judge), [43](#)
Sinclair, Upton, [299](#)
Singer, William, [597](#)
Single Bullet Theory (SBT)
and the acoustical evidence, [82](#)
description of, [540](#)
flight path of the bullet, [80](#)
Guinn's findings on, [77](#)
and the HSCA, [272](#)
and the location of bullet holes, [216](#)
Mantik against the, [74-75](#)
Sprague against the, [57](#), [66](#)
and the trajectory of the bullet, [70-72](#)
and the Zapruder film, [84](#)
Sino-Soviet split, [193](#)
Sins of the Father, [332](#)
Sirhan, Mary, [578](#)
Sirhan, Saidallah, [574](#)
Sirhan, Sirhan Bishara
background of, [535](#)
and Carmen Falzone, [629-630](#)
confession of, [583](#), [629](#), [630](#)
declaration of innocence, [530-531](#)
defense team for, [573-579](#)
and the girl in the polka-dot dress. see [girl in the polka-dot dress](#)

hypnosis of, [578-581](#), [623](#)
and the Khan family, [592-593](#)
and Life magazine, [463](#)
and Moldea's interview, [622-625](#)
and the murder weapon, [531-532](#)
notebook of, [578](#), [580](#), [623](#)
and the RFK assassination, [310-311](#), [533](#), [579-580](#), [628](#)
trial of, [539](#), [583](#), [624-625](#)
and William Joseph Bryan, [581](#)
Six Seconds in Dallas, [51](#), [283](#)
Skorzeny, Otto, [27](#)
skull (JFK's) X-rays, [258-266](#)
Slatzer, Robert, [362](#)
Slawson, David, [183](#), [224](#)
Smathers, George, [328-329](#)
Smith, Coby, [494](#), [513-514](#), [517](#), [525](#)
Smith, Don, [519](#)
Smith, Haviland, [87](#)
Smith, Jack, [296](#)
Smith, John, [526](#)
Smith, John and Minnie, [135](#)
Smith, Joseph B., [161](#)
Smith, Liz, [334-337](#), [360](#), [363](#)
Smith, Sergio Arcacha
anti-Castro activist, [209](#)
and the assassination of JFK, [236-237](#)
background of, [230-231](#)
and Carlos Quiroga, [235](#)
and the Cheramie incident, [230](#)
and the CIA, [231-233](#)
and Clay Shaw, [233](#)
and the Cuban Revolutionary Council (CRC), [232](#)
and David Ferrie, [231-232](#)
and David Phillips, [231](#)
and Emilio Santana, [235](#)
and the Friends of Democratic Cuba (FDC), [232](#)

and Gordon Novel, [231](#)
and Guy Banister, [231-232](#)
and Howard Hunt, [231](#)
and Hugh Aynesworth, [26](#)
and Oswald, [175](#), [232](#)
Smith, William Arthur, [128](#), [130](#)
Smith, William Lawrence, [128](#), [130](#)
“smoking file,” [136](#)
Sneyd, Ramon George, [443-445](#)
sniper team, [503](#), [520](#)
Snyder, Dave (reporter), [24](#)
Solie, Bruce, [187](#)
Soto, Edwin Lopez, [64](#)
Sourwine, J.G., [98](#)
Southern Air Transport, [163](#)
Southern Christian Leadership Conference (SCLC), [402-403](#)
Southern, Donn, [455-456](#)
sovereign immunity, [492](#)
Soviet conspiracy, [180-183](#)
Soviet Counterintelligence operations, [178-179](#)
Soviet Embassy, [173-174](#), [177](#), [219-220](#), [221](#), [222-223](#)
Soviet intelligence service, [181](#), [184](#)
Spanish-American War, [299](#)
Spates, Betty, [513](#)
Special Investigations Group (SIG), [143-145](#)
Special Operations Senator, [539](#)
Special Procedures Group (SPG), [138](#)
Special Unit Senator, [563](#)
Special Unit Senator (SUS), [539](#), [549](#), [571-572](#), [576](#), [614](#)
Specter, Arlen, [54](#), [216](#), [254](#)
Spencer, Sandra, [252](#), [281](#)
Spencer, Steven, [318](#)
Spicer, Herman, [46](#)
Spiegel, Herbert, [623](#)
spies, the making of, [91](#)
Spiesel, Charles, [323](#)

