

## Chapter 9

# The Warren Commission

*"Johnson did direct that the FBI report be submitted, but when influential members of the House and Senate started calling for a congressional investigation, and Texas Attorney General Waggoner Carr established a Court of Inquiry, the President told Hoover the only way to stop the "rash of investigations" was to appoint a blue-ribbon panel to evaluate the report. However, of course, relented, although on the more substantive issue of Oswald's single-handed guilt he was virtually in a position to direct the verdict. He had, for example, sent the two supervisors to Dallas, whose assignment, in the words of Assistant to the Director Alan H. Belmont was "...to set out the evidence showing that Oswald is responsible for the shooting that killed the President. We will show that Oswald was an avowed Marxist, a former defector to the Soviet Union and an active member of the FPCC (Fair Play for Cuba Committee), which has been financed by Castro."*

*Blakey/Billings 1992:24.*

While the reasons for doubting the "official" theory are becoming much stronger, its ultimate defense is now crumbling because of Epstein's researches. If his account of how the Commission and its staff functioned is correct (and he seems to have the evidence), then the Commission did not do an adequate investigative job, and did not weigh all of the data carefully. IT rushed through its work. The Commissioners and most of the staff were busy men who had insufficient time to devote to their task. The commission had no investigative staff of its own, and a few overworked lawyers in a very short time had to interview and check hundreds of witnesses. The Commission was inundated with so many FBI reports that no one person had time to master them all. The pressure for a quick report made careful deliberation of the problems and issues almost impossible. Finally, the Report was written and rewritten in haste, with evidence marshalled, in a onesided manner, to make a lawyer's brief for the "official" theory. Then one staff member, Liebler, wrote a twenty-six-page critique, showing many of the holes in this case, holes that would have given a lawyer for the defense a field day, and that have been the feeding ground for the critics. Epstein's account no longer allows the high representation of the Commissioners to make up for the deficiencies of the *Report*. After Epstein it will be hard to believe the Commission served the public well. Instead of ending all the rumors, they set the stage for a new and more serious era of speculations. They have damaged confidence in themselves and in any public body that might undertake to examine facts and possibilities about the death of President Kennedy.

Richard Popkin, *The Second Oswald*, p. 51f.

*1 Johnson's immediate problems in week one; persuasion of earl warren to chair a committee*

The Washington Post intended to publish an editorial calling for a presidential commission to investigate the assassination, but the FBI was successful in persuading the editorial offices to suppress the call.<sup>1</sup>

Katzenbach was energetically involved in arranging that no information arise that would invalidate the lone-nut view, as early as Nov. 24. P.D. Scott cites memo from FBI Asst. Director Courney Evans (not dated, though apparently within the first week after the assassination, that is, before the announcement of the establishment of the Warren Commission) illustrating this viewpoint:

One of the dangers which Katzenbach sees is the possibility that the state hearing to be held in Texas may develop some pertinent information not now known. *In an effort to minimize this*, he is having Assistant Attorney General Miller confer with the state officials in Texas in an effort to have them restrict their hearing to the proposition of showing merely that Oswald killed the President.<sup>2</sup> [emphasis added JG]

This is an extraordinary statement, if taken at face value: Katzenbach is reported to be concerned that pertinent information might be found, and he is making every effort to make sure that this does not happen!

Johnson met with Earl Warren on November 29, a week to the day after the assassination, to ask him in person to reconsider Warren's decision earlier that day not to accept an appointment as the chairman of a presidential commission to look into Kennedy's assassination. Warren relented, and accepted Johnson's request. Serving with Johnson would be six men with long records of involvement in American government and administration:

11..Senator Richard B. Russell, Democrat of Georgia

12..Senator John Sherman Cooper, Republican of Kentucky, from the liberal wing

13..Rep. Hale Boggs, Democrat of Louisiana

14..Rep. Gerald R. Ford, Republican of Michigan

"FBI documents...revealed an intimate and furtive relationship between Ford and teh FBI. The documents show Ford fed top-secret information to the FBI while he was a member of the Warren Commission. An internal FBI memo dated December 17, 1963, details the itesm Ford passed to Cartha D. DeLoach, then the assistant to the FBI director. Ford did not disclose to the other six members of the Warren Commission his course of improper and illegal conduct."<sup>3</sup>

11..Allen W, Dulles, the former Director of Central Intelligence who had been dismissed in disgrace by John Kennedy following the Bay of Pigs disaster

12..John J. McCloy, former U.S. High Commissioner for Germany after World War II, and director of the World Bank.

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1      <sup>1</sup>Blakey/Billings 24.

2      <sup>2</sup>Scott 1993 p. 46

3      <sup>3</sup>Lane, *Plausible Denial*, p. 43, fn. 3.

John J. McCloy is perhaps best remembered as the subject of an essay by Richard Rovere [published originally in the *New Yorker*??] about what Rovere in 196x called The Establishment -- what others, at others times, had called (or would call) the ruling class, the ruling elite, or the power structure. Rovere's essay was in some respects intended to be taken tongue in cheek; in any event, McCloy's distinction was that Rovere reported him to be the chairman/director/president of the Establishment, and indeed, few members of the Eastern banking establishment had a more impeccable set of credentials than McCloy.

One chapter of McCloy's career which seems to have brought less than unalloyed distinction to his biography was his term as High Commission for Germany, during which time he pardoned XX Krupp and returned the enormous Krupp armaments works to the Krupp family, after it had been taken from the family by the Allies.

## ***2 composition of the committee, its staff, and who contributed what; liaison with the cia (angleton) and the fbi***

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Warren's original conception of the commission was that it would review the evidence provided to it by the FBI and the CIA, and that it would not engage in independent evidence gathering, nor in the use of subpoenas and the granting of immunity to witnesses.<sup>4</sup> In an action of December 13, 1963, the Congress gave the Commission the power to compel testimony by granting immunity, but the Commission chose not to exercise that power.<sup>5</sup>

This led to problems, to be sure, when questions regarding the role of the FBI emerged -- important questions, such as whether Oswald was a paid FBI informant, and the related question as to whether the FBI had covered up the presence of FBI Special Agent Hosty's name in Oswald's notebook. (This information was indeed hidden from the Commission until XX).<sup>6</sup>

11..Senator Russell Long.

Senator Long was the nephew of Governor Huey Long, the reknowned populist governor of Louisiana, who was responsible for Frank Costello's interest in Louisiana, as we noted above in Chapter X (4?). Marcello was a major financial backer of Senator Long's candidacy.<sup>7</sup>

12..Congressman Hale Boggs

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4      <sup>4</sup>Blakey/Billings 26

5      <sup>5</sup>Epstein, *Inquest*, 33.

