

# Introduction

At approximately 12:30 p.m. on November 22, 1963, while President John F. Kennedy, the most powerful man in the free world, rode in his presidential limousine slowly past the Texas School Book Depository Building and down Elm Street in Dallas, Texas, three shots rang out from the southeasternmost window on the sixth floor of the building. One of the bullets struck the president in the upper right part of his back and exited the front of his throat, another entered the right rear of his head, exiting and shattering the right side of his head. While the presidential limousine screeched away to Parkland Memorial Hospital, where he was pronounced dead shortly thereafter, John F. Kennedy, his life blood gushing from his body, lay mortally wounded on his wife Jacqueline's lap. The assassin had succeeded in brutally cutting down, at the age of forty-six, the thirty-fifth president of these United States, a man whose wit, charm, and intelligence had captivated a world audience. The assassin's bullets had also extinguished a flame of hope for millions of Americans who saw in the youthful president at least the promise of excellence in national life.

As the years have shown, Kennedy's assassination immediately transformed him into a mythical, larger-than-life figure whose hold on the nation's imagination resonates to this very day. "The image of Kennedy is not based on what he accomplished, but on his promise, the hope he held out," said historian Stephen Ambrose in 1993.<sup>1</sup> Years earlier, *New York Times* columnist James Reston wrote similarly that "what was killed in Dallas was not only the President but the promise. The heart of the Kennedy legend is what might have been. All this is apparent in the faces of the people who come daily to his grave on the Arlington Hill."<sup>2</sup> In 1993, Ambrose added, "There's a very strong sense that if he had not died, we would not have suffered the 30 years of nightmare that followed—the race riots, the white backlash, assassinations, Vietnam, Watergate, Iran-Contra."<sup>3</sup> While this is, of course, speculative, what is not is JFK's legacy of rekindling the notion that public service is a noble calling. If it is any barometer of the sense of hope and promise

that Kennedy inspired in the American people, the ever-decreasing trust by Americans in their government down through the years started with the Kennedy assassination and the subsequent erroneously perceived notion—fostered by conspiracy theorists—that the government concealed the full truth about the assassination from them. Trust in our leaders in Washington to do what is right for the people plummeted from 76 percent around the time of the assassination to a low of 19 percent three decades later.<sup>4</sup> “There’s such a gulf in history between the day before and the day after Kennedy’s assassination,” says historian Howard Jones of the University of Alabama. “It’s as if we passed through a hundred years in a day.”<sup>5</sup> In 2004, a national poll showed that trust in our government to do what’s right was only at 36 percent.<sup>6</sup>

Since Kennedy’s death, the nation has not seen, in any of his successors, his cosmopolitan intellectualism or the oratorical eloquence with which he sought to lead the nation by the power of his words. What also is beyond dispute was the way Kennedy, the first president born in the twentieth century, inspired the young of his generation by his youthful vigor and the bold, fresh initiatives of his New Frontier, such as his Peace Corps, civil rights bills, and pledge to put a man on the moon. Idealism was in the air, and the nation’s capital had never seen such an invasion of young people who wanted to change the world for the better. The most accurate indicator of Kennedy’s popularity among the nation’s youth at the time is a 2003 Gallup Poll of people of various age groups as to whom they regarded as our greatest president. In the fifty-to-sixty-four-year age group, those who were young during Kennedy’s presidency, Kennedy ranked number one among all presidents. Among all age groups he ranked number two, behind only Lincoln.<sup>7</sup>

Undoubtedly, two other factors have burnished and enlarged the Kennedy aura. He was among the most attractive and naturally charismatic public figures the nation has seen. And the Choate- and Harvard-educated son of privilege\* and wealth ignored the wishes of his powerful father and a medical condition that could easily have exempted him from combat and became a World War II hero. Kennedy historian Richard Reeves writes that JFK had a “range of illnesses” that commenced as a child. “He could never have passed a real military physical examination, so he used the riches and influence of his father, Joseph P. Kennedy, to become a naval officer. The old man persuaded friends in the military to accept a certificate of good health, a false one, from a family doctor . . . [JFK’s] executive officer, Leonard Thom, wrote home that Kennedy was the only man in the Navy who faked good health.”<sup>8</sup> After seeing extensive combat in the Japanese theater, not long after midnight on August 2, 1943, in the Solomon Islands in the South Pacific, the twenty-five-year-old navy lieutenant personally rescued one of the crew members of the patrol torpedo boat (PT 109)<sup>†</sup> he commanded when it was cut in half and sunk by the Japanese destroyer *Amagiri*, by swimming four hours to the nearest island towing the man by attaching a strap from the man’s life jacket to his teeth. In a typical example of Kennedy’s well-known laconic wit, when he was once asked how he became a war hero, he responded with his famous understated smile, “It was involuntary. They sank my boat.”

Kennedy’s magic started with the people (particularly, as indicated, the young, to whom the words of his inaugural address seemed to be aimed), as evidenced by the fact that

\*As is well known, John Fitzgerald Kennedy, the second of nine children of Joseph and Rose Kennedy, was born into great wealth, and the family’s domiciles reflected it. The Kennedys summered at their six-acre compound containing three homes in Hyannis Port, Massachusetts, on Cape Cod off the waters of Nantucket Sound, and vacationed in the winter at their Palm Beach, Florida, mansion off the Atlantic Ocean. Even the clan’s main sports reflected plutocracy—tennis, boating, swimming, and, oh yes, *touch* football.

<sup>†</sup>PT boats were known to be “dangerous beyond the call of duty” (Blair and Blair, *Search for JFK*, p.158).

although he had won the presidency with only 49.7 percent of the popular vote, a Harris Poll right after his inaugural showed his approval rating jumping up to an incredible 92 percent. Though his rating would soon return to the atmosphere, the speech, considered by many one of the finest inaugural addresses in the nation's history, demonstrated that Kennedy was no ordinary politician. It wasn't just the words of the speech ("Ask not what your country can do for you—ask what you can do for your country"; "Let the word go forth from this time and place to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace [cold war], proud of our ancient heritage"), but the dramatic way in which he uttered them on this memorably bright day, a day, author Thurston Clarke wrote, where the cold winter air turned his breath into white clouds, the words appearing to be going forth into the exhilarating air. "God, I'd like to be able to do what that boy did there," his political opponent Barry Goldwater said. The power in Kennedy's delivery of the words had to be helped by the fact that apart from the "Ask not" clause, the words were written by him and told his own story.<sup>9</sup>

In writing this book about the assassination, I inevitably got into, though tangentially, the man, John F. Kennedy. Governor John Connally's wife, who herself was married to a handsome and dynamic man, wrote that "I thought I knew what 'charisma' meant before I met Jack Kennedy, but our young President gave the word a new definition."<sup>10</sup> But there was more to the man than mere charisma, an indelible element to his personality that lassoed the attention of the onlooker. When Kennedy died, the worldwide mourning that his death induced was unprecedented. Perhaps the most impressive testament of what Kennedy possessed was the way his death was greeted by the tens of millions of people behind the Iron Curtain during the very height of the cold war. The masses behind the curtain were *only* fed Soviet propaganda, the level of censorship being virtually complete, isolating the people within from the outside world. Yet when Kennedy died, the evidence is overwhelming that millions of Soviet citizens and those in the Soviet Bloc satellite countries in Eastern Europe took his death almost as hard as we in America did, these adversary countries being immediately swept up in national mourning and tears. Under the prevailing censorship, how much could the people of these nations have possibly been exposed to Kennedy, the tiniest snippet of his person or his words reaching them during his three years in power? In addition to the youthful vigor and indefinable charisma that he projected, my sense is that these masses, who heard so few of his words, and could understand none of them, picked up in the sound of his voice and the inherent decency and sincerity in his always pleasant face and smile, that he was different, and it was these additional critical components that enabled the essence of the man, from just a glance, to pierce the curtain of iron that had descended upon these countries and to touch the hearts of its citizens. How else, for instance, can one explain what Nobel Prize-winning novelist John Steinbeck witnessed in Warsaw when news of Kennedy's assassination reached the Polish capital? Steinbeck had been on a cultural tour of Iron Curtain countries at the time, and he said that the "great sorrow" he saw among the Polish people over Kennedy's death "was the most fantastic thing I ever saw. I've never seen anything like it. The Poles said they'd never seen its like either, *for anyone*."<sup>11\*</sup>

\*People spoke of JFK's "irresistible charm," it was well known that he was not vindictive toward his political opponents, and unlike his brother Bobby, he had few, if any, bitter enemies. Except for segregationists, the militant right, and some in big business, from what I have read people liked John F. Kennedy. As *Look* magazine observed, "Even his political opponents liked and respected him" (Attwood, "In Memory of John F. Kennedy," p.12).

Political author Thomas Powers cannot be accused of hyperbole when he observes that Kennedy's assassination "was probably the greatest single traumatic event in American history."<sup>12</sup> Years later, it remains a festering wound on the nation's psyche. Though Powers made his remark several years ago, its truth continues to this day. As we will see in the next section of this book, there is little comparison between the nation's response to Kennedy's death and its response to the World Trade Center catastrophe on September 11, 2001, even though the response to the latter was enormous. Just two indications among many of the difference. On the day of Kennedy's assassination and for three consecutive days thereafter, all three national television networks suspended all of their commercial shows and advertising. And while only a relatively small number of books have been written about 9-11, far more books continue to be written to this very day, over forty years later, about Kennedy's assassination. How could one death cause greater personal anguish to more people than three thousand deaths? The World Trade Center victims were known only to their loved ones, entirely unknown to the rest of the country. But the dazzling First Couple of JFK and Jackie, and their two children, Caroline and John-John, were perceived by many as the closest to royalty this nation had ever seen. Nearly all Americans felt they knew JFK intimately, his charm and wit regularly lighting up the television screen at home. This is why polls showed that millions of Americans took his assassination like a "death in the family." Some, even more deeply than the death of their parents, because, as Kennedy confidant Ted Sorenson observed, the latter often represented a "loss of the past," while Kennedy's death was to them an "incalculable loss of the future."<sup>13</sup> It was written that "never in the land did so many, out of a feeling of personal identification with a dead leader," mourn his death.<sup>14</sup>

It is believed that more words have been written about the assassination than any other single, one-day event in world history. Close to one thousand books have been written. So why the need for this book, which can only add to an already overwhelming surfeit of literature on the case? The answer is that over 95 percent of the books on the case happen to be pro-conspiracy and anti-Warren Commission, so certainly there is a need for far more books on the other side to give a much better balance to the debate. But more importantly, although there have been hundreds of books on the assassination, no book has even attempted to be a comprehensive and fair evaluation of the *entire* case, including all of the major conspiracy theories.

On the issue of fairness, the more I studied the assassination and the writings of the conspiracy theorists and Warren Commission critics, the more I became disturbed with them. Though they accused the bipartisan Warren Commission of bias, distorting the evidence, and deliberately suppressing the truth from the American people, I found that for the most part it was they, not the Warren Commission, who were guilty of these very same things. I haven't read all of the pro-conspiracy books. I don't know anyone who has. I have, however, read all the major ones, and a goodly number of minor ones. And with a few notable exceptions, when the vast majority of these conspiracy authors are confronted with evidence that is incompatible with their fanciful theories, to one degree or another their modus operandi is to do one of two things—twist, warp, and distort the evidence, or simply ignore it—both of which are designed to deceive their readers. Waiting for the conspiracy theorists to tell the truth is a little like leaving the front-porch light on for Jimmy Hoffa.

Ninety-nine percent of the conspiracy community are not, of course, writers and authors. These conspiracy “buffs” (as they are frequently called) are obsessed with the assassination, have formed networks among their peers, and actually attend conspiracy-oriented conventions around the country. Though most of them are as kooky as a three-dollar bill in their beliefs and paranoia about the assassination, it is my sense that their motivations are patriotic and that they are sincere in their misguided and uninformed conclusions. I cannot say that about the conspiracy authors. Unlike the buffs—virtually none of whom have a copy of the forty official volumes on the case—the authors possess and work with these volumes. Yet the majority of them knowingly mislead their readers by lies, omissions, and deliberately distorting the official record. I realize this is an astonishing charge I am making. Unfortunately, it happens to be the truth. In any other field, such as the scientific or literary disciplines, even a fraction of these lies, distortions, and omissions by a member would cause the author to be ostracized professionally by his colleagues and peers. But in the conspiracy community of the Kennedy assassination, where one’s peers have turned their mothers’ pictures against the wall and are telling even bigger lies themselves, and where the American public is unaware of these lies, not only is this type of deception routinely accepted by most members of the community, but the perpetrators are treated as celebrities who lecture for handsome fees and sign autographs at conventions of Warren Commission critics and conspiracy theorists.

When the Warren Commission released its 888-page, 296,000-word report on September 24, 1964, a national poll showed that only a minority of Americans (31.6 percent) rejected the conclusion of the Commission that Oswald had acted alone.<sup>15</sup> But through their torrent of books, radio and TV talk shows, movies, college lectures, and so on, over the years the shrill voice of the conspiracy theorists finally penetrated the consciousness of the American people and actually succeeded in discrediting the Warren Commission Report\* and convincing the overwhelming majority of Americans that Oswald either was a part of a high-level conspiracy or was just a patsy framed by some exotic and elaborate group of conspirators ranging from anti-Castro Cuban exiles to organized crime working in league with U.S. intelligence. Although I had commenced my work on the case with a completely open mind, I found there was absolutely no substance to their charges and that they have performed a flagrant disservice to the American public. Dissent is what makes this country the great nation that it is, but this was not responsible dissent. This was wanton and reckless disregard for the facts of the case.

