

Chapter 11

The HSCA Report

The committee believes, on the basis of the evidence available to it, that President John F. Kennedy was probably assassinated as a result of a conspiracy. The committee is unable to identify the other gunman or the extent of the conspiracy.¹

1 10.1 the revelations: seymour hersch, about the cia, leading to firing of angleton

2 10.2 the Rockefeller commission

3 10.3 the church committee

"In December, 1975, the Senate's Church Committee issued a staff report titled *Covert Action in Chile: 1963-1973*. It said:

Was the United States directly involved, covertly, in the 1973 in Chile? The Committee has found no evidence that it was. However, the United States sought in 1970 to foment a military coup in Chile; after 1970 it adopted a policy, both overt and covert, of opposition to Allende; and it remained in intelligence contact with the Chilean military, including officers who were participating in coup plotting.

"The Church report also noted that the CIA did not consult its Congressional oversight committees, as required by law, on most of its Chilean covert action projects. And while many were approved by President Nixon's executive oversight group (called the 40 Committee), some projects did not even have this cursory overview. As the Senate report said: "Congressional oversight committees were not consulted about projects which were not reviewed by the full 40 Committee. One of these was the Track II attempt to foment a military coup...." The chief of the Track II Project was David Atlee Phillips."²

Increasing concerns about the connections between the use of assassination as a political resource and the death of John Kennedy led Senator Schweiker to establish a subcommittee to study specifically the Kennedy assassination. (Cf. Fonzi, etc.)

1 ¹HSCA report, p. 2

2 ²Fonzi 1993, 272.

1 10.4 the demand for a second investigation of the jfk and mlk assassinations

2 10.5 the original composition of the hsca

In September 1976, the Congress established the House Select Committee on Assassinations, with Thomas Downing named chair. Henry Gonzales was to succeed Downing in 1977. The chief counsel was Richard A. Sprague. He resigned on March 30, 1977. The next day, the House voted to continue the Committee for that year. On June 20, 1977, G. Robert Blakey was appointed as Chief Counsel. Deputy Chief Counsel was Bob Tanenbaum,³ who resigned in late July, 1977; he was replaced by Gary Cornwell, "a 32-year-old Justice Department prosecutor out of the Kansas City Organized Crime Strike Force, Cornwell was a cocky, stocky, stumpy Texan who exuded a brash pragmatism."⁴

Gaeton Fonzi worked in Miami, joined in August of 1977 by Al Gonzales, a former detective from New York.⁵

[battle of the budgets; Gonzales retired; Louis Stokes takes over as chair, fires Sprague and hires Blakey in his place.

The Kennedy staff was divided into five teams. "Each team had two or three attorneys, researchers and investigators. The "outside" investigators in New Orleans and Miami were at the disposal of all the teams. In Miami, Al Gonzales and [Gaeton Fonzi] worked mostly with Team Two, which had the Organized Crime and Jack Ruby areas, and with Team Three, which had anti-Castro Cubans and New Orleans."⁶ [Though by "December, 1978,...the staff had been drastically depleted through firings and resignations."⁷

Robert Groden, who had developed an enhanced version of the Zapruder film on the basis of a bootlegged copy of the original that he had obtained, became a photographic consultant to the HSCA. He told Fonzi,

One of the first things I did was ask to see the autopsy photographs in the National Archives. I wanted to find out how it was the Warren Commission concluded the shots

3 ³Fonzi 1993, 202f., 204.

4 ⁴Fonzi 1993, 209.

5 ⁵Fonzi 206.

6 ⁶Fonzi 1993, 215.

