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The Public's Reaction, Over Time, to the Findings of the Warren Report

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Abstract

From the moment President Kennedy was shot, the public had difficulty accepting Lee Harvey Oswald as the lone assassin, and spoke in terms of conspiracy. Polling data indicated that while Oswald may have participated in the plot, the majority believed others were also involved. Examining the public's response to the vocal critics of the Warren Commission, the findings of both the Church Committee and the House Select Committee on Assassinations (HSCA), and the release of pertinent documents as a result of the Kennedy Assassination Records Collection Act, an image of an unconvinced public is seen. Evidence of this can be seen not only in the number of cultural and literary endeavors dedicated to the topic, but also by the public's insatiable appetite for said material. By examining literature both critical of and in support of the Warren Report, documents collected by the Assassination Records Review Board (ARRB), and the public's response expressed through the arts, indicates an ongoing culture of disbelief in the findings of the Warren Report. Polling data suggests that the Warren Report was not only ill received, but as additional information became public, the work of the Commission also became less reliable according to public opinion. This occurred despite of the efforts of traditional media outlets to not only marginalize critics, but also to weaponize the term "conspiracy theorist" as a pejorative. In the eyes of the public, a congressional committee reaching this conclusion not only acerbated their disbelief in the Warren Report, but also indicated that federal agencies had practiced an ongoing campaign of deception. As an expression of the Warren Report's lack of credence is its ongoing debate through art. Manifesting itself in the form of literature, plays, film, television, song; the Warren Report's selective

use of testimony, missing evidence, and its rush to assure the public that Oswald was the lone-gunman had failed.

Keywords: HSCA, Warren Commission, David Ferrie, Church Committee, Jim Garrison, Assassination, Conspiracy, New Orleans, JFK, CIA, Dulles.

Introduction

From the moment President John F. Kennedy was assassinated, the public thought in terms of conspiracy. Due to the unstable nature of the 1960s socio-political environment, speculation of who was responsible for his death varied. While “shock and disbelief” was the initial reaction after the public initially learned of the killing,¹ speculation waxed after the collective sadness waned. While many believed that the Soviets, Fidel Castro, or the Mafia were involved, others turned their heads toward the ultra-conservative cold warriors or the anti-Castro faction within the United States. For many, speculation increased due to the promptness of the identification and apprehension of the alleged assassin Lee Harvey Oswald, and his subsequent murder on live television by Jack Ruby.

Through the use of polling data, a clear image of public opinion can be seen as the data correlates with significant events in history. With the release of the Warren Report in 1964, Gallup polling indicates that belief that Lee Harvey Oswald acted alone was at an all-time high (36 %).² As lawyers and students began to publish criticisms of the report, not only did the belief that Oswald was the lone-gunman begin to wane, so did the public’s trust in their government. The trend in declining opinions continued as the public became aware of additional missteps taken by federal agencies.

Investigating the abuse of power committed by a number of federal agencies, The Church Committee (1976), was the first in a series of federal investigations into the CIA, NSA , and FBI. Exposing agencies attempts to assassinate foreign leaders, and their poli-

¹ Jodie Elliott Hansen and Laura Hansen. *November 22, 1963 Ordinary and Extraordinary People Recall Their Reactions When They Heard the News*. New York: Thomas Dunne Books/St. Martins Press, 2013.

² Art Swift, “Majority in U.S. Still Believe JFK Killed in a Conspiracy.” Gallup.com. Gallup, May 16, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

cy of domestic spying, the release of the Church Report correlates with a significant decrease in the belief that Lee Harvey Oswald acted alone, dropping to 11%.³ The actions exposed by the Church Committee ushered in the subsequent House Select Committee on Assassinations that conducted a “full and complete investigation of the circumstances surrounding the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr.”⁴ Polling data correlating with the release of the HSCA report remained stagnant, suggesting the Church Report was the source of decreasing public opinion. While the federal committees were intended to help restore the public’s faith in their government, it appears that they had failed.

While 1980’s polling data reflects an ongoing disbelief that Oswald was the lone-gunman, remaining at 11%, the release of Oliver Stone’s *JFK* correlates with growing belief that Oswald did not act alone. Stone’s film, predicated on the work of former New Orleans District Attorney Jim Garrison’s *On the Trail of the Assassins* and *New York Times* Best Seller Jim Marrs’ *Crossfire: The Plot That Killed Kennedy*, generated significant results in terms of not only public opinion, but also in legislation.⁵ Marketed as a wide release, Stone’s film introduced a new generation to the criticism of the Warren Report.

³ Art Swift, “Majority in U.S. Still Believe JFK Killed in a Conspiracy.” Gallup.com. Gallup, May 16, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

⁴ “Introduction.” National Archives and Records Administration. National Archives and Records Administration. Accessed April 9, 2020. <https://www.archives.gov/research/jfk/select-committee-report/intro.html#history>.

⁵ “JFK (Film).” Wikipedia. Wikimedia Foundation, March 12, 2020. [https://en.wikipedia.org/wiki/JFK_\(film\)](https://en.wikipedia.org/wiki/JFK_(film)).

Although *JFK* was a box-office success, the film's effect on public opinion was significant. While polling data had little room to drop, the release of the film correlates with a reduction in the belief that Oswald acted alone, dropping from 11% to 10%.⁶ While this is significant, it pales in comparison to the new legislation ushered in by Stone's feature film. Due to Stone's efforts, Congress passed the JFK Records Collection Act of 1992 that established the President John F Kennedy Record Collection⁷. Placing the collection with the National Archives and Record Administration (NARA), the legislation commanded that all U.S. Government records relating to the assassination be housed in the NARA Archives in College Park, Maryland.

Through the JFK Act, the Assassination Records Review Board (ARRB) was established as an independent agency to collect and mediate when an agency or office sought to delay the disclosure of records. Preserving documents, the ARRB creating a clearing house for future critics. While the ARRB's mission was not to report the findings contained within the collected documents, the board did report on "the cooperation or lack thereof it received from government agencies."⁸ Furthermore, upon completion of the ARRB's final report in 1998, the board outlined how government secrecy added to the public's disbelief regarding the assassination.⁹

⁶ Art Swift, "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com. Gallup, May 16, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

⁷ "President John F. Kennedy Assassination Records Collection Act of 1992." Wikipedia. Wikimedia Foundation, September 24, 2019. https://en.wikipedia.org/wiki/President_John_F._Kennedy_Assassination_Records_Collection_Act_of_1992.

⁸ "ARRB Final Report." ARRB Final Report. Accessed February 19, 2020. <https://www.maryferrell.org/php/showlist.php?docset=1026>.

⁹ National Archives and Records Administration. National Archives and Records Administration. Accessed April 9, 2020. <https://www.archives.gov/files/research/jfk/review-board/report/arrb-final-report.txt>.

What can be seen as a response to the aftermath created by Oliver Stone's *JFK*, a number of authors emerged supporting the Warren Report. While Gerald Posner, in *Case Closed*, offered the public his version of the events that he believed would convince the critics to see otherwise, Norman Mailer attempted to humanize Oswald in *Oswald's Tale: An American Mystery*. Both books attempt to lead the reader to the same conclusion, that Lee Harvey Oswald was the lone-gunman. Polling data suggests that books of this nature did little to stave off the growing belief that Lee Harvey Oswald did not act alone (80%).¹⁰

Further evidence indicating that the supporters of the Warren Report had failed was Vincent Bugliosi's contribution to the assassination historiography. Like Posner, in *Reclaiming History*, Bugliosi argued in favor of the Warren Report and provides a detailed chronology of assassination events. Although he intended it to be a reference book, "a narrative compendium of fact, forensic evidence, reexamination of key witnesses, and common sense,"¹¹ Bugliosi employed a supercilious tone in his exploration of the numerous conspiracy theories. Bugliosi's tone suggests that his audience is comprised primarily of Warren Report supporters.

The importance and lasting effects of one of America's greatest tragedies may be demonstrated by the number of books contributing to the historiography. To illustrate this point, as of 2013, over 40,000 separate titles have been published concerning the JFK as-

¹⁰ Art Swift, "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com. Gallup, May 16, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

¹¹ Vincent Bugliosi, *Reclaiming History: The Assassination of President John F. Kennedy*. New York, NY: WW Norton Co, 2007.

sassination,¹² whereas publications addressing the break-in at the Watergate building (5,811), the killing of Robert Kennedy (1,540), and the Iran-Contra Scandal (4,307) were minuscule in comparison.¹³ While there has been ample media coverage of the Watergate burglary, Iran-Contra Scandal, and the killings of both Robert F. Kennedy and Dr. Martin Luther King, the interests of popular culture tends to gravitate towards the assassination of the 35th U.S. President. Why is the killing of Kennedy and the events surrounding the crime still significant over half a century later? Furthermore, why did only 36% of the public accept the Warren Report's conclusion in 1964 that Lee Harvey Oswald was the lone-gunman?¹⁴

In addition to the number of publications concerning the assassination, the inability of government agencies, elected officials, and authors to convince the public that Lee Harvey Oswald was the lone-unman is illustrated by the ongoing presence of the Kennedy Assassination within popular culture. Found in popular song, television, and film, themes concerning the Assassination have become not only ubiquitous, but also an expression of an unconvinced public.

Demonstrating that interest in the Kennedy assassination appeals to a broad spectrum of society is the attention given to the discussion by soft news organizations. De-

¹² Cory Matteson, "JFK Assassination Produced about as Many Books as ..." JFK Assassination Produced about as Many Books as Questions. November 16, 2013. Accessed March 21, 2019. https://journalstar.com/entertainment/books/jfk-assassination-produced-about-as-many-books-as-questions/article_5e7e595f-2df2-5991-9051-6374caddef05.html.

¹³ "Search Engine." | Questia, Your Online Research Library. Accessed March 21, 2019. <http://www.questia.com/searchglobal#!/?keywords=JFK!AllWords&PeerReviewedType=0&pageNumber=1&mediaType=books>.

¹⁴ Art Swift, "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com. Gallup, May 16, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

scribed by Matthew A. Baum as “alternate news sources for the political uninformed”, soft news can be found in both print, such as *The National Enquirer*, or on television, an example being CBS’ television news magazine *60 Minutes*.¹⁵ Appealing to those who have a superficial interest in the assassination or may not have the time commitment to digest a book, soft news outlets occupy a niche catering to those who are interested in the bullet points. The number and types of media gravitating towards the assassination’s coverage are an indication that the public’s need for closure has not been fulfilled.

Despite the type of media outlet, or the position taken on the lone-gunner, news outlets attempt to meet the public’s demand. While the majority of books published tend to be critical of the Warren Report, traditional media outlets appear to control the talking points and have a tendency to not only marginalize and dismiss those who are critical, but also weaponize verbiage casting critics as fringe elements. By excluding those critical of the Warren Report from legitimate debate, and casting the critics as conspiracy theorists, these outlets almost assure no meaningful discussion occurs on their platforms.

Had the Warren Commission succeeded in their goal to adequately investigate the assassination of Kennedy subsequent violent death of the man charged with the assassination,”¹⁶ Kennedy’s death may have been less significant, perhaps on par with the 1901 assassination of William McKinley. However, due to initial missteps by local Dallas authorities, federal agencies, and secrecy, the results provided by the Warren Commission

¹⁵ Matthew A Baum. “Sex, Lies, and War: How Soft News Brings Foreign Policy to the Inattentive Public.” *American Political Science Review* 96, no. 1 (2002): 91–109. <https://doi.org/10.1017/s0003055402004252>.

¹⁶ Wikisource contributors, "Executive Order 11130," *Wikisource*, https://en.wikisource.org/w/index.php?title=Executive_Order_11130&oldid=7059955 (accessed February 4, 2019).

proved to be less than satisfactory and have failed to provide closure that would have helped the nation heal.

Chapter 1: Death and the Warren Report

As the media announced the death of John F. Kennedy on November 22, 1963, emotional shockwaves were generated that caused a shared trauma event across the globe. While the death of a person is often mourned by their relatively small circle of loved ones, the death of President Kennedy was mourned by the nation, if not the world. Author David McCullough stated: “It was not just a death in the family, it was a death in the American Family.”¹⁷ The murder of the youthful and idealistic president provided a means for the public to personally relate to the tragedy due to the leaving behind of two young children and a wife. Domestically, schools dismissed early while people openly wept. Additionally, foreign leaders took to the airwaves and print media to offer their condolences via an “open letter.”¹⁸

The speculation of alternate theories as to who was responsible for the assassination began from the moment the media announced, if not prior to the announcement, that Lee Harvey Oswald was the lone-gunman. Initially, due to increasing Cold War tensions, the suspicions fell upon Castro’s Cuba as well as the Soviets. Simultaneously, concern about the potential involvement of right-wing extremist groups emerged. While these theories provided no quick answers, they were plausible and born out of pragmatism. Other beliefs may be considered diabolical, as was one held by Jackie Kennedy, who

¹⁷ The Editors of LIFE, “Life the Day Kennedy Died: Fifty Years Later: Life Remembers the Man and the Moment”, Little Brown & Co, 2013.

¹⁸ "Many Nations Share America's Grief." The New York Times. November 24, 1963. Accessed March 21, 2019. <http://www.nytimes.com/1963/11/24/many-nations-share-americas-grief.html>.

stated in a recorded conversation with Arthur Schlesinger Jr., that she believed Vice President Lyndon Johnson was involved.¹⁹

Established to assure the public that Lee Harvey Oswald and his murderer Jack Ruby had committed their respective crimes on their own accord, the Warren Report failed.²⁰ Due to the commission's selective investigation methods, contradictory and selective testimony, and misplaced evidence, it succeeded only in creating more confusion. The death of President Kennedy and the subsequent murder of Lee Harvey Oswald can be understood as the death of innocence and the beginning of the increasing distrust of the United States government.²¹

From the moment Kennedy was murdered, people spoke in terms of conspiracy. More so as conflicting statements were broadcast during the televised press conference with Lee Harvey Oswald. While in police custody, Oswald was asked: "Did you kill the President?" He proclaimed: "No they're taking me in because of the fact that I mentioned the Soviet Union. I'm just a patsy."²² While declaring that he was not the shooter, the use of the term patsy suggests potential knowledge of an ongoing plot to kill Kennedy. In direct opposition to Oswald's statements, Dallas police chief Jesse Curry claimed that Os-

¹⁹ Caitlin Mcdevitt, "Did Jackie O Blame LBJ?" POLITICO, August 8, 2011. <https://www.politico.com/blogs/click/2011/08/did-jackie-o-blame-lbj-038190>.

²⁰ This notion is supported not only by the Katzenbach memo of November 25th 1963, but also a memo penned on November 24, 1963 by presidential aide Walter Jenkins where he notes comments made by J Edgar Hoover. "The thing I am most concerned about, and Mr. Katzenbach, is having something issued so that they can convince the public that Oswald is the real assassin."

Coup

²¹ "Public Trust in Government: 1958-2019." Pew Research Center for the People and the Press, January 4, 2020. <https://www.people-press.org/2019/04/11/public-trust-in-government-1958-2019/>.

²² McAdams, John. JFK Assassination Logic: How to Think About Claims of Conspiracy. (Potomac Books, 2011), 253.

wald acted alone and stated that: “this [Oswald] is the man who killed the President.”²³ Offering the public little closure, the number involved remains a topic of discussion. In the eyes of the public, despite Chief Curry’s position as police chief, his statement appears to have carried equal weight as the words of the accused assassin.

Further speculation of the involvement of others increased following the 10 a.m. Sunday morning transfer of Oswald from the Dallas police headquarters to the county jail. Handcuffed to officer James Leavell, Oswald entered the basement of police headquarters greeted by a number of reporters.²⁴ Emerging from the crowd, with little to no obstruction, local nightclub owner Jack Ruby shot Oswald. Due to Oswald’s death, the Dallas police department claimed the case against Oswald was now closed. This declaration, in addition to the gross negligence in failing to insure Oswald’s safety “at every stage” of the transfer, increased anxiety and speculation of among the public.²⁵ The murder of Oswald, Kennedy’s alleged assassin, two days after the death of JFK and thus precluding a jury trial, to many was inexplicable.

The killing of Oswald while in police custody by a member of the Dallas Chamber of Commerce, for many, did not make sense.²⁶ The ease of Ruby’s entrance and the lack of security provided during Oswald’s transfer is still a point of contention today. Ev-

²³ NA. "Playing the Victim." CNN. Accessed March 21, 2019. <http://www.edition.cnn.com/TRANSCRIPTS/1411/22/tsix.01.html>.

²⁴ “Chapter 5.” National Archives and Records Administration. National Archives and Records Administration. Accessed October 20, 2019. <https://www.archives.gov/research/jfk/warren-commission-report/chapter-5.html#abortive>.

²⁵ Sylvia Meagher, *Accessories After the Fact: the Warren Commission, the Authorities & the Report on the JFK Assassination* (New York: Skyhorse Publishing, Inc., 2013), Forward.

²⁶ “Judge Helped Ruby Join Chamber of Commerce in '59.” The New York Times. The New York Times, January 23, 1964. <https://www.nytimes.com/1964/01/23/judge-helped-ruby-join-chamber-in-59.html>.

idence of this can be seen in a 1998 episode of *The Simpsons: Mayored to the Mob*, where Homer Simpson prevents Mayor Quimby and actor Mark Hamill from being trampled at a science fiction convention. Homer is subsequently hired by the Mayor as a bodyguard and is sent for security training at "Leavelle's Bodyguard Academy."²⁷ While providing marksman instruction, Leavelle takes aim at watermelons that represent an assigned target. He does this while sitting atop a "grassy knoll" that is placed upon a moveable cart. The Emmy winning writer and producer of *The Simpsons* Ron Hauge may be suggesting that not only was Leavelle incompetent, but he may have been an accomplice in the assassination. By placing the "grassy knoll" on top of a mobile cart, Hauge may suggest that the alleged location of a second shooter may not be as fixed as some believe.

According to a Gallup poll conducted on November 25, 1963, days after the president's funeral, a scant 29% thought Lee Harvey Oswald acted alone and another 19% were unsure.²⁸ In an effort to stave off potential conspiracy theories and to assure the public that Lee Harvey Oswald acted alone, President Lyndon Johnson founded the Warren Commission.²⁹ Following almost a year of investigation, the Warren Commission published its findings in what is known as the Warren Report on September 27, 1964. Gallup polling data correlated to the release date of the Warren Report stated that those who believed Oswald to be the lone assassin rose to 36%. The 7% increase in belief

²⁷"Mayored to the Mob." Wikipedia. Wikimedia Foundation, December 23, 2019. https://en.wikipedia.org/wiki/Mayored_to_the_Mob.

²⁸ Art Swift, "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com. Gallup, May 16, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

²⁹ Alex Johnson, "JFK Files: J. Edgar Hoover Said Public Must Believe Lee Harvey Oswald Acted Alone." NBCNews.com. NBCUniversal News Group, October 27, 2017. <https://www.nbcnews.com/storyline/jfk-assassination-files/jfk-files-j-edgar-hoover-said-public-must-believe-lee-n814881>.

would be the peak in public opinion in support of the official version. As independent researchers produced alternatives to the Warren Commission's findings, support for the Report has consistently fallen.³⁰

As public suspicions lingered, a number of domestic groups became suspected of involvement. Of these groups, many viewed themselves as "True Americans" who were staunchly against the United Nations' agenda of emerging globalism, such as the extreme right-leaning John Birch Society.³¹ Others like the White Russian community in America viewed Kennedy's soft hand toward the Soviets as weakness. This notion was shared by many of the hawkish cold warriors who feared that the Soviets were outpacing the United States in terms of munitions and technology. Many of these men were intent on maintaining a hard line stance against the Soviets, and also held powerful positions within the Pentagon or were board members of government contractors.³² As unwavering foes of communism, aforementioned groups became concerned as communism began to emerge in Cuba.

As Fidel Castro's Cuban Revolution proved successful in 1959, Castro "nationalized \$1.5 billion worth of American interests in the sugar, cattle, oil refining, mining, rail-

³⁰ Art Swift, "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com.

³¹ A full page advertisement in the *Dallas Morning News* on 22nd November, 1963 was placed by Bernard Weissman outlining the criticisms held by the John Birch Society (JBS). The cost of the add was \$1,465.00 and was provided by Joseph P. Grinnan, an oil broker and Dallas leader of the JBS. The funds were supplied by H R Bright (oil man and future owner of the Dallas Cowboys football franchise) and Nelson Hunt (son of oil man H L Hunt)

³² Greg Burnham, "JFK:A Reformed Cold Warrior." assassinationofjfk.net. Accessed October 9, 2019. <http://assassinationofjfk.net/jfk-a-reformed-cold-warrior/>.

roads, and banking sectors on the island.”³³ In doing so, Castro’s reform not only led to the erosion of economic and diplomatic relations between the U.S. and Cuba, but it negated previously held contracts with foreign investors and redistributed previously leased properties.³⁴ At a time when “Americans thought of Cuba as their property,”³⁵ those who lost significant dollars after the Cuban transfer of power were not to go quietly. As a response to Castro’s economic reform, the CIA with the US military sought to topple the newfound Cuban regime.

Initially crafted under the Dwight Eisenhower administration, the CIA’s Bay of Pigs invasion plan was not fully endorsed by Kennedy. Feeling the operation was ill conceived and having little chance of success, Kennedy offered no air support, resulting in its failure. The CIA architects of the Bay of Pigs invasion believed that “Kennedy would authorize any action required to prevent failure – as Eisenhower had done in Guatemala in 1954 after that invasion looked as if it would collapse.”³⁶ When Kennedy did not act as the CIA anticipated, the President made a number of powerful enemies, not only within the agency, but also among the Anti-Castro Cubans. Furthermore, the failed mission incurred the wrath of mafia boss Santo Trafficante who sought to reestablish his casino

³³ Louis A Pérez, "Fear and Loathing of Fidel Castro: Sources of US Policy toward Cuba." *Journal of Latin American Studies* 34, no. 2 (2002): 227-54. Accessed March 10, 2020. www.jstor.org/stable/3875788.

³⁴ Charles McKelvey, “The Cuban Nationalization of US Property in 1960: the Historical and Global Context.” CounterPunch.org, March 29, 2019. <https://www.counterpunch.org/2019/03/29/the-cuban-nationalization-of-us-property-in-1960-the-historical-and-global-context/>.

³⁵ Mathew Willis, “Why Did Fidel Castro Infuriate the U.S. So Much?” JSTOR Daily, n.d. <https://daily.jstor.org/fidel-castro/>.

³⁶ Pham Thudzung, *Lady in the Pink Suit*. (Pittsburg, PA: Dorrance Publishing, 2016), 279.

dominance in Havana.³⁷ The hostilities held by Trafficante and other members of organized crime were only exacerbated when John Kennedy appointed his brother Robert Kennedy as the U.S. Attorney General. Previously holding the position as chief counsel of the Senate Rackets Committee, many within the crime syndicate viewed the January 1961 appointment of Robert Kennedy as U.S. Attorney General as a “double cross.”³⁸

Illustrating how pervasive the belief that Lyndon Johnson played a significant role in the killing of Kennedy was how the public received the play *MacBird!*. Three years after the completion of the Warren Report, political activist and playwright Barbara Garson wrote the satirical *MacBird!*, a parody of the JFK assassination. Over the backdrop of Shakespearean tragedies (*Macbeth*, *Hamlet*, and *Richard III*), *MacBird!* all but accused Lyndon Johnson of participating in the assassination. The play follows MacBird (LBJ) to the 1960 DNC, where he is nominated to run as Vice President for presidential nominee John Ken O’dunc. (JFK). Due to the urging of Lady MacBird, he assassinates John Ken O’dunc paralleling Shakespeare’s Macbeth assassinating Duncan. Not only did *MacBird!* have a successful Off-Broadway run, but an audio play was recorded and sold as a boxset.³⁹ The successful marketing of Johnson as a possible usurper of the throne suggests this notion was already plausible, if not widely accepted among the public.