Throughout the years, national polls have consistently shown that the percentage of Americans who believe that there was a conspiracy in the assassination usually fluctuates from 70 to 80 percent, down to 10 to 20 percent for those who believe only one person was involved, with about 5 to 15 percent having no opinion. The most recent Gallup Poll, conducted on November 10–12, 2003, shows that a remarkable 75 percent of the American public reject the findings of the Warren Commission and believe there was a conspiracy in the assassination. Only 19 percent believe the assassin acted alone, with 6 percent having no opinion.<sup>†</sup> It is the ambitious objective of this work to turn the per-

\*Officially called the *Report of the President’s Commission on the Assassination of President John F. Kennedy*.

†Contrary to popular belief, the Warren Commission didn’t quite say there was no conspiracy in the assassination. The commissioners wrote, “The Commission has found *no evidence* that either Lee Harvey Oswald or Jack Ruby was part of any conspiracy, domestic or foreign, to assassinate President Kennedy . . . Because of the difficulty of proving negatives to a certainty the possibility of others being involved with either Oswald or Ruby cannot be rejected categorically, but if there is any such evidence it has been beyond the reach of all

centages around in the debate. If I can even come close to doing so I will feel I have achieved something meaningful. Such an objective, after all, is not misplaced when the Kennedy assassination is perhaps the most important murder case ever, arguably altering the course of American as well as world history.

It should be added that the millions of Americans who have been hoodwinked into buying into the conspiracy illusion don't believe that Oswald conspired with some other lowly malcontent like himself to assassinate the president. Instead, though most don't clearly articulate the thought in their mind, they believe that Oswald was merely the triggerman for organized crime, a foreign nation, or conspirators who walked the highest corridors of power in our nation's capital—people or groups who eliminated Kennedy because his policies were antithetical to their interests. Such a belief, gestating for decades in the nation's marrow, obviously has to have had a deleterious effect on the way Americans view those who lead them and determine their destiny. Indeed, Jefferson Morley, former Washington editor of the *Nation*, observes that Kennedy's assassination has been “a kind of national Rorschach test of the American political psyche. What Americans think about the Kennedy assassination reveals what they think about their government.”<sup>16</sup>

Nineteenth-century French statesman and author Alexis de Tocqueville noted a characteristic of the American body politic that he felt boded well for America: its capacity for self-correction. But in the Kennedy assassination, we'll soon be approaching the half-century mark, and the substantial majority of Americans still erroneously believe that their thirty-fifth president was murdered as a result of a high-level conspiracy.

My professional interest in the Kennedy assassination dates back to March of 1986 when I was approached by a British production company, London Weekend Television (LWT), to “prosecute” Lee Harvey Oswald as the alleged assassin of President Kennedy in a proposed twenty-one-hour television trial to be shown in England and several other countries, including the United States. I immediately had misgivings. Up to then, I had consistently turned down offers to appear on television in artificial courtroom settings. But when I heard more of what LWT was contemplating, my misgivings quickly dissolved. Although this could not be the real trial of Oswald, inasmuch as he was dead, LWT, working with a large budget, had conceived and was putting together the closest thing to a real trial of Oswald that there would likely ever be, the trial in London being the only “prosecution” of Oswald ever conducted with the real witnesses in the Kennedy assassination. Through painstaking and dogged effort, LWT had managed to locate and persuade most of these original key lay witnesses, many of whom had refused to even talk to the media for years, to testify in the television trial of Oswald. There would be absolutely no script whatsoever (Mark Redhead, the LWT producer for the project, said to me, “I assure you, there will be no script. The script will be your yellow pad, which I've been told you have a love affair with”), and no actors would be used. Lucius Bun-

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the investigative agencies and resources of the United States and has not come to the attention of this Commission” (WR, pp.21–22).

Note: Throughout this book emphasis by italics in quotations has been added by the author unless otherwise indicated.

ton, a highly respected U.S. district judge for the Western District of Texas, would preside over the trial. And a real jury, selected from the jury rolls of the Dallas federal district court, each having served on a federal jury in Dallas in 1985,<sup>17</sup> was to be impaneled to hear the case, completely free to vote whichever way the jurors pleased on the issue of whether Oswald was guilty or not guilty.\* Gerry Spence, about whom the great trial lawyer Edward Bennett Williams once said, “If I ever got in trouble, I’d want Gerry Spence to defend me,” and who had emerged as the leading criminal defense lawyer in America, had been selected to oppose me and represent Oswald.

Nothing like this had ever been done before on television (re-creations of real trials invariably being with scripts and actors), and LWT had ambitiously started at the top of the hill with the Kennedy assassination. Originally, the trial was to be held in Dallas, but fearful of the media circus it felt sure the trial would inevitably create, LWT quietly jetted everyone to England for a trial in a London courtroom that was an exact replica of a Dallas federal courtroom.

The historical importance of the trial was immediately apparent to Spence and me. Unlike their appearances before the Warren Commission and the House Select Committee on Assassinations (HSCA), where they testified in a non-adversarial context and were not cross-examined, the key witnesses in the assassination would now be exposed to cross-examination—the greatest legal engine ever invented, one legal scholar wrote, for the discovery of the truth. And as a London paper later wrote, “Witnesses who had thought they were in for an anxiety free, all-expense paid trip to London reeled out of the witness box after being subjected to sustained barrages of cross-examination.”<sup>18</sup>

I proceeded to set aside everything I was doing, and seven days a week immersed myself completely in the prosecution of the case, virtually insulating myself from the outside world. For close to five months, I averaged between 100 and 120 hours per week, my only break being when I would visit my elderly parents for two hours each week. The reason for this effort was simply that the task was monumental. The Warren Commission in 1964 and the HSCA, which reinvestigated the assassination for over two years in the late 1970s, had wrestled with the complexities of the case, trying to come to grips with its seemingly endless issues.

In preparing for the trial in the average murder case, even a complex one, for the most part all a prosecutor has to look at, in terms of reading, are the police reports, coroner’s report, witness statements, and the transcript of the preliminary hearing. And the only person raising issues against him is the defense attorney. But here, in preparing for trial, I was dealing with the forty massive official volumes of small print on the case (the twenty-six volumes of the Warren Commission plus the one-volume Warren Report, which summarizes the Commission’s findings, and the twelve volumes of the HSCA together with the one-volume HSCA Report, which likewise is a summary of the HSCA findings) and the hundreds of issues raised by countless Warren Commission critics and conspiracy

\*Even the court reporter was a real one, from the federal Eastern District of Virginia. Eagerly anticipating the trial, Judge Bunton told the media, “If Oswald had been tried, any judge would have wanted to do it. It’s going to be just as true to life as they can get it—with the real witnesses and a real jury flown in from Dallas. It’s going to record a lot of what would have developed if, in fact, Lee Harvey Oswald had come to trial.” Bunton explained that the trial would take some liberties with history. “It will be tried in federal court as opposed to state court. At the time that President Kennedy was killed, it was not a federal offense to kill the president. Since that time the law has been changed.” (United Press International, July 17, 1986) The case was tried under the Federal Rules of Criminal Procedure.

theorists in their articles and books. Plus, all the new material gathered by the LWT staff, a very competent and dedicated group of people ably led by producer Mark Redhead and executive director Richard Drewett. Redhead actually traveled to several countries working on the case. LWT's two chief researchers for the docu-trial were Kerry Platman and Richard L. Tomlinson, each of whom did an excellent, highly professional job.

With both the Warren Commission and the Select Committee, the areas of inquiry had been compartmentalized, separate groups of lawyers being assigned to work on specific parts of the case only—for example, the identity of President Kennedy's assassin, the basic facts of the assassination, Lee Harvey Oswald's background, Jack Ruby's killing of Oswald, possible conspiratorial relationships, and so on. But working alone, I had to know as much of the entire case as possible. And having the burden of proving Oswald's guilt beyond a reasonable doubt, I could not afford to say to myself, "Well, this is only a television trial. I'll just ignore this issue." If I had been so cavalier, I knew the issue I ignored could be utilized by the defense to raise a reasonable doubt in the jury's mind. After all, the issue was no longer whether or not Oswald murdered Kennedy, one of the two main issues the Warren Commission dealt with. The issue now was different. Even if the jury ultimately came to believe from the evidence that Oswald murdered the president, would they believe it *beyond a reasonable doubt*? Because if they didn't, the verdict would still have to be not guilty. As in any criminal case, the defense in London never had any legal burden to prove Oswald's innocence or even to present a coherent or plausible alternative account of what happened. To prevent a conviction, it was enough for Spence to plant a reasonable doubt in the minds of one or more jurors. Playing on this reality, Spence would later tell the London jury, "There is only one truth in this case, and this is that nobody knows the truth."

During my examination of the evidence in preparation for the trial, I found that virtually every piece of evidence against Oswald maddeningly had some small but explainable problem with it. However, two things became obvious to me: One was that Oswald, an emotionally unhinged political malcontent who hated America, was as guilty as sin. Based on the Himalayan mountain of uncontroverted evidence against Oswald, anyone who could believe he was innocent would probably also believe someone claiming to have heard a cow speaking the Spanish language. Secondly, there was not one speck of *credible* evidence that Oswald was framed or that he was a hit man for others in a conspiracy to murder the president. I meticulously examined every major conspiracy theory that had thus far been adduced, and although there were a few (a precious few) that at first blush seemed plausible, upon sober scrutiny they did complete violence to all conventional notions of logic and common sense. Though there are some notable exceptions, by and large the persistent ranting of the Warren Commission critics, some of whom were screaming the word *conspiracy* before the fatal bullet had even come to rest, came to remind me, as H. L. Mencken said in a different context, of dogs barking idiotically through endless nights.

The hard-core conspiracy theorists believe not only that there was a massive conspiracy to kill the president, but that the Warren Commission learned about this conspiracy, and, as pawns of the U.S. government, entered into a new conspiracy to cover it up. "The Warren Commission engaged in a cover-up of the truth and issued a report that misrepresented or distorted almost every relevant fact about the crime," Howard Roffman writes in his book, *Presumed Guilty*.<sup>19</sup> Gerald D. McKnight, a professor of history, no less, writes that the Warren Commission members were "men intent on deceiving the nation." Just in the area of the president's autopsy alone, he says, "the Commission sanctioned per-

jury, connived at the destruction of the best evidence, boycotted key witnesses, and deliberately and knowingly suppressed material medical records and legal documents.”<sup>20</sup> There were “two conspiracies,” conspiracy theorist Jim Marrs confidently asserts. “One was the conspiracy to kill the president. The second conspiracy was the conspiracy to cover up the first conspiracy,” the second conspiracy being committed by “officials high within the U.S. government to hide the truth from the American public.”

One of the first purveyors of this silliness was New Orleans district attorney Jim Garrison. During his investigation of Clay Shaw for the president’s murder, he said that “the United States government—meaning the present administration, Lyndon Johnson’s administration—is obstructing the investigation . . . It has concealed the true facts, to be blunt about it, to protect the individuals involved in the assassination of John Kennedy.”<sup>21</sup> The promotional literature for conspiracy theorist Carl Oglesby’s 1992 book, *Who Killed JFK?*, likewise reflects this commonly held belief of the conspiracy community, which it accepts as a mosaic truth: “In this clear, readable book, prominent assassination researcher Carl Oglesby proves that JFK must have been killed by a conspiracy, not a lone gunman. Even scarier, he knows that the U.S. government has been, *and still is* covering up that conspiracy.” If we’re to believe Oglesby, our current federal government (as well as all previous ones since 1963) is engaged in a conspiracy to cover up the truth in the assassination.

Apparently, then, such distinguished Americans as Chief Justice Earl Warren, Senators John Sherman Cooper and Richard B. Russell, Representatives Gerald Ford and Hale Boggs, former CIA director Allen Dulles and former president of the World Bank John J. McCloy (the members of the Warren Commission), as well as the Commission’s general counsel, J. Lee Rankin, a former solicitor general of the United States, and fourteen prominent members of the American Bar (assistant counsels to the Commission), people of impeccable honor and reputation, got together in some smoky backroom and *all* of them agreed, for some ungodly reason, to do the most dishonorable deed imaginable—give organized crime, the CIA, the military-industrial complex, or whoever was behind the assassination, a free pass in the murder of the president of the United States. And in the process, not only risk destroying everything they had worked for—their reputation and legacy to their families—but expose themselves to prosecution for the crime of accessory after the fact to murder. Ask yourself this: would Earl Warren, for instance, risk being remembered as the chief justice of the United States Supreme Court who was an accessory after the fact to the murder of this nation’s president, one who disgraced himself, his country, and the highest court in the land? The mere asking of the question demonstrates the absurdity of the thought. As political columnist Charles Krauthammer put it, it is preposterous to believe that “Earl Warren, a liberal so principled that he would not countenance the conviction of one Ernesto Miranda [of *Miranda v. Arizona* fame] on the grounds that police had neglected to read him his rights, was an accessory to a fascist coup d’etat.”<sup>22</sup> Indeed, why would any of the members of the Warren Commission and their staff stake their good reputation on a report they prepared which they knew to be fraudulent?\*

And if the conspiracy to kill Kennedy was as obvious as conspiracy theorists want us to believe, how then could the Warren Commission members have had any confidence

\*It is an anomaly that Earl Warren, someone who one would think would be viewed like Caesar’s wife among all sensible people, would be attacked and his integrity impugned by those from all areas of the political spectrum, even by many on the political left, who heretofore had sung his praises for the progressive direction he had taken the court in the area of civil rights. Apparently the Kennedy assassination trumped everything.

that the conspiracy's existence would not have surfaced in the future? Moreover, if we adopt the cover-up theory, did all seven Commission members, on their own, decide to suppress the truth? Or was there a ringleader or architect of the cover-up, like Warren? If the latter, how was he able to get the other six members (and, necessarily, a significant number of the Commission's assistant counsels and staff) to go along with his nefarious scheme? Indeed, not knowing what their response might be, wouldn't he have been deathly afraid to even approach them with such a monumentally base and criminal proposal? The whole notion is too ridiculous to even contemplate. Adding a touch of humor to it all, as Commission member Gerald Ford said, "The thought that Earl Warren and I would conspire on anything is preposterous."<sup>23</sup>

A concomitant fact that's obvious but never mentioned is that if the Warren Commission covered up for those it knew to be responsible for the assassination, it would necessarily also be guilty of falsely accusing Oswald and framing him for Kennedy's murder. But would any sane individual actually believe this?