7 ⁷Fonzi 9

came from the rear when all the doctors at Parkland Hospital, every one of them, wrote in their reports that Kennedy's head was blasted out. When I saw the autopsy photographs I was shocked. After years in photo optic work I knew what I saw, and what I saw was a matte line in the photograph of the back of the President's head. That's when two photographic elements come together visually and there's an overlap. I saw a soft edged matte insertion forgery of very high quality which made it appear as if there were a small wound of entry in the rear of the President's head....I wrote a report about it to Blakey saying that based on my professional opinion the autopsy photographs of the President's head had been retouched.⁸

[interview by Sprague of Trafficante, who pleaded the Fifth Amendment to everything]

1 10.6 the recomposition: blakey; emphasis on the mafia

[Blakey calls Marcello to testify.]

Blakey's attitudes:

...Blakey was to exhibit a curiously dichotomous spirit in the way he conducted his investigation. On the one hand he evinced a seeming tendency to validate the basic findings of the Warren Commission -- especially in regard to the number and provenance of the shots fired at the crime scene and the number and nature of the wounds they inflicted, but at the same time he sought to challenge the Warren Commission's central conclusion that Lee Harvey Oswald was the sole killer of the President, acting without confederates.

Of all Blakey's apparent assumptions most central was his tendency not to question that Lee Harvey Oswald fired at least two shots that struck the President, in contrast to his predecessor's belief that the investigation should be conducted without presuming Oswald's guilt, that Oswald should be regarded simply as one of several suspects who may have been involved in the crime. (Davis, *Mafia Kingfish*, 387)

From Gaeton Fonzi:

Blakey would later claim that when he came to the Assassinations Committee he felt that a conspiracy was "highly unlikely". In fact, many on the staff appeared quite upset when Blakey early on appeared to be ready to confirm the Warren Commission's conclusions, despite all the contractions. Footnote: Among those who were most upset were the four law students Blakey

had brought with him from Cornell by convincing them that a year's sabbatical from school would provide them with invaluable experience in how government worked. It was not what they expected. Originally his devoted partisans, they were quickly disillusioned. Blakey told them their criticisms were "immature." One, Leslie Wizelman, who had been initially assigned to thoroughly review the Warren Commission's finding, was in Washington only four months when she sent Blakey a memo headed "The Future of My Immaturity." In it, she wrote: "I find myself greatly frustrated about my role on this Committee. I will have very serious difficulties writing a report that concludes the Warren Commission was right. I simply do not believe it. It appears that certain theories have been developed and conclusions have been established. It would be interesting to have someone...tell us upon what they are abased. In addition, it would be very interesting to know if we are going to actively investigate the Kennedy assassination."⁹

1.1 Aleman

Aleman testified before the HSCA on September 27, 1978. He had been interviewed by Gaeton Fonzi for the Committee in August of 1976, following up on an article by George Crile, and then questioned again by Andy Purdy of the HSCA. But when testifying in public, Aleman said that he was in fear for his life, and that when Trafficante said that Kennedy was going to be hit, he probably meant that he was going to be hit by a lot of Republican votes.

1 CIA interest in the HSCA

The CIA maintained a permanent representative guarded a high-security office in the HSCA's office area, near a safe that contained Kennedy autopsy photographs and x-rays -- a safe containing material that the HSCA felt was of the highest importance. No one could have access without Blakey's permission, and a log was kept carefully of all access to it. One staff member failed to lock the safe after accessing some of the material, and discovered that the contents had been tampered with during her absence. Fingerprint investigations showed that the person was the CIA's representative, Regis Blahut. He denied three times that he was involved, and failed a polygraph examination each of the three time; he then admitted his involvement, and said that "there are other things involved that are detrimental to other things," whatever that might mean.¹⁰

9 ⁹Fonzi 1993, 259-60.

10 ¹⁰Fonzi 219.

1 10.7 the concern with the sound recordings from the police

2 The backyard photos

Overview: A series of photos discovered by the police in Ruth Paine's house shortly after the President's death has remained controversial over the years. Even how many different photos there have been is a matter of some dispute. The Warren Commission produced two photographs of Oswald, taken perhaps by Marina, apparently taken in the backyard of their home on Neely Street early in 1963 -- on March 31, on the Warren Commission's reconstruction. They show Oswald holding a rifle in one hand, a pistol on his belt, and two Marxist newspapers, *The Militant* (March 11) and *The Worker* (March 24).