³⁷ Santo Trafficante, who had been involved with mafia run Havana casinos since 1949, had his casinos seized by Fidel Castro in 1959. The success of Bay of Pigs invasion would have granted him access to the Island.

³⁸Michael Elliso, "Sinatra Was 'go-between for Mafia and JFK'." The Guardian. October 06, 2000. Accessed February 14, 2019. <https://www.theguardian.com/world/2000/oct/07/michaeellison>.

³⁹ Revolv, LLC. “MacBird!” on Revolv.com.” Revolv. Accessed January 19, 2020. <https://www.revolv.com/page/MacBird!>.

According to G. Robert Blakey, the Warren Commission was formed with the encouragement of Deputy Attorney General Nicholas Katzenbach.⁴⁰ Among the reasons Katzenbach listed in a November 25, 1963 memo to Bill Moyers (LBJ's aide) was the need to quiet the number of conspiracy theories that had begun to emerge.⁴¹ Furthermore, Katzenbach stated that "speculation about Oswald's motivation ought to be cut off."⁴² Fearing that the growing speculation of conspiracy could spark civil unrest in an era of social change, the need to control the flow of information concerning the assassination was a necessity. In a memo, also dated November 25, 1963, from the assistant director of the FBI Alan Belmont to William Sullivan (Hoover's Assistant), he stated: "this report is to settle the dust, insofar as Oswald and his activities are concerned."⁴³ Furthermore, the memo stated that the Commission should end speculation in terms of the motivations of Lee Oswald.

The motivations of Lee Oswald seemed obscure, as much of his life was enigmatic. He had familial ties with organized crime; his uncle was Charles "Dutz" Murret (a promoter and bookie for Carlos Marcello.) He possessed a secret security clearance while serving in the U.S. Marines, traveled and attempted defection to the Soviet Union (where

⁴⁰ While officially the Assistant District Attorney, Katzenbach acted as District Attorney during the bereavement period of Attorney General Robert Kennedy.

Donald Gibson, "Kennedys And King - The Creation of the Warren Commission." Kennedys And King - The Creation of the Warren Commission. Accessed March 11, 2020. <https://kennedysandking.com/john-f-kennedy-articles/the-creation-of-the-warren-commission>.

⁴¹ November 25th was also the day of John Kennedy's Funeral

⁴² "FBI 62-109060 JFK HQ File." Mary Ferrel Foundation . Accessed March 13, 2020. <http://www.maryferrell.org/showDoc.html?docId=62268#relPageId=29>.

⁴³ Donald Gibson, "Kennedys and King." Kennedys And King - 11/22/63: Stephen King and J. J. Abrams Lay an Egg. Accessed February 07, 2019. <https://kennedysandking.com/john-f-kennedy-articles/the-creation-of-the-warren-commission>.

he lived and worked), was married to a Soviet wife whose uncle Vasili Khritinin was an officer in the KGB, and both were granted reentry into the U.S. with financial assistance provided by the U.S. State Department.⁴⁴ Any or all of Oswald's experiences not only placed him in the public eye, but also provided the seeds for a number of speculative motivations.⁴⁵

The members of the Warren Commission were chosen by its chairperson, Lyndon Johnson. In his selections, Johnson chose members whom he felt would be viewed as beyond reproach. The first of the men appointed to the Commission became its namesake, Justice Earl Warren. Upon being asked, Justice Warren initially declined and provided three reasons for doing so, declaring: "First, it is not in the constitutional separation of powers to have a member of the Supreme Court serve on a presidential commission; second, it would distract a Justice from the work of the Court, which had a heavy docket; and, third, it was impossible to see what litigation such a commission might spawn, with resulting disqualification of the Justice from sitting on the case."⁴⁶ Despite his initial reservations concerning the Warren Commission, Justice Warren acquiesced when pressed by Johnson, who played upon Warren's own sense of patriotic duty.⁴⁷ Johnson

⁴⁴ Priscilla Johnson McMillan, *Marina and Lee the Tormented Love and Fatal Obsession behind Lee Harvey Oswalds Assassination of John F. Kennedy*, (Hanover, NH: Steerforth Press, 1977) 170.

⁴⁵ The Officer in charge of Oswald's group at El Toro Marine Base, John E Donovan testified before the Warren Commission that Lee Harvey Oswald was required to possess a minimum security clearance of secret.

⁴⁶ Clare Cushman, *Looking back: Earl Warren's extra-judicial assignment*, SCOTUSblog (Feb. 20, 2014, 2:03 PM), <https://www.scotusblog.com/2014/02/looking-back-earl-warrens-extra-judicial-assignment/>

⁴⁷ "Telephone Conversation between the President and Senator Russell, 29 Nov 1963, 8:55PM." Lyndon Baines Johnson Library. Accessed February 16, 2019. <https://www.maryferrell.org/showDoc.html?docId=912&relPageId=7>.

was concerned that the emerging conspiracy theories may lead to nuclear war and felt that the Warren Commission could control the emerging narrative.⁴⁸

Once Justice Warren was selected as chairman of the Commission, the remaining seats were filled by two U.S. Senators (Democrat Richard Russell, Jr. and Republican John Sherman Cooper), two U.S. Representatives (Democrat Hale Boggs and Republican Gerald Ford), a former CIA director (Allen Dulles), and a former World Bank president (John McCloy)⁴⁹. While most of these men agreed to participate in the Commission in addition to their day-to-day obligations, they did so with the assurance that the time needed would be minimal. One member, Allan Dulles, had few outside obligations due to his 1961 forced resignation as Director of the CIA.⁵⁰ His resignation was demanded by President Kennedy due to his involvement in the failed Bay of Pigs invasion.

While comprised equally of both political parties (majority southern states), Allen Dulles and John McCloy were previously employed by Wall Street law firms and held strong ties to the intelligence community. In addition to having a personal relationship spanning over decades, prior to the formation of the Commission, Dulles and McCloy were also members of the Council on Foreign Relations (CFR).⁵¹ While the Warren

⁴⁸Kathryn S. Olmsted *Real Enemies: Conspiracy Theories and American Democracy, World War I to 9/11-10th Anniversary Edition* (Oxford: Oxford University Press, 2019) 118

⁴⁹ In addition to being a member of the Warren Commission, John McCloy served as the Assistant Secretary of War from 1941-1945. As a presidential advisor, McCloy served in every administration from Franklin Roosevelt through Ronald Reagan. As a Wall Street lawyer, McCloy provided legal counsel to Nazi owned I G Farben, manufacturer of Zyklon-B.

⁵⁰ "Warren Commission - Introduction." National Archives and Records Administration. Accessed February 05, 2019. <https://www.archives.gov/research/jfk/warren-commission-report/intro>.

⁵¹ Founded in 1918, The Council on Foreign Relations is a non-profit think tank, whose primary focus is the direction of US Foreign Policy and International affairs in aftermath of WWI.

Commission was free from bipartisan schism, it may be inferred that both McCloy and Dulles may have not viewed “the truth” as their only client.⁵²

To assist in the investigation, the Committee utilized the skills of a number of additional men. Although not Earl Warren’s initial choice, the position of chief legal counsel was granted to J. Lee Rankin.⁵³ Justice Warren envisioned the position going to Warren Olney, Justice Warren’s “staff intimate, counselor, and friend during his years as a California official.”⁵⁴ During the Commission’s initial meeting, Justice Warren submitted his candidate’s curriculum vitae to the panel. In response, Justice Warren received a certain amount of backlash from Gerald Ford who accused him of “...dominating the Commission.”⁵⁵ Justice Warren reluctantly withdrew his candidate’s name only to find out at a later time the true nature of the rejection of Warren Olney. Committee member John McCloy unintentionally spoke and stated that Olney “was at sword-point with J. Edgar Hoover.”⁵⁶ The exclusion of a candidate due to their lack of good standing with the Director of the FBI lends credence to a notion suggested by Jim Newton who stated “that Hoover and the FBI were determined to exercise influence over the commission.”⁵⁷ While not directly controlling the Warren Commission, Hoover and the FBI did influence the committee members selection process, resulting in the committee being staffed by

⁵² Stanford. “Truth Was Our Only Client.” STANFORD magazine. Accessed April 10, 2020. <https://stanfordmag.org/contents/truth-was-our-only-client>.

⁵³ J Lee Rankin was appointed as the Assistant Attorney General under President Eisenhower (1953- 1956) and then served as Solicitor General from 1956 to 1961

⁵⁴ Edward G White, *Earl Warren, a Public Life*. (New York: Oxford University Press, 1987) 196

⁵⁵ Jim Newton, *Justice for All: Earl Warren and the Nation He Made* London: Penguin, 2007) 420

⁵⁶ Donald Gibson, *The Kennedy Assassination Cover-Up* (Hauppauge, NY: Progressive Press, 2014) 95

⁵⁷ Jim Newton, *Justice for All: Earl Warren and the Nation He Made* (London: Penguin, 2007) 420

men whose actions were be reasonably predictable. It can be asserted that by possessing foreknowledge of the behavior of committee members it allowed for a predictable outcome. Once appointed to the Warren Commission, Rankin worked directly with the FBI and CIA.

As chief legal counsel, Rankin sought to assemble a staff of “senior counsel” to assist in the Commission with the investigation. By choosing lawyers who were viewed favorably by their peers and their Regional Bar Associations, Rankin felt their reputations would add “weight” to the Warren Report.⁵⁸ On December 28th, Rankin’s deputy Howard Willens wrote a memorandum establishing the “modus operandi” for the investigation. Willens divided the investigation into five separate Areas (a sixth area would be added at a later date per request of the Commission), with a junior and senior lawyer who were responsible for resolving minor issues that fell within their purview. After reviewing all facts available to them, lawyers for each Area were responsible for submitting a review that would correspond with a chapter in the Warren Report.

Assigned to Area I, the basic facts of the assassination, were Francis W. H. Adams and Arlen Spector. This Area’s prime focus was to establish the origin of the shots that killed the President. As experienced criminal trial attorneys, Joseph Ball and David Belin were assigned to Area II and were asked to discern the identity of the shooter. Researching the background of Lee Harvey Oswald fell to Albert Jenner and Wesley Liebeler, who were counsel for Area III. Area IV was concerned with any “possible conspiratorial relationships” between Oswald and any groups outside the United States. Furthermore, Area

⁵⁸ Vincent Bugliosi (*Reclaiming History: the Assassination of President John F. Kennedy* (New York: W.W. Norton & Co., 2007) 341

IV sought to establish Oswald's movements while traveling to Mexico City and living in the Soviet Union. Both William Coleman and W. David Slawson were assigned to this Area due to their experience working with government agencies. Area V, concerned with Oswald's death, was charged with two issues: did Ruby have assistance in the murder of Oswald, and furthermore, did the two have a prior relationship. Assigned as junior counsel for Area VI, scrutinizing the presidential security detail (the precautions taken by the FBI and Secret Service), was Samuel Stern. Due to its potential to yield politically sensitive material, general counsel Rankin was self-appointed as senior counsel for Area VI.

The compartmentalization of the investigation was done to minimize redundancy. However, an investigation of this size had the potential to allow evidence to be overlooked by one Area, while another Area might find it significant. In an effort to reduce the potential discarding of information, Wesley Liebler suggested a counsel member read all the reports offered from each Area. J. Lee Rankin felt that it was more important to "get the material into the hands of the lawyers charged with investigating it."⁵⁹ As an afterthought, Rankin stated, "if time permitted," a staff member could read the totality of the reports.⁶⁰

The influence of Gerald Ford on the committee's selection process was demonstrated with the appointment of Arlen Specter. The 33-year-old assistant district attorney and Yale Law graduate agreed to be assigned as junior counsel in Area I, working under Senior Counsel Francis W. H. Adams (Area I focused on the basic facts of the assassina-

⁵⁹ Edward Jay Epstein *Inquest: the Warren Commission and the Establishment of Truth* (London: Hutchinson, 1966) 14

⁶⁰ Vincent Bugliosi, *Reclaiming History: the Assassination of President John F. Kennedy* (New York: W.W. Norton & Co., 2007) 244

tion, attempting to determine the origin of the shots). However, by March of 1964, after reviewing the Zapruder film, Adams knew that the killing of Kennedy would not be an open and shut case. Knowing that the other members of the Commission did not have a surplus of time to apply to the investigation, Adams figured that a proper investigation would not be conducted. In disgust, Francis Adams quit the investigation.⁶¹ As a result, Spector alone acted as senior counsel and the entire work load of Area I fell into his lap.⁶²

Assigned to Area IV, William Coleman and W. David Slawson investigated “possible conspiratorial relationships” with foreign nations. In their efforts to establish the facts, in April 1964, Coleman and Slawson traveled to Mexico City to ascertain if Oswald had conspired with foreign elements to assassinate the president. Ultimately, they found that “there was no foreign involvement.”⁶³ Clearing foreign governments, Area IV concluded that Oswald not only killed the president with a mail ordered rifle purchased from Klein’s department store in Chicago, but he also was guilty of killing officer J. D. Tippit, as well as the April 1963 attempted killing of Major General Edwin A. Walker.⁶⁴

In May of 1964, J. Lee Rankin informed the members of the Warren Commission that a summation of the case must be submitted by June 1 of that year. The majority of the Commission members met with Justice Warren to inform him that the June deadline

⁶¹ James Tague, *LBJ and The Kennedy Killing* (Trine Day, 2013)Chapter 49

⁶² Despite quitting the Warren Commission, Francis Adams is listed as assistant counsel.

⁶³ History Matters Archive -Oswald's Foreign Activities (Coleman and Slawson to Rankin), pg. Accessed February 11, 2020. https://www.history-matters.com/archive/jfk/wc/wcmemos/Oswald_Foreign_Activities/html/180-10096-10364_0006a.htm.

⁶⁴ “Chapter 4.” National Archives and Records Administration. National Archives and Records Administration. Accessed February 11, 2020. <https://www.archives.gov/research/jfk/warren-commission-report/chapter-4.html#conclusion6>.

was untenable. This applied to all of the members except Arlen Specter.⁶⁵ Contained in Specter's report was his explanation of how a single shooter could hit both Governor Connally and President Kennedy within the time frame. Specter's conclusion became known as the "single-bullet theory" or, to its critics, the "magic bullet theory."⁶⁶

Although all seven members of the Warren Commission did sign off on the final version of the Report, in regards to the single-bullet theory, three of the men did so with great reservation. While Congressman Hale Boggs held "strong doubts" and Senator Sherman Cooper remained "unconvinced" (as told to Anthony Summers in 1978), Senator Richard Russell claimed that: "no one man could have done the known shooting."⁶⁷ Russell's statement asserts a disbelief in a lone-gunman scenario and shows a disbelief among members of the Warren Commission itself. If the evidence provided failed to convince the Commission itself, it begs the question of how this information could satisfy the public.

On February 3, 1964, Marina Oswald provided the initial witness testimony before select Warren Commission members (Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Hale Boggs, Representative Gerald R. Ford, and

⁶⁵ G. Edward White, *Earl Warren: A Public Life* (Oxford University Press, 1982) 205

⁶⁶ The Magic Bullet or Single Bullet Theory proposes that the a single bullet struck President Kennedy's neck and went into Governor Connally's chest, then went through his wrist, and embedded itself in the Governor's thigh. Passing through 15 layers of clothing, 7 layers of skin, and roughly 15 inches of muscle tissue, smashed a rib and Gov Connolly's radius, the magic bullet was allegedly found in near pristine condition on an abandoned gurney at Parkland Hospital.

⁶⁷ John Kelin *Praise from a Future Generation: the Assassination of John F. Kennedy and the First Generation Critics of the Warren Report* (San Antonio, TX: Wings Press, 2007) 474

Allen W. Dulles).⁶⁸ Over the course of four days, Marina was questioned by J. Lee Rankin concerning her and her husband Lee Harvey Oswald's life. A point of contention arose when it was exposed that Marina Oswald had been less than forthcoming with knowledge of Lee Harvey Oswald's trip to the Cuban and Soviet Embassies in Mexico City.⁶⁹

Rankin felt satisfied by Marina's testimony, but a number of committee lawyers felt subsequent questions were required. Feeling that Marina's testimony was littered with contradictions and inconsistencies, assistant counsel lawyer Wesley J. Liebeler felt that she may be "approximating the truth."⁷⁰ Additionally, Joseph Ball felt that Marina Oswald left a number of questions unanswered. Despite the reservations of committee lawyers, J. Lee Rankin announced that no further interrogation of Mrs. Oswald was required due to the opinion of Justice Warren. Viewing himself as "a judge of human beings," Warren and the other commissioners "fully believed her testimony."⁷¹ The proclamation made by Rankin was not well received by Norman Redlich, who stated via a memo that Marina's testimony was unreliable.⁷²

⁶⁸ "President's Commission on the Assassination of President Kennedy." National Archives and Records Administration. National Archives and Records Administration. Accessed November 12, 2019. <https://www.archives.gov/research/guide-fed-records/groups/272.html>.

⁶⁹ Sylvia Meagher, *Accessories After the Fact: the Warren Commission, the Authorities & the Report on the JFK Assassination* (New York: Skyhorse Publishing, Inc., 2013) Chap. 11

⁷⁰ Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment of Truth* (New York: Viking Press, 1969) 96

⁷¹, Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment of Truth*. (New York: Viking Press, 1969) 96

⁷²James DiEugenio *The JFK Assassination* (New York, NY: Skyhorse Publishing, 2018) 106

Possessing the integrity for which they were selected, a number of the staff lawyers objected strongly and were prepared to resign. In regards to a question posed by Liebler concerning why the Commission objected to the further questioning of Marina Oswald, Rankin reported: "The Chief [Justice] doesn't want it."⁷³ The Justice's decision to discontinue the interrogation of Marina Oswald was upheld until civil rights attorney and committee member William Coleman threatened to resign. In response to the protests, Marina Oswald was recalled to testify before the Warren Commission, only to provide contradictory evidence.⁷⁴ Although infighting is common amongst members of committees, the level a disagreement seen among the Warren Commission lends credence to Philip Shenon's opinion that the Commission was flawed from the start.⁷⁵

Reviewing the Galley Proofs on Chapter IV of the Warren Report (*The Assassin*), Wesley Liebler had misgivings concerning its content. In a 26 page memorandum, Liebler warned against the apparent selective use of evidence to assure that the public that Lee Harvey Oswald was the real assassin, as stated by J. Edgar Hoover in a memo dated Nov. 24, 1963, the day Jack Ruby killed Lee Harvey Oswald.⁷⁶ It was feared that the inconstant use of evidence could affect the integrity and credibility of the report. Major contentions held by Liebler were the misrepresentation of scientific evidence (fibers,

⁷³ Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment of Truth* (New York: Viking Press, 1969) 96

⁷⁴ John Keefe, "Books for Lawyers." *ABA Journal* 52, no. 10 (October 1966).

⁷⁵ Philip Shenon, *A Cruel and Shocking Act: The Secret History of the Kennedy Assassination* (New York: Picador, Henry Holt and Company, 2015) 13

⁷⁶ Johnson, Alex. "JFK Files: J. Edgar Hoover Said Public Must Believe Lee Harvey Oswald Acted Alone." NBCNews.com. NBCUniversal News Group, October 27, 2017. <https://www.nbcnews.com/storyline/jfk-assassination-files/jfk-files-j-edgar-hoover-said-public-must-believe-lee-n814881>. <https://www.nbcnews.com/storyline/jfk-assassination-files/jfk-files-j-edgar-hoover-said-public-must-believe-lee-n814881>

fingerprint, ballistics), and use of both contradictory and inconsistent witness testimonies. Submitting his memo on September 6, 1964, Liebeler was summoned to Washington D.C. by Lee Rankin who initially refused to accept the memorandum. Initially Rankin objected to all points addressed in the memo, stating in opposition: “he [Rankin] had written it the chapter exactly the way the Commission wanted it written.”⁷⁷ The Liebeler memo suggests that not all members of the commission shared the same version of the truth and that evidence chosen made the report self-reinforcing. Despite the inner-committee schism, the Report was delivered to President Johnson on September 24, 1964.

Upon its completion, the Warren Report appeared to be well received; however, this “rhapsodic relief” was brief. While the nation did experience a moment of stillness in regards to the voices of dissent, these tranquil moments would be short lived. Appearing to have provided the public with solid evidence proving Lee Oswald had been the lone-gunman, the report may have served as the catalyst in creating a generation of critics. It can be argued the quietness described in *Commentary* magazine in 1966 by Alexander M. Bickel was not a sign of closing the case, but rather a moment of respite while the critics gathered information (provided by the report) to form new arguments and pose additional questions.⁷⁸

⁷⁷Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment of Truth*. New York: Viking Press, 1969.

⁷⁸Alexander M. Bickel. “The Failure of the Warren Report.” *Commentary*, October 1, 1966. <https://www-commentarymagazine.com/articles/the-failure-of-the-warren-report/>.

Chapter 2: The Critics

Soon after the release of the Warren Report, critics emerged expressing strong reasons for the already skeptic public to reject the commission's findings. Viewing the committee's work as rushed and flawed, and unconvinced by both the "single bullet" and "lone gunman" arguments, authors Mark Lane and Edward Jay Epstein provided clear and reasonable arguments against key elements of the report. Although differing in their conclusions, both Mark Lane's *Rush to Judgement* and Edward Jay Epstein's *Inquest* provided ammunition for those who would later be referred to as "conspiracy theorists". Furthermore, in 1966, New Orleans District Attorney Jim Garrison brought to trial an area businessman that Garrison accused of a conspiracy to murder the president.

Having previously worked on the John Kennedy 1960 presidential campaign, political activist and New York State Assemblyman Mark Lane became the first high profile critic of the Warren Commission. Lane's initial interests into the assassination is attributed to an article in the *New York Times* that stated eye witness Jean Hill "thought the shots had come from behind the wooden fence at the top of the knoll."⁷⁹ As chairman of the Citizen's Committee of Inquiry,⁸⁰ Lane helped found the aforementioned independent fact-finding investigative body dedicated to highlighting evidence and details the Warren Commission had chosen not to reveal.⁸¹

⁷⁹ Keith Schneider, "Mark Lane, Early Kennedy Assassination Conspiracy Theorist, Dies at 89." *The New York Times*. The New York Times, May 12, 2016. <https://www.nytimes.com/2016/05/13/us/mark-lane-who-asserted-that-kennedy-was-killed-in-conspiracy-dies-at-89.html>.

⁸⁰ Citizens Commission of Inquiry was formed in November 1969 by left wing activist Ralph Schoenman to document the atrocities committed in French-Indo China. The Commission was established in response to Seymour Hersh's *New York Times* article exposing the My Lai Massacre.

⁸¹ "The Citizens' Committee of Inquiry." The Harold Weisberg Archive. [http://jfk.hood.edu/Collection/White Materials/White Assassination Clippings Folders/Lane/Lane-066.pdf](http://jfk.hood.edu/Collection/White%20Materials/White%20Assassination%20Clippings%20Folders/Lane/Lane-066.pdf).

Lane took issue with the official report provided through the media prior to the release of the Warren Report. Lane had issue with the speed in which the shooter was identified and subsequently arrested. Having been identified at 12:30 pm, Lee Harvey Oswald was apprehended and detained by the Dallas Police Department by 2:00 p.m. Furthermore, the subsequent killing of Lee Harvey Oswald by Jack Ruby while in police custody permitted Oswald to be tried and convicted in the court of public opinion. Because Oswald was afforded no trial, Lane sought to represent him posthumously before the Warren Commission. His representation of Oswald would be the first in a series of controversial high profile cases that received a great deal of media attention.⁸²

Gaining a reputation as a political gadfly, Lane began to take a vested interest in researching the murder of President Kennedy after Dallas District Attorney Henry Wade took part in an impromptu press conference on November 24, 1963. In this conference, Wade stated that he was “convinced beyond any doubt that Oswald was guilty of assassinating the President.”⁸³ Framing his argument within fifteen assertions, Wade’s case was based on half-truths and were riddled with a number of contradictions. Knowing that the state’s position was weak, Wade provided the press with inaccurate information. Considered by Lane to be a weak case at best, through an article published in the *National*

⁸² Having a history of providing legal defense for those whom some may consider un-defendable, in addition to Lee Harvey Oswald, Mark Lane provided legal counsel for both James Earl Ray (accused assassin of Martin Luther King) and Jim Jones’s People’s Temple.