Don't these conspiracy theorists know what all sensible adults have learned from their own personal lives? That it's almost impossible to keep a secret? Even a small one? Yet here, with not one, but two massive conspiracies, not one word, one syllable, has leaked out in over forty years. As I told the jury in London, "I'll agree that three people can keep a secret. But only if two are dead." Making the proposition of containing a secret in the Kennedy case even more implausible than it already is, anyone with knowledge of a Kennedy conspiracy who came forward could expect to receive very large sums of money from the media. And if we're to believe the conspiracy theorists, not only were the multitudinous conspirators so incredibly efficient that they never once did anything wrong that revealed, even remotely, their existence, but not one of them has become disgruntled and wants to strike a bargain with the authorities (most likely immunity from prosecution for his testimony against the others), no ex-wife or mistress has decided to get even by talking, and not one of the members of the conspiracy or the cover-up has wanted to clear his conscience on his deathbed.

The point should be made that even if a sense of honor and duty were not the primary motivating factors in the Warren Commission's work, simple self-interest would naturally have induced its members not to try to cover up the existence of a conspiracy if, in fact, they found one. As Commission assistant counsel David Slawson, whose area of responsibility, along with William T. Coleman Jr., was to determine if there was a conspiracy, told me, "We were all motivated to find something unexpected, such as other gunmen or a hidden conspiracy. *It would have made us heroes.* But these hopes gradually disappeared as the evidence that it was just Oswald rolled in."<sup>24</sup> (Kenneth Klein, assistant deputy chief counsel for the later HSCA, said essentially the same thing in his article, "Facts Knit the Single Bullet Theory": "Since the validity of the Warren Commission's finding that Lee Harvey Oswald was the lone assassin rested firmly on the validity of the single-bullet theory, the staff members of the Select Committee would have been thrilled to have disproved it. To have done so would surely have led to fame and fortune. Only one thing prevented us from doing so, the evidence.—Goodbye fame. Goodbye fortune.")<sup>25\*</sup> Slawson, by the way, a Harvard Law School graduate who just recently retired

\*And naturally, this motivation to uncover a conspiracy, if there was one, applies equally well to the media. As CBS television news anchor Dan Rather has said, "If I could prove Oswald didn't do it or Oswald didn't act alone, it would be the greatest accomplishment of my career" (*USA Today*, February 4, 1992).

as a professor of law at the University of Southern California, not only was a supporter of Jack Kennedy when he ran for president in 1960, but got to know him and worked on his campaign, his Denver law office actually allowing him to spend a substantial portion of his time working for Kennedy instead of for the firm. That's one more reason why the position of conspiracy theorists—that someone like Slawson would deliberately turn a blind eye to the existence of a conspiracy—is absurd on its face.

As Warren Commission staff member Richard M. Mosk, a lifelong Democrat, said, "I was a young private sector lawyer, just out of the military, and I certainly had no incentive to cover up anything. Indeed, my father, Stanley Mosk, then California attorney general, was instrumental in running President Kennedy's 1960 campaign in California and was close to the Kennedy family."<sup>26</sup>

In his memoirs, Chief Justice Earl Warren, after pointing out that his commission uncovered "no facts upon which to hypothesize a conspiracy," and that separate investigations by the FBI, Central Intelligence Agency, Secret Service, and Departments of State and Defense could not find "any evidence of conspiracy," wrote, "To say now that these [agencies], as well as the Commission, suppressed, neglected to unearth, or overlooked evidence of a conspiracy would be an indictment of the entire government of the United States. It would mean the whole structure was absolutely corrupt from top to bottom, not one person of high or low rank willing to come forward to expose the villainy, in spite of the fact that the entire country bitterly mourned the death of its young President."<sup>27\*</sup>

The late CBS news commentator Eric Sevareid, commenting on the members of the Warren Commission being men of unblemished reputation and high national standing, observed eloquently, "The deepest allegiance of men like Chief Justice Warren, or John McCloy, does not lie with any president, political party, or current cause—it lies with history, their name and place in history. That is all they live for in their later years. If they knowingly suppressed or distorted decisive evidence about such an event as a presidential murder, their descendants would bear accursed names forever. The notion they would do such a thing is idiotic."<sup>28</sup>

Yet the conspiracy theorists are convinced that even before the Warren Commission, the whole purpose of President Lyndon Johnson establishing it was to whitewash what really happened, either because he was complicit himself or because he was fearful that if it came out that Russia or Cuba was behind the assassination, it might precipitate a nuclear war. But this ignores the fact that the Warren Commission (five of whose members were Republican, unlikely candidates to cover up anything, much less a murder, for a Democratic president) wasn't even LBJ's idea. As far as is known, Yale Law School's Walt Rostow first suggested it to LBJ's press secretary, Bill Moyers, in a telephone conversation on the morning of November 24, 1963, the day after the assassination. ("My suggestion is that a presidential commission be appointed of very distinguished citizens in the very near future. Bipartisan and above politics," Rostow told Moyers.) Almost concurrently, the *Washington Post*, lobbied by LBJ's own Justice Department (particularly Deputy Attorney General Nicholas Katzenbach), let it be known to the White House that it favored the idea also.

\*"In their exploitation of a national tragedy, [the conspiracy theorists] have impugned the character and motives of hundreds of reluctant participants in that disaster. By plain inference they have indicted scores of public servants, from the lowliest cop on the beat in Dallas to the Chief Justice of the United States, for malfeasance bordering on treason" (Roberts, *Truth about the Assassination*, p.120).

LBJ, in fact, was originally strongly opposed to the idea, saying it was “very bad” and the inquiry into the assassination should be a “state matter” handled by the attorney general of the state of Texas with only the assistance of the FBI. “[We can’t] start invading local jurisdictions,” he said before he was eventually persuaded by some members of his staff, cabinet, and Congress that a presidential commission would be the most appropriate and effective way to investigate the assassination. LBJ was so opposed to the idea that he called FBI Director J. Edgar Hoover on the morning of November 25, asking Hoover to use “any influence you got with the *Post*” to discourage it from pushing the appointment of a presidential commission in its editorials. Hoover responded, “I don’t have much influence with the *Post* because I frankly don’t read it. I view it like the *Daily Worker* [a Communist publication].”<sup>29</sup>

Conspiracy theorists can find little comfort in the finding of the HSCA that President Kennedy “was probably assassinated as a result of a conspiracy.”<sup>30</sup> Nowhere did the HSCA conclude that any of the groups frequently mentioned by the theorists, such as the CIA, FBI, Secret Service, organized crime, Cuban government, anti-Castro Cuban exiles, and so on, were involved in any conspiracy to kill the president. To the contrary, the select committee specifically concluded just the opposite, that they were “not involved.”<sup>31</sup> For example, the HSCA said, “Based on the Committee’s entire investigation, it concluded that the Secret Service, FBI, and CIA were not involved in the assassination.”<sup>32</sup> The sole basis for the HSCA’s conclusion that there was a conspiracy was its contested and far less-than-unanimous belief that in addition to the three shots it determined that Oswald fired from the Book Depository Building (two of which, it concluded, struck the president), there was a “high probability” that a fourth shot, which it said did not hit the president,<sup>33</sup> was fired from the grassy knoll. If such were actually the case, a conclusion of conspiracy would be compelled—unless one drew the unrealistic inference that two people, acting totally independently of each other, just happened to try and kill the president at the same place and moment in time.

The basis for this fourth-shot conclusion was an acoustical analysis of a police Dictabelt recording from Dallas police headquarters containing sounds, the HSCA believed, from a police motorcycle in Dealey Plaza whose radio transmitting switch was stuck in the “on” position. HSCA acoustic experts thought that the sounds heard on the tape were probably those of four gunshots. However, as is discussed in considerable depth in an endnote, this fourth-shot conclusion has been completely discredited and proved to be in error by subsequent analyses of the Dictabelt. In 1982, twelve of the most prominent experts in ballistic acoustics in the country were commissioned by the National Research Council to reexamine the Dictabelt. The panel found “conclusively” from other concurrent and identifiable background noise on the Dictabelt that the sound which the HSCA experts believed to be a fourth shot actually occurred “about one minute after the assassination,” when the presidential limousine was long gone down Stemmons Freeway on its way to Parkland Memorial Hospital. In fact, knowing I could rebut it, Gerry Spence did not even bother to introduce the fourth-shot Dictabelt evidence at the trial in London.

When one removes the Dictabelt “fourth shot” from the HSCA findings, all that is really left is the HSCA’s conclusion that Oswald killed Kennedy, and the fact that the committee found no evidence of any person or group having conspired with Oswald, the identical findings of the Warren Commission. But the conspiracy theorists are in even worse shape with the HSCA findings than with those of the Warren Commission. Their tired allegation that the Warren Commission, because of a bias or under instructions going

in, suppressed evidence of a conspiracy, obviously cannot be applied to the HSCA, which concluded (erroneously, we now know) that there *was* a conspiracy. Indeed, to *support* its conclusion of a conspiracy and establish its credibility, any bias the HSCA might have had would have been in the opposite direction—to look for and reveal evidence of a conspiracy, not suppress it.

What kept me up working until three o'clock every morning in my study preparing for the London trial was the knowledge that this would be the first real opportunity for a national television audience to see why the Warren Commission ultimately concluded that Oswald was responsible for the assassination of John F. Kennedy.\* Other than the massive media coverage of the assassination back in 1963 and early 1964, previously, in books and on television, all that the public had heard in depth was the persistent and jackhammer message of the conspiracy theorists and Warren Commission critics. By and large, then, all that the vast majority of the public had heard, as of 1986, was the conclusion of the Warren Commission, not the basis for that conclusion. True, the basis for the Commission's conclusion was available, but how many Americans had purchased the twenty-seven volumes put out by the Warren Commission? This realization impelled me to make sure I was as prepared at the trial as I could possibly be.

I organized and prepared the prosecution of Oswald in the same way I had done with the many other murder cases I had prosecuted in my career at the Los Angeles County district attorney's office, among other things interviewing my witnesses to the point where several told me they were more prepared than when they had testified before the Warren Commission. And through my interviews, a few new pieces of damaging circumstantial evidence against Oswald surfaced.

The defense was also hard at work. I learned that Spence had two lawyers in his Jackson Hole, Wyoming, law firm working full-time on the case assisting him, and near the end LWT dispatched its chief researcher on the case, who had a doctoral degree in history, to Spence's home to live and work with him there for three weeks. Spence said, "I worked as hard in preparation for this trial as if I had defended Lee Harvey Oswald in the flesh."<sup>34</sup>

Indeed, anyone watching the trial on television could tell from Spence's and my intensity that we were very serious. It was the same with the jury. Jack S. Morgan, who had just finished sitting on a Dallas federal jury a few weeks before LWT called him to sit on the London jury, became the foreman of the jury in London. As he says, "All of us jurors in London felt a strong responsibility to reach the correct decision as to Oswald's guilt or innocence. We gave our best in our discussions and balloting, just as we would have had Oswald been tried in Texas before us. The whole concept of this court case was presented to us in such a way that the judge, lawyers and jurors considered it a real trial. It was the only one that Mr. Oswald would get, so we needed to be accurate in sifting through the facts to determine the truth."<sup>35</sup>

The trial in London had all the earmarks and reality of an actual trial. The courtroom was packed, the witnesses were sworn to testify to the truth, and there was a real judge and jury listening intently to their testimony and observing their demeanor on the wit-

\*Just as the U.S. government, if it had prosecuted Oswald in real life, would not have charged him with conspiring with anyone to kill Kennedy (since the government did not believe he did), the jury in London only dealt with the issue of whether Oswald was guilty or not guilty of murdering Kennedy. However, the issue of conspiracy unavoidably permeated the entire trial. (See later discussion.)

ness stand. Although Oswald, the defendant, was of course not present and could not testify, it has to be noted that he was not present at the Warren Commission hearings either, and at the hearings he had no real lawyer representing his interests or cross-examining witnesses who testified against him, as he did in London with Spence. I might add that even if Oswald had been alive and prosecuted, he, like so many defendants in criminal trials, might very well have elected not to take the stand and subject himself to cross-examination. For example, Jack Ruby never testified at his trial.