6      <sup>6</sup>Scott 1993 48.

7      <sup>7</sup>*Mafia Kingfish*, 309.

Boggs was also heavily supported financially by Carlos Marcello, according to Aaron Kohn, the longtime director of the New Orleans Metropolitan Crime Commission.<sup>8</sup>

11..Earl Warren,

Warren's campaign campaign for governor in California was managed by "his good friend Murray Chotiner...attorney for several notorious Mafia leaders and ...particularly close to mob front man D'Alton Smith...brother-in-law of Marcello's top associate , Nofio Pecora."<sup>9</sup>

11..Albert Jenner

Jenner, senior counsel to the commission, had represented such people as Allen Dorfman.<sup>10</sup>

11..The chief counsel was to be J. Lee Rankin, an attorney in New York;

Rankin would be the executive director of the Commission. His assistant was Norman Redlich, a professor at NYU law school.

11.. The senior counsels:

1 Francis W. H. Adams, "former police commissioner and a leader in the Democratic Reform movement;"<sup>11</sup>

2 Joseph A. Ball, "a well-known trial lawyer and a member of the United States Judiciary Conference Advisory Committee"

3 William T. Coleman, Jr., "a former special counsel for the City of Philadelphia, a consultant with the United States Arms Control and Disarmament Agency, and one of the best-known Negro lawyers in America;"

4 Leon D. Hubert, Jr., from New Orleans, "a former United States attorney and professor at Tulane University

5 Albert E. Jenner, Jr., from Chicago, "a former assistant attorney general for Illinois and vice-chairman of the National Joint Committee for the Effective Administration of Justice."

"Some of the senior counsel worked for the Commission for only a few days and lent their reputaitons but not their time. The bulk of the work devolved on the 'junior counsel' -- lawyers in the early thirties who had had distinguished law school records and private practices."<sup>12</sup>

1 Melvin A. Eisenberg was assistant to Redlich

2 Arlen Specter, former asst DA of Philadelphia

3 Samuel A. Stern

4 Burt W. Griffin

5 David Belin, from Iowa

6 W. David Slawson, from Denver

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8 <sup>8</sup>*Mafia Kingfish*, 309.

9 <sup>9</sup>Cited in Scott, p. 317, from *Mafia Kingfish*, 302.

10 <sup>10</sup>Scott, 1993, 20.

11 <sup>11</sup>Epstein, p. 35, as with the following identifications as well.

12 <sup>12</sup>Epstein, p. 35

7 Wesley J. Liebeler, recommended by the dean of the University of Chicago Law School.<sup>13</sup>

#### 11.. CIA liaison

after the assassination, responsibility for investigation within the CIA was given to a desk officer within the Western Hemisphere Division, headed by Desmond FitzGerald.<sup>14</sup> It has been reported on occasion (give ref) that James Angleton was the CIA's primary contact with the Warren Commission, though Raymond Rocca, whose immediate superior was Angleton, was the official "point of record" officer.<sup>15</sup> Blakey suggests that it was Richard Helms, sometimes acting through his assistant, Thomaks Karamessines, who was the person at the CIA most concerned with the Warren Commission's activities.<sup>16</sup>

The liaison between the Justice Department and the Commission would be Howard P. Wilens, chosen by Kazenback, the Deputy AG.

#### 11..Organization of the Commission

Early on -- by December 28-- the decision was made to organize the Commission's work into five basic areas: 1. The basic facts of the assassination (Adams and Specter); 2. The identity of the assassin (Ball and Belin); 3. Oswald's background and motives (Jenner and Liebeler) ; 4. The possibilities of conspiratorial links of Oswald's (Coleman and Slawson); 5. Oswald's death (Hubert and Griffin). A sixth area, that of presidential protection, was later added (Stern).<sup>17</sup>

#### *1 The Commission meets*<sup>18</sup>

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January 21, first meeting, focusing on procedure. Would the hearings be open or closed? (Closed).

Mark Lane had sent a telegram to the Commission asking to be allowed to play the role of Oswald's defense attorney, but the request was rejected. It was decided that Marina Oswald would be the first witness.

January 22. Waggoner Carr, AG of Texas, told Rankin of the allegation that Oswald had been a paid FBI informer. Late that afternoon the Commission met to discuss this report; Carr

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13 <sup>13</sup>Information in this paragraph from Epstein, *Inquest*.

14 <sup>14</sup>Russell, 614, citing April 1976 Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, *The Investigation of the Assassination of President John F. Kennedy: Performance of the Intelligence Agencies*, Book V, p. 39

15 <sup>15</sup>Blakey Billings 88

16 <sup>16</sup>BlakeyBillings 88.

17 <sup>17</sup>Epstein, p. 36f.

18 <sup>18</sup>This section is largely based on Epstein's overview chapter in *Inquest*.

and Henry Wade were asked to come to Washington to discuss this. On the 24th, they were able to affirm the existence of the rumor, including Oswald's payment by the FBI, his alleged informant number, and the period during which he was supposed to have worked for the FBI.

On Jan 27, they met again. On that day as well, the Zapruder film was first viewed by the staff, who saw what looked like evidence on the screen of three separate shots hitting Kennedy and Connally.

February 3. Hearings begin, with Marina Oswald. The staff was dissatisfied with her answers, and let Rankin know of this in a staff meeting. That was reason enough for Rankin to decide that full staff meetings were counterproductive, from his point of view.

Famous Redlich quote: "Marina Oswald has lied to the Secret Service, the FBI and this commission repeatedly on matters which are of vital concern to the people of this country and the world." See *Inquest*, pp. 95ff.

### ***The FBI***

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11..Thomas Mann, ambassador to Mexico. Ambassador Mann remarked to a journalist:

You know, I don't think the United States was very forthcoming to me about Oswald. The great puzzle in all this, for me, is why J. Edgar Hoover would say, 'Leave it alone.' Basically, the message I received from Hoover, very soon after the assassination, was, 'We don't want to hear any more about this case. And tell the Mexican government not to do any more investigating, we just want to hush it up.' Well, I hadn't reached any conclusions, and that's why it surprised me so much. It was the only time anything like this ever happened to me in all my years in government....I had already protested, mildly, that not enough investigation was being done in Mexico. Here an American president had been killed, and this Oswald -- an American citizen-- was in and out of Mexico. Then just to be told not to investigate something like this, and to ask the Mexican government not to look into it! After that, dead silence. It was the strangest experience of my life.