Oswald was shown these pictures during the period of his arrest, and he immediately rejected them, saying that they were fraudulent; he said he knew how it could be done, how a picture of his face could be superimposed on the body of a different person to create a composite picture. ("He said the picture was not his, that the face was his face, but that this picture had been made by superimposing his face, the other part of the picture was not him at all and that he had never seen the picture before..." (WCR 608 [check that]).) The question remains unsettled as to whether the pictures are indeed genuine.

The strongest arguments against the photos are these:

1. The shadows on Oswald's face are grossly different in direction from the shadows elsewhere in the picture.
2. The size of the face is out of proportion to the size of the body.
3. Oswald's chin in the photo is square, while in reality his chin is pointed, and a straight line can be observed just above the chin where the image of Oswald's face was joined up with the chin of the stand-in man in the photograph.
4. The background is virtually identical in the photos, to an extent that is highly improbable if the photos were simply snapped by Marina Oswald, with the requisite rewinding motions made inbetween shots; the perfect, or nearly perfect, match between the backgrounds indicates either that a single background shot was used to create the photos, or that a tripod was used to take the shots (or both).

Less telling points against the validity of the photos have been raised that are nonetheless of some interest. (a) *The Militant* and *The Worker* were the publications of Marxist organizations that were enemies; it makes no sense, from a Marxist's point of view, to put them together as Oswald did. (b) There is no consistent story provided by Marina Oswald as to her picture-taking. She originally told the Warren Commission that she took only one photo, not two [give source; longer story, about Oswald's mother destroying one; etc.] (c) Despite repeated and thorough searches through the Paines's house after the assassination, the police did not find the camera which was later alleged to have been used by Marina to take the photos, leading some observers to question the veracity of the account offered of how the FBI eventually got hold of the camera. The official account is that Lee Oswald's brother, Robert Oswald, picked up the camera from the Paines's home on December 8, 1963, and he turned it over to the FBI the following February 24. (d) There is no evidence or testimony supporting the notion that Oswald took any pho-

tos during his and Marina's period in Dallas (during which he had two small children);¹¹ the only photos he took, on the Warren Commission's account, were photos that were incriminating -- photos that perhaps showed him with the assassination rifle, and photos of Gen. Edwin Walker's house. I frankly am not sure that this fourth point should be listed among the less telling points, as I have done. While there is certainly no logical impediment to Oswald having done just this -- taken just incriminating photos of himself -- the whole makes no human sense; as more than one writer has observed, we would expect to see pictures of Oswald's young babies in addition to his guns and Walker's house.

The strongest arguments in favor of the validity of the backyard photos are these:

1. At least one of the negatives found (or allegedly found) by the police at the Paines' house showed a pattern of scratches which positively associated it with the Imperial Reflex camera that Robert Oswald turned over to the FBI; this result was established by photographic experts assembled by the HSCA.

2. Marina Oswald's testimony to the Warren Commission (although the inconsistencies in this account could arguably make this testimony into an argument against the validity of the photos);

3. de Mohrenschildt's testimony;

4. statements from workers at The Militant/The Worker (which?) that they had received a copy of the photo [check Dick Russell's book on this]; and ultimately,

5. the rebuttals, or attempted rebuttals, of the four arguments above. The best versions of these rebuttals were presented by the House Select Committee, and we shall discuss them here.

Oddities about the content of the photos:

1. Shadows. One of the most often heard of these pictures is that the shadows on the face -- in particular, the shadow that falls directly under Oswald's nose -- do not match up with the larger shadows in the picture. The shadow under the nose is indicative of a picture taken with the sun neither to the left nor the right of Oswald, but somewhat to his front. The shadow of his body, however, falls clearly to his right (his right, i.e., the viewer's left), and is rather long, indicative of a late afternoon or early morning sun.