Although Oswald's widow, Marina, declined to testify, I can't think of one *absolutely critical* witness I would have needed—were Oswald alive and I had prosecuted him—whom I did not have at the London trial. (When you have witnesses like the lady at whose home Oswald spent the night before the assassination with his wife, and who testified to Oswald's storing the murder weapon on the garage floor of her home; the witness who drove Oswald to work on the morning of the assassination and saw Oswald carry a large bag into the Texas School Book Depository Building, Oswald's place of employment; the witness who was watching the presidential motorcade from a window right below where Oswald was firing his rifle at Kennedy and actually heard the cartridge casings from Oswald's Mannlicher-Carcano rifle falling to the floor directly above him; a witness who saw Oswald shoot and kill Dallas police officer J. D. Tippit just forty-five minutes after the assassination; expert witnesses from the HSCA, as well as one from the Warren Commission, who conclusively tied Oswald to the assassination by fingerprint, handwriting, photographic, neutron activation, and firearm analyses; and so on, you know you're dealing with the real thing.) I simply would have called, in some areas, *more* witnesses to establish the same thing—for example, more witnesses than the ones I called to place Oswald at the Tippit murder scene.

The trial in London took place on July 23, 24, and 25, 1986. After the jury was out deliberating for six hours, they returned, on July 26, with a verdict of guilty, convicting Oswald of the murder of John F. Kennedy.\* Obviously, were it not for my participation in this docu-trial of Oswald, which *Time* magazine said was “as close to a real trial as the accused killer of John F. Kennedy will probably ever get,”<sup>36</sup> this book would never have been written.

Before I go on, I'd like to relate an incident I feel may strike home with many readers of this book. Back in early 1992, a few months after the strongly pro-conspiracy movie *JFK* came out, I was speaking to around six hundred lawyers at a trial lawyers' convention on the East Coast. My subject was “Tactics and Techniques in the Trial of a Criminal Case,” not the Kennedy assassination, but during the question-and-answer period that followed, the assassination came up, and I could tell from the rhetorical nature of the questions that the questioners believed there was a conspiracy in the assassination.

I asked for a show of hands as to how many did not accept the findings of the Warren Commission. A forest of hands went up, easily 85 to 90 percent of the audience. So I said to them, “What if I could prove to you in one minute or less that although you are all intelligent people you are not thinking intelligently about the Kennedy case?” I could sense an immediate stirring in the audience. My challenge sounded ridiculous. How could I *prove* in one minute or less that close to six hundred lawyers were not

\* A condensed version of the trial was shown in England and several major European countries as well as Australia, and also to a very large national audience on Showtime here in the states on November 21 and 22, 1986.

thinking intelligently? A voice from my right front shouted out, “We don’t think you can do it.” I responded, “Okay, start looking at your watches.” With the clock ticking, I asked for another show of hands as to those who had seen the recent movie *JFK* or at any time in the past had ever read any book or magazine article propounding the conspiracy theory or otherwise rejecting the findings of the Warren Commission. Again, a great number of hands went up—about the same, it seemed to me, as the previous hand count. I proceeded to tell the group that I didn’t need a show of hands for my next point. “I’m sure you will all agree,” I said, “that before you form an intelligent opinion on a matter in dispute you should hear both sides of the issue. As the old West Virginia mountaineer said, ‘No matter how thin I make my pancakes they always have two sides.’ With that in mind, how many of you have read the Warren Report?” It was embarrassing. Only a few people raised their hands. In less than a minute (one member of the audience later told me it was forty-seven seconds) I had proved my point. The overwhelming majority in the audience had formed an opinion rejecting the findings of the Warren Commission without bothering to read the Commission’s report. And mind you, I hadn’t even asked them how many had read the twenty-six volumes of the Warren Commission, just the single-volume Warren Report.

Well over a hundred million Americans reject the findings of the Warren Commission, whose report at least ninety-nine out of a hundred have never read.

If Oswald’s guilt as the lone assassin is as obvious as I suggest, why, one may logically ask, the need for this extraordinarily long book? Make no mistake about it. The Kennedy assassination, per se, is not a complicated case. I’ve personally prosecuted several murder cases where the evidence against the accused was far more circumstantial and less robust than the case against Oswald. Apart from the fact that there is no audio on the famous Zapruder film (the film of the assassination by amateur photographer Abraham Zapruder, which, if reference is made only to it, would prevent one from knowing, with certainty, the number, timing, and sequence of the shots fired), the case against Oswald himself is overwhelming and relatively routine.\* Earl Warren himself said, “As district attorney of a large metropolitan county [Oakland, California] for years . . . I have no hesitation in saying that had it not been for the prominence of the victim, the case against Oswald could have been tried in two or three days with little likelihood of any but one result.”<sup>37</sup>

The allegation of conspiracy introduces an element of complexity into the case

\*Throughout this book I will be referring to Oswald as Kennedy’s killer, and conspiracy theorists, as well as legal purists, have maintained for years that the only proper way to refer to Oswald is “alleged assassin,” on the rationale that under our system of justice in America, a suspect or defendant is presumed to be innocent until a jury finds him guilty in a court of law. But this invests a power and legitimacy to a verdict of guilty or not guilty that it does not have. A verdict of not guilty, for instance, cannot change the reality of whether or not the defendant committed the crime. That reality was established the moment of the crime, and nothing that happened thereafter can ever change it. If a courtroom verdict could, then if the defendant actually robbed a bank, but the three witnesses who saw him do it were unavailable to testify against him at the trial (e.g., the defendant’s associates had either killed them or threatened them into not testifying), his subsequent not-guilty verdict means he didn’t really rob the bank. In other words, the jury verdict succeeded in doing something that God can’t even do—change the past. Likewise, if someone did not rob a bank, but in a case of mistaken identity he was found guilty, the new reality is that he actually did rob the bank. To those who have challenged my calling Oswald guilty throughout the years by saying he was never found to be guilty in a court of law, I’ve responded that “under that theory, Adolf Hitler never committed any crimes, Jack the Ripper never committed any crimes, and the only crime Al Capone ever committed was income tax evasion.”

because it is inherently more difficult to prove a negative than a positive, and this complexity is compounded by the fact that Oswald was a deeply troubled person and a restless Marxist who traveled to Russia and Mexico. But the complexity is only superficial. As will be shown in this book, upon scrutiny the various conspiracy theories turn out to be weightless and embarrassingly devoid of substance. Again, then, if the case is not complex, why such a massive tome? The answer is that a tenacious, indefatigable, and, in many cases, fraudulent group of Warren Commission critics and conspiracy theorists have succeeded in transforming a case very simple and obvious at its core—Oswald killed Kennedy and acted alone—into its present form of the most complex murder case, *by far*, in world history.

Refusing to accept the plain truth, and dedicating their existence for over forty years to convincing the American public of the truth of their own charges, the critics have journeyed to the outer margins of their imaginations. Along the way, they have split hairs and then proceeded to split the split hairs, drawn far-fetched and wholly unreasonable inferences from known facts, and literally invented bogus facts from the grist of rumor and speculation. With over eighteen thousand pages of small print in the twenty-seven Warren Commission volumes alone, and many millions of pages of FBI and CIA documents, any researcher worth his salt can find a sentence here or there to support any ludicrous conspiracy theory he might have. And that, of course, is precisely what the conspiracy community has done. To give the critics their day in court (which they never give to the Warren Commission and the HSCA), and thus effectively rebut their allegations, does regrettably and unavoidably take a great many pages. For instance, it takes only one sentence to make the argument that organized crime had Kennedy killed to get his brother, Attorney General Robert Kennedy, off its back, but it takes a great many pages to demonstrate the invalidity of that charge.

There are several reasons, over and above Jack Ruby's supposedly "silencing" Oswald and a general distrust of government and governmental agencies, which was only intensified by the Vietnam War and the Watergate scandal, why the majority of Americans have embraced the conspiracy theory and rejected the findings of the Warren Commission. One is that people inevitably find conspiracies fascinating and intriguing, and hence subconsciously are more receptive to conspiratorial hypotheses. As author John Sparrow points out, "Those who attack the Warren Report enjoy an advantage over its defenders: they have a more exciting story to tell. The man in the street likes to hear that something sinister has been going on, particularly in high places."<sup>38</sup> And, of course, we know that humans, for whatever reason, love mysteries (which, to most, the JFK assassination has become), whether fictional or real, more than they do open-and-shut cases. For example, who killed JR? Who is Deep Throat? (Now answered.) Are there really UFOs? We all know about the considerable popularity of murder mysteries in novels and on the screen. Tom Stone, who teaches a course on the Kennedy assassination at Southern Methodist University, says that "by the late 90's I had come to believe that Oswald was probably the only shooter. But I found I was taking the fun out of the assassination for my students."<sup>39</sup> Stories of conspiracy, then, are simply more appealing to Americans than that of a gunman acting alone. And when one prefers an idea, one is obviously more apt to accept its legitimacy, even in the face of contrary evidence.

Secondly, a wide-ranging conspiracy, in a strange way, gives more meaning not only

to the president's death but to his life. That powerful national interests killed Kennedy because he was taking the nation in a direction they opposed emphasizes the importance of his life and death more than the belief that a lone nut killed him for no reason other than dementia. Abraham Lincoln scholar Reed Turner says, "Somehow it is more satisfying to believe that a president died as the victim of a cause than at the hands of a deranged gunman."<sup>40</sup> Even Jacqueline Kennedy was moved to say that her husband "didn't even have the satisfaction of being killed for civil rights. It had to be some silly little communist. It even robs his death of meaning."<sup>41</sup> In the unconscious desire of many to make a secular saint out of the fallen president, the notion of martyrdom was inevitable. But a martyr is not one who dies at the hands of a demented non-entity. Only powerful forces who viewed Kennedy's reign as antithetical to their goals would do.

And thirdly, in a related vein, there's the instinctive notion that a king cannot be struck down by a peasant. Many Americans found it hard to accept that President Kennedy, the most powerful man in the free world—someone they perceived to occupy a position akin to a king—could be eliminated in a matter of seconds by someone whom they considered a nobody. On a visceral level, they couldn't grasp the enormous incongruity of it all. To strike down a king, as it were, something more elaborate and powerful just had to be involved—"It's preposterous on the face of it to believe that a mousy little guy with a \$12.95 rifle could bring down the leader of the free world."<sup>42</sup> But of course this type of visceral reasoning has no foundation in logic. The lowliest human can pull a trigger just as effectively as someone of power and importance. And bullets are very democratic. They permit anyone to fire them through the barrel of a gun, and they injure or kill whomever they hit. There have been three assassinations of American presidents other than Kennedy (Lincoln, 1865; Garfield, 1881; McKinley, 1901) and six attempted assassinations (Jackson, 1835; FDR [president-elect], 1933; Truman, 1950; Ford, 1975 [twice]; and Reagan, 1981). With the exception of Lincoln's murder and the attempt on Truman's life (both of which, particularly in Truman's case, were very limited conspiracies in their scope), all were believed to be carried out by lone gunmen—demented assailants, acting alone.

But the above reasons are only ancillary to the principal reason why I believe the conspiracy theorists have been successful in persuading the American public that their charges are true. To paraphrase Joseph Goebbels, the propaganda minister of Hitler's Third Reich, if you push something at people long enough, eventually they're going to start buying it, particularly when they haven't been exposed to any contrary view. And for over forty years, almost all that the American people have heard has been the incessant and all-pervasive voice of the conspiracy theorists. (The evidence that supports this view of mine is the previously stated fact that when the Warren Commission first came out with its findings, the majority of Americans *did* accept its conclusion of Oswald's guilt and no conspiracy.) Oliver Stone's widely seen but factually impoverished movie in 1991, *JFK*, only augmented for millions of Americans all the misconceptions and myths about the case. Then, too, there's the reality that you only know if someone is lying to you if you know what the truth is. If you don't know, and you make the assumption that the author of a book, for instance, is honorable and has a duty to the reader and history to be truthful, you accept what he says as being factual, and hence are misled. It has nothing to do with intelligence. Einstein may have had an IQ in the stratosphere, but if he didn't know anything about chess and a purported expert on chess told him a lie about the game, Einstein would likely accept it. To know whether authors or film producers like Stone are telling the truth, you'd have to have

on hand the Warren Commission and HSCA volumes so you could check out the accuracy of everything they say. But the Warren Report and its supporting volumes, for instance, cost around a thousand dollars today (originally, around four dollars for the report and seventy-six dollars for the twenty-six volumes), and very few Americans have them. In fact, even most libraries don't. Only 2,500 sets of the volumes were printed by the Government Printing Office, 1,340 of which went to selected libraries.<sup>43</sup> And the HSCA volumes are almost impossible to find anywhere.

So those peddling misinformation about the Kennedy assassination have been able to get by with their blatant lies, omissions, distortions, and simply erroneous statements because their readers aren't in a position to dispute the veracity of their assertions. A few examples among countless others: When conspiracy theorists and critics of the Warren Commission allege, as we've all heard them do a hundred times, that no one, not even a professional shooter, has ever been able to duplicate what Oswald did on the day of the assassination,\* that is, get off three rounds at three separate distances with the accuracy the Warren Commission says Oswald had (two out of three hits) in the limited amount of time he had, how would any reader who didn't have volume 3 of the Warren Commission know that this is a false assertion? On page 446 of volume 3 we learn that way back in 1964, one "Specialist Miller" of the U.S. Army, using Oswald's own Mannlicher-Carcano rifle, not only duplicated what Oswald did, but improved on Oswald's time. In fact, many marksmen, including the firearms expert from Wisconsin whom I used at the London trial, have done better than Oswald did.