Spitz, Werner, [76](#)
The Spotlight v. Hunt, [154](#), [195](#)
Spoto, Donald, [359-361](#), [363-364](#)
Sprague, Richard A.
 battle with Gonzalez, [60-62](#)
 character of, [88-89](#)
 as Chief Counsel and Staff Director (HSCA), [54-58](#)
 investigation by, [66](#)
 propaganda campaign against, [59](#)
 reinvestigation of JFK assassination, [66-67](#)
 removal from HSCA, [61](#), [66](#), [310](#), [439](#)
 resignation of, [195](#)
Sprague, Richard E., [67](#), [70](#), [84](#)
spy camera, [246](#), [247](#)
Spycatcher, [164-165](#)
St. George, Andrew, [368](#)
Staff D (of the Counterintelligence unit). *see*
[Counterintelligence](#)
Standard Oil Company, [299](#)
Stanton, Hugh, [464](#)
States-Item (newspaper), [20](#)
Steadman, Martin, [591](#)
Steele, Charles Hall, [118](#), [323](#)
stenographic records. *see* [records](#)
Stephens, Charles, [446](#), [500-501](#)
Stern, District Attorney, [414](#)
Stern, Sol, [31](#)
Sterns, Estelle, [593](#)
Stiles, Maynard, [499](#), [524-525](#)
Stokes, Louis, [58](#), [62](#), [63](#), [438](#)
Stolley, Richard, [304](#)
Stone, I.F., [299](#)
Stone, Oliver, [17-18](#), [74](#), [369](#), [459](#), [637](#)
STOP on Oswald, [222](#)
Story, Dean, [10](#)
The Strange Case of James Earl Ray, [348-349](#)

“The Strange Death of Marilyn Monroe,” [358-359](#)
Strategic Services Unit (SSU), [138](#)
Strawderman, Larry, [89](#)
Strick, Larry, [592-593](#)
Stringfellow, Detective, [129](#)
Stroll, Erwin, [541](#)
Stuart, Donald, [122](#)
Student Nonviolent Coordinating Committee (SNCC), [399-400](#),
[403](#)
Sturgis, Frank, [132](#), [194](#), [245](#), [368](#), [437](#)
subpoenas, [40](#), [43-44](#), [50](#), [68](#)
Sukarno, Achmed, [379-380](#)
Sullivan, William, [133](#), [158-159](#), [359](#), [378](#), [383](#)
Sulzberger, Arthur, [190](#), [302](#)
Sulzberger, Cy, [301](#)
Sulzer, Nina, [28-29](#)
Summers, Anthony, [51-52](#), [84](#), [140](#), [321](#), [363](#)
Sutherland, Shirley, [576](#)
Swearingen, James E., [508](#)
Swinton, John, [296](#)
Sylvester, Joseph, [48](#)
Szulc, Tad, [328](#)

T

Taber, Robert, [114](#)
Tague, James, [83](#)
Tamayo, Francisco Rodriquez, [114](#)
Tanenbaum, Robert (Bob)
character of, [88-89](#)
conversation with Ashbrook, [59](#)
on Gonzalez, [54](#)
on the HSCA, [56](#), [62](#)
and investigation of New Orleans, [85](#)
investigation of Oswald, [67](#)

and Michael Baden, [70](#)
review of Warren Report, [57](#)
testimony of, [47](#)
views on Henry Dobbs, [64](#)
views on HSCA, [66](#)
“The Tangled Web” (Epstein’s article), [21](#)
Tarasoff, Mrs., [220](#)
Tarbell, Ida, [299](#)
The Target Is Destroyed, [369](#)
task forces to obstruct investigation, [44](#)
Tatro, Ed, [78](#), [89](#)
Tatum, Jack, [128](#), [130](#)
Technical Services Division (TSD), [163](#)
Technical Surveillance Room, [48](#)
Teeter, Lawrence, [534](#), [622](#)
telegram, [37](#)
telephone transcripts
about creating a commission, [3-4](#), [5-6](#), [7-8](#), [9-15](#)
Oswald’s calls, [218](#), [219-220](#), [223-224](#)
television. see [media](#)
Television program 20/20, [345](#)
ten mysterious deaths, [307](#)
Tennessee National Guard, [515-516](#)
Terrell, Jack, [502-503](#)
“The Testimony of Dr. Guinn: Some Troubling Questions,” [78](#)
Tew, Walter, [617](#)
Texas Court of Inquiry, [5](#), [10](#)
Texas investigations, [36](#)
Texas Theatre, [126](#), [128](#), [129](#)
At That Point in Time, [315](#)
Theologes, Teddy, [390](#)
The Third Decade, [56](#)
Thomas, Albert “Benjamin,” [392-393](#), [411-412](#), [425-426](#), [428](#)
Thomas, Bill, [567](#)
Thomas, Evan, [352](#), [435](#)
Thomas, Joseph, [86](#)