1 10.8 the official conclusions

"When it became obvious that most teams wouldn't be finished before the Committee's demise, a younglawyer named Jim Wolf was given the job of gathering from each team a summary of its findings and puttin gthem together into what would be a draft of the final report...."¹²

The first set of official conclusions of the HSCA virtually speak for themselves:

A. Lee Harvey Oswald fired three shots at President John F. Kennedy. The second and third shots he fired struck the President. The third shot he fired

11 ¹¹See, for example, Meagher, *AAF*, p. 206.

12 ¹²Fonzi 9.

killed the President.

1. President Kennedy was struck by two rifle shots fired from behind him.
2. The shots that struck President Kennedy from behind him were fired from the sixth floor window of the southeast corner of the Texas School Book Depository building.
3. Lee Harvey Oswald owned the rifle that was used to fire the shots from the sixth floor window of the southeast corner of the Texas School Book Depository building.
4. Lee Harvey Oswald, shortly before the assassination, had access to and was present on the sixth floor of the Texas School Book Depository building.
5. Lee Harvey Oswald's other actions tend to support the conclusion that he assassinated President Kennedy.

B. Scientific acoustical evidence establishes a high probability that two gunmen fired at President John F. Kennedy. Other scientific evidence does not preclude the possibility of two gunmen firing at the President. Scientific evidence negates some specific conspiracy allegations.

C. The committee believes, on the basis of the evidence available to it, that President John F. Kennedy was probably assassinated as a result of a conspiracy. The committee is unable to identify the other gunman or the extent of the conspiracy.

1. The committee believes...that the Soviet Government was not involved in the assassination of President Kennedy.
2. The committee believes...that the Cuban Government was not involved in the assassination of President Kennedy.
3. The committee believes...that anti-Castro Cuban groups, as groups, were not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.
4. The committee believes...that the national syndicate of organized crime, as a group, was not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.
5. The Secret Service, Federal Bureau of Investigation and Central Intelligence Agency were not involved in the assassination of President Kennedy.

- *Placement of wounds:*

One of the most important conclusions was that the back wound had been placed in the upper right part of the president's back, six inches below the point where the Warren Commission had observed it. As we noted in chap 7, the question of the wound's placement is an extremely important one, in that it in effect eliminates the Magic Bullet conjecture. Nonetheless, the HSCA supported that conjecture in its official conclusion, in part on the basis of a NASA engineer, who

attempted to compute the trajectory that a bullet would follow if it were to maximally satisfy the conditions of the Magic Bullet conjecture.

The Warren Commission's conclusion had been that three shots were fired, all by Oswald, and that one had missed, the bullet that struck the pavement near Txxgue. The HSCA concluded there was in addition a fourth shot, one that came from the Grassy Knoll, a bullet the missed the President. Or, if Fonzi is to be believed, Blakey concluded that; others, such as Robert Groden, concluded otherwise, but were not given the opportunity to present their analysis. Groden believed that the physical evidence supported the conclusion that the third shot had come from the front and had hit Kennedy¹³ -- presumably the Frame 313 shot.

1 The deaths

Sam Giancana: June 19 1975

Jimmy Hoffa July 30 1975

Johnny Roselli August 7 1976

@Subhead@Medical study: Michael Baden

The following is in chapter 12 [recent activities] below[Posner noted,

In 1988, four of the Parkland doctors -- Pepper Jenkins, Richard Dulaney, Paul Peters, and Robert McClelland--went to the National Archives at the invitation of a PBS documentary show, Nova, about the assassination. They were the first Parkland physicians to see the autopsy photographs, and each confirmed the photos represented what they remembered seeing that day, including a picture of the rear of President Kennedy's head, which shows no defect. It has been suggested that the reason the photo shows the rear of the President's head as undamaged is because the doctor (whose fingers are present in the picture) is holding a large flap of skin to cover the rear defect. "Falso," says Dr. Michael Baden. "there is no flap of skin there. There is a bony protrusion from the right side of the head, but the rear is undamaged, except for the entry hole near the top of the skull."¹⁴

1 10.9 The reactions to the Report

13 ¹³Fonzi 219.