When Jim Garrison says in his book, *On the Trail of the Assassins*,<sup>44</sup> that Lee Harvey Oswald "was a notoriously poor shot" with "an abysmal marksmanship record in the Marines," unknowledgeable readers would probably accept this if they didn't have volume 11 of the Warren Commission. U.S. Marine Corps Major Eugene D. Anderson testified that Marine Corps records show that on December 21, 1956, Oswald fired a 212 on the range with his M-1 rifle, making him a sharpshooter.<sup>45†</sup>

When conspiracy theorist Walt Brown tells the readers of his book, *Treachery in Dallas*,<sup>46</sup> what most theorists say, that Oswald's Mannlicher-Carcano rifle was a "piece of junk" that "lacked accuracy," how would a reader know that although it wasn't the best of rifles, Ronald Simmons, the chief of the Infantry Weapons Evaluation Branch of the Department of the Army, said that after test-firing Oswald's rifle forty-seven times, he found it was "quite accurate"; indeed, he said, as accurate as "the M-14" rifle, the rifle used by the American military at the time?<sup>47</sup>

The conspiracy theorists are so outrageously brazen that they tell lies not just about verifiable, documentary evidence, but about clear, photographic evidence, knowing that only one out of a thousand of their readers, if that, is in possession of the subject photographs. Robert Groden (the leading photographic expert for the conspiracy proponents who was the photographic adviser for Oliver Stone's movie *JFK*) draws a diagram on

\*For example, prominent conspiracy theorist Anthony Summers says, "No professional marksman was able to achieve [what Oswald did] in subsequent tests" (Summers and Summers, "Ghosts of November," p.98); see also Henry Hurt's book, *Reasonable Doubt*, page 8: "The United States government . . . has never conducted a test in which Oswald's shooting ability has been matched. The country's top experts can work the ancient Mannlicher-Carcano rifle bolt with sufficient speed. Those experts can hit a similarly moving target. But no official expert has ever been able to do both at the same time. That feat belongs to Oswald alone—a man of questionable shooting skills."

†Even on May 6, 1959, when Oswald was about to leave the Marine Corps, and hence, wouldn't have had any incentive to fire well, he fired a 191, qualifying him as a "marksman" with the M-1 rifle.

page 24 of his book *High Treason* of Governor Connally seated *directly in front* of President Kennedy in the presidential limousine and postulates the “remarkable path” a bullet coming from behind Kennedy, and traveling from right to left, would have to take to hit Connally—after passing straight through Kennedy’s body, making a right turn and then a left one in midair, which, the buffs chortle, bullets “don’t even do in cartoons.” What average reader would be in a position to dispute this seemingly common-sense, geometric assault on the Warren Commission’s single-bullet theory? (The theory is a *sine qua non* to the Commission’s conclusion that there was only one gunman, and the same bullet that hit Connally had previously hit Kennedy.) But, of course, if you start out with an erroneous premise, whatever flows from it makes a lot of sense. The only problem is that it’s wrong. The indisputable fact here—which all people who have studied the assassination know—is that Connally was *not* seated directly in front of Kennedy, but to his left front. Though President Kennedy was seated on the extreme right in the backseat of the limousine, Connally was in a jump seat situated a half foot from the right door.<sup>48</sup> Moreover, at the time Connally was hit, the Zapruder film, unlike Groden’s diagram, shows he was turned to his right.<sup>49</sup> Additionally, the jump seat was three inches lower than the backseat.<sup>50</sup> Therefore, because of the alignment of Connally’s body vis-à-vis Kennedy’s, it was virtually inevitable that a bullet traveling on a downward trajectory and passing on a straight line through soft tissue in Kennedy’s body (as both the Warren Commission and HSCA concluded) would go on to strike Connally where it did.<sup>51</sup> But again, how would average lay readers know that Groden had deliberately altered reality to mislead them? (Groden declined a request by the defense to testify at the trial in London and thus avoided being cross-examined.)

I am unaware of any other major event in world history which has been shrouded in so much intentional misinformation as has the assassination of JFK. Nor am I aware of any event that has given rise to such an extraordinarily large number of far-fetched and conflicting theories. For starters, if organized crime was behind the assassination, as many believe, wouldn’t that necessarily mean that all the many books claiming the CIA (or Castro or the KGB, and so on) was responsible were wrong? And vice versa? Unless one wants to believe, as Hollywood producer Oliver Stone apparently does, that they were *all* involved. I mean, were we to believe Mr. Stone, even bitter enemies like the KGB and the CIA got together on this one. Indeed, at one time or another in Mr. Stone’s cinematic reverie, he had the following groups and individuals acting suspiciously and/or conspiratorially: the Dallas Police Department, FBI, Secret Service, Vice President Lyndon B. Johnson, CIA, KGB, Fidel Castro, anti-Castro Cuban exiles, organized crime, and the military-industrial complex. Apparently nobody wanted President Kennedy alive. But where did all these people meet to hatch this conspiracy? Madison Square Garden?

The Warren Commission has been attacked for decades by the critics for conducting a highly biased investigation of the assassination. Yes, the Commission was biased against Oswald, but only *after* it became obvious to any sensible, reasonable person that he had murdered Kennedy. Actually, that fact was clearly evident within hours of the assassination. Among other things, law enforcement learned that the apparent murder weapon, a 6.5-millimeter Mannlicher-Carcano rifle found on the sixth floor of the Book Depository Building—later confirmed to be the murder weapon by firearm tests—had been traced back to Oswald; that forty-five minutes after the assassination Oswald murdered Dallas police officer J. D. Tippit, and shortly thereafter tried to shoot his arresting officer; and that during his interrogation he told one provable lie after another—such as

claiming he never owned a rifle—showing an unmistakable consciousness of guilt. With evidence like this *already* in existence against Oswald on the very first day that the Warren Commission started its work on the case, how could the Commission possibly not start out with at least the working hypothesis of Oswald's guilt? And of course, all of the evidence that the Commission gathered thereafter only served to confirm this original hypothesis.

One of the most common arguments made by critics of the Warren Commission—even by those few who do not impute dishonorable motives to the Commission members—is that it was acting under intense political and societal pressure to reach a conclusion in the case and that it was very rushed in its investigation. This is one reason why, they say, the Commission reached an erroneous conclusion. But this is invalid criticism. The Commission had nine months, far more than enough time to reach a conclusion that was obvious to nearly everyone involved in the investigation within days—that a nut had killed Kennedy, and he had himself been killed by another nut, with the possibility of a conspiracy being highly implausible. If the president weren't the victim, a normal investigation of a murder with the same set of facts and circumstances as this one could be wrapped up by any competent major city police department in a few weeks, with the prosecution being a rather short one. The Warren Commission, in addition to having one hundred times the investigative manpower and resources of a local police department, took, as indicated, nine months. As Warren Commission member John McCloy said, "The conclusions [we reached] weren't rushed at all . . . [They were] arrived at in our own good time."<sup>52</sup>

It should be noted that the completely natural and almost humanly unavoidable bias of the Warren Commission against Oswald, as one piece of evidence after another kept pointing ineluctably to his guilt, did not prevent it from conducting an extremely thorough, almost microscopic investigation of the assassination.\* Nor did it militate against its being willing to examine, even seek out, any evidence that would controvert this bias. As David Belin, assistant counsel for the Warren Commission, said about himself and his colleague Joseph Ball (the two Warren Commission lawyers whose job was to answer the sole question of who killed President Kennedy, not other, related areas of inquiry), "Ball and I were always looking for something that might shed new light on the assassination. Could it be that Oswald was not the assassin? Could it be that if Oswald was the assassin, one or more people were involved? Could it be that Oswald merely aided the assassin, or that he unwittingly aided someone else?"<sup>53</sup>

Though the Warren Commission perhaps should have considered the possibility of a conspiracy more than it did, contrary to popular belief it did conduct a fairly extensive probe into the issue of whether or not any person or group was behind Oswald's act. Apart from a great number of references to the possibility of a conspiracy in the multiple volumes of the Commission, and many sections in the Warren Report itself that, by defini-

\*However, once evidence made the hypothesis of guilt unavoidable, just as unavoidable was the unconscious partiality toward any piece of evidence, or interpretation of evidence, that supported the hypothesis. This was the one weakness of the Warren Commission, but short of a surgical operation on human nature, I know of no way to avoid such a problem. Fortunately, because the evidence of Oswald's guilt was so complete and overwhelming, and there simply was no evidence that he acted in concert with others, this weakness of the Warren Commission, which is inherent in any and all investigative bodies, had no negative impact on the Commission's findings. Only if there were substantive evidence of Oswald's innocence or substantive evidence of his complicity with others in the assassination, one or both of which the Commission ignored or did not examine objectively, would there be cause to question seriously the validity of the Commission's conclusions.

tion, inferentially dealt with the issue (e.g., discussion about grassy knoll witnesses), the report contains a 131-page chapter (by far the longest chapter in the report) dealing exclusively with the issue of conspiracy. The Commission asserted that it “has investigated each rumor and allegation linking Oswald to a conspiracy which has come to its attention, regardless of source.”<sup>54</sup> Indeed, one very long June 1964 document, titled “Oswald’s Foreign Activities: Summary of Evidence Which Might Be Said to Show That There Was Foreign Involvement in the Assassination of President Kennedy,” wasn’t even included in the Warren Commission volumes. The authors of the document (a memorandum from Assistant Counsels W. David Slawson and William Coleman to the Warren Commission) noted that “*one of the basic purposes* of the [Warren] Commission’s investigation of the assassination of President Kennedy is to determine whether it was due in whole or in part to a foreign conspiracy,” and concluded that “there was no foreign involvement” in Kennedy’s murder.<sup>55</sup>

One of the key pieces of documentary evidence that conspiracy theorists cite as proof that the Warren Commission *only* had an interest in presenting a case against Oswald, and had no interest in ascertaining whether there was a conspiracy, is a January 11, 1964, “Memorandum for Members of the Commission” from Commission chairman Earl Warren in which he sets forth a “tentative outline” that was prepared, he said, by Warren Commission general counsel J. Lee Rankin to aid in “organizing the evaluation of the investigative materials received by the Commission.” Since by January 11, a month and a half after the assassination, it was very obvious that Oswald had killed Kennedy, subdivision II of the memorandum was titled “Lee Harvey Oswald as the Assassin of President Kennedy.” Under this subdivision were subheadings like “Brief Identification of Oswald [Dallas resident, employee of Texas School Book Depository, etc.]”; “Movements [of Oswald] on November 22, 1963, Prior to Assassination”; “Entry into Depository”; “Movements after Assassination until Murder of Tippit”; and so on. I respectfully ask, what other way was there for “organizing the evaluation of the investigative materials” when the investigative materials (i.e., evidence) all dealt, of necessity (since the evidence that had already been gathered all pointed to Oswald as the killer of Kennedy), with Oswald? To give Oswald an alias? Or mention some third party who was *not* identified in the investigative materials as the chief suspect? Moreover, the Warren Commission critics don’t mention that Warren, to allow for the fact that the investigation might take the Commission in different directions, wrote, “As the staff reviews the [investigative] materials, the outline will certainly undergo substantial revision.” Perhaps most importantly, what the critics usually fail to mention is that subdivision II H reads, “Evidence Implicating Others in Assassination or Suggesting Accomplices.”

Even if the evidence up to January 11, 1964, the date of the subject memorandum, had not pointed only to Oswald, and even if there was no reference to a possible conspiracy in the tentative outline, the best way to judge the work of the Warren Commission on this point is not by what the Commission wrote or said, but by what it did. (One of my favorite sayings is “Your conduct speaks so loudly I can’t hear a word you are saying.”) And we will see that the Commission’s conduct throughout the investigation clearly shows that its members only had *one* objective, to discover the truth of what happened.

In addition to the aforementioned long chapter on conspiracy, many sections of the Warren Report deal with the conspiracy issue. For instance, in the thirty-one-page appendix XII to the report, the Commission responds to 126 speculations and rumors, some dealing expressly with the allegation of conspiracy, most dealing in one way or the

other with the allegation. Appendix XIV deals with Oswald's finances in great detail, showing he was not in possession of money from an unknown source. And certainly the long biography of Jack Ruby and an analysis of the polygraph test he took,<sup>56</sup> in many places expressly, and in virtually all places at least implicitly, address themselves to the conspiracy issue.