Sloppiness of treatment of Oswald before the assassination:

"FBI Inspector James H. Gale, assigned by Hoover to review the Bureau's handling of OSwald, reported his feeling that, at least after reports of the OSwald meeting with Kostikov, "the field should have been instructed to intensify investigation...and Oswald placed on Security Index." [fn] Prior to that time, Oswald should have had a "stop" on his file in the State Dep[artment], which would have prevented his successful application for a passport in June 1963. As Gale noted, the FBI had already advised the Warren Commission by letter "that the facts did not warrant placing a stop on the passport"; but in Gale's view this was a justifiable duplicity:

Inspector [i.e., Gale]feels it was proper at that time to take this "public" position. However, it is felt that with Oswald's background we should have had a stop on his passport, particularly since we did not know definitely whether or not he had any intelligence assignments at that time. [memo of Gale to Clyde Tolson, 12/10/63]<sup>19</sup>

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19 <sup>19</sup>Scott 1993, p. 63.

Inspector James Gale's report led to the discipline of 17 FBI agents for their treatment of Oswald before the assassination -- in particular, for not putting him on the Security Index.<sup>20</sup>

Overall charge of the assassination was given to Alan Belmont, Assistant to the Director. William Sullivan's Domestic Intelligence Division was given the task of investigating Oswald, and the possibility of foreign involvement. The criminological aspects of the shooting itself were placed in the hands of the General Investigative Division, under Asst. Director Alex Rosen.<sup>21</sup> The Civil Right Division was assigned the task of investigating Jack Ruby.

As we noted in Chapter 3, it was Sullivan's Domestic Intelligence Division that was assigned the investigation of Oswald after the assassination. This task involved:

- 11..Inspectors Joseph Sizoo; Donald E. Moore;
- 12..Espionage Section Chief William Branigan
- 13..Supervisors Elbert Turner, W.M. Gheesling, Lambert L. Anderson
- 14..Espionage section member Leonard M. Linton.<sup>22</sup>

P.D. Scott indicates that the top three men in charge of the Oswald investigation were Alan Belmont, William Sullivan, and William Branigan,<sup>23</sup> and C.D. Brennan, W.R. Wannall, Fred J. Baumgardner, and G.C. Moore.<sup>24</sup>

Opposite them in the CIA were the members of Angleton's Counterintelligence Staff, including William King Harvey.<sup>25</sup>

Hoover later rebuked (for their preassassination work) Sullivan, Branigan, Gheesling, and "probably" Sizoo, Moore, and Linton.<sup>26</sup>

11..Testimony concerning Oswald's character:

1. James Hosty: "Prior to the assassination of the president of the United States, I had no information indicating violence on the part of Lee Harvey Oswald. I wish for the record to so read."<sup>27</sup>

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20 <sup>20</sup>Scott 1993, p. 63, citing Gentry, *Hoover*, 549

21 <sup>21</sup>Gentry, 550f.

22 <sup>22</sup>Scott 1993, p. 63, citing 3 AH 478f

23 <sup>23</sup>3 AH 478-49 [sic], acc to Scott 1993, p. 64

24 <sup>24</sup>Scott 1993, p. 64, citing Church committee.

25 <sup>25</sup>Scott 1993, p. 66.

26 <sup>26</sup>Scott 1993, p. 64.

2. Hoover (May 14, 1964), to the Warren Commission: There was nothing up to the time of the assassination that gave any indication that this man was a dangerous character who might do harm to the president or to the vice president."<sup>28</sup>

On February 24, the Commission became aware of a specific FBI coverup. The FBI had submitted a typed copy of the contents of Oswald's address book, and the Commission became aware that one page of that document had been hastily retyped later on, a page that ought to have (but did not) contain the name of James Hosty, the FBI agent that Oswald had been in touch with. The FBI had thus tried to keep the Commission from the knowledge that Oswald had specific contact with Hosty before the assassination.

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### *1 Rumors of Oswald and Castro fly; other Cuban connections...*

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#### *11... Agent D (Gilberto Alvarado)*

"The day after the assassination, the chief of the FBI's office in Mexico city, known as the Legat, informed FBI headquarters that the U.S. ambassador [Thomas Mann] was concerned that Cubans were behind Oswald's assassination of the President. He had heard that while visiting the Cuban Embassy in early October, Oswald had offered to kill President Kennedy in retaliation for the Kennedy administration's attempts to kill Castro. Then, at noon on Monday, November 23 [25? JG], a man code-named "D" appeared at the U.S. Embassy in Mexico City and told embassy personnel that he was in the Cuban Consulate on September 18 and saw Cubans pay Oswald a sum of money and talk about assassinating someone. A week later it was reported that a Cubana Airlines flight to Havana had been delayed in Mexico City from 6:00 P.M. until 11:00 P.M. the day of the assassination. It was awaiting an unidentified passenger who eventually arrived by private aircraft, boarded the plane without going through customs, and took a seat in the cockpit. Observers thought the passenger looked "suspicious." As soon as the mystery man reached the cockpit, the plane took off."<sup>29</sup>

Peter Dale Scott writes,

What interests us most in the "D" story is the power struggle between Phillips, who supported it, and the FBI officials who sought to discredit it. [citation of Schweiker-Hart report]. Gilberto Alvarado, or "D," as he was called in the Warren Report, was an agent in Mexico City of the Nicaraguan Secret Service. On November 25, presenting himself as a pro-Castro Cuban, he told a CIA officer (David Phillips) that on September 18, 1963, he had seen a 'Negro with red hair' in the Cuban Consulate speak to Oswald about assassination and pass him \$6,500 "to kill the President." "D's" story did not hold up for long, especially after he was told that Oswald did not arrive in Mexico City until September 27. After the U.S. government had expressed its concern about the implications of the story, "D" was reinterviewed by Mexican Internal Security Police at the request of the FBI (i.e., the Embassy's legal attaché Clark Anderson), and he retracted his story on November 30: "'D' said that his motive in fabricating the story was to help get him-

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27 <sup>27</sup>Gentry, 547.

28 <sup>28</sup>Gentry 546.