Thompson, Fred, [52](#), [315](#)
Thompson, Josiah, [82](#), [283](#), [284](#)
Time, [442](#), [443](#), [446-447](#), [461](#)
Time-Life, [26](#)
Timmer, William Henry, [97](#)
Tippit, J.D.
 involvement in assassination, [130](#)
 murder of, [126](#), [127-129](#)
Tippit, Mrs. Jack, [94](#), [98](#)
Todd, Elmer Lee, [282](#)
Tolson, Clyde, [34](#), [140](#)
Tompkins, Stephen G., [520](#), [520-522](#)
Tony U. *see* [Ulasewicz, Tony](#)
Tower, John, [134](#)
Townley, Rick, [34](#)
On the Trail of the Assassins, [30](#), [637](#)
trajectory of bullet (JFK), [71-72](#), [79-81](#)
trajectory of bullets (RFK), [617-618](#)
Trapp, Thomas, [531](#)
Travels with Dr. Death, [368](#)
Trento, Joseph, [164](#), [195-196](#)
triangular conspiracy, [84](#)
Truitt, Anne, [339-341](#), [343](#)
Truitt, Jim, [341](#)
Trujillo, Rafael, [173](#), [179](#), [345](#)
Truly, Roy, [127](#)
The Truman Show, [293-294](#)
Tujague, Gerard, [103-104](#)
Tulane University, [208-209](#)
Turner, Bill
 on the assassination probe, [47](#)
 on Cesar's guilt, [534](#)
 on Chris Gugas, [46](#)
 on Manuel Gutierrez, [599](#)
 on number of bullets in pantry, [532](#)
 on Pena and the CIA, [572](#)

plea for truth about JFK assassination, [536](#)
on Sirhan firing blanks, [568](#)
Turner, Elbert "Burt," [178-179](#), [222](#)
Turner, Stansfield, [63](#), [87](#)
two-brain theory, [250](#)
254 Questions and Answers on Practical Hypnosis and Autosuggestion, [583](#)
Twyman, Noel, [84](#)

U

U-2 project, [153-154](#)
Uecker, Karl, [538-539](#), [550](#), [566](#), [568](#), [626-627](#)
Ulasewicz, Tony, [390](#)
United Nations
 human rights campaign, [395](#), [396-400](#), [403](#)
 U.S. on trial for discrimination, [386](#), [389](#), [394](#)
United Negro Improvement Association, [376](#)
United States Government conspiracies. *see* [conspiracy](#)
United States Information Agency (USIA), [41](#), [356-357](#)
upward trajectory, [71-72](#)
Urso, Lisa, [545](#), [550](#), [626](#)
U.S. defectors, [147-149](#)
U.S. intelligence agencies. *see* [CIA; FBI](#)
U.S. News and World Report, [25](#)
U.S. v. Steven Harris Landeberg, [115](#)
U.S. violations of African-Americans' rights, [386](#)

V

Valentine, Douglas, [367](#), [502](#)
Vallero, Earnest, [588](#)
Valley Times, [590](#)
Vanity Fair, [334](#)

Vanocur, Sander, [546](#), [591](#)
The Vantage Point, [17](#)
Varona, Manuel “Tony,” [165](#), [231](#)
Vatican, [139](#)
Vea, Peter, [85](#), [360](#)
Veciana, Antonio, [118](#), [175](#)
The Very Best Men, [352](#)
Vietnam massacre, [367](#)
Vietnam war, [607](#)
Voebel, Edward, [100](#)
Volz, John, [322](#)
von Rolleston, Cedric, [28](#)
Vrtacnik, Ken, [268](#)

W

Wackenhut Corporation, [19](#), [28](#), [32-33](#), [37](#), [48](#)
Wade, Henry, [126](#)
Wadsworth, Susan, [69](#)
Waldron, Martin, [442](#), [443](#), [445](#)
Walker, Edwin, [360](#)
 photo of Ewin Walker, [248](#)
Walker, Mrs. James, [122](#)
Walking With the Wind, [400](#)
Walkup, John K., [455](#)
Wall, Archie, [29](#)
Wall, Ernie, [48](#)
Wallace, Norvell E., [495](#)
Walter, William, [32-34](#), [123](#), [234](#)
Walters, Bill, [48](#)
Walthers, Buddy, [27](#)
Ward, Baxter, [559-560](#), [560-561](#)
Warren, [520](#), [521](#)
Warren Commission
 Angleton and Helms relationship, [45-46](#)