It has to be noted that after the FBI became the chief investigative agency of the Warren Commission, no fair and sensible person could ever accuse the bureau of conducting a superficial investigation. It was exceedingly thorough. As Tom Bethell, who was in charge of the research for New Orleans district attorney Jim Garrison's investigation and prosecution of Clay Shaw for the assassination of President Kennedy, has written, "Garrison's investigators were quietly impressed by the speed and thoroughness of the FBI's inquiry . . . It turned out that the FBI, far from having done a poor job, had very thoroughly interviewed anyone and everyone with the most tangential relationship to the assassination."<sup>57</sup>

Just two examples, among so many, of the FBI investigating the issue of conspiracy, examples that no book pushing the conspiracy theory would ever dream of mentioning. The enigmatic fellow with a checkered history who sat next to Oswald on the bus that transported Oswald to Mexico in September 1963, an extremely peripheral figure, was the subject of an investigation into his identity and background that remarkably generated ninety-nine pages in an FBI report.<sup>58</sup> Also, the FBI obtained not only all records of toll calls made by Jack Ruby, but also those of his three brothers and four sisters, and twelve other persons known to have been in close contact with Ruby between September 26 (when it was reported in the newspapers for the first time that Kennedy would be in Dallas on November 22) and November 22, 1963.<sup>59</sup> This had nothing directly to do with Oswald killing Kennedy, and everything to do with a possible conspiracy.

The Warren Commission critics who do not believe that the Commission covered up the assassination allege instead that the Commission conducted a very superficial, incompetent investigation of the assassination. But in my opinion, the Warren Commission's investigation has to be considered the most comprehensive investigation of a crime in history. Even leading Warren Commission critic Harold Weisberg acknowledges that the Commission "checked into almost every breath [Oswald] drew."<sup>60</sup> Very few people are more critical than I. And I expect incompetence wherever I turn, always pleasantly surprised to find its absence. Competence, of course, is all relative, and I find the Warren Commission operated at an appreciably higher level of competence than any investigative body I know of. It is my firm belief that anyone who feels the Warren Commission did not do a good job investigating the murder of Kennedy has never been a part of a murder investigation.

Of one thing I am certain. The Commission's conclusions have held up remarkably well against all assaults on their validity. This is true not only of its basic conclusions, but also of its finer points. For example, with all the technological advances in photographic enhancement to which the Zapruder film of the assassination has been exposed, the very latest interpretation by most of the experts on precisely when the first of two shots hit the president (the only one in controversy, the second shot being the visible head shot)—somewhere between frames 210 and 225—just happens to coincide with what the Warren Commission concluded<sup>61</sup> way back in 1964.

With respect to the depth of the Warren Commission inquiry, there are hundreds of

thousands of pages of investigative reports and documents on its investigation that are *in addition* to the twenty-seven published volumes of the Commission. These volumes consist of the 888-page, single-volume Warren Report; 8,082 pages of testimony in small print in volumes 1 through 15; and 9,833 pages of documents and exhibits in volumes 16 through 26. They all add up to 18,803 pages and close to 10.4 million words, almost all of which consist of substance, not fluff, as Warren Commission critics would want the public to believe.\* The commission or its staff took direct testimony, affidavits, or statements from 552 witnesses,<sup>†</sup> more than ten times, for instance, the number of witnesses called before the Joint Congressional Committee that investigated, in 1945–1946, the attack on Pearl Harbor. The FBI alone (there were also companion investigations of the assassination by other agencies) conducted an unprecedented 25,000 interviews as the investigative arm of the Warren Commission, and submitted 2,300 separate reports. Eighty additional FBI agents were ordered into the Dallas area alone, and a great many more agents around the country worked on various parts of the case. A total of 3,154 items of evidence were introduced before the Commission in its investigation of the assassination.

As author Relman Morin observed, “Never in history was a crime probed as intensely, and never in history was the inquiry itself subjected to such intense scrutiny.”<sup>62</sup> Speaking later, as the district attorney of Philadelphia, former Warren Commission assistant counsel Arlen Specter said that “I have never seen the resources devoted to the determination of the truth as were the resources of the United States of America devoted in this case . . . There has been no equal of this kind of inquiry, anywhere.”<sup>63</sup> A “monumental work” and “an outstanding achievement,” Lord Devlin, former justice of England’s High Court, Kings Bench Division, averred.<sup>64</sup> As *Newsweek’s* White House correspondent Charles Roberts put it back in 1967, the Warren Commission “interrogated strip-teasers and senators, street urchins and psychiatrists . . . It explored more theories, tracked down more leads, and listened to more rambling witnesses, expert and illiterate, than any body of its kind in history.”<sup>65</sup> Paul L. Freese, in the *New York University Law Review*, wrote, “The Commission is without

\*Whenever I hear someone say the Warren Commission investigation was superficial, I immediately know that the person has never read or worked with the twenty-seven volumes of the Commission, and is just parrotting hearsay from some other person who also hasn’t read or worked with them.

One of the deficiencies of the Warren Report and its supporting volumes is that although there are two separate name indexes, there is no subject index. In 1966, Sylvia Meagher eliminated that problem with her *Subject Index to the Warren Report and Hearings and Exhibits*, an absolutely invaluable reference work for anyone studying the assassination. In 1980, in collaboration with Gary Owens, she published her *Master Index to the J.F.K. Assassination Investigations*, which is a name and subject index to the Warren Report and volumes as well as the HSCA Report and volumes.

<sup>†</sup>Ninety-four witnesses gave testimony before members of the Warren Commission. An additional 395 were questioned under oath by members of the Commission’s legal staff, 61 gave affidavits, and 2 gave statements. (WR, p.xiii) As *Time* magazine said, “That is surely not a record of investigators refusing to listen to witnesses who might disturb their eventual conclusion” (“Who Killed J.F.K.? Just One Assassin,” p.32). Nearly all of the ninety-four witnesses gave their testimony at the closely guarded headquarters of the Commission in Washington’s Veterans of Foreign Wars Building. Some of the additional 395 were also flown in to give their depositions before Warren Commission assistant counsels, although most depositions of witnesses were taken outside Washington, D.C. (See Warren Commission volumes 1–15; Telephone interview of Richard Mosk by the author on September 8, 2005; closely guarded: “Warren Commission Report,” *Time*, p.48)

<sup>‡</sup>And the case will continue to be investigated and examined and analyzed for years and years to come. Indeed, in testimony before the Warren Commission, Richard Helms, the CIA’s head of covert operations, said, “I assume the case will never be closed” (5 H 124). And FBI Director J. Edgar Hoover told the Commission, “So far as the FBI is concerned, the case will be continued in an open classification for all time” (5 H 100).

rival in its display of investigative energy. It gathered a prodigious amount of evidence.”<sup>66</sup> And yet, as conspiracy author Walt Brown accurately points out, “The Warren Commission . . . became the most vilified fact-finding body ever assembled in the United States of America.”<sup>67</sup>

But very little of the vilification is warranted. Although the Warren Commission appears to have fudged on some small points here and there—unfortunately, not uncommon for law enforcement—overall it did a very thorough and exemplary investigative job. Apart from the commissioners’ natural inclination to conduct themselves honorably, one reason why the Warren Commission (as opposed to the individual authors, investigators, and conspiracy theorists who followed) was fair and objective is that it was essentially forced to be so. The Commission and its lawyers and investigators consisted of a considerable number of people, many of whom were very familiar with the case, and hence, even if a member of this group was duplicitous and dishonorable enough to want to deceive the American public, he would have known he simply couldn’t do this because his colleagues would be in a position to question immediately the fabrication or distortion he wrote, or the important fact he curiously omitted.

What follows is a typical example of what I’m referring to, a September 14, 1964 (ten days before the Warren Report was published), memorandum from Warren Commission assistant counsel Wesley Liebeler to fellow assistant counsel Howard Willens regarding, Liebeler writes, the galley proofs of “that portion of chapter VI [of the prospective Warren Report] dealing with conspiracy beginning with ‘Investigation of Other Activities.’” These are but a few excerpts from many more points in the memorandum: “We have not conducted sufficient investigation to state that there is no evidence that FPCC [Fair Play for Cuba Committee] and ACLU [American Civil Liberties Union] were aware that they were authorized to receive mail at P. O. Box 6225, or that mail was ever addressed to them there.” “We cannot say that all of Oswald’s transactions in connection with firearms were undertaken under an assumed name, only his known transactions.” “The last sentence in that paragraph [first full paragraph on page 259] is not supported by the TV films we got from CBS. It should be deleted.” “Whitworth and Hunter do not now say Oswald drove down the street, and only Mrs. Whitworth said so before.” “I know of no evidence that Ryder and Greener talked on the 24th.” “The paragraph about the psychiatrist is quite unfair. It states that Odio ‘came forward’ with her story, whereas she did not come forward at all and was quite reluctant to get involved at all.” “Why do we fail to mention the Cuban or Mexican that one of the Western Union employees said was with the man Hambian thought was Oswald?”<sup>68</sup> And so on. Liebeler wrote a similar memorandum on September 6, 1964, with respect to perceived inaccuracies and overstatements in chapter IV (“The Assassin”) of the pending report.<sup>69</sup> Such was the methodology used by the members of the Warren Commission and its staff in their effort to arrive at the truth in the assassination of John F. Kennedy. Yes, as in virtually all involved criminal cases (and here there were three separate and distinct murders to deal with—the murders of JFK, Officer J. D. Tippit, and Lee Harvey Oswald), there were unresolved questions and areas of speculation, but as Liebeler testified before the HSCA on November 8, 1977,

As to the *basic facts* of the assassination relating to questions of the President’s wounds, source of the shots and identity of the assassin, the physical evidence alone shows without doubt that Oswald was the assassin and that he fired from the sixth

floor of the school book depository. The Commission pursued to the extent that it could all plausible leads suggesting the involvement of persons other than Oswald and it could not establish any facts that would seriously suggest the existence of a conspiracy to assassinate the President.

The staff was highly motivated and competent with no inclination or motive not to pursue the issues to the truth. The work of the staff of the Commission was not perfect. [But] when compared to the criticisms that have been made of our work or compared to the product of other human institutions, and not to some ideal of perfection, we might ask ourselves, or you might ask yourselves whether you would have been likely to have done better at the time, and when thought of in that way and when compared to those standards I think the Commission's work will pass muster very well.

As I have said, I have never doubted the nature of the conclusions of the report and I do not doubt them now. In spite of what has happened since the publication of the report I think that eventually it will stand the test of time.<sup>70</sup>

It is quite interesting to note that if, as the conspiracy theorists maintain, the Warren Commission only presented evidence in its volumes that supported its conclusions, and deliberately suppressed information that did not, why is it that *the source* the conspiracy theorists cite for upwards of 95 percent of their arguments is some document, affidavit, or testimony contained—for all the world to see—*within* the Warren Commission volumes? Some suppression. One example among a great many others. The Warren Commission critics and conspiracy theorists allege, of course, that the fatal shots came from the grassy knoll, not the Book Depository Building where Oswald was, and they claim further that the Warren Commission knows this but suppressed evidence pointing to this fact. Yet the Commission called and took testimony from many witnesses who said it was their belief (proved to be incorrect by the weight of all the other evidence) that the shots came from the grassy knoll. Again, some suppression. Warren Commission critic David Lifton, a committed grassy-knoll-theory devotee, speaks enthusiastically in his book, *Best Evidence*, of reading an article in the March 1965 issue of *Minority of One* in which the testimony of many of these witnesses is set forth. He refers to the article—which he says supported his position that the shots came from the knoll, not the Book Depository Building as the Warren Commission claimed—as being “something of a classic.” He then adds, perhaps unaware of the irony, that the article was “based *entirely* on information from the twenty-six volumes” of the Warren Commission.<sup>71</sup> Conspiracy author Michael E. Eddowes writes, “When the Warren Report and its 26 supporting volumes of testimony and exhibits became available, my several assistants and I began to study them . . . The basis of my study has always been the contents of the volumes of testimony and exhibits, from which my assistants and I were able finally to assemble evidence disclosing the truth.”<sup>72</sup> The critics of the Warren Commission should ask themselves whether publishing evidence damaging to one's own position is the mark of an honest and honorable person or group, or the opposite.

“It is the very thoroughness of the Warren Commission that has caused its problems,” the late Pierre Salinger noted. “It listened patiently to everyone, no matter how credible or incredible the testimony. It then appended all this testimony to its report, providing an opportunity to anyone with a typewriter and a lot of time on his hands to write a book on the subject.”<sup>73</sup>

A tactic used by authors of virtually every single book I've ever read that propounds a conspiracy theory is to attack an agency as being part of a conspiracy in the Kennedy assassination, but when this same agency comes up with something favorable to the author's position, the author will cite that same agency as credible support for his argument. This tactic is neither subtle nor logical, yet that is precisely what almost *all* the conspiracy theorists do, seeking to pick and choose and have it both ways. Just one example among hundreds: Referring to a threatening note that Oswald delivered to the FBI office in Dallas less than two weeks before the assassination, which was subsequently destroyed, Mark Lane, the granddaddy of all conspiracy theorists, writes in the introduction to his book *Rush to Judgment*, "An obvious and reasonable explanation as to why [the note] was destroyed is that it contained material prejudicial to the FBI . . . [It] was but one of the illegal police actions to silence [Oswald]. The ultimate action was to murder him."<sup>74</sup>

Pretty serious allegations against the FBI, right? But then Lane, without even blushing, turns to the FBI for support whenever an FBI finding is helpful to his position. In other words, the FBI, though per Lane apparently complicit in the assassination as well as the murder of Oswald, is suddenly imbued with honor and integrity and is out there working diligently to discover the truth in the assassination. He writes later in his book, "If it is accurate, the December 9 FBI report provides proof that the [Warren] Commission explanation of the throat wound is inaccurate . . . Hoover would not presume to summarize the 'medical examination of the President's body' . . . unless the autopsy report had been studied carefully." And later, to support his position that Oswald was not Kennedy's assassin, he writes, "After the FBI had examined the rifle, a letter from Hoover reported: 'It is noted that at the time of firing these tests, the telescopic sight [on Oswald's rifle] could not be properly aligned with the target since the sight reached the limit of its adjustment before reaching accurate alignment.'"<sup>75</sup>

Finally, there is another need for this book. Amid the blizzard of defective and misleading anti-Warren Commission and pro-conspiracy books, there have only been two books of prominence on the other side in the last twenty years: first, *Conspiracy of One* by Jim Moore in 1991, and the much more well-known *Case Closed* by Gerald Posner in 1993. Both books (particularly *Case Closed*, which was well received by the mainstream press) have been valuable contributions to JFK assassination literature, and I agree with their two principal conclusions, namely, that Oswald killed Kennedy and acted alone. (I disagree 100 percent with Posner's conclusion that organized crime may have intended to kill Kennedy, but Oswald "beat the Mafia to it.") But what a disappointment it was to me when, after years and years of pro-conspiracy books, these two books finally came out on the other side and I saw the authors engaging in many of the same unfortunate tactics as the Warren Commission critics.