29 <sup>29</sup>Davis, *Mafia Kingfish*, 217-8

self admitted into the United States so that he could there participate in action against Fidel Castro. He said that he hated Castro and hoped that the story that he made up would be believed and would case the United States to "take action" against him." [WCR 308] Reinterviewed again with a CIA officer present, "D" now claimed that the Mexican police had pressured him into a false retraction. He then repeated his story about Oswald, and took a polygraph test, apparently administered by the FBI, which indicated that he was lying. In the words of the...FBI report, "D" then "stated that he had heard of the polygraph and respected its accuracy. He added that if the polygraph indicated he was lying, then that must be so" (WCD 78.5).<sup>30</sup>

Version 2: "D": *Gilberto Alvarado*. November 25: Gilberto Alvarado, a Nicaraguan, told U.S. officials at the American embassy in Mexico City that he had overheard a conversation at the Cuban embassy between Oswald, a Cuban, and a black man. The Cuban gave some money to the black, who said, "I want to kill the man." Oswald reportedly said, "You are not man enough -- I can do it," to which he replied, "I can't go with you. I have a lot to do," to which the response was "The people are waiting for me back there." At that point the Cuban gave Oswald \$6,500.<sup>31</sup> "Alvarado subsequently retracted his story, saying he had fabricated it because he wanted to get to the United States to join the anti-Castro activists. Then he recanted his retraction; and then, failing a polygraph test given by the Mexican police, again confessed he had lied...Alvarado, it was later discovered, was an agent of the Nicaraguan intelligence service."<sup>32</sup> But as such, working out of Mexico City, Alvarado was arguably one of David Phillips' assets.<sup>33</sup> [Posner's only comment: "Alvarado is now so discredited that few repeat his story" (p. 194).]

David Atlee Phillips wrote:

"I have a theory, almost a conviction, that in fact this man was dispatched to Mexico City by the Somoza brothers...in what they considered a covert action to influence the American government to move against Cuba. If so, it was a nice try, but a transparent operation."<sup>34</sup> But as Peter Dale Scott notes, "Unfortunately for Phillips own 'nice try,' we have the CIA cables which he must have drafted and which must in the ordinary course have been approved by his station chief, Win Scott. They present 'D's claims, not as 'transparent,' but as credible and important. 'D' is called a 'well-known Nicaraguan Communist underground member'...He is described as a 'quiet, very serious person, who speaks with conviction.' In a second CIA cable the next day, 'D,'

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30 <sup>30</sup>Scott 1993, p. 121.

31 <sup>31</sup>See Senate Intelligence Committee, *Performance of Intelligence Agencies*, pp. 28-41, cited in Posner, 194.

32 <sup>32</sup>Fonzi 1993, 279-280.

33 <sup>33</sup>Fonzi 1993 280.

34 <sup>34</sup>Phillips, *The Night Watch*, 141f., cited in Scott, 1993, p. 122.

who said he had once received U.S. training for the Nicaraguan army at Fort Gulick, Panama, was described as 'completely cooperative.'<sup>35</sup>

## 11.. Reports of Oswald visiting Valery Kostikov

### 12.. Silvia Odio

The Warren Commission listened to the statement of Sylvia Odio that she had been visited by a group consisting of two Cuban exiles and a third American, identified as Leon Oswald; we reviewed this above, in chapter 6. The Commission accepted a statement by Loran Eugene Hall that the group of visitors had been Hall himself, Lawrence Howard, and William Seymour. Howard and Seymour denied participating in any such visit, and Hall retracted his statement, but the Commission did not choose to place any value in Ms. Odio's report.<sup>36</sup> (Hall, Howard and Seymour were all members of INTERPEN, the Miami-based mercenary group associated with Gerry Patrick Hemming.<sup>37</sup>) The HSCA later accepted the same report.<sup>38</sup> [*See also Chapter 6 on this.*]

### 11..Pedro Gutierrez.

Gutierrez wrote to President Johnson on December 2, 1963, about seeing Oswald receiving a large amount of money at the Cuban embassy in Mexico; as Summers notes, nothing came of this report.<sup>39</sup> *Gilberto Lopez* A CIA source [who?] identified Lopez as a coconspirator with Oswald. Lopez had had contact with the Tampa FPCC, and he returned to Cuba from the United States, through Mexico, shortly after the assassination (on Nov. 23).<sup>40</sup>

### 11..

A source also mentioned a Cubana flight that was held up for hours waiting for someone immediately after the assassination, but Summers reports that further investigation showed that there was no Cubana flight that met this description.<sup>41</sup>

### 11.. *Autulio Ramirez Ortiz.*

Ramirez had hijacked an airplane to Cuba in 1961; he later came back to the U.S. and was imprisoned. He says that he worked in a Cuban intelligence facility, and saw a file labeled

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35 <sup>35</sup>Scott 1993, p. 122.

36 <sup>36</sup>BlakeyBillings 187.

37 <sup>37</sup>Blakey-Billings 199

38 <sup>38</sup>Blakey Billings 187; and see below, Chapter 10.

39 <sup>39</sup>Summers, p. 444.

40 <sup>40</sup>Summers, p. 444.

41 <sup>41</sup>This description is given in Posner, 194. See also Summers, p. 444.

"Osvaldo-Kennedy", and that it said that "Oswald is an adventurer. Our embassy in Mexico had orders to get in contact with him. Be very careful."<sup>42</sup>

## 11.. David Atlee Phillips

Phillips requested of Antonio Veciana to see if he could help support a story that Oswald had been in contact with Cuban intelligence; see Fonzi 1993.

### *11..The Clare Booth Luce story.*

Summers' version, based on HSCA version: Luce received a phone call late on the night of Nov. 22 from a Cuban exile she knew who was calling from New Orleans. According to Mrs. Luce, he said that he and two others had met Oswald earlier that summer, and Oswald was trying to infiltrate their Free Cuba cell. Oswald went so far as to offer to assassinate Kennedy, but the Cubans distrusted him. They said he made several trips to Mexico City, and appeared with a large sum of money, and Luce was told, "There is a Cuban Communist assassination team at large, and Oswald was their hired gun."<sup>43</sup> Later investigation by the HSCA included contacting Carlos Bringuier of the DSE (with which Mrs. Luce was close at the time) and several others in the DSE, all of whom, according to Summers, denied having any contact with Mrs. Luce, though others did acknowledge contact with her, according to Gaeton Fonzi.

Gaeton Fonzi, the Schweiker Committee-HSCA investigator, adds some details to this account.<sup>44</sup> The phone call was from someone on the boat crew who she had supported financially in the 1962-era. The implication from the context of the discussion is that the Luce-supported boat raids did not continue after the Missile Crisis resolution, but in fact we know that the Bayo-Pawley-Martino raid took place in the spring of 1963, with Luce's support (Billings was one of the members of the crew, with his photographer Terrence Spence). (The other members of that crew were Eddie Bayo [aka Perez], John Martino, Loran Eugene Hall, Rolando Martinez, and Rip Robertson, and eleven other CIA-trained Cubans.<sup>45</sup>) She said that the name of the person was "something like 'Julio Fernandez,'" though several years later, she admitted to William Colby that she had invented that name (she acknowledged that to Gaeton Fonzi as well). She told the person to contact the FBI, and thought nothing more about it until Garrison began his investigations. She contacted Garrison, but decided that he was not a serious investigator. Through Pawley, she contacted her Cuban contact again, and reminded him of his first call. He refused to get involved. He said that he had followed her instructions, contacting the FBI, and they had kept all the materials that they had, such as photos of Oswald in New Orleans, but the FBI told them to keep their mouths shut. Meanwhile, "Fernandez" was a successful lawyer in Miami with children, and of his two colleagues, one had been stabbed to death, the other deported; "Fernandez" thought he'd be better off remaining silent.