Angleton as liaison, [183](#)
autopsy evidence, [72](#)
chronology of Oswald's life, [92](#)
contradictions in files, [319](#)
cover-up, [32](#)
critics of, [189](#)
discrepancies in Oswald's childhood, [94-95](#), [98-99](#)
and the discrepancy of the wound placement, [74-76](#)
fabricated Oswald background, [92](#), [107-108](#)
and the Odio incident, [216-217](#)
questioning Marguerite Oswald, [94](#)
review by Tanenbaum, [57](#)
and the Single Bullet Theory (SBT). *see* [Single Bullet Theory \(SBT\)](#)
testimony of Dean Andrews, [37](#)
and Vincent Guinn, [77](#)

Warren Report
criticism of the, [306-308](#)
discrepancies in, [81](#)
disrepute of, [77](#)
and Jim Garrison, [32](#)
motive for Oswald, [628](#)
and Shaw's defense team, [36-37](#), [38](#)

The Washington Post
on Exner, [346](#)
on James Earl Ray, [435](#), [451-452](#)
on Mary Pichot Meyer, [338](#), [341](#), [344](#), [346](#)
on Oswald's phone transcript, [220](#)
owner Katherine Graham, [302-303](#)
propaganda campaign against HSCA, [59-60](#)
on the Regis Blahut incident, [88](#)
relationship to the CIA, [191](#)
statement from David Phillips, [176](#)
task force to replace Sprague, [60](#), [64](#)
and the Warren Commission, [11](#), [15](#), [16](#), [17](#)
watch list (CIA), [154](#)

Watergate burglars, [194](#), [311](#)
Watergate Committee, [196](#)
Watergate scandal
 CIA's role in, [193](#), [325](#)
 and Deep Throat, [298](#)
 and E. Howard Hunt, [195](#)
 media reports on, [368](#)
 Phelan's writing about, [315](#)
Waxman, Mel, [68](#)
Wayne, Michael, [597-599](#), [601](#), [602](#)
WCC (Western Cartridge Company), [78](#)
Weaver, Dennis, [598](#)
Webb, Gary, [296](#)
Weberman, Alan J., [245-246](#)
Wecht, Cyril
 on the composition of the medical panel, [76](#)
 and the corroborating reports, [75](#)
 review of autopsy materials, [257](#)
 on Richard Sprague, [55-56](#)
 on the trajectory of bullet, [71-72](#), [79](#), [81](#)
 on the trial of Clay Shaw, [73](#)
Weeden, Carthel, [502](#), [523](#)
Wegmann, Cynthia, [17-18](#)
Wegmann, Edward
 and Aynesworth, [24](#), [26](#), [27-28](#)
 correspondence with Bradley, [22-23](#)
 correspondence with Getz, [21-22](#)
 correspondence with Ruby's attorneys, [22](#)
 and Dymond, [28](#)
 files of, [17-18](#)
 and Gurvich, [23](#)
 involving Washington in Shaw's defense, [37](#)
 letter to Dulles, [40-41](#)
 letter to Eva Grant, [37](#)
 meeting with FBI, [37-38](#)
 meeting with Kossack, [38](#)