⁸³ Mark Lane, *A Citizen's Dissent: Mark Lane Replies* (NYC, NY: Holt, Rinehart and Winston, 1968) 5

*Guardian*⁸⁴ on December 19th, 1963 he petitioned the world to independently and rationally examine the evidence.⁸⁵

On November 26, 1963, *The New York Times* published the transcript from the conference where Wade detailed his bullet points. Despite serving thirteen years as Dallas District Attorney, in addition to his previous four years as an FBI Agent, many of the statements made by Henry Wade were misleading if not altogether incorrect. Wade stated that Oswald underwent a paraffin test to determine the presence of nitrates on his skin. Wade stated that Oswald had tested positive on both hands. However, he omitted the lack of nitrates found on Oswald's face, which would have been present if Oswald had fired a scoped rifle.⁸⁶ Due to the chaos, the omission of this detail very well could have been an error on the part of the District Attorney. However, despite the social conditions in Dallas that day, the potentially innocuous misplaced words of Wade resulted in piquing Mark Lane's personal interest in the case.⁸⁷

Lane's research yielded a 10,000 word evaluation of the murder. On December 17, 1963, Lane submitted his analysis to the Warren Commission along with a letter that stated: "It would be appropriate that Mr. Oswald, from whom every legal right was

⁸⁴ Established in 1949, *The National Guardian* was a radical leftist newspaper headquartered in New York City. Initially attached to the Progressive party, in 1968 the paper changed its focus to the Maoist New Communist movement. With the change in focus, the paper's name was truncated to *The Guardian*.

⁸⁵ Mark Lane, "Oswald Innocent?—A Lawyer's Brief A Report to the Warren Commission by Mark Lane." *NATIONAL GUARDIAN the Progressive Newsweekly*, December 16, 1963. <https://ratical.org/ratville/JFK/OI-ALB.html>

⁸⁶ It has been suggested that Oswald could have washed his face after firing his weapon. However, the test for nitrates was positive on his hands, not his face. In order to wash one's face, it may be asserted that the hands will also be cleaned.

⁸⁷ John McAdams, "Did the Paraffin Test Show Oswald Had Not Fired a Rifle?" JFK Assassination Firearms Factoids -- The "Paraffin Test". Accessed April 08, 2019. <http://mcadams.posc.mu.edu/factoid2.htm>.

stripped, be accorded counsel who may participate with the single purpose of representing the rights of the accused.”⁸⁸ Lane’s request to posthumously represent Lee Harvey Oswald was rejected by the Warren Commission because they considered themselves to be only a fact finding body, not a court of law. Despite the reasons the Commission gave to Lane, on February 25, 1964, three weeks after Lane’s denial, the Commission appointed Walter E. Craig to serve in the position that Lane had requested. In January of 1964, Mark Lane was hired by Marguerite Oswald as representative for her son, Lee Harvey Oswald.⁸⁹ Mark Lane provided legal counsel free of charge.

On September 24, 1964, President Lyndon Johnson received the Warren Report, two months prior to the publication of the twenty-six volume collection of evidence, hearings, and exhibitions on which the report was based. Spending the better part of a year compiling their review, the Commission issued the 889 page report and concluded that Lee Harvey Oswald “acted alone in assassinating President John F. Kennedy and wounding Texas Gov. John Connally,” and that “the Secret Service had been ill-prepared for JFK’s visit to Dallas.”⁹⁰ Due to the lack of preparedness exhibited by the Secret Service a number of operational changes were made in order to prevent similar errors from occurring in the future. Despite the missteps taken by the authorities, after the official re-

⁸⁸ John Kelin *Praise from a Future Generation: the Assassination of John F. Kennedy and the First Generation Critics of the Warren Report* (San Antonio, TX: Wings Press, 2007) 15

⁸⁹ In open testimony before the The President's Commission met at 2:30 p.m., on March 4, 1964, Mark Lane stated to the Chairman:” she [Marguerite Oswald] has retained me to represent her son's interests, not to represent her at all.”

⁹⁰ Andrew Glass, "LBJ Receives Warren Commission Report, Sept. 24, 1964." POLITICO. September 24, 2017. Accessed April 08, 2019. <http://www.politico.com/story/2017/09/23/lbj-receives-warren-commission-report-sept-24-1964-242993>.

lease of the report, 36% of Americans believed that Lee Harvey Oswald acted alone.⁹¹ Prior to its release, Gallup reported that only 29% of Americans held that belief.⁹² It would seem, initially, that the Warren Commission had achieved its goal in assuring the majority of Americans believed that Oswald acted alone. The evidence upon which the Commission's conclusions were based could now be reviewed by the public. Already involved with his own investigation, Lane analyzed how the Warren Commission came to reach its conclusions. Lane's investigation not only highlighted potential missteps and errors of its investigation, his work precipitated *Rush to Judgment*.

Published during the fall of 1966, Mark Lane's *Rush to Judgment: A Critique of the Warren Commission's Inquiry into the Murders of President John F. Kennedy, Officer J.D. Tippit and Lee Harvey Oswald* was the first mass-produced publication of thoughtful criticism of the Warren Report. Lane not only addressed the killing of President Kennedy with three bullets originating from the Texas School Book Depository, but it also questioned Lee Harvey Oswald's involvement in the murder of Officer J. D. Tippit.⁹³

Finding inconsistencies in weighing witness testimony, Lane and his staff of attorneys reinterviewed those who had previously testified before the Warren Commission. The lack of consistency in witness testimony is not uncommon when the witness has not received adequate preparation. Furthermore, in a traumatic event of this nature, testimony

⁹¹ Swift, Art Swift. "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com. Gallup, May 16, 2019.

⁹² Max Holland. "The Key To The Warren Report." *American Journal* 46, no. 7 (1995) Accessed April 10, 2020. <https://www.americanheritage.com/key-warren-report>.

⁹³ Lee Harvey Oswald was charged with the shooting of officer J. D. Tippit in the Oak Cliff section of Dallas Texas. Although Tippit was shot a few blocks from Oswald's rented room, due to conflicting eyewitness testimony, Oswald's involvement is questionable.

may be corrupted by stress, anxiety, and leading questions presented by the attorney.⁹⁴ Despite possessing a record of their original testimony compiled by the FBI and Dallas Police Department, contradictory elements of testimony were ignored, while testimony supporting the lone-gunman theory received disproportional weight. Significant portions of the witness statements were not only ignored, but were contradictory to the Report itself. In *Rush to Judgement*, Lane accused the Warren Commission of ignoring any testimony that did not support their preconceived notion that Oswald acted alone, in order to achieve the desired results.

Although *Rush to Judgement* spent 29 weeks on the *New York Times Best sellers* list, finding a publisher proved to be a challenge.⁹⁵ After Lane completed his draft in 1965, he spent the better portion of a year attempting to publish his tome. Having little interest from domestic publishers, Lane touted his manuscript abroad. Through the help of British historian and Oxford Professor Hugh Trevor-Roper,⁹⁶ introductions were made with the publishing firm The Bodley Head (conservative British publishing company and parent to Random House), which agreed to a publishing deal. In addition to aiding in the publication, Trevor-Roper also provided the forward.⁹⁷ Soon after Lane established a deal in Britain, domestic publisher Holt, Rinehart and Winston agreed to publish in the

⁹⁴ Saul McLeod, "Saul McLeod." Simply Psychology. January 01, 1970. Accessed April 08, 2019. <http://www.simplypsychology.org/eyewitness-testimony.html>.

⁹⁵ NA. "The New York Times Best Seller List." March 26 1967 Non Fiction. </www.hawes.com/1967/1967-03-26.pdf>.

⁹⁶ In addition to being Oxford University Professor Hugh Trevor Roper was not only a former member of British Intelligence, but was made a life peer by Margaret Thatcher in 1979.

⁹⁷ "Mark Lane, Conspiracy Theorist – Obituary." The Telegraph. May 18, 2016. Accessed April 08, 2019. <https://www.telegraph.co.uk/obituaries/2016/05/18/mark-lane-conspiracy-theorist--obituary/>.

United States. Not only did Lane secure literary publication, *Rush to Judgement* was turned into a documentary in 1967.⁹⁸ The tremendous success of Lane's *Rush to Judgement* indicated that a significant portion of the public had not been satisfied by the Warren Report or media outlets. In fact, writers critical of the Warren Report were only given attention after the issue was deemed a "newsworthy controversy."⁹⁹

Although Lane had successfully published his book in 1966, a CIA memo distributed in April of 1967 provides insight as to why he and other authors critical of the Warren Report encountered resistance from traditional media outlets. The memo initiated a campaign "countering and discrediting the claims of the conspiracy theorists"¹⁰⁰ The memo was sent to curtail the influence of the "new wave of books and articles criticizing the Commission's findings."¹⁰¹ Although not released to the public until 1977, the memo indicated the agency's desire to not only control the discussion, but also to limit source material. The success of *Rush to Judgement* correlates with the memo and may be the impetus.

As the first major critic of the Warren Commission, Mark Lane's investigation marked a significant "sea change" among the belief systems of the public. The stabilization Lyndon Johnson sought to establish through the creation of the Warren Commission

⁹⁸ "Rush to Judgment." IMDb. IMDb.com, January 29, 1967. <https://www.imdb.com/title/tt0060920/>.

⁹⁹ Carl Jensen, *Censored: the News That Didn't Make the News - and Why: the 1996 Project Censored Yearbook* (New York, NY: Seven Stories, 1996) 194

¹⁰⁰ "Cable Sought to Discredit Critics of Warren Report." The New York Times. The New York Times, December 26, 1977. <https://www.nytimes.com/1977/12/26/archives/cable-sought-to-discredit-critics-of-warren-report.html>.

¹⁰¹ "Cable Sought to Discredit Critics of Warren Report." The New York Times. The New York Times, Dec 26, 1977.

was weakened through Lane's investigation. Gallup polling data demonstrated a correlation between the publication of *Rush to Judgement* and the increasing belief that more than one person was involved (50%).¹⁰² The increasing disbelief in the Warren Report was reflected by the number of books critical of the Warren Report; publishers recognized and began to cater to the emerging market triggered by Lane's *Rush to Judgment*. Among the authors' attempting to provide insight into the methodology of the Warren Commission was Edward Jay Epstein. In 1966, Epstein established a deal with Viking Press, to publish *Inquest: The Warren Commission and the Establishment of Truth*.

As a graduate student in Government at Cornell University, Epstein began his research as his attempt to answer his thesis statement. Epstein states in *Inquest: the Warren Commission and the Establishment of Truth*: "the initial stimulus was a problem posed by Professor Andrew Hacker: How does a government organization function in a extraordinary situation in which there are no rules or precedents to guide it[?]"¹⁰³ While Epstein is a contemporary of Lane, their work differs significantly. While Lane's work may be seen as grandstanding and accusatory in its criticism of the Warren Report, Epstein's work attempts to remain neutral.

Taking an academic approach to the assassination, Epstein does not drift into speculation or conjecture, rather he addresses central questions concerning the work of the Warren Commission. Epstein asks how the Commission was initiated and organized,

¹⁰² Gallup, Inc. "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com. November 15, 2013. Accessed April 08, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

¹⁰³ Epstein, Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment of Truth* (New York: Viking Press, 1969) XVIII

in addition to how the investigation was conducted. Epstein was interested in the Commission's legal limits and how the final report was prepared. While he agreed that Lee Harvey Oswald was guilty of killing Kennedy, Epstein believed there was enough evidence to suggest additional participants.

While taking an academic approach in the criticism of the methodology used by the Warren Commission, Epstein also examined the fundamental structure of the Commission. On June 28, 1967, Epstein was interviewed for the CBS television program *The Warren Report Pt. II*. During this interview, he outlined the three levels of his criticism: institutional, organizational, and evidential.¹⁰⁴ Establishing an autonomous investigation into a political problem that was intended to be free from political interference was inherently an issue to Epstein. He thought that because of the limited amount of time afforded to the Commission to personally investigate the case, perhaps the men did not conduct thorough research. The third aspect addressed was the evidence considered by the Commission: "the contradiction between the FBI summary report on the autopsy and the autopsy report they had in hand - how they solved this problem, whether they simply glossed over it or whether they called witnesses, and - and this - this, of course, brought up the questions of - of a second assassin."¹⁰⁵ Through his criticisms, Epstein not only challenged the findings of the Commission, but he also offered an alternate explanation to the Warren Report which stated Oswald was guilty, but did not act alone. This notion was

¹⁰⁴ "A CBS News Inquiry, The Warren Report, Part 2." C-SPAN.org. Accessed February 21, 2019. <https://www.c-span.org/video/?454266-1/a-cbs-news-inquiry-warren-report-part-2>.

¹⁰⁵ Ibid

echoed by Jim Garrison, who investigated Oswald's suspicious activities in and around the New Orleans area.

Taking a proactive role in the investigation, New Orleans District Attorney Jim Garrison began to ask questions within his jurisdiction. Late in 1966, Jim Garrison received a number of tips from local private investigator Jack Martin¹⁰⁶ concerning a plot to assassinate President Kennedy. Martin provided details concerning a group of right-wing activists who disagreed with Kennedy's foreign policy. Among these men were Guy Bannister (Former FBI, New Orleans PD, and Private Investigator), David Ferrie (airline pilot and a leader in the New Orleans Civil Air Patrol), Lee Harvey Oswald, and Clay Shaw (founder of New Orleans International Trade Mart).

After a falling out with fellow private investigator and former FBI agent Guy Bannister,¹⁰⁷ Martin recounted events where Lee Harvey Oswald interacted with Bannister on many occasions during the summer of 1963. When asked how often, Martin stated: "Often? He practically lived there," referencing 531 Lafayette Street/544 Camp Street. Furthermore: "Martin claimed that Banister, Ferrie, and a group of anti-Castro Cuban exiles were involved in operations against Castro's Cuba that included gun running and bur-

¹⁰⁶ According to Capt. W F Dyson of the Dallas Police Department, Jack Martin's birth name was Edward Stewart Suggs. In 1951, while performing illegal abortions in Houston, TX, a patient, Helen Nichols died of complications and Martin was indicted by the Harris County grand jury. Arrested as a fugitive in Los Angeles on May 2, 1953. Released on bond, the charges were dropped on August 14, 1957.

¹⁰⁷ On the day of the assassination, Guy Bannister pistol whipped Jack Martin due to a missing office file. According to HSCA records, a Drunk and Angry Bannister began to pistol whip Martin after Martin exclaimed: "What are you going to do- Kill me like you did Kennedy?"

glarized armories”¹⁰⁸ Due to the conversation with Jack Martin, Jim Garrison began an his investigation into the local elements concerning the murder of JFK.

Despite being on a first name basis with U.S. Senator Russel B. Long and having access to Attorney General Jack P. F. Germillion’s office, Jack Martin was, in the opinion of many, a nuisance.¹⁰⁹ Known to engage in alcoholic binges, the private investigator was known to become loquacious when drinking. Despite his reputation, Martin is described by New Orleans police intelligence officer Robert Buras as “highly intelligent”¹¹⁰ and regarded by Jim Garrison as “quick-witted and highly observant.”¹¹¹ Furthermore, as a private investigator, Martin provided business cards, valid in November 1963,¹¹² which stated he worked for the firm of Martin, Newbrough & Dalzell and the telephone number printed rang to the office of Guy Bannister.¹¹³ Having a previous working relationship with Martin, Garrison regarded Martin’s charges reasonably credible and sought to investigate Guy Bannister.¹¹⁴

¹⁰⁸ Jim Garrison, *On the Trail of the Assassins: My Investigation and Prosecution of the Murder of President Kennedy* (London: Penguin Books, 1988) 40

¹⁰⁹ Joan Mellen, *A Farewell to Justice: Jim Garrison, J.F.K.s Assassination, and the Case That Should Have Changed History* (New York, NY: Skyhorse Publishing, 2013) 179

¹¹⁰ *ibid*

¹¹¹ Simkin, John. “Jack Martin.” Spartacus Educational. Spartacus Educational. Accessed April 12, 2020. <https://spartacus-educational.com/JFKmartinJ.htm>.

¹¹² Joan Mellen, *A Farewell to Justice: Jim Garrison, J.F.K.s Assassination, and the Case That Should Have Changed History* (New York, NY: Skyhorse Publishing, 2013) 49

¹¹³ Joan Mellen, *A Farewell to Justice: Jim Garrison, J.F.K.s Assassination, and the Case That Should Have Changed History* (New York, NY: Skyhorse Publishing, 2013) 49

¹¹⁴ Joan Mellen, “My Investigation of the Garrison Investigation, New Orleans, Louisiana, October 17, 2015.” JOAN MELLEN, October 22, 2015. <http://joanmellen.com/wordpress/2015/10/20/my-investigation-of-the-garrison-investigation-new-orleans-louisiana-october-17-2015/>.

At 531 Lafayette Street, on the ground floor of the Newman Building, just outside the French Quarter, Guy Bannister's detective agency leased an office that was a "clearinghouse for Cuban exile and paramilitary right-wing activities."¹¹⁵ Within the same building, although addressed off of a separate street, Lee Harvey Oswald occupied 544 Camp Street, the home of the New Orleans Chapter of Fair Play For Cuba Committee.¹¹⁶ It is improbable that a building housing two offices of diametrically opposed political factions who are prone to violence, unless one, or both, of the offices is illegitimate. This notion becomes plausible (as Garrison believed) when taking the statements of Bannister's secretary Delphine Roberts into consideration. Corroborating Jack Martin's statement that Bannister and Oswald had a previous professional relationship, Roberts stated: "He [Oswald] seemed to be on familiar terms with Bannister." Due to the heavy concentration of CIA assets in the area, it becomes plausible that Oswald's sudden move to New Orleans may have not have been for the reason he told Ruth Paine: "because he was unable to find work in Dallas."¹¹⁷

While Garrison sought to establish the presence of a criminal network working in concert with the CIA and Anti-Castro elements, his detractors were quick to point out that Garrison maintained a wide berth between his investigation and the mafia. As an elected official (District Attorney of Orleans Parish) of a region whose economy was established

¹¹⁵ "Jim Garrison: Interview with Playboy 5: Oswald and Banister in New Orleans." JFK assassination: basic facts. Accessed January 19, 2020. <http://22november1963.org.uk/jim-garrison-oswald-banister-new-orleans>.

¹¹⁶ "Jim Garrison: Interview with Playboy 5: Oswald and Banister in New Orleans." JFK assassination: basic facts. Accessed January 19, 2020. <http://22november1963.org.uk/jim-garrison-oswald-banister-new-orleans>

¹¹⁷ H R Underwood, *Rendezvous with Death: the Assassination of President John F. Kennedy* (Bloomington, IN: Trafford Publishing, 2013) 21

as much on illegal activity as legitimate, Garrison understood the power held by the crime syndicate. It is plausible that Garrison purposely avoided promoting the mob elements of the assassination not only to ensure his prosperity, but to preserve his life. Despite this criticism, Garrison did establish evidence of a criminal network that was comprised of elements of the FBI, CIA, Anti-Castro exiles, and right-wing extremists. By highlighting these elements, as opposed to the mafia, Garrison contributed a great deal of information while at the same time preserving the cultural status quo within his district.

As District Attorney, Garrison revealed details of his investigation to *New Orleans State-Item*. Among the details provided were the potential suspects, including David Ferrie. The February 17, 1967 edition of the *New Orleans State-Item* printed Ferrie's name as a potential conspirator. Five days later, he was found dead. According to the autopsy report signed by coroner Nicholas J. Chetta, Ferrie's death was a result of natural causes, specifically a Berry Aneurysm (a type of stroke common in 90% of brain aneurysms). The coroner's conclusion was reached despite the fact that two distinct suicide notes were found in Ferrie's apartment. Garrison remained not only unconvinced with the coroner's findings, but he publicly stated: "I suppose it could just be a weird coincidence that the night Ferrie penned two suicide notes, he died of natural causes."¹¹⁸ Furthermore, since Garrison had released Ferrie's name to the media, Ferrie felt that his days were numbered. Fearing for his life, two days prior to his death, Ferrie asked Garrison's investigators for protection. The District Attorney provided Ferrie secure lodging at The Fountainbleu, located at Tulane Avenue at Carrollton. Despite receiving secure accommodations,

¹¹⁸ Richard Belzer and David Wayne. *Hit List: An In-depth Investigation into the Mysterious Deaths of Witnesses to the JFK Assassination* (New York, NY: Skyhorse Publishing, 2016) 188

Ferrie inexplicably returned to his apartment after being left alone. While surveillance at his residence was provided by Garrison's investigators, they left at 11:00 p.m., when David Ferrie's lights were turned off. Ferrie was found dead the next morning.¹¹⁹ After Ferrie's death and Bannister's passing in 1964, Jim Garrison arrested Clay Shaw, the only surviving member of the New Orleans coterie, on March 2, 1967 on charges of conspiring to assassinate President Kennedy.¹²⁰

Due to Garrison's position as District Attorney and his access to those with influence, his perspective gained a nationwide, if not worldwide, audience. Done through Garrison's ability to utilize both television and print media, he took his investigation directly to the public. Operating outside the normal media environment, much of what Garrison's investigation revealed was contrary to the findings of the Warren Commission. As a result, Garrison became the recipient of a media attack that ultimately called his motivations into question. What can be seen as a coordinated effort, a number of media outlets (*Newsweek*, *Time*, NBC, and CBS) openly opposed, if not attacked Garrison's findings.¹²¹ By opposing Garrison's investigation, the media may have intended to ensure that the conclusions of the Warren Report remained the official and accepted version.¹²² However, the attacks on Garrison might have had the opposite effect. According to a Harris poll

¹¹⁹ Judyth Vary Baker, *David Ferrie: Mafia Pilot, Participant in Anti-Castro Bioweapon Plot, Friend of Lee Harvey Oswald and Key to the JFK Assassination*. Waterville, OR: Trine Day LLC, 2014.

¹²⁰ John Simpkin, "Clay Shaw." Spartacus Educational. Accessed February 21, 2019. <https://spartacus-educational.com/JFKshaw.htm>.

¹²¹ Nola.Com. "Did Jim Garrison Use the Media to Advance His JFK Conspiracy Theory?" NOLA.com. September 08, 2018. Accessed February 21, 2019. https://www.nola.com/politics/2018/09/jim_garrison_used_the_media_to.html.

¹²² Donald Wilkes, "Destiny Betrayed: The CIA, Oswald and the JFK Assassination." Digital Commons @ Georgia Law. UGA, 2005. https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1112&context=fac_pm.

conducted in 1966, 46% percent of Americans thought there was a “broader plot” in the killing of Kennedy. After Garrison’s findings were made public in 1967, the same polling agency reported that the figure rose to 60%.¹²³ A climate of suspicion would remain consistent throughout the subsequent years with larger numbers believing that Oswald did not act alone.

Gaining headlines and television face time on a national level brought Garrison and his point of view to a larger audience, many of whom took a passive attitude toward the assassination and conspiracy theories in general. However, it can be ascertained that the broadcast and print media had reached and inspired elements of the fringe and counterculture who began to Commission’s question their government. Garrison’s investigation contributed significantly to the suspicious view toward the government that began to emerge in the late 1960s despite his inability to convict Clay Shaw.