Bringuier denied having called Luce when Fonzi spoke with him during the HSCA investigations, but Jose Antonio Lanusa, the DRE spokesman, said he had spoken to her in her apart-

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42 <sup>42</sup>See Posner 195 and references cited there.

43 <sup>43</sup>Summers, 445.

44 <sup>44</sup>Fonzi, *The Last Investigation*, pp. 53ff.

45 <sup>45</sup>See PDSScott, *Deep Politics*, p. 93, as well as Fonzi, p. 56f.

ment in New York, in connection with a \$600 donation which she wished to make to the DRE. But he categorically denied any contact of the sort that she had acknowledged, and he said that she had never sponsored a boat. "I think Clare Booth Luce shoots from the hip without her brain engaged," Fonzi reports Lanusa as having said.<sup>46</sup>

## 12..The Buchanan brothers and Frank Sturgis:

Nov. 26 sees an article published by James Buchanan, who says that his source is Frank Sturgis, to the effect that in November 1962, Oswald was in the Miami area, contacting supporters of Castro, trying to infiltrate an anti-Castro organization, distributing FPCC materials, and getting into a fight with anti-Castro partisans.

Jerry Buchanan, James's brother, agreed that Oswald had been involved in a scrap between FPCC supporters and anti-Castro activists with Oswald present.<sup>47</sup>

Hinckle and Turner write,

That same day [apparently Nov. 26] the Pompano Beach *Sun-Sentinel* attributed to Frank Sturgis the news that Oswald had been in telephone contact with Cuban intelligence and "had connections with the Cuban government in Mexico and New Orleans, Louisiana." The article was by-lined by James C. Buchanan, whose brother Jerry belonged to Sturgis' International Anti-Communist Brigade.

Agent O'Connor talked to Sturgis, who conceded he had made "offhand comments" to Buchanan but styled them "guesses, speculation and rumor."<sup>48</sup>

## 11..John Martino

: a "prime organizer" of the Bayo-Pawley effort, and a source, according to FBI investigations, of the Buchanan story that Oswald was in Florida. Summers cites CD 1020; Secret Service report CO234030; and FBI document 105-82555-2704; cd 691.2

Hinckle and Turner write,

On Tuesday John Martino, the Mafia technician who had been on the *Flying Tiger* expedition, charged on a talk show over Miami radio station WQAM that Oswald had distributed Fair Play for Cuba Committee literature in Florida and had traveled to Cuba via Mexico in September.

Interviewed by FBI agent James O'Connor, Martino stated the information came from a Cuban source, who also said that Oswald "had made a telephone call to the Cuban Intelligence Service in Cuba from a private residence in Miami" and, in Houston, "tried to sell marijuana and handled the exchange of Cuban pesos for American dollars."

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46 <sup>46</sup>Fonzi, p. 58.

47 <sup>47</sup>Summers, in the 1989 edition: p. 423.

48 <sup>48</sup>*The Fish is Red*, 224.

Presside to divulge his source, Martino said that the Cuban was en route from California to join the counterrevolution and could not be contacted. Martino never did produce the Cuban.<sup>49</sup>

## 11..Letters from Cuba

Hinckle and Turner write,

In Dallas the Secret Service predictably intercepted a letter addressed to Oswald that had been mailed from Havana. Dated November 10 and signed by "Pedro Charles," the letter implied, as the Secret Service put it, that "Oswald had been paid by Charles to carry out an unidentified mission which involved accurate shooting." In Washington the Justice Department received a similar letter addressed to Robert Kennedy and signed by "Mario del Rosario Molina," who claimed Oswald "assassinated President Kennedy at the direction of Pedro Charles, a Cuban agent who has traveled in the United States under various aliases," and that Oswald "met with Charles in Miami several months ago and was paid \$7,000 by Charles." Both letters were post-marked in Havana the day after the assassination.

Laboratory examination determined that the two letters were written on the same typewriter. They were dismissed as a crude attempt by persons unknown in Cuba to blame Casto.<sup>50</sup>

### *1 The tenacious hypothesis that Oswald did it alone*

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#### 11.. Oswald did the shooting from the sixth floor

Bonnie Ray Williams, a worker at the TSBD, was eating his lunch up on the sixth floor, expecting his coworkers to come join him. When they didn't, around 12:20, he threw down what remained of his lunch and left the floor, at "approximately 12:20".<sup>51</sup>

#### 11.. He hid the rifle

#### 12.. He went downstairs to the second floor

Victoria Adams and Sandra Styles, two women working in the TSBD, according to a report given by Styles to the FBI, left the office, went down the back stairs, and then out the building. They did not encounter Oswald on the stairs at that time.<sup>52</sup>

### *1 the magic bullet conjecture of Arlen Specter: CE 399*

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49 <sup>49</sup>*The Fish is Red*, p. 223f. Hinckle and Turner cite Warren Commission Document 59 and 961.

50 <sup>50</sup>*The Fish is Red*, p. 224, citing WCD 2763.

51 <sup>51</sup>Marrs 47, citing WC III.175

52 <sup>52</sup>Marrs 44, citing WC XXII.676

## 11..The conjecture

The magic bullet conjecture of Arlen Specter proposed that a single bullet hit President Kennedy in the rear, at the base of the neck, and exited the front throat. It struck Governor Connally's back, exited under his right nipple, went through his wrist, and then entered his thigh.