Wegmann, William (Bill), [18](#), [30](#), [31-32](#)
Weidrich, Robert, [542](#)
Weiner, Jerry, [20](#), [35](#)
Weinstock, Louis, [94](#), [98](#)
“Weird Trail of King’s Killer,” [442](#), [443](#), [445](#)
Weisberg, Harold, [46](#), [57](#), [464](#), [535-536](#)
Weisel, William, [541](#), [556](#)
Weiss, Mark, [82](#)
Weiss, Victor, [226](#), [228](#)
Weitz, John, [140](#)
Welch, Terry, [580](#)
Welles, Ben, [190](#)
Wenke Panel, [619](#), [627](#)
Wenke, Robert A., [562](#)
West, Louis J., [331](#)
Westbrook, Officer, [129](#)
Weston, Dr., [76](#), [81](#)
Whaley, William, [127](#)
When the Word is Given, [378](#)
White, Alan, [174](#), [175](#)
White, Bill, [587](#)
White House telephone transcripts. *see* [telephone transcripts](#)
White, Jack E., [446-447](#)
White, T.F., [130](#)
Whitney, Jock, [324](#)
Whitten, John, [163-164](#), [165](#), [173](#), [180-183](#)
Wick, R.E., [314](#)
Wicker, Tom, [190](#), [303-304](#), [314](#)
Wien. *see* [Wayne, Michael](#)
Wiggins, James, [16](#), [17](#)
Wilbur X., [392-393](#), [411-412](#), [425-426](#)
Wilburn, Royce, [502](#)
“Wild Bill” Donovan, [139](#)
Wilde, Oscar, [335](#)
Wilderness of Mirrors, [164](#), [180](#)
Wilkins, Roy, [637](#)

William X, [392-393](#), [411-412](#), [425-426](#)
Williams, Edward Bennett, [576-577](#)
Williams, Jake, [557](#)
Williams, Jerry, [496-497](#)
Willis, Phil, [125](#), [126](#)
Wills, Gary, [330-331](#)
Wilson, Bob, [28](#), [33](#), [37](#), [48](#)
Wilson, Donald (interview)
 evidence found in car, [483-491](#)
 FBI discrimination, [480-482](#)
 FBI surveillance, [487-489](#)
 introduction, [479-491](#)
 job with FBI, [482-483](#)
 Ray's white Mustang, [483-484](#)
Winchell, Walter, [359-360](#)
Wirin, Abraham Lincoln "Al," [573-574](#)
Wise, David, [141-142](#), [162](#)
Wise, Wes, [130](#)
Wisner, Frank, [300](#), [302-303](#)
Wisner's Wurlitzer, [300](#)
witness harassment, [28](#), [45](#), [211](#)
witness intimidation, [513-515](#), [525](#), [587](#)
witness tampering, [45](#), [105](#)
witnesses
 Bethesda, [75-76](#)
 and bribes, [24](#), [28](#), [308](#)
 of Clinton/Jackson, [201-207](#), [210-211](#), [322-323](#)
 Delsa's in New Orleans investigation, [85](#)
 discrediting, [29](#)
 to the RFK murder, [538-539](#), [540-541](#), [544-545](#), [550-551](#),
[568-569](#)
witnesses, prison. *see* [prison witnesses](#)
Wolfer, DeWayne
 and Ace Security Services, [606](#)
 and the crime scene bullet holes, [616-617](#)
 on firing distance in RFK murder, [552](#)

and the Jack Kirschke case, [616](#)
log reports of, [554-559](#)
and the physical evidence, [617-618](#)
on the shell casings, [562-563](#)
testimony of, [624-625](#), [628](#)
Wood, William. *see also* [Boxley, Bill](#)
Woodruffe, Ed, [479-480](#)
Woodward, Bob, [298](#)
World War II, [300](#)
Worrell, James, [126](#)
Wright, Charles, [542](#)
Wright, Frank, [128](#)
Wright, O.P., [282-284](#)
Wright, Peter, [164-165](#)
Wrone, David, [310](#)
Wulf, William, [104](#), [105-106](#)

X

X-ray evidence. *see* [evidence](#)
X-ray of skull
frontal view, [256 fig. 5B](#), [261 fig. 3B](#), [262 fig. 4B](#)
lateral view, [256 fig. 5A](#), [259 fig.2](#), [261 fig. 3A](#), [262 fig. 4A](#)
through maxillary sinuses, [266 fig. 6](#)

Y

Yablonski, Jock, [54](#)
Yablonski murders, [54](#)
Yaro, Boris, [539](#), [551](#), [567](#)
Yates, Ralph, [124](#)
Yockey, Ross, [20](#), [42](#)
Young, Andrew, [452](#), [493-494](#), [501](#)
Young, Perry, [636](#)

Younger, Evelle, [551](#), [555-556](#), [562](#), [573](#)
Youth House, [96-97](#)

Z

Zachary, N.E., [516](#), [518](#)
Zapruder, Abraham, [53](#), [304](#)
Zapruder film
 acquired by *Life* magazine, [304](#)
 and the bullet controversy, [80](#), [83-84](#)
 Hall/Billing discussion, [437-438](#)
 Kennedy investigation based on, [70](#)
 public showing of, [53](#)
 televised, [195](#)

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