As the Civil Rights Movement and increased involvement in Vietnam began to dominate the political landscape, the counter-culture of the 1960s began to express a less optimistic and less trusting view of not only their government, but also society as a whole. Evidence of this change can be seen as early as 1969 with the release of the film *Easy Rider*. Written by iconoclasts Peter Fonda and Dennis Hopper, the low-budget film follows two hippie bikers in their Homer-esque *Odyssey* as they traverse the American Southwest. The film demonstrates the fear and bigotry held by small town denizens toward the emerging counter-culture, and it documents the regional and dynamic cultural tensions that emerged between those who held traditional values and those who sought a

¹²³ Gary Langer, "Poll: Lingering Suspicion Over JFK Assassination." ABC News. Accessed February 21, 2019. <https://abcnews.go.com/WNT/story?id=129304&page=1>.

different path. Providing examples of ethnocentrism and intolerance, *Easy Rider* demonstrated a society's resistance to change, while at the same time providing evidence that American society was not homogenous and that distinct groups did have alternate modes of living.

While the film's protagonists may have been members of the counter-culture (nomadic hippies who earned a living through illegal means), they saw themselves as the embodiment of freedom-loving Americans. Despite how they viewed themselves, their uncut hair and unconventional dress became a point of contention to small town folk who viewed their appearance as the embodiment of communism and all that was wrong with the changing 1960s society. This can be seen as the film's protagonists were harassed by local rednecks as they stopped for lunch at a diner in Morganza,¹²⁴ Louisiana.¹²⁵ The sheriff, having lunch with a group of locals, became threatened by what the travelers represented and stated: "What the hell is this? Trouble makers?"¹²⁶ Afterwards, Cat Man, one of the locals sitting with the sheriff stated: "I don't think they'll make the parish line,"¹²⁷ suggesting that people of that ilk were subhuman because they chose to exercise their freedom.

After participating in the Mardi Gras festivities in New Orleans, Billy and Wyatt continued their trek to Florida, where they intended to enjoy their freedom by utilizing

¹²⁴ Morganza, Louisiana was the filming location for this scene, this film did not mention a specific town.

¹²⁵ Marlina Williams. "Easy Rider." Movie Diners, March 26, 2015. <https://moviediners.wordpress.com/2015/03/23/easy-rider/>.

¹²⁶ *ibid*

¹²⁷ Projects, Contributors to Wikimedia. "1969 Film by Dennis Hopper." Wikiquote. Wikimedia Foundation, Inc., August 18, 2019. https://en.wikiquote.org/wiki/Easy_Rider.

the funds provided through their last drug score. Almost to their final destination, Billy stated: “We did it, man. We did it, we did it. We’re rich, man.” His celebration would be short lived. Conversely, Wyatt stated: “You know Billy. We blew it,”¹²⁸ suggesting that the toll for their financial gains may have been their integrity. Billy’s statement could be seen as a criticism of capitalism. This would become inconsequential, as outside of New Orleans the protagonists were passed by a truck driven by two locals who decided to shoot them dead on the side of the road. The killing of Billy and Wyatt just prior to achieving their goal of retiring in Florida can be understood as the death of freedom. It may be asserted that their murders on the open road in Louisiana parallels the open air murder of Kennedy in Dealey Plaza.

The independent thinking elements within Hollywood would use the success of *Easy Rider* as motivation for the production of subsequent low budget films dealing with fringe belief systems. A decade following the assassination of John Kennedy saw the release of *Executive Action* (1973), the first film to depict a conspiracy to kill president Kennedy. Co-written by Mark Lane, American playwright Donald Freed and the black-listed Dalton Trumbo, the film is an adaptation of Lane’s previous work, *Rush to Judgment*.¹²⁹ During the film’s short run in theaters, attendees were provided with an eight-page newspaper outlining Lane’s criticism of the Warren Report.¹³⁰

¹²⁸ “Easy Rider.” *Easy Rider* (1969). AMC Filmsite. Accessed November 6, 2019. <https://www.filmsite.org/easy3.html>.

¹²⁹ Stanley W. Rogouski, “Executive Action.” *Writers without Money*. February 24, 2016. <https://writer-withoutmoney.com/2016/02/24/executive-action-1973/>.

¹³⁰ “Executive Action.” IMDb. IMDb.com. Accessed October 20, 2019. https://www.imdb.com/title/tt0070046/trivia?ref_=tt_trv_trv.

Suggesting Kennedy was killed as a result of a conspiracy involving Texas oilmen, professional killers, and former members of the intelligence community, the story line of *Executive Action* appears plausible. Depicting the conspirators as non-ethnic Anglo men suggests that conspiratorial elements are everywhere, as opposed to previous threats indicated by ethnic variation or cultural expression. *Executive Action* suggested that political foes look and behave like the American ideal. While the film did receive a wide, albeit brief, release, *Executive Action* was pulled from theaters after a few weeks. Despite featuring both Burt Lancaster and Robert Ryan, the film would not be rebroadcasted on television until the late 1980s. However, the film received a warm reprise domestically in 1991, when Oliver Stone's 1991 motion picture *JFK* reignited substantial disbelief in the lone assassin theory.

Chapter 3: Congress Uncovers the Past

As the first serious inquiry into the Intelligence Community, the Church Committee provided evidence of the US government's use of assassination as a means of foreign policy. The exposure of the abuse of power and deception used by multiple federal agencies was the catalyst for the House Select Committee on Assassinations. Casting doubt on specific elements of the Warren Report, the Congressional body found that Kennedy was killed as a result of a probable conspiracy. Both committees provided support for the critics of the Warren Report.

Due to the abundance of media exposure concerning the missteps of the intelligence agencies (CIA, FBI, and NSA), a Senate investigation into the behavior of the agencies was required to "clear the air"¹³¹ in terms of agency abuses. On January 21, 1973, Senator John Pastore (RI, Democrat) introduced Senate Resolution 21, establishing Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, known as the Church Committee. It was named after the Committee's chairperson and vocal Vietnam War opponent Frank Church, who had co-authored the failed Cooper-Church amendment that would have restricted President Nixon's ability to attack Cambodia. The Church Committee's mission was "to conduct a wide-ranging investigation of the nation's most secret agencies and programs, and based on those findings, write a detailed report including legislative recommendations."¹³² As information from the

¹³¹ Loch K Johnson *A Season of Inquiry: The Senate Intelligence Investigation*. (Lexington, Kentucky: University Press of Kentucky, 1985.) Accessed April 12, 2020. doi:10.2307/j.ctt130htz6.

¹³² NA. "Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities." U.S. Senate: Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities. January 19, 2017. Accessed April 08, 2019. <http://www.senate.gov/artandhistory/history/common/investigations/ChurchCommittee.htm>.

Committee's investigation exposed the unconstitutional programs implemented by federal agencies, the public's diminishing faith in their government had been exacerbated.

In the wake of the 1972 Watergate Burglary, as an effort to help assuage the lack of trust held by the public, the Church Committee was tasked to "investigate the full range of governmental intelligence activities and the extent, if any, to which such activities were 'illegal, improper or unethical.'"¹³³ Not to determine guilt or innocence of any party, but to learn from previous missteps to prevent future transgressions. In hopes of doing this, the Committee published their entire six-book report in April of 1976. The Church Committee's exposure of the clandestine links of the CIA to multiple assassination plots created an environment that encouraged distrust in the federal government. Furthermore, it had exposed the U.S. Government's use of assassination as a policy.

While investigating the IRS, NSA, and the FBI, the Church Committee highlighted evidence that the CIA had been involved with multiple assassination attempts. Prior to the publication of the Committee's six-book report, the Church Committee released a concise 300-page interim report. The *Interim Report of the Select Committee to Study Governmental Operations* provided a preview that detailed United States Government involvement in clandestine operations against foreign leaders. Among the cases highlighted in the report were the plots to overthrow Patrice Lumumba of the Republic of Congo, supporting the coup against Ngo Dinh Diem of Vietnam (resulting in his assassination), and the attempted killings of Fidel Castro of Cuba. According to John Prados,

¹³³ Frank Church, "An Interim Report Of The Select Committee To Study Governmental Operations With Respect To Intelligence Activities United States Senate Together with Additional, Supplemental , And Separate Views." Intelligence.senate.gov. Accessed March 13, 2019. <https://www.intelligence.senate.gov/sites/default/files/94465.pdf>.

President Gerald Ford failed in his attempts to have this and other information withheld from the public record.¹³⁴ From the unforeseeable end to the conflict in South East Asia to Watergate and the Pentagon Papers, a growing number of Americans were losing or lost faith in their government. Furthermore, the public began to believe there were elements existing within the U.S. Government that operated outside the rule of law that used any means necessary to conceal their actions. The belief that the federal government was capable of almost anything and commonly used lies and manipulation to conceal their acts became pervasive.

In another attempt to restore the public's trust in their government, the U.S. House of Representatives voted 280-65 to create the HSCA.¹³⁵ Growing disbelief in the Warren Report became so prevalent that two U.S. Representatives Henry Gonzalez (Democrat, TX) and Thomas Downing (Democrat, VA) introduced a joint bill that formed the United States House of Representatives Select Committee on Assassinations (HSCA). Fueled by the momentum generated by the Church Committee (1975), the growing number of books critical of the Warren Report, and the increase in belief in theories outlined in the books, the HSCA was formed as an investigative body examining the assassinations of John F. Kennedy (1963) and civil rights activist Martin Luther King (1968).¹³⁶ The HSCA reopened these cases, and sought to use new technology in order to gain insight that

¹³⁴ John Prados, *Safe for Democracy: The Secret Wars of the CIA* (Chicago: Ivan R. Dee, 2009) 437

¹³⁵"United States House Select Committee on Assassinations." Wikipedia. January 20, 2019. Accessed February 21, 2019. https://en.wikipedia.org/wiki/United_States_House_Select_Committee_on_Assassinations.

¹³⁶ Ibid

would help to denounce the conspiracy theories and ultimately quell the public's lack of confidence in their government.¹³⁷

Appointed as HSCA chief counsel, Richard A. Sprague was known as a tough and independent minded prosecutor who intended to use all available methods (lie detectors, voice-stress analysis, and hidden recording devices) in his "full assault on the CIA."¹³⁸ Nevertheless, it soon became apparent that Sprague's enthusiasm for discerning the truth was incongruent with the motives of the other committee members. This notion is highlighted by Sprague, who stated the Committee spent "point zero one percent of its time examining actual evidence."¹³⁹ In a conversation with investigative journalist Gaeton Fonzi, who became a critic of the Warren Report due to Arlen Specter's inability to conveniently defend the "single-bullet theory," Sprague opined that the reason for his removal was due to his desire to obtain information concerning the CIA's operation in Mexico City.¹⁴⁰

Attempts to withhold details was spearheaded by Ford's Deputy Chief of Staff, Richard "Dick" Cheney. Fearing the potential fallout from the Church Committee's investigation, members of the Ford Administration, including Dick Cheney, sought to manipulate the outward flow of information. By insisting that all documents submitted to the

¹³⁷ Richard E Sprague, *The Taking of America, 1-2-3*. (Woodstock, NY: NA, 1985) 2

¹³⁸Gus Russo, *Live by the Sword: the Secret War against Castro and the Death of JFK* (Baltimore, MD: Bancroft Press, 1998) 441

¹³⁹ *ibid*

¹⁴⁰ On September 27th, 1963, Lee Harvey Oswald, arrived via bus, in Mexico City. The purported purpose of his venture to the Mexican capital was secure a valid visa for passage to Cuba and then on to the Soviet union. Oswald was refused visas during his initial call upon the two embassies, and as a result, it is suggested that Oswald returned to the the Soviet Embassy, and in a reckless manner, demanded a visa to be issued for himself and his wife Marina.

Church Committee receive presidential pre-approval, Cheney attempted to not only stall the committee's investigation, but to preserve the CIA's clandestine nature, urging investigators away from "sensitive" records.¹⁴¹ While investigating the missteps of the agency, the Committee had not intended to expose operations or agents, but instead sought to restore faith in the system.¹⁴²

The Committee found that due to testimonial inconsistencies contained within the Warren Report, forensic analysis of physical evidence was in order. The HSCA calculated the trajectory of the bullets originating from the Texas School Book Depository and an acoustic fingerprint calculated from dicta-belt recordings suggested that at least four shots were taken. Furthermore, the HSCA found that it was likely that the fourth shot, which was fired wide and hit no target, had originated from the area near the "Grassy Knoll."¹⁴³ Hired by the committee to conduct acoustic analysis was the Cambridge, Massachusetts high tech firm of Bolt, Baranek, & Newman (BB&N), which returned to Dealey Plaza to recreate the original conditions. The results from the acoustic simulation were presented to the HSCA on September 11, 1978 by BB&N chief scientist Dr. James E. Barger who confirmed that the evidence suggested four shots were taken. According to

¹⁴¹ "White House Efforts to Blunt 1975 Church Committee Investigation into CIA Abuses Foreshadowed Executive-Congressional Battles after 9/11." Church Committee, White House and CIA. Accessed April 02, 2019. <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB522-Church-Committee-Faced-White-House-Attempts-to-Curb-CIA-Probe/>.

¹⁴² On December 26, 1977, *The New York Times* published an article exposing CIA document 1035-960 RE: Concerning Criticism of the Warren Report. The memo directed propaganda assets to "negate" the attacks emanating from critics of the Warren Report.

¹⁴³ The initial reference to the green-space adjacent to Dealey Plaza as 'The Grassy Knoll' was used by White House press correspondent (for United Press International) Merriman Smith. Minutes after Kennedy was shot, Merriman used a pay phone at Parkland Hospital to contact his editor and reported: "Some of the Secret Service agents thought the gunfire was from an automatic weapon fired probably from a grassy knoll to which police rushed."

Barger, the rate of fire determined by dicta-belt impulses suggested that the interval between the first and second shots was 1.65 seconds.¹⁴⁴ Using a Mannlicher Carcano rifle (the bolt action rifle that Lee Harvey Oswald was accused of using), both the FBI and U.S. Army conducted tests and both found their best shooters could fire no quicker than 2.3 seconds. Moreover, Barger stated that the fourth shot was taken 0.5 seconds after the third shot, suggesting that there was a 95% chance or more that a second shooter was involved.¹⁴⁵

In order to confirm or refute the data collected by Dr. Barger, a second team of acoustic experts were consulted. Testifying before the committee in November 1978, Dr. Mark Weiss (Computer Science professor from Queens College-City University of New York) echoed the findings of Dr. Barger by stating that: “with a probability of 95 percent or better, the third shot was fired from the grassy knoll.”¹⁴⁶ While agreeing with the “single bullet-theory,” the HSCA argued that the bullet in question was fired from an alternate location by and different person at a different point in the timeline.

The testimony of Dr. Weiss and the reevaluated acoustic data not only supported existence of multiple shooters, it suggested that a single gunman firing all of the shots was a near impossibility. The rate of fire determined by dicta-belt impulses suggested that

¹⁴⁴ David E Scheim, *Contract on America: The Mafia Murder of President John F. Kennedy* (New York: Zebra Books, 1991) 26

¹⁴⁵ David E.Kiser *The Road to Dallas: the Assassination of John F. Kennedy*. (Cambridge, MA: Belknap, 2009) 378

Supporters of the single-bullet attribute the 4th rapid shot to an acoustic echo emanating from the 3 shot.

¹⁴⁶ David E Scheim, *Contract on America: The Mafia Murder of President John F. Kennedy*. (New York: Zebra Books, 1991) 27

the interval between the first and second shots was 1.66 seconds.¹⁴⁷ While the acoustic signature did indicate that the two initial shots originated from the Texas School Book Depository, the time frame suggests multiple shooters.

Ultimately, the HSCA stated that, “on the basis of the evidence available to it, that President John F. Kennedy was probably assassinated as a result of a conspiracy.”¹⁴⁸ This statement suggests that there was enough evidence to support the notion that additional shooters were involved in the killing of President Kennedy.¹⁴⁹ The HSCA was unable to define neither the quantity nor identities of the conspirators. However, the committee found that “agencies and departments of the U.S. Government performed with varying degrees of competency in the fulfillment of their duties.”¹⁵⁰ In addition to the Secret Service being deficient in their duties, the HSCA found that “the investigation into the possibility of conspiracy in the assassination was inadequate.”¹⁵¹ It can be asserted that this was done due to the zealousness to assure the public that Lee Harvey Oswald was the lone-gunman. As a result, the previous connections between Jack Ruby and Lee Harvey Oswald were not satisfactorily explored. The HSCA found that the Warren Commission

¹⁴⁷ Ibid

¹⁴⁸ “Summary of Findings.” National Archives and Records Administration. National Archives and Records Administration. Accessed February 14, 2020. <https://www.archives.gov/research/jfk/select-committee-report/summary.html#kennedy>.

¹⁴⁹ “Findings.” National Archives and Records Administration. Accessed February 21, 2019. <http://www.archives.gov/research/jfk/select-committee-report/findings.html>.

¹⁵⁰ “Summary of Findings.” National Archives and Records Administration. National Archives and Records Administration. Accessed February 14, 2020. <https://www.archives.gov/research/jfk/select-committee-report/summary.html#kennedy>.

¹⁵¹ “Summary of Findings.” National Archives and Records Administration. National Archives and Records Administration.

was incorrect in ascertaining that there was no prior relationship between the two men.¹⁵² The conclusions reached by the committee provided support for, if not legitimized, the growing number of conspiracy theories that were critical of the Warren Report.

In addition to the criticism of the Warren Report, the HSCA made public declarations of malfeasance on behalf of the CIA and FBI. In viewing their mission concerning the Warren Commission, both the FBI and CIA felt their only obligation was to respond to specific questions posed by the Commission, not to provide additional information. The HSCA not only found that the two agencies failed in this capacity, they also suffered from communication breakdown in their organizational structure and an outright desire to occlude portions of their operations. Furthermore, the Department of Justice, FBI, CIA, and the Warren Commission were all criticized for withholding pertinent information in 1964.¹⁵³

While the House Select Committee on Assassinations emphasized the missteps of multiple government agencies and their inability to provide Kennedy with adequate protection, they did find that as a unit, these agencies did not conspire to assassinate Kennedy. Additionally, the HSCA concluded that based on their evidence, the Soviets, Cubans, and anti-Castro Cubans were also not involved in this conspiracy. Although they did find that as a whole, the organized crime syndicate was not involved, the HSCA sug-

¹⁵² Pierre Nau, "JFK." The House Select Committee on Assassinations (HSCA) Findings - Part 3. Accessed March 12, 2019. <http://www.jfk-assassinat.com/index.php?module=pages&type=user&func=display&pageid=184>.

¹⁵³ "Findings." National Archives and Records Administration. National Archives and Records Administration. Pgs. 239–256, Accessed February 14, 2020. <https://www.archives.gov/research/jfk/select-committee-report/findings.html>.

gested that individual members of organized crime may have been involved.¹⁵⁴ The conclusions reached by the HSCA were based on the evidence provided to them, and, while the committee concluded that a conspiracy was probable, they could not determine who the other actors may have been or to what extent the conspiracy existed.¹⁵⁵

While a Conclusion was reached by the HSCA, an ideological schism existed among members of the Committee. While the majority agreed with the report and supported the Committee's recommendations for the future prevention, and prosecution of assassinations, a number of members held dissenting views. Of those who dissented, many did so based largely on the acoustic evidence. In addition to questioning the chain of custody of the Dicta-belt, Michigan Representative Harold S. Sawyer highlighted the belt's age (15 years), suggesting that time may have compromised the data's integrity.¹⁵⁶ Representative Robert W. Edgar stated in his dissenting view of the report that there was insufficient evidence to convince him of a conspiracy to kill the President. Furthermore, Judge Edgar lamented the late introduction and the heavy weighted importance of Dr. Weiss' testimony concerning acoustic evidence. When asked why he dissented, Edgar stated: "I voted no because I could not accept such a rapid change from the finding that Lee Harvey Oswald acted alone to the new finding that there were two gunmen involved

¹⁵⁴ "Findings." National Archives and Records Administration. Pgs 239-256, Accessed March 12, 2019.

¹⁵⁵HSCA. House Select Committee on Assassinations Final Report. Accessed April 02, 2019. <http://www.maryferrell.org/showDoc.html?docId=800#relPageId=127&tab=page>.

¹⁵⁶ Harold Sawyer, "Dissent and Additional Remarks of Hon. Harold S. Sawyer to the Final Report..." House Select Committee on Assassinations Final Report. Accessed April 02, 2019. <http://www.maryferrell.org/showDoc.html?docId=800#relPageId=535&tab=page>.

in a conspiracy.”¹⁵⁷ Responding to the decision reached by the HSCA, Arlen Specter asked: “how did the HSCA get it wrong?”¹⁵⁸

Finding that the existence of multiple shooters was a high probability, the HSCA rendered Specter’s single-bullet theory impotent. Evidence showing the public’s inability to accept Specter’s theory is a two-part episode of NBC’s *Seinfeld*. In “The Boyfriend,” Kramer (Michael Richards) and Newman (Wayne Knight)¹⁵⁹ accuse Mets baseball player Keith Hernandez of spitting on them in the parking lot of Shea Stadium. Echoing Oliver Stone’s *JFK*, Jerry Seinfeld (the main character) proposes that it was not Keith Hernandez who was the “spitter,” and suggests the possibility of a “second spitter.” The alleged incident occurs during a Mets-Phillies game in 1987. Waiting to heckle Hernandez after the game blowing a ninth ending lead, Newman shouts to the approaching Hernandez: “nice game pretty boy.”¹⁶⁰ Hernandez continues walking past when all of sudden, Kramer is spat upon and “the spit ricochet”¹⁶¹ hit Newman. Years later, innocent of the crime, Hernandez informs them that it was in fact Mets relief pitcher Roger McDowell who had done the spitting. Recounting how they taunted McDowell throughout the game, Kramer and Newman accepted Hernandez’s explication and validated Jerry Seinfeld’s theory of a

¹⁵⁷ Edgar, Robert W. "Dissenting Views by Hon. Robert W. Edgar to the Final Report." House Select Committee on Assassinations Final Report. Accessed April 02, 2019. <http://www.maryferrell.org/show-Doc.html?docId=800#relPageId=525&tab=page>.

¹⁵⁸ Robert A. Wagner, *The Assassination of JFK: Perspectives Half a Century Later* (Indianapolis, IN: Dog Ear Publishing, 2016) 279

¹⁵⁹ Wayne Knight was cast as Numa Bertel Jr, the Assistant to District Attorney Jim Garrison in Oliver Stone’s *JFK*.

¹⁶⁰ Doctoroids. “The Boyfriend (1).” SeinfeldScripts. Accessed January 19, 2020. <https://www.seinfeld-scripts.com/TheBoyfriend1.htm>.

¹⁶¹ Doctoroids. “The Boyfriend (1).” SeinfeldScripts.

second spitter. While framed as a satire the *Seinfeld* episode not only indicates the disbelief of Arlen Specter's implausible single-bullet theory, but it also demonstrates the existence of JFK's assassination in the zeitgeist of the 1990s.

Limited to the evidence provided, the HSCA could not determine the identity of the other participants. However, according to Victor Marchetti, former assistant to deputy director of the CIA Richard Helms, the HSCA may have ignored significant evidence. In an issue of the right-wing newspaper *The Spotlight* (Aug. 14, 1978) Marchetti stated that the HSCA had ignored a 1966 CIA memo, signed off by CIA's chief of counterintelligence James Angleton, which named Frank Sturgis (born Frank Angelo Fiorini), Gerry Patrick Hemming,¹⁶² and E. Howard Hunt (supervisor of Watergate burglary),¹⁶³ as being involved with the plot to kill Kennedy. Furthermore, the memo caused a concern within the Agency: "how would the CIA explain that Hunt was in Dallas on November 22, 1963?"¹⁶⁴

In response to *The Spotlight* article, E. Howard Hunt filed a complaint in the District Court for the Southern District of Florida against Liberty Lobby, publisher of *The Spotlight*, and sought damages for libel on Nov. 28, 1983.¹⁶⁵ While the initial jury trial of

¹⁶² A former US Marine and a CIA operative, according to Victor Marchetti, Gerry Hennings was Lee Harvey Oswald's case officer at NAF Atsugi.

¹⁶³ CIA operative E Howard Hunt would provide to his son, Saint John Hunt, a death bed taped confession stating that Lyndon B Johnson, CID Cord Meyer, and Bill Harvey were involved with the assassination.