Just a very few examples among many to illustrate the often misleading writing of Moore and Posner. Earlene Roberts was the manager of the rooming house Oswald lived in at the time of the assassination. In his book, Moore refers to her testimony that Oswald arrived back at the rooming house shortly after the assassination, was in a big hurry, and left minutes thereafter. But Moore, who reasons well in his book, completely ignores the most potentially important part of her testimony, that she heard the honk of a car, glanced out the window, and saw, she claims, a Dallas police car in front of the rooming house just before Oswald left—information which, if true, clearly goes in the direction of a con-

spiracy. If you're being fair and objective, and the issue is whether Oswald was involved with anyone in the assassination, how is it possible to omit information like this? Let's take Sylvia Odio. Odio is the seemingly credible witness who testified before the Warren Commission that one evening in late September 1963 (less than two months before the assassination), Lee Harvey Oswald, in the company of two anti-Castro Cuban men, appeared at her door in Dallas seeking funds for the anti-Castro cause. The next day, one of the three called her and told her that Oswald said Kennedy should have been assassinated after the Bay of Pigs, and that killing Kennedy would be "easy to do." Anti-conspiracy theorists, of course, don't want there to be any evidence that Oswald was seen in the company of unknown men before the assassination, particularly with men who may have had a motive to kill Kennedy (such as anti-Castro Cubans angry at JFK over his lack of support at the Bay of Pigs), and Moore, remarkably, writes off Odio, a very important witness, with just one sentence.<sup>76</sup>

Posner is even worse, writing what can only be characterized as a distortion and misrepresentation of Odio's testimony. In his book he dismisses the accuracy of her identification of Oswald as being the man at her door by quoting highly selective testimony of Odio's, including this testimony of Odio's when shown a photo of Oswald by Warren Commission counsel: "I think this man was the one in my apartment. I am not too sure of that picture. *He didn't look like this.*"<sup>77</sup> Sounds like the man at the door might not have been Oswald, right? That's because Posner omits what Odio said immediately thereafter (on the same line of the transcript) to explain why Oswald did not look like he did in the photo: "He was smiling that day. He was more smiling than in this picture." But much more importantly by far, Posner doesn't tell his readers about other photos (even television footage) of Oswald that Odio was shown where she positively identified him as the man at the door. Although Posner expressly tells his readers that "Odio could not positively identify [Oswald] when shown photos during her Warren Commission testimony," this is simply and categorically not true. When Odio was asked whether one photograph of Oswald depicted "the man who was in your apartment," she jocularly stated, "If it is not, it is his twin." When asked, "When did you first become aware of the fact that this man who had been at your apartment was the man who had been arrested in connection with the assassination?" she replied, "It was immediately."

Question: "As soon as you saw his picture?"

"Immediately, I was so sure."

Summing up her testimony after Warren Commission counsel asked her, "Do you have any doubts in your mind after looking at these pictures that the man who was in your apartment was Lee Harvey Oswald?" she replied, "I don't have any doubts."<sup>78</sup> Because this testimony of Odio's goes in the direction of contradicting Posner's position that the visitor at the door "was not Oswald" and his larger position of no conspiracy, none of it can be found in *Case Closed*, and hence, the unsuspecting reader can merrily proceed to the next page, not troubled at all by a very, very troubling witness (Odio).

One of the favorites of the conspiracy theorists is Rose Cherami. In fact, Oliver Stone started his movie *JFK* with her story. Cherami (true name, Melba Christine Marcades) was a prostitute and heroin addict who was found lying on the road near Eunice, Louisiana, on the evening of November 20, 1963, two days before the assassination. She said she had been pushed out of a moving car. Bruised and disoriented, she was taken to the nearby Louisiana State Hospital in Jackson, Louisiana, where she reportedly told the attending physician that President Kennedy was going to be killed

during his forthcoming trip to Dallas. Now let's go to Posner. Dismissing Cherami, he writes, "Doctor Victor Weiss, a treating physician, told investigators that he did not hear her say anything about the assassination *until* November 25th [three days after the assassination]." Posner is clearly implying here that Weiss was in Cherami's presence *before* the assassination and she never said a word about the president going to be killed. It was only *after* the assassination that she said anything to him. In fact, Posner later says that Cherami "made up her story" not just after the assassination, but "*after* Ruby had shot Oswald."<sup>79</sup> But when we look at Posner's own citation for this (HSCA volume 10, page 200), we find something quite different: "Doctor Victor Weiss verified that he was employed as a resident physician at the hospital in 1963. He recalled that on Monday, November 25, 1963, he was asked by another physician, Dr. Bowers, to see a patient who had been committed November 20 or 21. Dr. Bowers allegedly told Weiss that the patient, Rose Cherami, had stated *before* the assassination that President Kennedy was going to be killed." So, directly contrary to what Posner suggested to his readers, not only hadn't Weiss seen Cherami before the assassination, but at least reportedly, Cherami had indeed said before the assassination that Kennedy was going to be killed. Cherami can be responsibly dealt with, but certainly not in the way it is done in *Case Closed*.

If these examples were isolated, they perhaps would not be worth mentioning, although each one clearly reflects the state of mind and proclivity of the author. But Posner does this type of thing too much to be ignored. The problem with the writings of Posner and the conspiracy theorists is that, as I indicated earlier, unless the reader has all the volumes of the Warren Commission and those of the HSCA to refer to, which perhaps only one out of ten thousand readers would have, how can one possibly know whether what they are reading is true, half-true, or false? In former *Wall Street Journal* reporter Jonathan Kwitny's long review of Posner's book, *Case Closed*, for the *Los Angeles Times* on November 7, 1993, he writes that Posner "does not sink as low as his slimiest predecessors on the case (Jim Garrison, Oliver Stone and Mark Lane); he doesn't knowingly present concoctions as fact. But he does lie down with such predecessor assassination-book writers as Anthony Summers, Jim Marrs and Edward J. Epstein, in that he presents only the evidence that supports the case he's trying to build, framing this evidence in a way that misleads readers who aren't aware that there's more to the story."<sup>\*</sup> Kwitny's review would have been more accurate if he had said that Posner "frequently" presents only the evidence that . . . But it's a shame that Posner, in his book (which was written in only two years, a remarkably short period for such an immense undertaking), engaged too often in the tactics of the conspiracy theorists, because despite his omissions and distortions he managed to write an impressive work. If his book had been more comprehensive, particularly in the vast area of conspiracy, and, more importantly, had more credibility, the enormous conspiracy community would not have had the ammunition that they have used against him.

I can assure the conspiracy theorists who have very effectively savaged Posner in their books that they're going to have a much, much more difficult time with me. As a trial lawyer in front of a jury and an author of true-crime books, credibility has always meant

<sup>\*</sup>Obviously, it is those most familiar with the facts of the case who have the most problems with Posner's scholarship. G. Robert Blakey, the chief counsel for the HSCA, wrote, "Like [Mark] Lane, Posner often distorts the evidence by selective citation and by striking omissions. Although Posner is not as disdainful of the truth as Lane, his book is a mirror image of Lane's 'Rush to Judgment'" (*Washington Post*, National Weekly Edition, November 15–21, 1993, p.23).

everything to me. My only master and my only mistress are the facts and objectivity. I have no others. The theorists may not agree with my conclusions, but in this work on the assassination I intend to set forth all of their main arguments, and the way they, not I, want them to be set forth, before I seek to demonstrate their invalidity. I will not *knowingly* omit or distort anything. However, with literally millions of pages of documents on this case, there are undoubtedly references in some of them that conspiracy theorists feel are supportive of a particular point of theirs, but that I simply never came across.

Some may say it is petty, perhaps even improper, to criticize others in writing a book about the case. I don't agree. The Kennedy assassination is a historical event. And when anyone purporting to write the history of the event fabricates, distorts, or misleads about the facts of the case, it is not only advisable but incumbent upon those who subsequently write about the event to point out these lies and distortions. If they do not, the lies themselves will harden in the future into "facts" and millions will be misled. This is precisely what has already happened in this case. After all, if future writers don't correct the errors and distortions of their predecessors, then who will? If they don't have the responsibility to do this, then who does? Therefore, if those who follow me find that in writing this book I myself have taken liberties with the truth, I would expect them to bring this to the attention of their readers.

Another defect I shall studiously avoid in this book—one that characterizes so many authors of books on the assassination—is to falsely suggest to the reader that what he or she is reading is new information that the author has mined from his research. For instance, the reader of *Case Closed* can only come, *from the context*, to one conclusion about the section on Failure Analysis Associates' computer reconstruction of the shooting in Dealey Plaza, and the section debunking all the supposedly mysterious deaths of people associated with the assassination: that the author, Posner, worked with Failure Analysis on its reconstruction and/or commissioned Failure Analysis's work, and that the author, in his research, had discovered that there were no mysterious deaths associated with the assassination. But Failure Analysis, a leading engineering and scientific consulting firm with offices worldwide, was commissioned to do its work not by Posner, but by the American Bar Association for a mock trial on the assassination the association conducted in San Francisco at its annual convention in 1992.\* Roger McCarthy, president and CEO of Failure Analysis Associates who testified as an expert witness at the trial in San Francisco, told me that Posner "didn't have anything to do" with their project, and they weren't even aware he was in the process of writing a book at the time. What particularly troubled McCarthy was that "Posner only presented in his book the prosecution side of our presentation in San Francisco, completely omitting what we presented for the defense, which was important enough to help bring about a hung jury."<sup>80</sup>

\*I was asked by Chicago lawyer Michael Stiegel, representing the litigation section of the American Bar Association (ABA), to prosecute the case, but declined, because unlike the docu-trial in London, none of the actual Warren Commission witnesses testified. The witnesses were actors and employees of Failure Analysis. Further, the length of the trial was only five hours, not nearly enough time to get into the case. Prominent American trial lawyers represented each side of the case, including John W. Kecker for the prosecution and David Boies for the defense. The August 10, 1992, ABA trial resulted in a hung jury, seven for conviction, five for acquittal. The only other serious mock (an oxymoron?) trial of Oswald I know of in addition to the London and ABA trials was on April 1, 1967, at Yale Law School. The six-hour trial used Yale law students as lawyers and witnesses, though medical testimony was given by some doctors. The jury of educators, theologians, executives, and housewives couldn't reach a verdict, and deadlocked at six for conviction, six for acquittal. (*New York Times*, April 2, 1967, pp.1, 37)

Similarly, way back in 1977, sixteen years before the publication of *Case Closed*, the HSCA thoroughly investigated the entire “mysterious deaths” allegation and wrote of its extensive research and findings discrediting the allegation in volume 4, pages 454–467, of the HSCA’s report to Congress. Yet Posner does not tell his readers this in his book. Show me one reader out of a hundred who read *Case Closed* who didn’t think that the author was sowing new ground in his section on mysterious deaths.<sup>81</sup> These tactics of authors of books on the assassination remind one of Oscar Levant’s observation about Leonard Bernstein: “Leonard Bernstein has been disclosing musical secrets that have been well known for over 400 years.” Many competent and hard-working people have labored diligently in the investigative vineyards of the Kennedy assassination case throughout the years, and this book will pay homage to their work and findings.

Another, though more benign, feature of the constantly evolving literature on the assassination is the erroneous assertion or implication in book after book that they contain accounts of the assassination from new and previously unknown witnesses, or new revelations from known witnesses. Even the very prestigious *Journal of the American Medical Association (JAMA)* descended to this type of tabloid rhetoric by announcing in a press release that JFK’s autopsy doctors “broke their 29 year silence” on the case in *JAMA*’s May 27, 1992, published interview with two of the doctors. *JAMA*’s obvious intent was for the mass media to headline their stories with the “silence” hook, which they in fact did. To the public, the phrase “breaking one’s silence” can only mean that the person has never written or spoken about the subject before. But testifying for the public record before the Warren Commission, as the autopsy doctors did, and signing their name to an autopsy report that is published for the world to see, would hardly qualify as “silence.” And they were certainly under no obligation to reiterate their position. *JAMA*’s press release also neglected to mention the fact that two of the three autopsy doctors (James J. Humes and Pierre A. Finck), in 1978, testified before the HSCA—again for public consumption—and the third (J. Thornton Boswell) was interviewed by the House Select Committee staff. And Humes, the main autopsy surgeon, gave an interview on his findings to Dan Rather on national television in June of 1967. I only mention the *JAMA* deception to point out that if there is misleading sensationalism about this case from the likes of *JAMA*, one can imagine why it’s only downhill from there.