"Bullet 399 is, in my opinion, a piece of evidence deliberately planted to implicate Oswald in the assassination. Despite the claims of the Warren Commission and its defenders, there is no evidence whatsoever to prove that Bullet 399 was found on Governor Connally's stretcher at Parkland Hospital, nor even that it was the bullet received by the FBI from the Secret Service the night of the assassination. None of the four men who saw or handled the stretcher bullet on November 22 would identify Bullet 399 as the one they saw or handled....It contained not even microscopic traces of clothing fiber, bone, blood, or tissue, despite having allegedly passed through two men, inflicted seven different wounds, and traversed Connally's shirt, jacket, and trousers."<sup>53</sup>

### 11.. Milton Helpern

Dr. Milton Helpern, "formerly Chief Medical Examiner of New York City, of whom the *New York Times* said, 'He knows more about violent death than anyone else in the world', said that

"the original, pristine weight of this bullet was approximately 160-161 grains. The weight of the bullet recovered on the stretcher in Parkland Hospital was reported by the Commission at 158.6 [later reported as 57.7 grains by the HSCA]. This bullet wasn't distorted in any way. I cannot accept the premise that this bullet thrashed around in all that bony tissue and lost only 1.4 to 2.4 grains of its original weight. I cannot believe either that this bullet is going to emerge miraculously unscathed, without any deformity, and with its lands and grooves intact....You must remember that next to bone, the skin offers greater resistance to a bullet in its course through the body than any other kind of tissue....This single bullet theory asks us to believe that this bullet went through seven layers of skin, tough, elastic, resistant skin. In addition...this bullet passed through other layers of soft tissue; and then shattered bones! I just can't believe that this bullet had the force to do what [the Commission] have demanded of it; and I don't think they have really stopped to think out carefully what they have asked of this bullet, for the simple reason that they still do not understand the resistant nature of human skin to bullets."<sup>54</sup>

### 11.. Robert Shaw

"Both on the "Nova" program and on a video documentary, "Reasonable Doubt," Dr. Shaw [Dr. Robert Shaw, the thoracic surgeon who operated on Governor Connally's chest] expressed his firm belief, based on his own medical history of having operated on thousands of gunshot-wound victims, that Bullet 399 could not have caused the damage to Governor Connally without suffering major distortion. In the "Reasonable Doubt" documentary Dr. Dolce [the wounds-ballistics expert who test-fired a Mannlicher-Carcano for the Warren Commission] emphatically denounced the single-bullet theory, based on his own test-firings of over a hundred Mannlicher-Carcano rounds from Oswald's rifle into human cadavers' wrists and goats' chests. In every in-

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53 <sup>53</sup>Kurtz, *Crime of the Century*, xxiii.

54 <sup>54</sup>Summers 67-68, citing Marshall Houts, *Where Death Delights*, p. 9 and 59 (Dell 1967).

stance, Dolce's test bullets exhibited far more serious damage than Bullet 399." [source? Kurtz new introduction? page?]

Warren Commission tests: They hired Dr. Alfred Olivier, who tested shots on a number of animals. "These test results were classified and not made available until March 1973. The report includes photographs of four bullets fired from Oswald's rifle into cadavers' wrists. Each of the bullets suffered severe mutilation, the noses of the bullets being flattened, twisted, and torn apart. No photographs of the other six bullets are available."<sup>55</sup>

And -- "Of the four ballistics experts employed by the commission to test Oswald's rifle, only one, Dr. Alfred Olivier, supported the Commission. The other three experts, Dr. Arthur Dziemian, Dr. Joseph Dolce, and Dr. Frederick Light, were 'very strongly of the opinion that Connally had been hit by two different bullets, principally on the ground that the bullet recovered from Connally's stretcher could not have broken his radius without having suffered more distortion.' Even though this quotation is from a 'Memorandum for the Record' written by one of its counsels, the commission chose not to publish it in its report."<sup>56</sup>

FBI ballistics expert Robert Frazier testified at the Garrison investigation that he had removed some of the lead from the base (and perhaps the nose?) of CE 399 for testing; removing this from the calculation, we are left with a virtually intact bullet from which a number of fragments were putatively left during the trajectory within Connally's body.<sup>57</sup>

#### 11..Governor Connally's wounds

##### a. The issue of total amount of metal in Gov. Connally's wounds

With regard to the fragments in Connally's body, nurse Audrey Bell, who was involved in the surgery on Gov. Connally, noted that she removed four or five bullet fragments from the Governor's wrist; she placed them in an envelope and they were given to government agents. "I have seen the picture of the 'magic bullet,' and I can't see how it could be the bullet from which the fragments I saw came."<sup>58</sup>

Posner takes the opposite point of view:

However, the Governor had three [fragments] removed from his wrist during surgery, and two small fragments remained in his wrist and one was embedded in his thigh. According to writers Robert Groden and Harrison Livingstone, in *High Treason*, "There were more than three grains of metal in Connally's wrist wounds alone..." That is not true. Dr. Gregory, who performed the surgery on the Governor's wrist, said the fragments he removed "were varying from five-tenths of a millimeter in diameter to approximately 2 millimeters in diameter, and each

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55 <sup>55</sup>Kurtz, p. 78.

56 <sup>56</sup>Kurtz, p. 78.

57 <sup>57</sup>Kurtz, 80.

58 <sup>58</sup>Benson , p. 35; see also Summers 546, *High Treason* 73, 453, 456.

fragment is no more than a half millimeter in thickness. They would represent, in lay terms, flakes, flakes of metal. I would estimate that they would be weighted in micrograms, which is a very small amount of weight....something less than the weight of a postage stamp." Gregory said that the fragments taken from the wrist were so tiny that he did not even plan to take them out, but chanced upon them during surgery. As for the thigh fragment, Dr. Gregory described it as "microscopic, five tenths of a millimeter by 2 millimeters...weighing again in micrograms, postage stamp size."<sup>59</sup>

b. How could a jacketed bullet have left so many fragments? (fragments from the base?)

Similarly, Humes said to Specter that he thought it "most unlikely" that Exhibit 399, the Magic Bullet, could have caused the wound to Connally's wrist. "The reason I believe it most unlikely that this missile could have inflicted either of these wounds [Kennedy's head wounds, Connally's other wounds] is that this missile is basically intact; its jacket appears to me to be intact, and I do not understand how it could possibly have left fragments in either of these locations." Similarly, in connection with Connally's thigh wound and the metal fragments left there, Humes said, "I can't conceive of where they came from this missile."<sup>60</sup>

In another context:

Specter: Would it [the Parkland wound in the throat] be consistent, then, with an exit wound but of low velocity, as you put it?

Shaw: Yes; of very low velocity to the point that you might think that this bullet barely made it through the soft tissues and [had] just enough [velocity] to drop out of the skin on the opposite side.<sup>61</sup>

c. The thigh wound: how deep was the bullet?

Posner writes,

As for the thigh wound, [Dr. Charles Gregory, the treating physician at Parkland for Connally's wrist and thigh] said that the bullet "struck the thigh in a reverse fashion and shed a bit of its lead core into the fascia immediately beneath the skin..." [IV WC 121ff] Gregory was surprised not to find the bullet, since he realized it had barely penetrated the skin of Connally's thigh. He even "suggested to someone to search the Governor's belongings and other areas where he had been to see if it could be identified or found."<sup>62</sup>

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59 Posner, 339f.