¹⁶⁴ NA. "Jury: CIA Involved in JFK Assassination." *The Spotlight*. Accessed April 08, 2019. <http://www.libertylobby.org/articles/2000/20000207cia.html>.

Greg Kaza: "EX-CIA Official Speaks Out." Civil Intelligence Association Defense Oversight Group. Accessed April 08, 2019. <http://www.ncoic.com/cia.htm>.

¹⁶⁵ NA. "E. Howard Hunt, Jr., Plaintiff-appellee, v. Liberty Lobby, a D.c. Corp., Defendant-appellant, 720 F.2d 631 (11th Cir. 1983)." Justia Law. Accessed May 13, 2019. <https://law.justia.com/cases/federal/appellate-courts/F2/720/631/425101/#fn1>.

1983 did yield Hunt a tidy sum (\$100,000.00 compensatory and \$550,000.00 punitive damages) due to improper jury instruction, the cash award and verdict were overturned. A retrial would eventually be held in 1985 with *Liberty Lobby* defense provided by Mark Lane. Exposing inconsistencies of Hunt's statements concerning his whereabouts on November 22, 1963, Lane created an unsympathetic image of Hunt in the eyes of the jury. While insisting that he was in Washington D.C. on the aforementioned date, Hunt's credibility was greatly diminished, if not destroyed, as he was conveniently unable answer these questions posed by Lane: "Mr. Hunt, why did you have to convince your children that you were not in Dallas, Texas, on November 22, 1963, if, in fact, as you say, a fourteen-year-old daughter, a thirteen-year-old daughter, and a ten-year old son were with you in the Washington, D.C., area on November 22, 1963, and were with you at least for the next forty-eight hours, as you all stayed glued to the T.V. set?"¹⁶⁶ In response, Hunt testified that his children had "reminded" him of the truth. As a result of Hunt's lack of credibility, the jury ruled in favor of *Liberty Lobby*.¹⁶⁷

Overall, the HSCA found that the results provided by the Warren Commission were seriously flawed. However, the HSCA, like the Warren Commission, had postponed publishing documents acquired through their investigation until a later date. Despite the HSCA's desire to keep certain details from the public, it did not seem to have a significant effect on the public. The primary damage to the image of the United States and its various agencies seemed to have occurred as a result of the early critics (Lane and Ep-

¹⁶⁶Na. "Implausible Assertions." Plausible Denial, Mark Lane, E. Howard Hunt, and the Liberty Lobby Trial. Accessed May 13, 2019. <http://mcadams.posc.mu.edu/denial.htm>.

¹⁶⁷ *ibid*

stein) and the Church Committee of 1975. This is reflected in a 1976 Gallup poll stating that 81% of those polled believed that more than one person was involved.¹⁶⁸ The U.S. House of Representatives had validated the position held by the critics of the Warren Report.

Gallup polling in 1975 found that only 11% of Americans polled felt that “one man was responsible for the assassination of President Kennedy.” Furthermore, by 1976, Gallup reported that 81% of Americans believed that Oswald acted with others in a conspiracy.¹⁶⁹ Polling throughout the 1980s suggests the public held firmly to these beliefs with the only change occurring in 1983, when a poll reported that belief that others were involved dropped to 74%. However, data suggests that an uptick in support of a conspiracy occurred in 1991, with the release of Oliver Stone’s *JFK*.

¹⁶⁸ Gallup, Inc. "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com. November 15, 2013. Accessed May 11, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

¹⁶⁹ Gallup, Inc. "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com. November 15, 2013. Accessed May 11, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

Chapter 4: Oliver Stone and the ARRB

The impact of Oliver Stone's *JFK* should not be understated. Resulting in the passage of the JFK Act and the subsequent ARRB, the film precipitated significant legislation. Through the passage of the JFK Act, the National Archives collected and stored all records pertaining to the JFK Assassination. Although withheld for over two decades, and somewhat redacted, the ultimate release of the documents provided evidence of the FBI's prior involvement with Lee Harvey Oswald, but also the on going campaign of deception practiced by the CIA.

During a 1988 visit to Cuba, Oliver Stone attended the Latin American Film Festival in Havana. A chance meeting in a Nacional Hotel elevator, Stone encountered New York publisher Ellen Ray, who approached him with a copy of New Orleans District Attorney Jim Garrison's *On the Trail of the Assassins* (1988). First thinking that Ray was promoting a cause, Stone did not give her much credence. Despite his initial feelings, Stone brought his gifted copy of *On the Trail of the Assassins* to the Philippines while he filmed the movie *Born on the Fourth of July*. Stone was, according to JFK researcher Patricia Lambert, "deeply moved and appalled"¹⁷⁰ by Garrison's tome. Furthermore, Lambert states that Stone had given little thought to the Warren Report and assumed that Lee Harvey Oswald acted alone. The result of Stone's encounter would serve as the catalyst for his film *JFK*, what was described by Stone as "a counter-myth to the fictional-myth of

¹⁷⁰ Patricia Lambert. *False Witness: The Real Story of Jim Garrison's Investigation and Oliver Stone's Film JFK*. (NYC, NY: M Evans &, 1998) XIV

the Warren Commission,”¹⁷¹ or perhaps a companion piece to Don DeLillo’s *Libra* (1988).

Written as historical fiction, the postmodern *Libra* is Don DeLillo’s attempt to fill the void that exists in the historic record with a “sense of coherent reality.”¹⁷² Depicting a reality where disgruntled and retired CIA operatives Win Everett, Larry Parmenter, and T.J. Mackey, veterans of the Bay of Pigs invasion, conspire to revive the anti-Castro movement through a purposely failed attempt to assassinate the president. They intended to create a resurgence of anti-Castro sentiments by leaving evidence that ultimately will lead back to Castro’s Cuba. However, T.J. Mackey, whose role in the plan is logistics, alters the mission to actually kill the president without informing his fellow coconspirators. Depicting the “institutionalization of evil”¹⁷³ as the mechanism used to manipulate Oswald into committing the assassination and the source of pressure to convince Ruby to silence Oswald, DeLillo “explores the effect of the simulacrum on the narrative history of America.”¹⁷⁴ *Libra* offers a version of conspiratorial events that is plausible among intellectuals, and according to Carnegie Mellon Ph.D candidate Michael Laudenbach, *Libra* “may be most convincing document of the assassination to date.”¹⁷⁵

¹⁷¹ Terry M. Nam: *The Lost Conflict Film Guide: A to Z: The War for Vietnam.*(Lexington, KY: Lulu.com (Ebook), 2011) 68

¹⁷²Jim Naughton, “Don DeLillo, Caught In History's Trap.” The Washington Post. WP Company, August 24, 1988. <https://www.washingtonpost.com/archive/lifestyle/1988/08/24/don-delillo-caught-in-historys-trap/48a5b0b1-8bd9-412f-8426-843a405896fe/>.

¹⁷³ Jim Naughton, “Don DeLillo, Caught In History's Trap.” The Washington Post

¹⁷⁴Michael Laudenbach, “Everything Is Connected In The Simulacrum: Don DeLillo’s Dialouge With The Images Of Consumer Media.” *TCNJ Journal Of Student Scholarship* Vol20 (April 2018). <https://joss.tcnj.edu/wp-content/uploads/sites/176/2018/04/2018-Laudenbach.pdf>.

¹⁷⁵ Ibid

By using Jim Garrison's *On the Trail of the Assassins* and Jim Mars's *Crossfire: The Plot That Killed Kennedy* as his template, Stone not only introduced the Kennedy mythos to a new generation, it also ushered in new legislation concerning the events at Dealey Plaza. By highlighting the vast amount of documents still withheld from the public, Oliver Stone's film provided the impetus for a letter writing and phone call campaign asking U.S. Congress to permit access to the classified files.

Largely based on the content of a leaked script, Oliver Stone found himself targeted by multiple media outlets prior to the completion of his film (*The Washington Post*, *Time*, *The Chicago Tribune* and *The Times-Picayune of New Orleans*).¹⁷⁶ A May 19, 1991 article from *Washington Post* staff writer George Lardner described the film as "zany" and fraudulent in nature. Furthermore, on July 1 of the same year, journalist Richard Zoglin¹⁷⁷ argued that Stone's versions of the events were "near the far out fringe."¹⁷⁸ In the November 1991 issue, *Esquire's* Robert Sam Anson suggested that Stone had been seduced by the "charming" 6'6" Jim Garrison, noting Stone's comparison of Jim Garrison with the actor James Stewart.¹⁷⁹ The months of media criticism prior to the film's re-

¹⁷⁶ Richard Bernstein, "Film; Oliver Stone, Under Fire Over the Killing of J.F.K." *The New York Times*. July 28, 1991. Accessed April 01, 2019. <https://www.nytimes.com/1991/07/28/movies/film-oliver-stone-under-fire-over-the-killing-of-jfk.html>.

¹⁷⁷ In addition to being a journalist and Senior Editor for *Time*, Richard Zogland authored *Hope: Entertainer of the Century*

¹⁷⁸ Mal Jay Hyman, *Burying The Lead: The Media and the Jfk Assassination* (S.l.: Trine Day 2018) Chap 11

¹⁷⁹ Robert Sam Anson, "The Shooting of JFK | *Esquire* | NOVEMBER 1991." *Esquire*. Accessed April 08, 2019. <https://classic.esquire.com/article/1991/11/1/the-shooting-of-jfk>.

lease had begun to have a negative effect on Stone. Despite the negative media campaign, Stone's film was a box-office success indicating the public Still Sought Answers.¹⁸⁰

In defense of the premature media attacks, film critic Roger Ebert suggested that the movie was not about solving the mystery, but rather utilizing the character of Jim Garrison as a seeker of truth who discovers that the official version was not only flawed, but impossible. Furthermore, Ebert wrote: "It's impossible to believe the Warren Report because the physical evidence makes its key conclusion impossible."¹⁸¹ While Stone's *JFK* was intended to be enjoyed by a wide audience, it attracted those who were conspiracy-minded. According to an ABC poll, 40% had viewed the film, and of the those who saw the film, 81% believed there was a larger plot to assassinate Kennedy. Conversely, those who knew of the film but had not seen it reported only 60% subscribing to a theory of a larger plot.

The statements provided by Roger Ebert demonstrated the extent in which disbelief permeated the late 20th century zeitgeist. Like Ebert, the majority of the public never trusted the Warren Report, some in its totality, and others held reservations on particular facets (the single bullet theory for example). Regardless of the degree of cynicism of the Warren Report, any amount of criticism was likely to be classified as conspiratorial. Establishing a Manichean paradigm, the Report ultimately fostered an environment of division. Despite the Commission's best attempts to pacify the public and to usher in an era

¹⁸⁰ NA. "JFK." IMDb. December 20, 1991. Accessed April 08, 2019. <https://www.imdb.com/title/tt0102138/>.

¹⁸¹ Roger Ebert, "JFK Movie Review & Film Summary (1991) | Roger Ebert." RogerEbert.com. December 20, 1991. Accessed May 06, 2019. <https://www.rogerebert.com/reviews/jfk-1991>.

of trust, the flawed investigation had the opposite effect that was seen well into the 1990's.

As a pejorative label, the term conspiracy theorist seems to have its origins in Richard Hofstadter's *The Paranoid Style in American Politics* (1964), where Hofstadter states that a continuum between proper politics and pathology exists.¹⁸² By establishing a spectrum, Hofstadter and those who cite his work desire to establish and to control the window of discourse.¹⁸³ By establishing the accepted discourse, those who question the hegemonic control of information are easily castigated and labeled paranoid or as conspiracy theorists. Once labeled, any critic of the established view is placed within the Hallin Sphere of Deviance and may be treated as "unworthy of general consideration."¹⁸⁴ By removing the critics from acceptable debate, those who control the discourse prohibit the introduction of facts that challenge their position from entering the debate, effectively removing any possibility of resolution and resulting in the obfuscation of the truth and further speculation.

As a result of the enthusiasm generated by Oliver Stone's *JFK*, in 1992, the George H.W. Bush administration passed the 1992 JFK Assassination Records Collection Act. The Act directed the National Archives and Records Administration to establish and assemble a collection of records to be known as the President John F. Kennedy Assassina-

¹⁸² Richard Hofstadter *The Paranoid Style in American Politics* (New York, NY Vintage Books a division of Random House, 2008) 6

¹⁸³ Named after Joseph P. Overton, the Overton window or window of discourse is the established range of acceptable positions held by the mainstream.

¹⁸⁴ "Hallin's Spheres." Wikipedia. Wikimedia Foundation, July 11, 2019. https://en.wikipedia.org/wiki/Hallin's_spheres.

tion Records Collection.¹⁸⁵ Furthermore, the Act stated that all remaining documents would be released in 25 years, October 26, 2017.¹⁸⁶ Due to the vast amounts of documents associated with the assassination, the Act also established the Assassinations Record and Review Board (ARRB) to oversee the collection process.

The ARRB was established as a four-year commission (1994-1998) and was comprised of five private citizens: John R. Tunheim (United States District Court Judge; District of Minnesota), Dr. Henry F. Graff (Professor Emeritus of History at Columbia University), Dr. Kermit L. Hall (Professor of History and Law at The Ohio State University), Dr. William L. Joyce (Associate University Librarian for Rare Books and Special Collections at Princeton University) and Dr. Anna K. Nelson (Professor of History at The American University). With a strong background in history, law, and archiving methods, the board members were to have no affiliation with any government agency. The members were granted the ability to direct agencies to declassify documents with only a Presidential veto as a stop measure. Notably, this was the first time this privilege was granted to a non-governmental body.¹⁸⁷

While the ARRB was precluded from reinvestigating and reaching new conclusions, it did reinterview those involved in the original investigation. Of those who were

¹⁸⁵ "S.3006 - 102nd Congress (1991-1992): President John F. Kennedy Assassination Records Collection Act of 1992." S.3006 - 102nd Congress (1991-1992): President John F. Kennedy Assassination Records Collection Act of 1992 | Congress.gov | Library of Congress. October 26, 1992. Accessed March 12, 2019. <http://www.congress.gov/bill/102nd-congress/senate-bill/3006>.

¹⁸⁶ Steven M Gillon, "Why the Public Stopped Believing the Government about JFK's Murder." History.com. October 30, 2017. Accessed March 12, 2019. <https://www.history.com/news/why-the-public-stopped-believing-the-government-about-jfks-murder>.

¹⁸⁷ "Executive Summary." Final Report of the Assassination Records Review Board, Executive Summary. Accessed March 13, 2019. <https://fas.org/sgp/advisory/arrb98/part02.htm>.

brought before the ARRB for an additional questioning was FBI Agent James Hosty. Prior to the assassination, Hosty was the FBI agent responsible for monitoring Lee Harvey and Marina Oswald following their return to the United States.¹⁸⁸ During a three-day interview with the ARRB, Hosty discussed the compartmentalization structure of the initial investigation. He described an environment of distrust where the agencies (Navy Intelligence, State Department, CIA, and FBI) withheld information from each other, ensuring that no one had all of the facts.¹⁸⁹

Of the over 300,000 documents and over five million pages assembled for the collection, most contained nothing monumental. However, some insight may be ascertained by the nature of the content withheld due to national security. Contained within the 12% of the documents that remained either redacted or classified by the ARRB were those concerning CIA official George Joannides and his ties to covert intelligence gathering station JM/WAVE.¹⁹⁰ As chief of the CIA's Psychological Warfare division of the Agency's JM/WAVE station located in Miami, Joannides was responsible for managing and financing the Revolutionary Cuban Student Directorate (DRE), an anti-Castro student organization "Joannides provided them with up \$18-25,000 per month while insist-

¹⁸⁸ In reaction to Hosty's visit to Marina Oswald at Ruth Paine's residence, Oswald penned a note encouraging Hosty to not bother Marina and to come speak with Oswald directly. The contents of the note are unclear due to the destruction of said note. According to Anthony Summers, hours after Ruby killed Oswald, Hosty was called into to the office of Special Agent in charge Gordon Shanklin and was told to destroy Oswald's note, claiming there will be trial, due to Oswald's death. Day later, Shanklin asked for confirmation that Hosty acted according to Shanklin's wishes.

¹⁸⁹ NA. "Hosty Interview 11/21/96." Kennedy Assassination Home Page Index. Accessed April 08, 2019. <http://mcadams.posc.mu.edu/hosty.txt>.

¹⁹⁰ MJ/Wave served as the operation center for the CIA's Operation Mongoose and to some extent involved with the Bay of Pigs Invasion of 1961.

ing they submit to CIA discipline”.¹⁹¹ While in New Orleans during the summer of 1963, Lee Harvey Oswald had numerous encounters with the aforementioned organization that would be used (in conjunction with his publicized defection to the Soviet Union) in establishing Oswald’s public image as a left wing extremist.¹⁹²

According to investigative journalist Steven Hager, the shaping of Lee Harvey Oswald’s image as a left-wing Marxist extremist was engineered by Joannides,¹⁹³ who alleged that the August 21, 1963 radio debate between Oswald and DRE member Carlos Bringuier was part of a “sheep dipping”¹⁹⁴ operation. While the predetermined agenda of the debate was to focus on Castro’s Cuba, it highlighted Lee Harvey Oswald’s defection to the Soviet Union and his professed support for Marxism. The notion that psychological warfare specialist Joannides dictated the public image of Oswald was echoed by author and journalist Jim DeBrosse, who stated that: “Within hours of the assassination, CIA officer George Joannides began working with Cuban exiles to brand Oswald as a Communist.”¹⁹⁵ While it was publicly known that Oswald had attempted to defect to the Soviet Union, additional measures were taken to assure the public that Oswald was sympathetic to Marxism.

¹⁹¹ Jacob Hornberger, "Why Was the ARRB Prohibited from Investigating the Kennedy Assassination? – The Future of Freedom Foundation." The Future of Freedom Foundation. September 25, 2014. Accessed April 08, 2019. <http://www.fff.org/2014/09/24/why-was-the-arrrb-prohibited-from-investigating-the-kennedy-assassination/>.

¹⁹² Ed Souza, *Undeniable Truths: the Clear and Simple Facts Surrounding the Murder of President John F. Kennedy*. Bloomington, IN: iUniverse, 2015.

¹⁹³ Staff. "Oswald Radio Debate." Featured Oswald Radio Debate. Accessed April 08, 2019. http://www.-maryferrell.org/pages/Featured_Oswald_Radio_Debate.html.

¹⁹⁴ Utilized by the military and intelligence community, to sheep dip is to replace a person’s public service identity with an alternate persona to aid in covert intelligence.

¹⁹⁵ Jim DeBrosse, *See No Evil: The JFK Assassination and the US Media*. (S.l.: Trine Day, 2018) 91

Among the evidence recovered from the ARRB collection was a transcription of a telephone conversation occurring on November 23, 1963 between President Lyndon Johnson and FBI Director J. Edgar Hoover discussing evidence concerning Oswald's visit to the Soviet Embassy in Mexico City. Hoover responded: "No, that's one angle that's very confusing for this reason. We have up here the tape and the photograph of the man who was at the Soviet Embassy, using Oswald's name. That picture and the tape do not correspond to this man's voice, nor to his appearance. In other words, it appears that there is a second person who was at the embassy down there."¹⁹⁶

Not only does this suggest that both President Johnson and J. Edgar Hoover were aware very early in the investigation of a second person portraying Oswald, it also suggests that they knowingly withheld this information from the Warren Commission. The FBI and the CIA continually denied the existence of these transcripts, indicating an on going cover up.

Between September 1994 and 1998, the ARRB had reviewed over 33,000 records that were released with the agency's consent. Of these were two sets of notes, previously thought to have been destroyed, taken by James Hosty and Detective "Will" Fritz during the interrogation of Lee Harvey Oswald. Through a document dated December 4, 1963, from Warren Commission member John McCloy stating that he "has serious doubts of the credibility of the investigation to date. He does not eliminate the possibility that the

¹⁹⁶ "Telephone Conversation between the President and J. Edgar Hoover, 23 Nov 1963." Marry Ferrell Foundation. Accessed May 11, 2019. <https://www.maryferrell.org/showDoc.html?docId=807#relPageId=2&tab=page>.

attempt on [Kennedy] was made by two persons.”¹⁹⁷ Despite McCloy’s lack of certainty, the Commission went forward with its report. They understood that their purpose was to assure the public that Kennedy was murdered by Lee Harvey Oswald. McCloy’s statements did nothing to assure the public in the validity of the Warren Report.

The purpose of the ARRB was not to report on the new findings, rather, their report was an accounting of the board’s work in finding and declassifying existing documents. Releasing their report in 1998, the ARRB recognized the previous damage done by withholding information from the public as a contributing factor in the public’s erosion of faith. While the results of the ARRB may have not met its mission statement, it did provide an openness in regards to previously occluded information. For the critics of the Warren Report, the work product of the ARRB provided an arsenal of information that supported their positions.

On July 4, 2003, Report critic Jefferson Morley,¹⁹⁸ filed a request under the Freedom of Information Act for “all records pertaining to CIA operations officer George Efythron Joannides.”¹⁹⁹ The ARRB discovered two facts: Joannides was running “psychological warfare” operations seeking to discredit Castro supporters in the U.S. during the summer of 1963, and that members of the AMSPELL/DRE network promoted Oswald’s

¹⁹⁷ "Document 4." JFK Assassination Records Review Board Releases Top Secret Records. Accessed March 13, 2019. <http://www.indiana.edu/~oah/nl/98feb/jfk.html#d4>

¹⁹⁸ “Morley v. CIA, 508 F.3d 1108.” CourtListener. Accessed January 19, 2020. <https://www.courtlistener.com/opinion/187057/morley-v-cia/>.

¹⁹⁹ “Morley v. CIA, 508 F.3d 1108.” CourtListener. Accessed January 19, 2020. <https://www.courtlistener.com/opinion/187057/morley-v-cia/.ibid>

pro-Castro beliefs both before and after November 1963.²⁰⁰ Due to Joannides' position as the CIA case officer for the "DRE" in 1963, and Lee Harvey Oswald's on air radio debate with the DRE during the same year, Morley sought to uncover facts concerning Joannides' activities during the years 1963 and 1978. Morley sought to clarify if "Joannides [was] running a "psychological warfare" operation that targeted Oswald in the summer of 1963 in order to discredit Castro's supporters in the United States?"²⁰¹

In response to his petition, Morley received a letter from Robert T. Herman (Nov 5, 2003), information and privacy coordinator of the CIA, stating that the records he was looking for had been transferred to the National Archives and Records Administration (NARA) in compliance with the JFK Act.²⁰² Morley was instructed to submit his request to the NARA, was provided with NARA mailing address, and was suggested to search NARA's website.²⁰³ The actions taken by Herman are seen as obstruction or misdirection by Morley.

On December 16, 2003, Morley filed a complaint for injunctive relief to "order the CIA to make available all documents responsive to his FOIA request."²⁰⁴ Responding to Morley's complaint, the CIA filed a motion to stay, pending the agency's processing of

²⁰⁰ Jefferson Morley, "Morley v. CIA: Why I Sued for JFK Assassination Records." JFK Facts, March 12, 2018. <https://jfkfacts.org/morley-v-cia-why-i-sued-for-jfk-assassination-records/>.

²⁰¹ Jefferson Morley, "Morley v. CIA: Why I Sued for JFK Assassination Records." JFK Facts, March 12, 2018.

²⁰²"Morley v. CIA, 508 F.3d 1108." CourtListener. Accessed January 19, 2020. <https://www.courtlistener.com/opinion/187057/morley-v-cia/>.

Robert T. Herman's letter was received on November 5th, 2003.

²⁰³ "Morley v. CIA, 508 F.3d 1108." CourtListener. Accessed January 19, 2020. <https://www.courtlistener.com/opinion/187057/morley-v-cia/>.