14 ¹⁴Posner 310, citing an interview with Baden, 23 January 1992.

2 10.10 Blakey's study

Blakey and Billings are at pains to discredit Garrison. Blakey's account of the critics of the Warren Commission is largely dismissive of the arguments and evidence brought to bear by the critics, and patronizing when it is not dismissive.

Blakey and Billings also minimize the CIA connection. "Ferrie and Oswald were associated, as we established, but our investigation turned up no reliable evidence that either of them was connected to the CIA."¹⁵

1 10.10 Reaction to HSCA Report

The reaction to the report was, like the report itself, ambiguous and muted. Tom Wicker of the *New York Times* was dismissive of the Committee's conclusion, despite its admittedly qualified nature. The *New York Times*, in cooperation with Bantam Books, published a paperback edition of *The Final Assassinations Report* in short order, and Tom Wicker added some comments in a foreword. On the final page, he wrote:

...I decline to accept this latest of so many conspiracy theories.

I do so not least because of the second reason I have always through that Oswald acted alone when he killed Kennedy (call it a stubborn refusal to fact facts, if you insist): its obverse, I believe, is why so many American seem to want a conspiracy to have been responsible. A lonely, unstable young man, fiercely desiring recognition, bitterly angry at a world that denied it to him; a sudden opportunity to strike at that world by striking at another young man unfairly (as Oswald thought) granted immense recognition, immense power -- I believe that is the way things happen. Ours is a world not so much of plans and conspiracies but of chance, circumstance, and individuality, against which not even presidents can be always immune.¹⁶

Anthony Summers, a British journalist and author of *Conspiracy*, a book about the Kennedy assassination published in 1980, recounted an incident that happened at a party to celebrated the appearance of his book. It was a large affair, with a number of people that he did not know, and in some remarks that he made to the group, he alluded to the foreword of the *New York Times*' edition of the House Assassinations Report. His allusions were not flattering, but in deference to his sense of professionalism, he did not mention Wicker by name, though it was clear in context to anyone who had seen the volume. Mr. Wicker's wife stood up and objected to his remarks, making it at that point clear whose foreword was at issue. Later that evening, Mr. Summers

15 ¹⁵BlakeyBillings 1992 xliii.

16 ¹⁶Foreword to the NYTimes Edition of *The Final Assassinations Report*, p. xxv.

spoke to Mr. Wicker, and learned to his surprise that with the pressure of responsibilities and deadlines, Mr. Wicker had not actually read the report whose conclusions he "declined to accept."¹⁷

Blakey and Billings' account of the case against Oswald is summarized in the following words:¹⁸

- *It was his rifle that fired the fatal shot;*
- *his handwriting showed that he ordered it, although he used an alias*
- *he was photographed with it by his wife, and he gave an autographed copy of the photograph to a friend;*
- *he left his palm print on the rifle, and his palm print and fingerprint on a carton that had been used to construct a sniper's nest, as well as on a paper bag that was found in the sniper's nest;*
- *and he left the rifle and his book-order clipboard within a few feet of each other on the sixth floor of the Texas School Book Depository where he was seen by a fellow employee shortly before the assassination, and where he was identified as having been at the time of the assassination by at least one witness outside the building...*
- *Oswald fled the scene and resisted arrest when he was caught;*
- *he then lied to police about owning the rifle and having been photographed with it*
- *Oswald's willingness to engage in violence was demonstrated by his murder of a Dallas police officer, J.D. Tippit, during his flight following the assassination of the President, as well as his attempt in April 1963 to murder General Edwin A. Walker.*

17 ¹⁷Remarks by Anthony Summers, at the Midwest Symposium on Assassination Politics, April 2, 1993, Chicago.

18 ¹⁸Blakey/Billings 121; this is a direct citation of their text.