60 Liften, p. 89, citing 2 WC 374-6

61 Lifton, BE, p. 68, citing 6 H55.

62 Posner, p. 337.

Some critics originally charged that the bullet had entered deep into the Governor's thigh and stopped at the femur (thigh) bone. "That's crazy," says [Dr. Michael] Baden. "If it hit the femur, it would never have fallen out. The X ray from the side looks like the fragment left there is on the bone, but that is because you have no sense of depth. However, when you look at an X ray taken on top of the leg, you can see the fragment is barely under the skin and nowhere near the bone."<sup>63</sup>

### 11..Dallas doctors reversing themselves on what they saw:

Richard Dudman of the Saint Louis Post Dispatch wrote a front page Dec. 18 story entitled *Secret service gets revision on Kennedy Wound; after visit by agents, doctors say shot was from rear*. He wrote, "Two Secret Service agents called last week on Dallas surgeons who attended President John F. Kennedy and obtained reversal of their original view that the bullet in his neck entered from the front....The surgeons' earlier description of a wound in the front of the President's throat as an entry wound had cast doubt on the official belief that Lee Harvey Oswald was the only assassin....The surgeons now support the official view that both bullets what struck the President were from the back...and passed out through the hole in front, about two inches below the Adam's apple." Dudman reported the McClelland said that his reversal was based on his not being aware of a wound in the back, and his being unaware of the "complete history," presumably meaning the true context of the shooting.<sup>64</sup> McClelland was able to say to Dudman that he was "fully satisfied that the two bullets that hit him were from bheind. As far as I am concerned, there is no reason to suspect that any shots came from the front."

### 11.. Zapruder film showing Kennedy and Connally reactions at different times:

"When the Zapruder film was screened by the Warren Commission, Commissioner Allen Dulles noted that Kennedy was reacting to a bullet well before Connally showed any sign of being wounded. He had this exchange with Commisisioner John McCloy:

Dulles:...you would think if Connally had been hit at the same time [as Kennedy, he] would have reacted in teh same way, and not reacted much later as these pictdures show.

McCloy: That is right.

Dulles: Because the wounds would have been inflicted.

M: that is what puzzles me.

D: That is what puzzles me.

Despite the fact that the shot which struck Connally -- assuming he was hit only once -- shattered ten centimeters of his rib, fractured his right wrist into several pieces, and pierced his left thigh, the Commission argued that Conally had a delayed reaction. On this point, the testimony

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63 <sup>63</sup>Posner, p. 337.

64 <sup>64</sup>Cited in Lifton, p. 64.

of Dr. Robert Shaw, the Parkland surgeon who treated the governor's chest wounds, is illuminating:

McCloy: But there could be a delay in any appreciable reaction between the time of the impact of the bullet and the occurrence?

Shaw: Yes; but in the case of a wound which strikes a bony substance such as a rib, usually the reaction is quite prompt."<sup>65</sup>

## 11..The absence of a transiting wound connecting the back wound and the neck wound

Kellerman testimony of the autopsy discussion:

There were three gentlemen who were performing this autopsy. A Colonel finck--during the examination of the President, from the hole that was in his shoulder, and with a probe, and we were standing right alongside of him, he is probing inside the shoulder with his instrument and I said, "Colonel, where did it go?" He said, "There are no lanes for an outlet of this entry in this man's shoulder." <sup>66</sup>

*New York Times*, Dec. 18, 1963, reported "the first bullet made what was described as a small, neat wound in the back and penetrated two or three inches." Jan 26, 1964: *The New York Times* reports that the first bullet "hit the President in the back of his right shoulder, several inches below the collar line. That bullet lodged in his shoulder."<sup>67</sup>

"Humes himself testified the doctors had never actually found a continuous track: 'Attempts to probe in the vicinity of this wound were unsuccessful without fear of making a false passage....We were unable...to take probes and have them satisfactorily fall through any definite path....' [2 W 361] When McCloy said, 'I am not clear what induced you to come to the conclusion [that the bullet transited] if you couldn't find the actual exit wound by reason of the tracheotomy,' the autopsy surgeon replied, 'The report which we have submitted, sir represents our thinking within the 24-48 hour hours of the death of the President, all facts taken into account of the situation.' [[2 W 368]<sup>68</sup>

## 11.. Even the Commissioners expressed confusion...

"Commissioner McCloy was puzzled: 'Let's find out about these wounds, it is just as confusing now as could be. It left my mind muddy as to what really did happen....Why did the FBI re-

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65 <sup>65</sup>Lifton, p. 73, citing 4 H 116.

66 <sup>66</sup>2 WCR 93, cited in Lifton, p. 79.

67 <sup>67</sup>Both cited in Lipson, p. 80.

68 <sup>68</sup>Lifton, 82.

port come out with something which isn't consistent with the autopsy when we finally see the autopsy?"<sup>69</sup>

### 11..A Memorandum from Norman Redlich<sup>70</sup>

Memorandum April 27, 1964

To: J. Lee Rankin

From: Norman Redlich

#### *1 jack ruby, organized crime*

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"Assistant counsel for the Warren Commission, Burt Griffin, told the House Assassinations committee in 1978 that the commission had been aware of Jack Ruby's underworld connections, but since it had no evidence that Oswald had any contacts with the underworld, it discounted the possibility that organized crime could have been behind the assassination." (Davis, *Mafia Kingfish*, 260).

John Martino offered a report to the Warren Commission that the assassination had been arranged by a high official in the Cuban government. Martino himself had recently been released after 40 months in prison in Cuba, after having worked at a casino in Cuba. In June 1963, he was involved in anti-Castro guerrilla affairs. The Warren Commission requested the FBI to check out Martino's credibility and reliability as a witness, and the answer they got was that his story did not stand up. The Warren Commission's response was to drop its consideration of Martino as a source of information.<sup>71</sup>

Warren Commission: "Virtually all of Ruby's Chicago friends stated he had no close connection with organized crime. In addition, unreliable as their reports may be, several known Chicago criminals have denied any such liaison."<sup>72</sup> Among the Chicago friends is Lenny Patrick, a mob enforcer, who said, "No matter how much you investigate, you'll never learn nothing, as he had nothing to do with nothing." Another contact of Ruby's whom the Warren Commission took to absolve Ruby of any connections with organized crime in Dallas was Irwin Mazzei, when in fact Mazzei said that he "knew nothing of [Ruby's] background, hoodlum or gambling connections or Police Department connections, other than those mentioned by Ruby. Ruby had mentioned that he had connections with the "Syndicate" and labor in Chicago and used to work for the "Syndicate" in Chicago."<sup>73</sup>

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69 <sup>69</sup>Lifton, 85, citing WC Executive Session, Jan 21 1964.