²⁰⁴ "Morley v. CIA, 508 F.3d 1108." CourtListener. Accessed January 19, 2020

Morley's initial FOIA request, which was granted on September 2, 2004. Almost four months thereafter, on December 22, 2004, he received "three documents in their entirety and 112 documents with redactions pursuant to FOIA exemptions."²⁰⁵ Morley was also informed that the CIA had located "additional responsive material" that was being withheld.²⁰⁶ The tenacious work of Morley was not done in vain.²⁰⁷

Prior to Morley's inquiry, the CIA stood firm on the notion that the Agency had no relationship with Carlos Bringuier's DRE anti-Castro group in 1963. This was despite documents showing that George Joannides was the case officer in charge of the group in 1963. By neglecting to disclose this information, high ranking agency officials not only lied to the initial Warren Report investigation (1964), but also to the HSCA (1977-79), and the ARRB (1994-1998).²⁰⁸ Keeping this information from the public and lying to multiple federal committees, did little to restore faith in the Agency or in the government.

The CIA's campaign of deception concerning George Joannides' activities in 1963 was an astonishing discovery. Couple the aforementioned knowledge with the fact that, in 1978, Joannides came out of retirement to serve as the CIA's liaison to the HSCA, the textbook definition of conspiracy appears to emerge. As the gatekeeper of information, Joannides controlled what documents the Agency would provide to the HSCA. Despite demands from the HSCA for Joannides to provide them with any information concerning

²⁰⁵ "Morley v. CIA, 508 F.3d 1108." CourtListener. Accessed January 19, 2020

²⁰⁶ "Morley v. CIA, 508 F.3d 1108." CourtListener. Accessed January 19, 2020

²⁰⁷ "Morley v. CIA, 508 F.3d 1108." CourtListener. Accessed January 19, 2020

²⁰⁸ "Who Was George Joannides?" JFK assassination: basic facts. Accessed January 19, 2020. <http://22november1963.org.uk/who-was-george-joannides>.

a relationship shared between Oswald and Cuba, Joannides only released documents that did not tarnish the CIA's reputation.²⁰⁹

As chief counsel of the HSCA, Robert Blakey had no knowledge of Joannides' preexisting relationship with the DRE. In fact, Blakey was working under the belief that "the Mob" was responsible for the killing of Kennedy and was shocked to discover in 2003, the true nature of Joannides' relationship.irate with the findings, Blakey, that same year, issued a statement stating that he is "no longer confident that the Central Intelligence Agency co-operated with the committee."²¹⁰ Furthermore, Blakey stated that he "was not told of Joannides's ties with the DRE, the focal point of the investigation. Had I [Blakey] known who he was, he [Joannides] would have been a witness who would have been interrogated under oath. He would never have been acceptable as a point of contact with us to retrieve documents."²¹¹ As chief counsel, Blakey's statement denouncing both the HSCA and the CIA carried significant weight for Warren Report critics.

Exposing withheld information, emanating from the highest offices, and the ongoing psychological warfare committed by the CIA, the documents released by the JFK Act and the ARRB severely damaged the credibility of the Warren Report. Furthermore, the behavior of the CIA toward Jefferson Morley indicates an active policy of stonewalling. These newfound facts provided a great deal of fuel for those critical of the Warren Report.

²⁰⁹ Peter Kross, *JFK: The French Connection*. (Glendale, USA: SCB International, 2013) Chap 5

²¹⁰ "Interview: G. Robert Blakey." PBS. Public Broadcasting Service. Accessed January 19, 2020. <https://www.pbs.org/wgbh/frontline/article/interview-g-robert-blakey/>.

²¹¹ Peter Kross, *JFK: The French Connection* (Glendale, USA: SCB International, 2013) Chap 5

Chapter 5: Failure of Warren Supporters

Peaking at 77% in the 1992 Gallup poll, the belief that Lee Harvey Oswald did not act alone was near an all time high.²¹² In an effort to counterbalance the increasing number of people who believed that Oswald did not act alone, due to Stone's *JFK*, two established authors attempted to provide answers validating the Warren Report. Depicting Lee Harvey Oswald as maladjusted, unstable loner, Gerald Posner's *Case Closed* (1993) utilized out of context testimony from those who knew very little of Oswald. Further deception is seen in his attempt to recast the former Russian Oil Baron George De Mohrenschildt as sympathetic to communism. Fifteen years after Posner failed to close the case on Oswald, Vincent Bugliosi sought to do the same, with similar results in *Reclaiming History: Assassination of President John F. Kennedy* (2007). Like Posner's attack on the character of many of those involved, Bugliosi attacked those who subscribe to any theory involving anyone other than Oswald. While both authors attempted to prove Oswald as the lone assassin, neither caused significant change in public opinion.

While *Case Closed* is well written and appears to be meticulously researched, the work is rife with personal attacks that weaken Posner's credibility. Through the use of pathos, Posner's writing appears to utilize ad hominem attacks to bolster his thesis. While this style of writing is useful in distracting the reader from the author's weak argument, it is "often deliberately employed by those unable to conjure up a plausible counter-positi-

²¹² Swift, Art. "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com. Gallup, May 16, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

tion.”²¹³ Through his skillful prose, Posner devotes a disproportionate portion of the book to his interpretation of Oswald’s character. While Oswald was a severely damaged person, he was complex and possessed admirable qualities, such as resourcefulness and above average intelligence. Posner attempts to cast Oswald as a Grendel-type character who takes revenge on a society that has ostracized him.²¹⁴ Posner’s crude rhetorical strategy did not go unnoticed by the public, who remained unconvinced by his argument.

In his efforts to ensure the reader of Oswald’s unstable nature, Posner utilized statements from those who knew very little of Oswald. According to the opinions of Volkmar Schmidt, a German geologist and right-winger who spoke with Oswald on a single occasion on February 13, 1963, and based on their conversation, Schmidt stated he felt that Oswald “appeared to be a violent person.”²¹⁵ If Posner desired to convince the reader that Oswald as a nut or even a monster, he may have succeeded. However, that was not the purpose of his work.

ARRB documents demonstrate Posner’s distortion of facts in an attempt to convince the public that Oswald was a hapless fool. Posner claims that “Oswald had the lowest-level security clearance, confidential.”²¹⁶ Posner attempts to provide support for this by stating that: “The House Select Committee on Assassinations investigated the question

²¹³ “The Ad Hominem Attack.” politics.org, February 21, 2012. <https://inside-politics.org/2012/02/09/the-ad-hominem-attack/>.

²¹⁴ A character in the Anglo-Saxon poem Beowulf (700-750 BCE), Grendel was said to be the descendant of the biblical Cain.

²¹⁵ Gerald L. Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK* (New York: Random House, 1993) Chap 6

²¹⁶ Gerald L. Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK* (New York: Random House, 1993) Chap 2

in the late 1970s, reviewing all relevant military files, and concluded Oswald did not have a higher clearance.”²¹⁷ Ignoring the HSCA testimony of James Wilcott, who stated, due to Oswald regular monitoring of the U2 spy plane at Artsugi AFB, Oswald had not only a cryptonym assigned to him, but he would have had to possess a crypto-clearance, which is higher than Top Secret.²¹⁸ According to the Warren Commission testimony of Lt. John E. Donovan, “all personnel working in the radar center were required to have a minimum security clearance of secret.”²¹⁹ As a RADAR operator at Atsugi Naval Base, described in HSCA document as a “special deep cover CIA base,”²²⁰ Oswald would be required to possess a clearance of Secret.²²¹ Either clearance, crypto or secret, are significantly higher than the lowest-level purported by Posner.

Further deception in Posner’s writing is his depiction of George De Mohrenschildt. Claiming that he had no connection to the CIA, Posner states that: “CIA officials have provided sworn testimony that there was no de Mohrenschildt-US intelligence relationship.”²²² While this may be sworn testimony, Alan Dulles, former Director of Intelligence, stated in 1974 that the “CIA and FBI might lie to anyone but the president to con-

²¹⁷ Gerald L. Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK* (New York: Random House, 1993) Chap 2

²¹⁸ “Wilcott Testimony and Documents .” AARCLibrary . ARRB, n.d. http://www.aarclibrary.org/publib/jfk/hasca/secclass/pdf/Wilcott_3-22-78.pdf.

²¹⁹ Lt John E Donovan was assigned to the same El Toro radar unit as Oswald.

²²⁰ “Wilcott Testimony and Documents .” AARCLibrary . ARRB, n.d. http://www.aarclibrary.org/publib/jfk/hasca/secclass/pdf/Wilcott_3-22-78.pdf.

²²¹ Jones, Barry. *Coup Detat the Overthrow of an American President* (Stone Mountain, GA: Anaphora Literary Press, 2015) 88

²²² Scott, Peter Dale. *Oswald, Mexico, and Cuba: the New Revelations in U.S. Government Files.* (Skokie, IL: Green Archive Publications, 1995) Appendix IV

ceal the identities of their undercover agents.”²²³ Posner’s ability to blindly trust the CIA to provide truthful statements suggests that Posner will accept any testimony as long it supports his thesis. The use of evidence of this nature provides little credibility to Posner whose work did nothing to curb the public's increasing belief that Lee Harvey Oswald did not act alone.²²⁴

Attempting to redefine the character of George De Mohrenschildt, Posner attempts to recast George De Mohrenschildt as a communist. De Mohrenschildt, son of a Russian oil baron,²²⁵ fled his home country in the wake of the Russian Revolution and was forced to abandon his aristocratic lifestyle. After multiple relocations, in 1952, De Mohrenschildt called Dallas, Texas home. Due to his knowledge of geology, and potentially having familial ties in the oil industry, De Mohrenschildt found work in the Dallas oil industry. De Mohrenschildt established a working relationship with oil magnate Clint Murchison, and was accepted as a member of the Dallas Petroleum Club.²²⁶ Furthermore, according to a September 1968 U.S. Army Intelligence document released by the ARRB, De Mohrenschildt was “a business associate of Vice President Lyndon Johnson.”²²⁷ Despite De Mohrenschildt’s connections with the upper echelon, Posner attempts to present

²²³ “Policy On C.I.A. And F.B.I. Lies Described Bb Allen Dulles In '64.” Central Intelligence Agency. Central Intelligence Agency. Accessed February 20, 2020. <https://www.cia.gov/library/readingroom/document/cia-rdp88-01350r000200760010-0>.

²²⁴ Art Swift, “Majority in U.S. Still Believe JFK Killed in a Conspiracy.” Gallup.com. Gallup, May 16, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

²²⁵ Sergius Alexander von Mohrenschildt, was a "marshal of nobility" in Minsk Province was imprisoned in 1920 for criticizing the Communist Government, favoring a constitutional monarchy.

²²⁶ Originally founded in 1934, The Dallas Petroleum Club was formed as fraternity of the most predominant oil men in the region.

²²⁷ Jefferson Molrely. “Did George De Mohrenschildt Know Lyndon Johnson?” JFK Facts, April 6, 2015. <https://jfkfacts.org/did-george-de-mohrenschildt-know-lyndon-johnson/>.

his version of De Mohrenschildt through statements gleaned from members of the Russian immigrant community who had spent time with both Oswald and De Mohrenschildt. Declan Ford stated that De Mohrenschildt “had a reputation for being a leftwing enthusiast” and Igor Voshinin states that he considered both of them (Oswald and De Mohrenschildt) leftists.²²⁸ Placing emphasis on the opinions of those who had superficial knowledge of De Mohrenschildt, as opposed to highlighting his conduct and cold warrior business associates, Posner distorts the motivations of De Mohrenschildt.

Acknowledging the efforts of Mark Lane and Edward J. Epstein, Posner attacked as quickly as he commended. After Posner identified Lane as a “gadfly of the Warren Commission” and a “journalistic scavenger,” Posner attempted to further attack the character of Lane.²²⁹ Posner highlights that both Lane and Epstein utilized a team of investigators, referred to as “the Buffs,”²³⁰ to assist in their research. Stating that this team was analogous to a company’s “public relations program” and a “research and development program,” Posner ventures to state that “there was no equivalent for the conspiracy network to support the Warren Report.”²³¹ Posner failed to mention that investigating on behalf of the Warren Commission was the FBI. Was Posner confirming that the FBI did not conduct a thorough investigation for the Warren Commission, or was this an attempt to

²²⁸ Gerald L. Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK* (New York: Random House, 1993) Chap 5

²²⁹ *ibid*

²³⁰ Calvin Trillin, “The Buffs.” *The New Yorker*. *The New Yorker*, June 20, 2017. <https://www.newyorker.com/magazine/1967/06/10/the-buffs>.

²³¹ “Case Closed.” Google Books. Google. Accessed April 13, 2020. https://www.google.com/books/edition/Case_Closed/vV29AAAAQBAJ?hl=en&gbpv=1&dq=“public+relations+program”+Posner+case+closed&pg=PT199&printsec=frontcover.

mislead those less informed on the topic? Either condition concludes with similar results, that Posner's *Case Closed* did not provide the closure he intended. His attempt to convert critics into supporters failed.

Shortly after Posner's effort, author and political activist Norman Mailer offered the public *Oswald's Tale: an American Mystery*. While his previous work is considered counter cultural, *Oswald's Tale* surprisingly supports the Warren Report. By asking "Did Lee Harvey Oswald have the character to kill the president?"²³² Mailer attempts to provide an understanding of Oswald that ultimately provides "an image of Oswald as a sincere Marxist, Nihilist and inveterate liar."²³³ Initially, Mailer was a Warren critic, but his mind was changed after he began to understand Oswald as an "agent provocateur on a self-styled mission."²³⁴ Attempting to curtail the public's growing disbelief in the Warren Report, Mailer's abrupt change of position had little effect on the public due to his failure to incorporate the findings of the HSCA that Oswald was the probable assassin.²³⁵

Evidence of the failure of Posner's *Case Closed* to finally close the case was Vincent Bugliosi's *Reclaiming History: The Assassination of President John F. Kennedy* (2007). Bugliosi argued that not only were the conclusions reached by the Warren Commission correct, but also that there was no conspiracy. Bugliosi attacks the nature of those

²³²Andrew O'Hagan. "Andrew O'Hagan · Oswaldworld · LRB 14 December 1995." London Review of Books, November 7, 2019. <https://www.lrb.co.uk/the-paper/v17/n24/andrew-o-hagan/oswaldworld>.

²³³ "Nonfiction Book Review: Oswald's Tale: An American Mystery by Norman Mailer, Author Random House (NY) \$30 (791p) ISBN 978-0-679-42535-9." PublishersWeekly.com. Accessed April 13, 2020. <https://www.publishersweekly.com/978-0-679-42535-9>.

²³⁴ *ibid*

²³⁵ George W. Bailey. "Book Review: Oswald's Tale: An American Mystery by Norman Mailer." Book Review: Oswald's Tale: An American Mystery by Norman Mailer, January 1, 1970. <http://oswaldsmother.blogspot.com/2011/04/book-review-oswalds-tale-american.html>.

who subscribe to any theory that differs from the Warren Report. After referring to alternate theories as “far-fetched,” Bugliosi continues to state that the theories contradict each other. He asks that if “organized crime” was responsible, would that not prove that: “books claiming the CIA (or Castro or the KGB, and so on) was responsible were wrong?”²³⁶ Suggesting that elements of different theories cannot coexist demonstrated that either Bugliosi did not read or understand the evidence, or worse, attempted to misdirect the reader from the conclusions reached by the HSCA.²³⁷ Stating the HSCA’s conclusions were incorrect and based on evidence that “demonstrated incompetence” and “possible zeal to become famous”, Bugliosi attempted to erase the committee’s findings. This greatly reduced his credibility in the eyes of the public.²³⁸

Bugliosi’s lack of success was demonstrated by an ABC poll in November 2018, which found that “seven in ten Americans think the assassination of John F. Kennedy was the result of a plot, not the act of a lone killer — and a bare majority thinks that plot included a second shooter on Dealey Plaza.”²³⁹ Furthermore, *History Reclaimed* is seen as a “one-sided attempt to do the impossible, to wash away the conspiracy and pretend it nev-

²³⁶Vincent Bugliosi, *Reclaiming History: The Assassination of President John F. Kennedy* (New York: WW Norton Co, 2007) XXIX

²³⁷” The committee (HSCA) found that it could not exclude the possibility that individual members of the National Syndicate of Organized Crime or Anti-Castro Cubans were involved in a probable conspiracy to assassinate president Kennedy.”

²³⁸ Chris Scally. “Bugliosi, Bowles and the Open Mike.” Essay - Bugliosi Bowles and the Open Mike. Accessed April 27, 2020. https://www.maryferrell.org/pages/Essay_-_Bugliosi_Bowles_and_the_Open_Mike.html.

²³⁹ Gary Langer, Analysis. “Poll: Lingering Suspicion Over JFK Assassination.” ABC News. ABC News Network. Accessed November 9, 2019. <https://abcnews.go.com/amp/WNT/story?id=129304&page=1>.

er happened.”²⁴⁰ As an attempt to convince the public in the validity of the Warren Report, Bugliosi failed.

In *Reclaiming History*, Bugliosi had, at his disposal, the documents provided by the ARRB. Despite having access to these resources, it appears that he had ignored these facts in his attempt to “reclaim history”. Vincent Bugliosi described the book himself as “about the time and about Kennedy... It’s the story of an era.” Additionally, he stated that it “was a Gallup poll that found 75 percent of Americans believe Oswald was part of a conspiracy to murder the president” which inspired him to pen his tome.²⁴¹

The motives of Bugliosi can be seen as questionable. Announcing to the world that his version of the facts will provide the answers necessary to convert the 75 percent majority appears to be nothing short of hubris. In a similar fashion as Posner, Bugliosi appears to have convinced himself that his research will influence those critical of the Warren Report to not only reexamine their beliefs, but to abandon those previously held. Bugliosi attempted this not through presenting new revelations, but through ad hominem attacks and castigation of anyone who considers an outcome that differs from the Warren Report.

Claiming that “a mountain of evidence conclusively proving that Oswald shot Kennedy,” Bugliosi is incorrect. While an abundance of circumstantial evidence exists, it is likely that if Oswald had received a trial, a conviction would not have been certain.

This notion was first uttered by J. Edgar Hoover, who stated to Lyndon Johnson on No-

²⁴⁰ Lisa Pease. “Reclaiming History from Vince Bugliosi.” Real History Blog, May 5, 2007. <http://realhistoryarchives.blogspot.com/2007/05/reclaiming-history-from-vince-bugliosi.html>.

²⁴¹ Keren Jeffrey, “Bugliosi: No Conspiracy to Kill JFK.” capecodtimes.com, May 16, 2007. <https://www.capecodtimes.com/article/20070516/News/705160328>.

vember 22, 1963 that “the case as it stands now isn’t strong enough to be able to get a conviction.”²⁴² While no investigation had begun at this early stage, Hoover’s statements suggests that a need to convict Oswald was predetermined and doing so would be would be an uphill battle.

Dallas police chief Jessie Curry, who drove the lead car of the presidential motorcade, echoed the statement of Hoover. During a November 6, 1969 *Dallas Morning* interview, Curry stated, “We don't have any proof that Oswald fired the rifle, and never did. Nobody's yet been able to put him in that building with a gun in his hand.”²⁴³ This directly contradicted his November 1963 statement, that Oswald was “the man who killed the President.”²⁴⁴ Bugliosi’s selective use of evidence, including only those that offered support for his argument, suggests an inaccurate and misleading account of events. In his attempt to prove Oswald’s guilt, not only did Bugliosi fail, he added to the collective confusion.

Like Gerald Posner, Bugliosi subscribes to the notion the CIA are bearers of truth. In an attempt to provide “evidence” that the CIA held little to no animosity towards Kennedy as a result of his refusal to support the Bay of Pigs invasion, he cites a CIA study from 1996. In *Getting to Know the President, CIA Briefings of Presidential Candi-*

²⁴² Hoover, J Edgar. “Telephone Conversation between the President and J. Edgar Hoover, 23 Nov 1963.” Mary Ferrell Foundation . Mary Ferrell. Accessed February 20, 2020. <https://www.maryferrell.org/show-Doc.html?docId=807>.

²⁴³ Don Thomas, “Rewriting History: Bugliosi Parses the Testimony.” Essay - Rewriting History - Bugliosi Parses the Testimony. Mary Ferrell Foundation. Accessed February 20, 2020. https://www.maryferrell.org/pages/Essay_-_Rewriting_History_-_Bugliosi_Parses_the_Testimony.html. Dallas Morning News, 6 Nov 1969. Article by Tom Johnson.

²⁴⁴ NA. "Playing the Victim." CNN. Accessed March 21, 2019. <http://www.edition.cnn.com/TRANSCRIPTS/1411/22/tsix.01.html>.

dates, 1952-1992, Deputy Director for Intelligence John L. Helgerson “interviewed former presidents, CIA directors, and numerous others involved in the nine presidencies covered by the subject period to ascertain the CIA's relationship with the various presidents.”²⁴⁵ Helgerson found “the CIA's alleged animosity for Kennedy, and hence, its motive to kill him” was not significant. He found that “the [CIA's] relationship with Kennedy was not only a distinct improvement over the more formal relationship with Eisenhower, but would only rarely be matched in future administrations.”²⁴⁶ As a prosecuting attorney, Bugliosi should know that evidence obtained from a self-investigation (the CIA investigating itself) has the potential to be unreliable, if not a clear conflict of interest.

Despite their best efforts, neither Posner nor Bugliosi provide a version of the events that satisfied the public. This notion was demonstrated on November 22, 2013, the 50th anniversary of the assassination, as Dallas Mayor Mike Rawlings addressed a crowd of 5,000 people near Dealey Plaza.²⁴⁷ Lamenting the untimely passing of the president, Rawlings stated that: “A new era dawned and another waned a half century ago when hope and hatred collided right here in Dallas.”²⁴⁸ The commemoration was not without

²⁴⁵ Lisa Pease, “Reclaiming History from Vince Bugliosi.” Real History Blog. Accessed February 20, 2020. <http://realhistoryarchives.blogspot.com/2007/05/reclaiming-history-from-vince-bugliosi.html>. <http://realhistoryarchives.blogspot.com/2007/05/reclaiming-history-from-vince-bugliosi.html>

²⁴⁶ Vincent Bugliosi, *Reclaiming History: The Assassination of President John F. Kennedy* (New York: WW Norton Co, 2007) 1190

²⁴⁷ Jon Herskovitz, “On 50th Anniversary of JFK Death - Tears, Memories, Suspicion.” Reuters. Thomson Reuters, November 22, 2013. <https://www.reuters.com/article/us-usa-jfk/on-50th-anniversary-of-jfk-death-tears-memories-suspicion-idUSBRE9AL06720131122>.

²⁴⁸ Jon Herskovitz, “On 50th Anniversary of JFK Death - Tears, Memories, Suspicion.” Reuters. Thomson Reuters, November 22, 2013. <https://www.reuters.com/article/us-usa-jfk/on-50th-anniversary-of-jfk-death-tears-memories-suspicion-idUSBRE9AL06720131122>.

conflict, According to Reuters, “there were a few scuffles along the perimeter fence around Dealey Plaza between police and protesters, including conspiracy theorists who wanted to take part in the official event.”²⁴⁹ Their presence at Dealey Plaza on this frigid morning demonstrates the unsettled nature and lack of closure among the public.

Coinciding with the 50th anniversary, a number of new titles concerning not only the assassination, but also the life of Kennedy, were released by multiple publishers. There were so many that *The New York Times* executive editor Jill Abramson devoted the majority of the October 22, 2013 Sunday Book Review to the subject. Included with the new titles, Abramson revisited a number of classics from the historiography, ultimately concluding “that there was some kind of void at the center of the Kennedy story.”²⁵⁰ Suggesting that a significant gap exists between the Warren Report and their critics, it may be asserted that the missing pieces Abramson commented upon may be the same ones that complete the puzzle, and help settle the debate and subsequently convince the public.

Potentially, something within Abramson’s “void” may exist in the records collected during the 1990s. Under the JFK Act, “each assassination record shall be publicly disclosed in full, and available in The Collection no later than 25 years after the date of enactment of the JFK Act, unless the President of the United States authorizes further with-

²⁴⁹ Jon Herskovitz, “On 50th Anniversary of JFK Death - Tears, Memories, Suspicion.” Reuters. Thomson Reuters, November 22, 2013

²⁵⁰ David Talbot, “JFK Assassination: CIA and New York Times Are Still Lying to Us.” Salon. Salon.com, November 7, 2013. https://www.salon.com/2013/11/06/the_jfk_assassination_we_still_dont_know_what_happened/.

holding for specific reasons.”²⁵¹ However, existing within the act is a subsection titled *Periodic Review of Postponed Assassination Records*, and this subsection states: “that the 25 year mandatory release only applies to records that have been “postponed” under Section 6.”²⁵² Disclosure may be denied if the release of information will threaten the safety of military or intelligence assets or compromise foreign relations of the United States. Additional reasons include if public disclosure would reveal the identity of confidential informant or the identity of an agent working abroad.²⁵³

According to the JFK Act, the provision should be weighed against the public interest. According to Todd Gillman of *The Dallas Morning News*, 520 documents remain sealed under these provisions, and “some were sealed by a federal court and can only be unsealed by a judge. Others involve tax records.²⁵⁴ This article states that “much of the latest release involves an organized crime case apparently unrelated to the JFK killing or investigation.²⁵⁵ In the eyes of the public, it may be asserted that the loophole provided for national security also provide a means to obscure facts that might reveal criminal activity, or worse, provided a justifiable means for a civil case involving families of those

²⁵¹James Springs, “Archives.gov.” *Archives.gov*. Office of Inspector General , n.d. <https://www.archives.gov/files/jkf-records-special-report-no.-18-sr-07.pdf>.

²⁵² Eric Petersen, “President John F. Kennedy Assassination Records Collection: Toward Final Disclosure of Withheld Records in October 2017.” *Fas.org*, n.d. <https://fas.org/sqp/crs/secretcy/IN10709.pdf>

²⁵³ Eric Petersen, “President John F. Kennedy Assassination Records Collection: Toward Final Disclosure of Withheld Records in October 2017.”

²⁵⁴ “President John F. Kennedy Assassination Records Collection Act of 1992.” JFK Assassination Records Collection Act. Accessed February 12, 2020. <http://www.accessreports.com/statutes/JFK.ACT.htm>.

²⁵⁵ Todd J. Gillman, “Trump Keeps Some JFK Documents Sealed until 2021 as Archives Release Final Batch.” *Dallas News*. *Dallas News*, August 24, 2019. <http://www.dallasnews.com/news/politics/2018/04/26/trump-keeps-some-jfk-documents-sealed-until-2021-as-archives-release-final-batch/>.

involved. President Trump ordered the remainder of documents sealed until 2021, and ordered agencies to “ re-review each of those redactions over the next 3 years.”²⁵⁶

A significant percentage of the population has never believed that Lee Harvey Oswald was the lone-gunman. Providing evidence of the unsettled nature is an episode of *Family Guy*. In *Sibling Rivalry* (2006), Lee Harvey Oswald can be seen at the sixth floor window of the Texas School Book Depository. Oswald becomes excited as he sees the approaching motorcade of President Kennedy and shouts out the window: “Mr. President, up here! I voted for you!”²⁵⁷ Spotting a gunman on the grassy knoll, Oswald exclaims: “He's gonna shoot the President. Holy smokes, I've got to do something. All right, Lee. Time to become an American hero.”²⁵⁸ While an obvious parody, the crafting of the joke indicates that a great deal of the public has accepted that an alternate version of the events at Dealey Plaza exists.

The works of Posner and Bugliosi were intended to provide a version of the Warren Report that would ultimately convince the public of its validity. Their inability to do so may be a result of a number of things. Both authors utilized a tone that belittled those who criticized the Warren Report, their arguments were rife with contradictory evidence, and both state that Lee Harvey Oswald was the lone-gunman. By ignoring significant evidence provide by the HSCA, both authors lost credibility in the eyes of the public.

²⁵⁶ Gillman, Todd J. Gillman “Trump Keeps Some JFK Documents Sealed until 2021 as Archives Release Final Batch.” Dallas News. Dallas News.

²⁵⁷ “Clip from: Sibling Rivalry.” comb.io. Accessed January 19, 2020. <https://comb.io/mz94he>.

²⁵⁸ *ibid*

Chapter 6: Critical Results stemming from the ARRB

In the wake of the JFK Act of 1992, and its precipitation of the ARRB, details concerning an ongoing obfuscation of facts by various heads of federal agencies began to emerge. With access to a number of new files, many of the critics of the Warren Report were vindicated. While positions held by many of the hallmark critics may not have been fully supported by the public, one must consider that, without access to the facts hidden by the heads of federal agencies, the authors were limited in their scope. While not providing an air-tight case on the architects to the Kennedy assassination, Warren Report critics help to establish the edges of this complex puzzle.

Documents provided by the ARRB lent credibility to Warren Report Critics in a time when the media remained largely sided with the findings of the Warren Report and maintained hegemonic control over the discourse. Lane's statement that the Warren Report was "a fraudulent document that does not accurately reflect the testimony before the commission"²⁵⁹ was corroborated in 1979 within the summary of the HSCA, which stated that the Warren Commission and FBI investigation was seriously flawed.²⁶⁰ Additional corroboration was provided for Epstein's conclusions that "if the two men were not hit by the same bullet, there must have been two assassins" and "that there is evidence which strongly suggests that the two men were not hit by the same bullet,"²⁶¹ as they found that

²⁵⁹ "Mark Lane Writing Book To 'Expose' Warren Report." The New York Times. The New York Times, December 12, 1964. <https://www.nytimes.com/1964/12/12/archives/mark-lane-writing-book-to-expose-warren-report.html>.

²⁶⁰ "Findings." National Archives and Records Administration. National Archives and Records Administration. Accessed February 20, 2020. <https://www.archives.gov/research/jfk/select-committee-report/part-1c.html>.

²⁶¹ "Russ Holmes WorkFile." History Matters, n.d. <https://history-matters.com/archive/jfk/cia/russholmes/pdf/104-10406-10110.pdf>.

a probable conspiracy existed in the JFK assassination.²⁶² Congressional support for the early critics not only provided credence, it also indicated to the public that they had been lied to from the beginning.

New testimony in front of the ARRB exposed the activities of Dr. J. Thornton Boswell (Kennedy's personal physician), who at the behest of Carl Eardley of the U.S. Department of Justice, was sent to New Orleans during the trial of Clay Shaw for damage control. According to Dr. Boswell's testimony, he was in New Orleans to prevent Dr. Pierre Finck²⁶³ from "lousing everything up."²⁶⁴ Testifying before the New Orleans court, Dr. Finck stated that, despite being the coauthor of the autopsy report, no doctor was solely in charge of the autopsy of the President. Furthermore, Dr. Finck stated that after Dr. Humes asked "who was in charge here, I heard an Army General, I don't remember his name, stating, 'I am.'"²⁶⁵ Despite not being a pathologist, the General directed the coroner not to "dissect JFK's neck wound,"²⁶⁶ in direct opposition to standard protocol. The measures taken to control the flow of information emanating from the trial of Clay Shaw, coupled with the significant number of internal CIA memos concerning the Garrison investigation, may be seen as a cover up, or worse, that the agency was inept and Kennedy

²⁶² "Assassination Archive and Research Center." ASSASSINATION ARCHIVES. Accessed January 19, 2020. https://aarclibrary.org/publib/contents/hasca/contents_hasca_report.htm.

²⁶³ On November 22, Pathologist Dr Peirre Finck was summoned to Bethesda Medical Hospital to assist Dr Joseph Humes and Thorton Boswell in the autopsy of Kennedy.

²⁶⁴History Matters Archive - J. Thornton Boswell, 2-26-96, pg. Accessed January 19, 2020. https://history-matters.com/archive/jfk/arrb/medical_testimony/Boswell_2-26-96/html/Boswell_0106a.htm.

²⁶⁵History Matters Archive - February 24, pg. Accessed January 19, 2020. https://history-matters.com/archive/jfk/garr/trial/Feb_24/html/Feb_24_0050a.htm.

²⁶⁶ Michael Benson. Whos Who in the JFK Assassination: an A-to-Z Encyclopedia. (New York, NY: Citadel Press, 2003) 138

was correct in his desire to “splinter the CIA into a thousand pieces and scatter it into the wind.”²⁶⁷

Adding uncertainty to an already suspicious public, medical testimony provided to the ARRB suggests that evidence tampering emanates from the highest levels. Shown the complete set of autopsy photos provided to the Warren Commission, Sandra Kay Spencer, who developed the originals, stated that the photos were not hers and testified that the paper on which the photos are printed was not “the paper [she] was using in 1963 at the NPC.”²⁶⁸ Furthermore, Spencer stated that “the images produced at the [National] Photographic Center are not included.”²⁶⁹ The paper discrepancy and the inability to provide the Warren Commission with the original evidence indicates evidence tampering.

Further erosion of the Warren Report’s credibility occurred when autopsy photographer John Stringer stated to Chief Counsel Jeremy Gunn that no basilar (or superior) images of the President’s brain were taken. Despite only taking images of “cross sections of the brain,” Stringer was shown photos depicting basilar views.²⁷⁰ Testifying that he had used identification cards for the photographed specimen, images provided by the

²⁶⁷ Evan Burgos, and NBC News. “An inside Job: CIA a Suspect for Some in JFK’s Killing.” NBCNews.com. NBCUniversal News Group, November 20, 2013. <https://www.nbcnews.com/news/us-news/inside-job-cia-suspect-some-jfks-killing-flna2D11627219>.

²⁶⁸ “ARRB Testimony of Sandra Kay Spencer, 5 Jun 1997.” Mary Ferrell Foundation . Accessed January 19, 2020. <https://www.maryferrell.org/showDoc.html?docId=797#relPageId=12>.

²⁶⁹ “ARRB Testimony of Sandra Kay Spencer, 5 Jun 1997.” Mary Ferrell Foundation

²⁷⁰ George Lardner, “Archive Photos Not of JFK’s Brain, Concludes Aide to Review Board.” The Washington Post. WP Company. Accessed January 19, 2020. <https://www.washingtonpost.com/wp-srv/national/longterm/jfk/jfk1110.htm>.

ARRB²⁷¹ contained no identification card.²⁷² Due to the lack of identification card and the incongruent brain view, Stringer could not positively state that the images before him were of the President.²⁷³ Stringer's testimony caused Jeremy Gunn to state that "it is highly plausible that there were two different brain examinations."²⁷⁴ Chief Counsel Gunn's statement indicates another instance of evidence tampering.

As the public became aware of missing and altered evidence, their inability to accept the official report had merit. Further justification was provided by the ARRB concerning Kennedy's personal physician, Dr. George Burkley. Despite being present in the motorcade, at Parkland Hospital, on Air Force One, and present during the Bethesda autopsy, Dr. Burkley was never interviewed by the Warren Commission. Dr. Burkley's contribution to the investigation consisted of the death certificate which stated that Kennedy's back wound was located "at about the level of the third thoracic vertebra"²⁷⁵ and the autopsy report that corroborated this location.²⁷⁶ Both of these documents, unearthed by the ARRB, provide contradictory evidence to the Warren Commission's single

²⁷¹ George Lardner, "Archive Photos Not of JFK's Brain, Concludes Aide to Review Board." The Washington Post. WP Company.

²⁷² In John Stringer ARRB testimony, he stated that he : "gave everything to Jim Humes, and he [Humes] gave them to Admiral Burkley".

²⁷³ "ARRB Testimony of John T. Stringer, 16 Jul 1996." Mary Ferrell . Accessed January 19, 2020. <https://www.maryferrell.org/showDoc.html?docId=798#relPageId=41>.

²⁷⁴ George Lardner, "Archive Photos Not of JFK's Brain, Concludes Aide to Review Board." The Washington Post. WP Company. Accessed January 19, 2020. <https://www.washingtonpost.com/wp-srv/national/longterm/jfk/jfk1110.htm>.

²⁷⁵ "ARRB MD 6 - White House Death Certificate (Burkley - 11/23/63)." Mary Ferrel Foundation . Accessed April 27, 2020. <https://www.maryferrell.org/showDoc.html?docId=587&relPageId=2>.

²⁷⁶ "ARRB MD 1 - Autopsy Descriptive Sheet (Commonly Called 'Face Sheet') [NMS PATH-8 (1-63)] (Dated 11/22/63)." Mary Ferrel Foundation . Accessed April 27, 2020. <https://www.maryferrell.org/showDoc.html?docId=582>.

bullet theory. As the man who personally signed Kennedy's death certificate and performed the official autopsy, his exclusion from testifying before the Warren Commission is concerning. According to polling data, the public shared this concern. Between 1992 and 2002 the belief that others were involved with Oswald steadily rose for 75% to 81%.

The evidence from the ARRB that supported critics did nothing to help in terms of public opinion. A reflection of this is seen in a 1999 episode of *Family Guy*. In *A Hero Sits Next Door*, a cut-away joke is featured where a child celebrates his recent purchase by stating: "Check it out, it's a John F. Kennedy PEZ dispenser!"²⁷⁷ As the child raises the dispenser, a misfired bullet strikes the symbolic head of John Kennedy. Having the optimism of a child, the youth states: "Oh... Good thing I still have my Bobby Kennedy PEZ dispenser,"²⁷⁸ whose head is subsequently shot. Broadcast on a major network and endorsed by prime time sponsors, the show offers a snapshot of public opinion.

The Warren Commission failed to consider the findings of Dr Burkley's original Parkland Hospital autopsy report. Instead they considered the conflicting report provided by Dr. Thornton Boswell. While Burkley's report stated that the back wound location was near the third thoracic vertebrae (10 to 15 centimeters below where the shoulder blades meet the neck), Boswell's report stated that the bullet in question had passed through the cervical vertebrae.²⁷⁹ The Commission ignored Burkley's report which made Arlen Spec-

²⁷⁷ "Family Guy' A Hero Sits Next Door." IMDb. IMDb.com. Accessed January 19, 2020. https://www.imdb.com/title/tt0576911/alternateversions?tab=cz&ref_=tt_trv_alt.

²⁷⁸ "Family Guy' A Hero Sits Next Door." IMDb. IMDb.com. Accessed January 19, 2020. https://www.imdb.com/title/tt0576911/alternateversions?tab=cz&ref_=tt_trv_alt.

²⁷⁹ James V. Rinnovatore, and Allan Eaglesham. *The JFK Assassination Revisited: a Synthesis*. (Bloomington, IN: AuthorHouse, 2014) 17

tor's single bullet theory an impossibility, whereas Dr. Boswell's report supported Spector's theory. The selective use of medical evidence and the subsequent exclusion of Dr. Burkley from the investigation not only suggests a cover up, but also provides insight as to why Committee members Hale Boggs and Sherman Cooper were vocal opponents of Spector's theory in 1964.²⁸⁰ The Warren Commission's selective use of evidence reduced the report's credibility and caused confusion.

Further erosion of the public's confidence was caused by the unveiling of a memorandum sent from Erie PA attorney William F. Illig, to Richard Sprague (Chief Counsel for the HSCA) on March 18, 1977. The memorandum stated that although Dr. Burkley "signed the death certificate of President Kennedy in Dallas, he had never been interviewed." Furthermore, Illig stated that Dr. Burkley had evidence which suggested "others besides Oswald must have participated."²⁸¹ Unfortunately, less than two weeks later, on March 31, 1977, Richard Sprague was forced to resign, and his successor, G. Robert Blakey, and the HSCA medical panel had little interest in deposing Illig.²⁸² The resignation of Sprague may be coincidental, but due to his desire to conduct a "no-holds-barred, honest investigation," the public saw this as suspicious.²⁸³

²⁸⁰ Ed Souza *Undeniable Truths: the Clear and Simple Facts Surrounding the Murder of President John F. Kennedy*. (Bloomington, IN: iUniverse, 2015) 94

²⁸¹ "Memo to File Re: Burkley." History Matters Archive - 180-10086-10295 (Memo to File re: Burkley), pg. Accessed January 19, 2020. https://www.history-matters.com/archive/jfk/hasca/numbered_files/box_23/180-10086-10295/html/180-10086-10295_0002a.htm.

²⁸² "The Missing Physician ." Mary Ferrel Foundation . Accessed January 19, 2020. https://www.maryferrell.org/pages/The_Missing_Physician.html.

²⁸³ Simkin, John. "Richard A Sprague." Spartacus Educational. Spartacus Educational. Accessed May 2, 2020. <https://spartacus-educational.com/JFKsprague.htm>.

Sprague's departure from the HSCA may have been precipitated due to his belief that evidence concerning Oswald's Mexico City Cuban consulate visit were either destroyed or altered.²⁸⁴ This notion was corroborated by HSCA staffers Dan Hardway and Edwin Lopez, who gathered information concerning Lee Harvey Oswald's Embassy visits in Mexico City,²⁸⁵ What is known as the Lopez Report²⁸⁶ reached several conclusions. In addition to finding that all information in the possession of the CIA Mexico City Station was reported to CIA headquarters, and due to the extensive monitoring devices installed around the Embassy in Mexico City, the CIA: "probably obtained a photo of Lee Harvey Oswald entering either or both of the Soviet and Cuban Consulates."²⁸⁷ Furthermore, the CIA had recorded calls from a man identifying himself as Lee Oswald and these tapes: "probably existed at the time of the assassination."²⁸⁸ Possessing both audio and visual evidence of a man who was not Oswald, the CIA was aware of a person other than Oswald visited Mexico City in September 1963.

What may be seen as the most damning piece of evidence generated by the ARRB is the March 22, 1978 HSCA testimony of CIA accountant James B. Wilcott whose testi-

²⁸⁴John Newman. *Oswald and the CIA: the Documented Truth about the Unknown Relationship between the U.S. Government and the Alleged Killer of JFK.* (New York: Skyhorse Publishing, 2008) 570

²⁸⁵ Peter Dale Scott, *Oswald, Mexico and Deep Politics: Revelations from CIA Records on the Assassination of JFK.* (NY, NY: Skyhorse Publishing, Inc., 2013) 11

²⁸⁶ While released in 1996, the Lopez Report contained many redactions. However, in 2003 a version was released with less reductions providing details of blacked-out crypts ZRSOLO (An alternate name for the Mexico City listening posts) and ZRJOINT (an alternate name for: "LIENVOY, a joint operation with the Mexican security police known as the "Direccion Federal de Seguridad" or more commonly as the DFS.)

²⁸⁷ "Oswald, the CIA, and Mexico City (Aka 'Lopez Report')." Marry Ferrell Foundation. Accessed January 19, 2020. <https://www.maryferrell.org/showDoc.html?docId=799>

²⁸⁸ "Oswald, the CIA, and Mexico City (Aka 'Lopez Report')." Marry Ferrell Foundation. Accessed January 19, 2020. <https://www.maryferrell.org/showDoc.html?docId=799>

mony suggests a long term operation involving Oswald and the CIA. Working in the disbursement office at the CIA Tokyo Station, Wilcott testified that two to three months after the assassination, an unknown CIA case officer came to the disbursement window to withdraw cash.²⁸⁹ Providing Wilcott with a cryptonym “under which the money was drawn,” the case officer stated: “Well, Jim, the money that I drew the last couple of weeks ago or so was money either for the Oswald project or for Oswald,”²⁹⁰ suggesting that Oswald was “receiving a full-time salary for agent work.”²⁹¹ To reaffirm this notion, Wilcott stated that after he left Tokyo Station station: “people, both at headquarters, in Langley, and at the Miami Station, made references to Oswald being an agent.”²⁹² Wilcott testified: “I [Wilcott] believe that Oswald was a double agent, was sent over to the Soviet Union to do intelligence work, that the defection was phony and it was set up and that I believe that Marina Oswald was an agent that had been recruited sometime before and was waiting in Tokyo for Lee Harvey Oswald.”²⁹³ Willcot provided evidence that supported the those who believe that Oswald had been an Intelligence asset from day one.

The critics of the Warren Report anxiously awaited the 1998 ARRB release, at a time when over 75% of the public believed multiple people were involved. The findings of the ARRB assured the critics that their skepticism was well placed. The ARRB found

²⁸⁹ “James Wilcott, 3-22-78.” History Matters Archive . Accessed January 19, 2020. https://history-matters.com/archive/jfk/hasca/secclass/Wilcott_3-22-78/html/Wilcott_0005a.htm.

²⁹⁰ “James Wilcott, 3-22-78.” History Matters Archive . Accessed January 19, 2020. https://history-matters.com/archive/jfk/hasca/secclass/Wilcott_3-22-78/html/Wilcott_0005a.htm.

²⁹¹ *ibid*

²⁹² *ibid*

²⁹³“James Wilcott, 3-22-78.” History Matters Archive . Accessed January 19, 2020. https://history-matters.com/archive/jfk/hasca/secclass/Wilcott_3-22-78/html/Wilcott_0005a.htm.

Oswald's 7 volume 201 file had mysteriously vanished. According to John Newman, professor at James Madison University, the 201 file was not the only missing document that was important. Stating that there was a "consistency to the type of information that went missing,"²⁹⁴ and that "the high number of incidents seem to not be able to be ascribed to human error," Newman's statements provide further evidence supporting critics of the Warren Report. Gallup polling indicates that the ARRB release corresponds with an uptick in belief that "others were involved."²⁹⁵ While only one in ten Americans believed that Lee Harvey Oswald acted alone, according to a 1998 CBS poll, 74% believed there was an official coverup to keep the public from learning the truth about the assassination.²⁹⁶

Further evidence of this belief is reflected on TV's *King of the Hill*. Set in the fictional town of Arlen, Texas (located 96 miles from Dallas²⁹⁷), *King of the Hill* has devoted a character, Dale Gribble, to the embodiment of the paranoid archetype. While oblivious to his wife Nancy's 15-year affair with John Redcorn (former roadie for the rock band Winger²⁹⁸), Gribble was also hyper vigilant to most things conspiratorial. Airing on January 30, 2005, *Dale to the Chief* (2005), highlights Dale Gribble's paranoid nature as

²⁹⁴ Bender, Bryan, Kelsey Tamborrino, Bryan Bender, and Philip Shenon. "What You Won't Find in the Final JFK Assassination Records." POLITICO, October 27, 2017. <https://www.politico.com/story/2017/10/26/jfk-assassination-files-release-244227>.

²⁹⁵ Art Swift, "Majority in U.S. Still Believe JFK Killed in a Conspiracy." Gallup.com. Gallup, May 16, 2019. <https://news.gallup.com/poll/165893/majority-believe-jfk-killed-conspiracy.aspx>.

²⁹⁶ Staff, CBSNews.com staff CBSNews.com. "CBS Poll: JFK Conspiracy Lives." CBS News. CBS Interactive, December 13, 1999. <https://www.cbsnews.com/news/cbs-poll-jfk-conspiracy-lives/>.

²⁹⁷"King of the Hill." Wikipedia. Wikimedia Foundation, January 5, 2020. https://en.wikipedia.org/wiki/King_of_the_Hill.

²⁹⁸ "John Redcorn." Wikipedia. Wikimedia Foundation, December 12, 2019. https://en.wikipedia.org/wiki/John_Redcorn.

he reads his son *The Warren Report* as a bedtime story. Dale prefaces the story by stating that the Warren Report is: “the greatest fairy tale ever told. It’s got everything. The Prince of Camelot, Rubys and magic bullets.”²⁹⁹ As Dale continues to read, he refers to his diagram of Dealey Plaza and is shocked when realizes that the kill shot may not have originated from the grassy knoll,³⁰⁰ stating: “that means the government could be right.” The capriciousness of Gribble’s interpretation of the *Warren Report* suggests that even those who are dedicated to a belief system may be swayed when exposed to new evidence (or that may simply be gullible). Gribble’s use of the term “could” indicates the uncertainty held by the public in terms of the assassination.