70 <sup>70</sup>Howard Roffman, *Presumed Guilty*, p. 271.

71 <sup>71</sup>BlakeyBillings 89.

72 <sup>72</sup>cited in Scheim, 106.

73 <sup>73</sup>CE 1543, cited in Scheim, 107.

As P.D. Scott notes, the FBI failed to inform the Commission of the information provided by attorney Luis Kutner, who had served as chief counsel for the xx committee, and who had informed the press of Ruby's connections to Lennie Patrick and Dave Yaras. "All the FBI transmitted was a meaningless follow-up interview in which Kutner merely said he had no additional information (WCD 194.23)".<sup>74</sup> The FBI similarly did not pass to the Warren Commission the information from John Wilson-Hudson, discussed in Chapter 6 above, linking Ruby to Santos Trafficante in 1959.

Within the FBI, Courtney Evans, who was the asst. director in charge of the Special Investigative Division, charged with the investigation of organized crime (Evans was also the FBI liaison to the Kennedys), told the HSCA that during the investigation of the Kennedy assassination, "they sure didn't come to me...We had no part in that that I can recall."<sup>75</sup>

### ***1 Other testimony: Marina Oswald***

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[Marina's business manager in late 1963 and early 1964 was James Martin, whose testimony is given in WD I 482ff. He reported that Marina had told him that she had lied to the FBI about not knowing that Lee ha gone to Mexico City, because now she said she did know. (I 486). Martin discussed the matter of Marina's report of the Nixon attempt; Martin says that in January, 1964, Marina brought up out of the blue the notion that Oswald had wanted to kill Nixon but hadn't succeeded; she said she locked him into the bathroom the whole next day, but Martin does not particularly sound like he wants to defend the plausibility of the whole story. The Commission asked who knew about the Nixon story, and determined that it was just Martin, Martin's wife, and Mr. Thorne, and Martin adds that Isaac Don Levine also knew.

But Martin is simply not consistent in his account of the Nixon attempt. Twice he says that "I told her it would be advisable just not to say anything about it,"<sup>76</sup>

### ***1 the release of the report***

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Judgments: BlakeyBillings: "The testimony of 552 witnesses and the thousands of exhibits of analyzed evidence attest to an enormous effort to sift truth from a monumental accumulation of information...it was a remarkably well-crafted and comprehensive document" (1992, 29).

### ***1 the critics and the field day they had***

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74 <sup>74</sup>Scott 1993 p. 48.

75 <sup>75</sup>AR 243, cited in Scott 1993 p. 61.

76 <sup>76</sup>I 488; this is the second point at which he reports that advice.

- 11.. Mark Lane: *Rush to judgment*
- 12.. Sylvia Meagher: the index, and *Accessories after the fact*
- 13.. Josiah Thompson: *Six seconds in Dallas*
- 14.. Edward J. Epstein: *Inquest*, then *Legend...* issues he raised in *Inquest*: the travel of the magic bullet; the total mass of material claimed to have been in that bullet; sylvia odio account;
- 15.. Harold Weisberg: *Whitewash*
- 16.. Richard Popkin: *The Second Oswald*
- 17.. Blakey/Billings:

The Warren Commission and the FBI investigations of conspiracy were so seriously flawed that their conclusion of no evidence of conspiracy could not be given any weight.<sup>77</sup>

### ***1 The CIA and the critics***

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CIA Document #1035-960

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, (which appeared at the end of September 1964), various writers have now had time to scan the Commission's published report and documents for new pretexts for questioning, and 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. Presumably as a result of the increasing challenge to the Warren Commission's report, a public opinion poll recently indicated that 46% of the American public did not think that Oswald acted alone, while more than half of those polled thought that the Commission had left some questions unresolved. Doubtless polls abroad would show similar, or-MORE--(21%)

possibly more adverse results.

2. This trend of opinion is a matter of concern to the U.S. government, including our organization. The members of the Warren Commission were naturally chosen for their integrity, experience and prominence. They represented both major parties, and they and their staff were deliberately drawn from all sections of the country. Just because of the standing of the Commissioners, efforts to impugn their rectitude and wisdom tend to cast doubt on the whole leadership of American society. Moreover, there seems to be an increasing tendency to hint that President Johnson himself, as the one person who might be said to have benefited, was in some way responsible for the assassination. Innuendo of such seriousness affects not only the individual concerned, but also the whole reputation of the American government. 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 coun-

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77 <sup>77</sup>Blakey/Billings, p. 121.

tering 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.

-MORE--(34%)

3. Action. We do not recommend that discussion of the assassination question be initiated where it is not already taking place. Where discussion on 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 these articles are particularly appropriate for this purpose. The unclassified attachments to this guidance should provide useful background material for passing to assets. Our ploy should point out, as applicable, that the criticise the evidence was in, (I) 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-MORE--(48%)tegy may be to single out Epstein's theory for attack, using the attached Fletcher [?] 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 crh 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 ore hand-holds for criticism) and less on ballistics, autopsy, and photographic evidence. 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 Coeason.

c. Conspiracy on the large scale often suggested would be impossible to conceal in the United States, esp. since informants could expect to receive large royalties, etc. Note that Robert Kennedy, Attorney General at the times brother, would be the last man to overlook or conceal any conspiracy. And as one reviewer pointed out, Congressman Gerald R. Ford would hardly have held his tongue for the sake of the Democratic administration, and Senator Russell would have had every misdeeds on the part of Chief Justice Warren. A conspirator moreover would hardly choose a location for a shooting where so much depended on conditions beyond his control: the route, the speed of the cars, the moving target, the risk that t. A group of wealthy conspirators could have arranged much more secure conditions. -MORE--(75%)

d. Critics have often been enticed by a form of intellectual pride: they light on some theory and fall in loause it did not always answer every question with a flat decision one way or the other. Actually, the make-up of the Commission and its staff was an excellent safeguard against over-commitment to any one theory, or against the illicit trationed 418 witnesses (the FBI interviewed far more people, conduction 25,000 interviews and re interviews), 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 mystrged 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 the 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 accounts that it is far superior to the work of its critics.

***1 Later regrets: Richard Russell, Lyndon Johnson***

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***1 FBI treatment of the Oswald investigation***

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