Despite the likelihood of never completely understanding, the public’s appetite for information has not been satiated. Evidence of this can be seen by the semi annual assassination coverage provided by the *National Inquirer*. Albeit a soft news source, it indicates that all aspects of society have not been convinced by the Warren Report. Featuring headlines suggesting that “LBJ and Nixon Killed JFK” and “There Were 3 JFK Shooters”, the *National Inquirer* provides content that traditional media does not consider newsworthy. Despite the legitimacy of the publication, their coverage indicates the broad spectrum of interest in the assassination.

²⁹⁹ “King of the Hill s09e05 Episode Script: SS.” Springfield! Springfield! Accessed January 19, 2020. https://www.springfieldspringfield.co.uk/view_episode_scripts.php?tv-show=king-of-the-hill&episode=s09e05.

³⁰⁰ *ibid*

Formed in an era when twenty percent of households were without telephones, the Warren Commission members could not have foreseen the advent of the internet.³⁰¹ Prior to the 24 hour news cycle, information spread through three traditional media networks and the Associated Press. Under the guidance of the traditional media outlets, facts concerning the assassination were controlled. Largely unregulated, the internet has provided an outlet for independent news sources that tend to be incongruent with traditional outlets.³⁰² By removing the control of information from Warren supporters, the critics gain legitimacy.

Providing “unprecedented access to the best and most authoritative information” available, the internet has become a clearing house for documents collected by the ARRB.³⁰³ Although digital copies are not available online from the ARRB, the City University of New York’s *History Matters* and the Assassination Archives and research Center collect and provide on line access to the documents. Through these clearinghouses, access to primary research materials document the inept behavior of the Warren Commission, providing critics sought-after details.

In an effort to provide teachers and students with free educational materials, John Simkin established *Spartacus International*, a website dedicated to history. A virtual en-

³⁰¹ “Census of Housing.” Historical Census of Housing Tables - Telephones. Accessed April 17, 2020. <https://www.census.gov/hhes/www/housing/census/historic/phone.html>.

³⁰² Stu, Cvrk. “On Media Narratives.” RedState, September 24, 2019. <https://www.redstate.com/stu-in-sd/2019/09/23/on-media-narratives/>.

³⁰³ Joe, Uscinski. “Is the Internet Driving a New Age of Conspiracy Theory?” Medium. Arc Digital, February 11, 2019. <https://arcdigital.media/is-the-internet-driving-a-new-age-of-conspiracy-theory-5c956dd-c16cd>.

cyclopedia of history, *Spartacus International* provides in-depth cultural and social-political information covering major historical events including the JFK Assassination. Compiling lists of investigators, witnesses, possible conspirators, and organizations, *Spartacus International* is a useful source for research. The depth and complexity of the site is a testament to the public's appetite for information as well as their inability to accept the findings of the Warren Commission.

Conclusion

From the moment the president was shot and Lee Harvey Oswald was identified as the lone shooter, the public began to think in terms of conspiracy. Initially many hypothesized involvement of Castro's Cuba and the Soviet Union, others spoke of involvement of extreme right wing groups. The nation's Cold War adversaries were the most likely suspects. This notion was initially held by Judge Earl Warren, whom upon learning of Oswald's "aborted defection" to the Soviet Union, felt that Oswald might have been involved in a "plot involving the Soviets."³⁰⁴ However, a number of people held the belief that if there was a conspiracy, it may have originated closer to home. Among those who believed right-wing groups may have been involved was Burt Griffin.³⁰⁵ Upon returning from lunch to the offices of Cleveland law firm McDonald Hopkins & Hardy, Griffen learned of the shooting. His "initial reaction was that some segregationist opponent of Kennedy had done this to him."³⁰⁶ While this was Griffen's initial thought, after the Warren Commission's investigation, he would believe Oswald acted alone.³⁰⁷

Many eyes turned to the man who had the most to gain, Vice President Lyndon B. Johnson. This notion was supported by Jackie Kennedy, who stated two months after the assassination to Arthur Schlesinger Jr. that she believed that JFK was killed as part of a

³⁰⁴ Shenon, Philip. *A Cruel and Shocking Act: the Secret History of the Kennedy Assassination*. London: Abacus, 2015.

³⁰⁵ Yale law graduate Burt Griffin was appointed as Assistant Staff Counsel to the Warren Commission area concerned with Jack Ruby.

³⁰⁶ Johanek, Marilou. "Retired Ohio Judge Investigated Ruby." *Toledo Blade*, November 16, 2013. <http://www.toledoblade.com/MarilouJohanek/2013/11/17/Retired-Ohio-judge-investigated-Ruby-s-slaying-of-Oswald/stories/20131116136>.

³⁰⁷ Bethea, Jesse. "Judge Griffin and the Man Who Killed the Man Who Killed Kennedy: Part 3." *ColumbusUnderground.com*. Columbia Underground, March 29, 2019. <https://www.columbusunderground.com/judge-griffin-and-the-man-who-killed-the-man-who-killed-kennedy-part-3-jb1>.

larger plot to: “allow Johnson to become president in his own right.”³⁰⁸ Among those suspected of being involved in the plot were Texas oil millionaires, many of whom belonged to right-wing groups like the John Birch Society. Belief in this potential theory was so strong that William F. Buckley wrote: “Within a matter of minutes nationally known radio and television commentators had started in, suggesting that the assassination had been the work of a right-wing extremist.” Additionally, on December 6, 1963, Billy James Hargis³⁰⁹ found himself declaring that anyone who would assassinate the president “would not be a conservative or a patriot, but an anarchist.”³¹⁰ While both articles were in defense of right-wing groups, their existence demonstrates how prevalent the belief had been.

Belief that members of organized crime may have played a role in a potential conspiracy gained a number of supporters as their working relationship with the CIA became public knowledge in the wake of the Watergate scandal. Documents presented to the Church Committee in 1975 provided evidence: “supporting the charge that the Central Intelligence Agency contracted with the Mafia in a plot in 1961 to kill Cuban Premier Fidel Castro.”³¹¹ As the public was informed about the existing relationship between or-

³⁰⁸ Jacqueline Kennedy : historic conversations on life with John F. Kennedy, interviews with Arthur M. Schlesinger, Jr., 1964

³⁰⁹ Billy James Hargis

³¹⁰ Simkin, John. “Billy James Hargis.” Spartacus Educational. Spartacus Educational. Accessed October 28, 2019. <https://spartacus-educational.com/JFKhargis.htm>.

³¹¹ Horrock, Nicholas. “Files Said to Link Mafia To C.I.A. in Plot on Castro.” The New York Times. The New York Times, May 20, 1975. <https://www.nytimes.com/1975/05/20/archives/files-said-to-link-mafia-to-cia-in-plot-on-castro.html>.

ganized crime and the Central Intelligence Agency, speculation into potential theories of this ilk began to grow.

Not having a definitive answer as to how and why the president was killed, the number of conspiracy theories not only grew in number, but also in complexity. Due to Kennedy's attempts to thaw the Cold War, the belief that the Military Industrial Complex (an unofficial alliance between Pentagon officials and defense contractors) played a role in the assassination began to grow after the release of Oliver Stone's *JFK* (1991).³¹² This notion was supported by L. Fletcher Prouty (former chief of special operations of the Joint Chiefs of Staff, bank executive, and the basis for Oliver Stone's Mr. X) who stated that in 1975, the US government spent \$138 billion on developing Central American nations, most of which was funneled through "American subsidiaries from our Military Industrial Complex."³¹³ Killing for money was an easy concept for the public to accept.

Among the less plausible theories was the belief that Secret Service agent George Hickey had accidentally shot the president when the presidential limo "suddenly lurched."³¹⁴ While this may seem unlikely, there were others who believed that Jackie Kennedy, the President's wife, had shot the President with a handgun. Those who sub-

³¹² Kiger, Patrick J. "10 Conspiracy Theories About the JFK Assassination." HowStuffWorks. HowStuffWorks, November 19, 2013. <https://history.howstuffworks.com/history-vs-myth/10-conspiracy-theories-jfk-assassination6.htm>.

³¹³ Prouty, L. Fletcher. *JFK: the CIA, Vietnam, and the Plot to Assassinate John F. Kennedy*. New York, NY: Skyhorse Publishing, 2013.

³¹⁴ Mucha, Peter. "Shooting Holes in Theory That a Secret Service Agent Killed President Kennedy." <https://www.inquirer.com>. The Philadelphia Inquirer, November 13, 2013. https://www.inquirer.com/philly/news/Shooting_holes_in_theory_that_a_Secret_Service_agent_killed_President_Kennedy.html.

scribe to this theory suggest that she hid her gun within: “a bundle of flowers.”³¹⁵ As a means to help the nation heal, an official account was presented to the public by Warren Commission. Despite their efforts, the public has never been satisfied by the Commission’s official report. And due to the report’s lack of acceptance, wilder speculations have continued to grow.

While the official conclusion provided by the Warren Commission claimed that Lee Harvey Oswald was the lone shooter, further investigation suggests that this position was supported by circumstantial evidence cobbled together to reach a predetermined conclusion. The need to provide the public a “quick and uncomplicated verdict”³¹⁶ was required to not only help assuage the trauma experienced by society, but also to help quell the emerging alternate theories. Due to the flawed selection process, lack of time commitment, and conflicting interests, the report provided by the Warren Commission failed in their mission.

The single bullet theory appears to have been massaged into plausibility despite the contradictory evidence available at the time. In order to subscribe to this theory, Spector asked the public to believe that a single shot, which caused seven non-fatal wounds, was found in near pristine condition³¹⁷ on the hospital stretcher of John Connally. While the found bullet (CE 399) did possess evidence of being fired, the damage was signifi-

³¹⁵ Hamilton, Julian, Getty, and Rex. “JFK Assassination: Top Ten Conspiracy Theories over the Death of Popular American President.” October 26, 2017. <https://www.mirror.co.uk/news/world-news/jfk-assassination-top-ten-conspiracy-2811070>.

³¹⁶ Schlesinger, Arthur Meier. *Robert Kennedy and His Times*. London: Futura Publications, 1979.

³¹⁷ While the bullet found on Connelly’s stretcher (Commission Exhibit 399) did possess evidence of being fired, the extent of damage was not representative of a bullet that had behaved in the manor described by Spector.

cantly less expected than on a missile behaving in the manner described by Spector. This notion is corroborated by the Department of Defense who conducted tests at Edgewood Arsenal. By using the same type of bullet as CE 399, 10 shots were fired into human cadavers, each resulting in extensive damage, considerably more than the damage reflected by CE 399. Additional tests were conducted by firing a similar bullet into 2 media, a goats rib and a block of gelatin. The missile fired into the goat rib sustained extensive damage, whereas the damage from the gelatin was minor and very similar to CE 399.³¹⁸

Agreement concerning the single bullet theory was not unanimous among those on the Commission. Senator Richard Russell had issue with the aforementioned following the testimony of Texas Governor Connally concerning the wounds he sustained as a member of the presidential motorcade. Connally emphatically stated that he and Kennedy had not been hit by the same bullet.³¹⁹ In a conversation with President Johnson, Russell stated: "The commission believes that the same bullet that hit Kennedy hit Connally. Well, I don't believe it."³²⁰ Sharing the opinion of Russell was Senator John Cooper who stated: "it seems to me that Governor Connally's statement negates such a conclusion,"³²¹ that they were both hit by a single bullet. Although both members signed the final report, they did vocalize their reservations. As the public (and to a greater degree, the critics) un-

³¹⁸"Was the CE 399 Magic Bullet Planted?" JFK assassination: basic facts. Accessed October 19, 2019. <http://22november1963.org.uk/ce-399-magic-bullet-planted-or-genuine>.

³¹⁹ "Warren Commission Hearings, Volume IV." Mary Ferrel Foundation . Accessed October 21, 2019. <https://www.maryferrell.org/showDoc.html?docId=34#relPageId=144&tab=page>.

³²⁰Bugliosi, Vincent. *Reclaiming History: The Assassination of President John F. Kennedy*. New York: WW Norton Co, 2007.

³²¹ *The Killing of President Kennedy*. *You Tube*. BBC, 2013. <https://www.youtube.com/watch?v=rxUl4S-L5U8A>.

derstood that the Committee did not reach a unanimous conclusion, a fair amount of doubt remained.³²²

While the Warren Report intended to help the nation heal and help to restore the public's trust in their government, its controversial findings were never accepted by the majority of the public. In fact, the committee's mission statement, that: "The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large" allowed for only one outcome. In the committee's attempt to prove the predetermined outcome, the investigation and the subsequent Warren Report were not only compromised, but heavily flawed.

While the public had disbelief, from day one, that Oswald was the lone-gunman, the force-fed decision provided by the Warren Report never became the antidote the public sought.

In Mark Lane's *Rush to Judgment*, he voiced evidence of a flawed investigation. Shortly after the publication of Lane's book, Warren Commission critic Jim Garrison attempted to balance the scales of justice by investigating the Kennedy assassination within his jurisdiction, New Orleans Parish. Although Garrison unsuccessfully prosecuted Clay Shaw, his actions were noted by the public. According to a 1967 Harris Poll, after Jim Garrison's investigation, 60% believed there was a "Broader Plot" involved in the assas-

³²² The term grassy knoll was coined by senior White House correspondent Merriman Smith of United Press International (UPI) whom was riding in the "pool car", 5 cars behind the presidential limousine. Transcripts from a dispatch sent to bWRAJ-AM (Anna, Illinois) from Merriman Smith state: "Some of the Secret Service agents thought the gunfire was from an automatic weapon fired to the right rear of the president's car, probably from a grassy knoll to which police rushed."

sination.³²³ Edward Jay Epstein offered valuable insight into the structure and behavior of the Warren Commission, and stated that the structural problems of the Commission almost assured that the investigation would be insufficient. Epstein concluded that while Lee Harvey Oswald was involved in the assassination, he did not act alone.³²⁴

Formed in 1975 by Idaho senator Frank Church, The Church Committee investigated the conduct of the FBI, CIA, NSA, and IRS. As a result of their work, the Church Committee provided evidence of a flawed investigation and report provided by the Warren Commission. Furthermore, the Church Committee found that: “both the CIA and FBI failed in, or avoided carrying out, certain ... responsibilities.”³²⁵ The Church Committee concluded that both the FBI’s and CIA’s senior officials were derelict in their duties, and stated that: “Intelligence agencies have undermined the constitutional rights of citizens.”³²⁶

Contemporaneously, in 1975 the public was first able to view the Zapruder Film, which heavily influenced public opinion. Debuting on ABC’s *Good Night America*, the film showed Kennedy’s head violently thrown backward and towards his left, indicating that the kill shot had originated from the front, the direction of the “grassy knoll.”³²⁷ Due

³²³ Langer, Gary. “Poll: Lingering Suspicion Over JFK Assassination.” ABC News. ABC News Network. Accessed February 16, 2020. <https://abcnews.go.com/WNT/story?id=129304&page=1>.

³²⁴ Simkin, John. “Edward Jay Epstein .” Spartacus Educational. Spartacus Educational. Accessed February 16, 2020. <https://spartacus-educational.com/JFKepstein.htm>.

³²⁵ *ibid*

³²⁶ “Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities.” U.S. Senate: Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, July 9, 2019. <https://www.senate.gov/artandhistory/history/common/investigations/ChurchCommittee.htm>.

³²⁷ Simkin, John. “Zapruder Film.” Spartacus Educational. Spartacus Educational. Accessed May 1, 2020. <https://spartacus-educational.com/JFKzapruderF.htm>.

to the graphic nature of the film, upon his initial viewing, movie producer Waleed Ali stated that he “literally gasped--because it's so shocking,”³²⁸ While single images were available in *Time* magazine shortly after the assassination, the totality of the 486 frames had not been seen in their entirety.³²⁹ The graphic depiction of the President's death on network television not only broke an unspoken taboo, it also horrified the public who still had not digested the revelations of The Church Committee. The public outrage expressed in response to the initial broadcast helped to establish the HSCA.³³⁰

Another attempt to restore the public's trust, the House Select Committee on Assassinations (HSCA) conducted a series of new investigations permitted as a result of technological advances. Of the new data, the most salient was the evaluation of the acoustic evidence derived from dicta-belt recordings that indicated of a fourth shot. This suggests at least one additional shooter was present and undermined a fundamental premise of the Warren Report. As a result, the HSCA found that while Lee Harvey Oswald fired three shots, the: “Scientific acoustical evidence establishes a high probability that two gunmen fired at president John F. Kennedy.”³³¹ While the HSCA's investigation provided additional facts concerning the assassination, those facts were contrary to the

³²⁸ George Lardner. “Zapruder Film Likely To Restart Debate.” *The Washington Post*. WP Company, June 26, 1998. <https://www.washingtonpost.com/wp-srv/style/features/zapruder0626.htm>.

³²⁹Oates, Joyce Carol. “Twenty-Six Seconds of the JFK Assassination - and a Lifetime of Family Anguish.” *The Washington Post*. WP Company, November 17, 2016. https://www.washingtonpost.com/opinions/twenty-six-seconds-of-the-jfk-assassination--and-a-lifetime-of-family-anguish/2016/11/16/2b9f1c86-9547-11e6-bc79-af1cd3d2984b_story.html.

³³⁰ Alex Pasternack. “The Other Shooter: The Saddest and Most Expensive 26 Seconds of Amateur Film Ever Made.” *Vice*, November 23, 2012. https://www.vice.com/en_us/article/3ddd5/the-other-shooter-the-saddest-and-most-expensive-26-seconds-of-amateur-film-ever-made.

³³¹“Findings.” National Archives and Records Administration. National Archives and Records Administration. Accessed October 19, 2019. <https://www.archives.gov/research/jfk/select-committee-report/part-1b.html>.

findings of the Warren Report, providing validity to the positions held by both the critics and the public at large.

Using Jim Garrison's *On the Trail of the Assassins* and Jim Mars's *Crossfire: The Plot That Killed Kennedy* as source material, Oliver Stone's motion picture, *JFK* not only introduced a new generation to the JFK mythos, it also ushered in new legislation. While Stone's *JFK* provided insight into an alleged conspiracy, its primary influence was precipitated by the film's closing trailer. "Stone suggested at the end of *JFK* that Americans could not trust official public conclusions when those conclusions had been made in secret."³³² Furthermore, Stone's *JFK* informed the movie-going public that the: "HSCA had reinvestigated the murder and issued a provocative report, but their records were sealed until the year 2029."³³³ As an open petition, Stone asked the public to demand the release of the withheld Warren Commission files. As a result, Congress received an overwhelming number of letters and phone calls demanding the disclosure of the sealed records, resulting in the President John F. Kennedy Assassination Records Collection Act of 1992.³³⁴

The JFK Act mandated that all records concerned with the assassination of JFK be collected and kept in the National Archive. Founded as an independent temporary agency, the Assassination Records and Review Board existed from 1994 to 1998. While the ma-

³³² Wilkinson, Alissa. "How a 1991 Movie Resulted in JFK's Assassination Files Being Released in 2017." Vox. Vox, October 28, 2017. <https://www.vox.com/culture/2017/10/26/16536122/oliver-stone-jfk-assassination-trump>.

³³³ *ibid*

³³⁴ "AFI - JFK 1991." AFI. Accessed October 27, 2019. <https://catalog.afi.com/Catalog/moviedetails/58917>.

majority of records (88%) were made available for public consumption, 11% were provided with significant redactions. Accordant to the Act the remaining 1% would be made public by October 26, 2017. Despite the JFK Act's mandate, at the request of the FBI and CIA, President Trump has chosen not to release 300 files due to national security.³³⁵

Two decades into the 21st century, the majority of the public has never accepted the findings of the Warren Report. Furthermore, with every step taken to assure the public of the report's validity and to restore the public's faith in their government resulted in further disbelief. It can be asserted that while people within federal administrative bodies attempted to control the flow of information to ensure support the Warren Commission's decision, due to the Commission's flawed nature and investigative methodology, opposite results transpired. As a means to combat the increasing public's distrust, the CIA began to: "employ propaganda assets" to help counterbalance the authors who were critical of the findings of the Warren Commission.³³⁶ As the alternate versions gained validity, those who subscribed to versions depicted by Lane, Garrison, and other authors critical of the report have been marginalized. By assigning this marginalized group the pejorative Conspiracy Theorist, it can be asserted that the negative propaganda campaign waged by the CIA is not only on going, but it is also at odds with the truth.

While detractors from the official findings of the Warren Report have been marginalized (if not demonized) their opinions have been placed outside the sphere of legiti-

³³⁵ Gstalter, Morgan. "Final Batch of JFK Files Released under Trump Directive." TheHill, April 26, 2018. <https://thehill.com/blogs/ballot-box/384993-final-batch-of-jfk-files-released-under-trump-directive>.

³³⁶ The CIA and the Media: Hearings before the Subcommittee on Oversight of the Permanent Select Committee on Intelligence, House of Representatives, Ninety-Fifth Congress, First and Second Sessions .. Washington: U.S. Govt. Print. Off., 1978.

mate discussion by those who maintain the “official” version of events. Through the control of discourse, those who oppose those who hold hegemonic control of the debate are cast as Conspiracy Theorists and their criticisms are given little credence. By casting all detractors from the hegemonic belief as conspiracy theorists, a line is drawn between supporters of the Warren Report, establishing a paradigm that creates a “us vs. them” environment. Through the creation of the hegemonic organizational structure, credible authors become grouped with those authors whose subject matter is tangential at best. The overreaching use of the term Conspiracy Theorist becomes an impediment to critical thinking and promotes cognitive dissonance.

Two decades into the new millennium, musician, poet and recipient of the Nobel Prize for literature Bob Dylan released *Murder Most Foul* (2020), a seventeen minute song that places the assassination in the “context of the greater American political and cultural history.”³³⁷ Described by Dylan collaborator Trapper Schoepp as “A commentary on a major cultural event that’s happening now by referencing a major cultural event of the past,” *Murder Most Foul* places the Kennedy’s Assassination, and the cultural conditions surround the event, in context. Not an attempt to provide closure, Dylan’s effort appears to be a 21st century lamentation of the perceived death of innocence and the ending of the public’s trust in their government.

The intermixing of music and cultural references with dubious elements of the assassination, Dylan highlights elements of the official report. “That magic bullet of

³³⁷ Slate, Jeff. “Bob Dylan's 'Murder Most Foul' Is a 17-Minute New Song about JFK - and Maybe Coronavirus?” NBCNews.com. NBCUniversal News Group, March 29, 2020. <https://www.nbcnews.com/think/opinion/bob-dylan-s-murder-most-foul-17-minute-new-song-ncna1170766>.

yours has gone to my head” suggests the ongoing lack of acceptance of Arlen Specter’s single bullet theory.” I’m just a patsy like Patsy Cline Never shot anyone from in front or behind”, referring to Oswald’s denial of guilt, indicates that the public never fully accepted him as the lone-gunman.³³⁸ Work of this scope, written by a 1960’s artist, two decades into the 21st century, is a strong indicator of public that has yet to be convinced by the Warren Report.

The public may never be completely satisfied with the information provided through official outlets. Evidence of the unsettled public opinion can be seen in the fact that the assassination is addressed in popular songs, movies, television, and novels. Though the use of entertainment, common questions have emerged including the number of people involved, the magic bullet, and those who were involved. Further evidence of unsettled public opinion is indicated by the number of soft news outlets reporting on themes contrary to the Warren Report. Had the work conducted by the Warren Commission been plausible, the polling numbers would show support for the lone-gunman theory. However, significant time and energy has been used to produce books, news, and other forms of entertainment regarding alternate themes. The Warren Commission’s work was rushed and failed to convince the majority of the public. Furthermore, there has been exposure of criminal behavior exhibited by intelligence agencies, a senatorial decision that stated that there was a probable conspiracy, and there are numerous documents supporting a conspiracy. The public remains unsatisfied.

³³⁸ Dylan, Bob. “Murder Most Foul.” Murder Most Foul Lyrics. Accessed May 1, 2020. [https://www.lyrics.com/lyric-1f/1770773/Bob Dylan/Murder Most Foul](https://www.lyrics.com/lyric-1f/1770773/Bob%20Dylan/Murder%20Most%20Foul).