Because this is the most investigated case in world history, any witness (unless someone credible eventually gives testimony of the alleged conspiracy) who has not come forward by now is immediately suspect. Likewise with a known witness who suddenly comes forward with new and vital information. The incontrovertible fact is that the FBI, Secret Service, Warren Commission, and HSCA, as well as police, authors, journalists, historians, private investigators, and an army of ferocious amateur sleuths, have worn the evidentiary terrain in this case all the way through to China. Virtually every important witness has testified under oath, some several times. All important witnesses and almost all of the very peripheral, unimportant ones have already been interviewed. Therefore, as indicated, absent a member of one of the innumerable alleged conspiracies coming forward, the only likely remaining revelations about the case are in the area of new interpretations and analyses of existing evidence. This is not to suggest that these necessarily reduced possibilities render additional inquiry insignificant. Further analytical examination of the case can serve to either strengthen or weaken the official position on the issues of Oswald’s guilt and conspiracy, which is of no small moment. As suggested earlier, we are, after all, dealing with the most consequential murder in American, perhaps world, history. To the argu-

ment that unless one can reveal some new, critical evidence about the assassination, there's no need to write another book about it, I would respond with the question, why write a book analyzing the New Testament, inasmuch as two thousand years later no one is about to come up with any new evidence on the life of Jesus? Indeed, no one has come up with anything new for two thousand years. Even the Dead Sea Scrolls, discovered in Jordan in 1947 by Bedouin shepherds, are mostly pre-Christian in origin. Yet scholarly books interpreting the New Testament are written every year.\* And in terms of volume, there's infinitely less to interpret in the four short Gospels, for example, than in all the vast literature and evidence surrounding the assassination. Reinterpretation of the evidence in the Kennedy assassination will be a never-ending process, and interpretation and analysis are the very heart of this book.

The supreme irony about the Kennedy assassination is that although belief in a conspiracy knows no ideological or political boundaries, most conspiracy theorists I have met look up to Kennedy and his legacy, and many revere him. How very odd, then, that so many of them have virtually dedicated their lives to exonerating the man who killed their hero. To counter the incontrovertible evidence pointing to the guilt of the person who cold-bloodedly murdered Kennedy, they come up with extraordinary and often ludicrous arguments. They defend Oswald with a protective passion normally reserved only for one's immediate family. Indeed, in their mind, everyone (*any* person or group will do, for them) other than Oswald is responsible for Kennedy's death. Obviously, the primary motivation of the conspiracy theorists is not to defend Oswald but to attack the Warren Commission, but in the process they go completely overboard in defending Lee Harvey Oswald the person.

But the very best testament to the validity of the Warren Commission's findings is that after an unrelenting, close to forty-five-year effort, the Commission's fiercest critics have not been able to produce *any new credible evidence* that would in any way justify a different conclusion.

No Warren Commission critic is more venerated by the conspiracy community than the late, legendary Harold Weisberg. Nor has any been remotely as prolific; Weisberg wrote an astonishing eight books on the case. By common consensus, Weisberg did more research on the assassination and accumulated more documents pertaining to the assassination (sixty file cabinets containing a quarter of a million pages as a result of a great many Freedom of Information Act [FOIA] requests and thirteen separate FOIA lawsuits)<sup>82</sup> than any other human. His farm home in Frederick, Maryland, was a mecca to which nearly all serious conspiracy theorists eventually visited to pay homage and browse through his voluminous Kennedy-assassination basement library. As his friend and fellow researcher James Tague said, "Harold spent over 35 years, often seven days a week, in his quest for the truth in the assassination of President John F. Kennedy."<sup>83</sup> Always believing there was a massive federal effort to "whitewash" (the title of his first book on the assassination in 1965) the facts of Kennedy's murder for the American public, and to prevent researchers like himself from finding out what really happened, Weisberg writes on the last page (page 404) of his third book on the assassination (*Oswald in New Orleans*)

\*There's even, since 1985, a "Jesus Seminar" of seventy-five prominent New Testament scholars with advanced theological degrees who analyze, write about, debate, and eventually cast their vote for one of four levels of authenticity (ranging from "Jesus definitely said or did it," to "Jesus didn't say or do it") that each feels a particular Gospel passage has.

that for the first time he saw “the shadow of a happy ending.” Till the end, he still believed that there was a conspiracy in the assassination, but candidly acknowledged to me in 1999, after devoting much of his life to the case, that “much as it looks like Oswald was some kind of agent for somebody, *I have not found a shred of evidence to support it*, and he never had an extra penny, so he had no loot from being an agent.”<sup>84</sup>

The vast conspiracy community, which disbelieves everything in the Warren Report except the page numbers, should (but won't) be influenced in their thinking by such a dramatic admission from their most esteemed titan,<sup>\*</sup> one who relentlessly, obsessively and, as opposed to most of his peers, honestly put every aspect of the case under a microscope for almost four decades. Instead of spending literally thousands of their hours “seeing” traces, hints, and ephemeral shadows of a conspiracy from plain and unambiguous conduct and events, they should realize, as painful as it may be to them, that sometimes things are exactly as they appear to be, and nothing more. Even Sigmund Freud—celebrated for his ability to find the hidden meaning of dreams—noted that sometimes a cigar is just a cigar.

Not the smallest speck of evidence has ever surfaced that any of the conspiracy community's favorite groups (CIA, mob, etc.) was involved, in any way, in the assassination. Not only the Warren Commission, but the HSCA came to the same conclusion. Moreover, the idea itself overtaxes credulity. The very thought of CIA officials sitting around a conference table at their Langley, Virginia, headquarters, or the heads of the Mafia families gathering at a summit meeting in the Adirondacks, or the captains of industry, like the presidents of General Motors, IBM, Lockheed, and so on, meeting clandestinely with America's top military leaders (Oliver Stone's “military-industrial complex”) to actually plot the murder of the president of the United States, is much too far-fetched and preposterous on its face for even a Robert Ludlum novel. But conspiracy theorists, as suspicious as a cat in a new home, find occurrences and events everywhere that feed their suspicions and their already strong predilection to believe that the official version is wrong. However, as *Newsweek* magazine pointed out, “If *any* moment in history were to be scrutinized with the obsessiveness focused on 12:30 p.m., November 22, 1963, you could come up with weird coincidences, hidden connections, terrifying portents.”<sup>85</sup>

To create something out of nothing requires considerable powers of imagination, and the conspiracy theorists have indeed soared on the wings of their dreams, wishes, and fantasies. As writer Joe Patoski says, “They have accepted all supposed evidence that sup-

<sup>\*</sup>Just two examples among many of the high esteem with which Weisberg is held in the conspiracy community: The aforementioned Robert Groden, the author of several conspiracy books, said before Weisberg's death that “there is no man living today who knows more about the work of the Warren Commission and the FBI on the assassination, or whose writings on the case have so successfully withstood all challenges to their accuracy, than Harold Weisberg” (1996 reply brief by Groden in the U.S. Court of Appeals for the Second Circuit, p.11, *Robert Groden v. Random House, The New York Times, and Gerald Posner*, Docket 94-9100). Walt Brown, one of today's leading conspiracy theorists, has written books on the assassination and publishes the foremost monthly magazine for conspiracy devotees, *JFK/Deep Politics Quarterly*. Speaking of Weisberg's death on February 21, 2002, Brown wrote that Weisberg was the “dean” of all Warren Commission critics and his “mentor.” He added that “everyone who ever had even a passing interest in the concept of conspiracy owes a massive debt of gratitude to Harold . . . He was a living history of the documentation of the most significant event of the 20th Century.” (*JFK/Deep Politics Quarterly*, April 2002, pp.18, 21) Weisberg's power and reach in the conspiracy community were such that fellow Warren Commission critic and conspiracy theorist Harrison E. Livingstone, himself a prolific and noteworthy writer in the conspiracy genre, but one who resented Weisberg's fame and adulation, said that for years and years, “if he [Weisberg] damned something, it was lost. If he praised something, which was rare, then it or the person became an object of worship” (Livingstone, *Radical Right and the Murder of John F. Kennedy*, p.505).

ports their thesis, no matter how shaky, and ignored all evidence that undermines it, no matter how certain.” Any district attorney or police detective in the country will tell you that contrary to literature and the big screen—where murder cases are eventually all wrapped up neatly—in virtually every criminal case with any complexity to it at all, there are unexplained discrepancies, unanswered questions, things that don’t quite fit. And if these cases were put under the high-powered microscope the Kennedy assassination was, there would be even more. That’s true because of the nature of life. Things don’t happen in life with mathematical precision and in apple-pie order. As Walter Cronkite put it in a June 27, 1967, CBS special on the assassination, “Only in fiction do we find all the loose ends neatly tied. Real life is not all that tidy.”<sup>86</sup>

Law enforcement veterans will also tell you that because of the fallibility of human beings, it is routine, for instance, for five witnesses to observe the same robbery yet give five different physical descriptions of the robber, and for even their own experts to make errors (in forensic analysis of blood, hair, fingerprints, etc.) that are caught and proved to be errors by other experts. Ignoring these realities, the almost unwavering modus operandi of the conspiracy theorists in this case has been to focus only on the inevitable discrepancies and inconsistencies arising out of the statements and work of hundreds upon hundreds of people, as if the discrepancies themselves prove a conspiracy, never bothering to tell their readers, number one, what they believe precisely did happen, and number two, what solid and irrefutable evidence they have to prove it. I mean, do discrepancies and inconsistencies add up to life as we know it, or to conspiracy, as the theorists would want us to believe?

The conspiracy community regularly seizes on one slip of the tongue, misunderstanding, or slight discrepancy to defeat twenty pieces of solid evidence; accepts one witness of theirs, even if he or she is a provable nut, as being far more credible than ten normal witnesses on the other side; treats rumors, even questions, as the equivalent of proof; leaps from the most minuscule of discoveries to the grandest of conclusions; and insists, as the late lawyer Louis Nizer once observed, that the failure to explain everything perfectly negates all that is explained.

All humans make mistakes. But there is no room or allowance in the fevered world of conspiracy theorists for mistakes, human errors, anomalies, or plain incompetence, though the latter, from the highest levels on down, is endemic in our society. Every single piece of evidence that isn’t 100 percent consistent with all the other evidence pointing toward Oswald’s guilt and the absence of a conspiracy is by itself proof of Oswald’s innocence and the existence of a conspiracy. There is also no such thing for these people as a coincidence. With both feet planted firmly in the air, the conspiracy theorists have created a cottage industry that thrives to this very day, and whose hallmark, with noted exceptions, has been absurdity and silliness. Believe it or not, a conspiracy theory that was floating around in the conspiracy community for a time was that the assassin of JFK was really the Secret Service agent driving the presidential limousine, who turned around in his seat (while his fellow agent in the passenger seat leaned over and steered the car for him) and shot Kennedy at point-blank range. Despite the absurdity of their allegations and the total lack of evidence to support their charges, the conspiracy theorists have not only convinced the vast majority of Americans that the Warren Commission was wrong, but have succeeded in convincing virtually all Americans that there will never be a satisfactory resolution of this case. *Indeed, this is even the belief of those who agree that Oswald killed Kennedy and he acted alone.* One example of this latter group is Dan Rather, who

says that people will be talking about the assassination “a hundred years from now, a thousand years from now, in somewhat the same way people discuss ‘The Iliad.’ Different people read Homer’s description of the wars and come to different conclusions, and so shall it be with much about Kennedy’s death.”<sup>87</sup> Author Bob Katz seconds Rather when he states what has become the conventional wisdom: “The truth in this case lies buried forever. The unsolved murder of the twentieth century has entered the realm of myth.”<sup>88</sup>

But I don’t believe for one moment that the truth in this case has been buried forever or that there *has* to be substantial questions about this case for thousands of years to come. If I did, I would never have started working on this book, which has consumed so many years of my life. I firmly believe that the evidence in this case enables all sensible people who look at it to be completely satisfied as to exactly what happened.

I want to assure the readers of this book that I commenced my investigation of this case with an open mind. But after being exposed to the evidence, I have become satisfied beyond *all* doubt that Lee Harvey Oswald killed President Kennedy, and beyond all *reasonable* doubt that he acted alone. I am very confident that the overwhelming majority of objective readers of this book will end up feeling the same way.

As one gets further into this book and starts to learn more about Oswald, it will become increasingly obvious that if any group such as the CIA or organized crime had wanted to kill the president, the unreliable and unpredictable loner and loser Lee Harvey Oswald would have been the last man on earth whom it would have entrusted with such a monumental undertaking.

Any reader of this book has to be struck by three things, one of which is its abnormal length.\* In defense of its length, in addition to the point I made previously that conspiracy theorists have transformed Kennedy’s murder into the most complex murder case ever, I would remind the reader that more words have been written about Kennedy’s assassination than any other single, one-day event in history. Obviously, more words have been written about Christ, but not about his life and death, since so very little is known. Instead, they have been written mostly about the ramifications of his life and death and their profound influence on history. The scope and breadth of issues flowing from the Kennedy assassination are so enormous that typically authors write entire books on just one aspect of the case alone, such as organized crime, or the CIA, or Castro, or Jack Ruby, or Oswald’s guilt or innocence in Kennedy’s murder, or the murder of Officer Tippit, or the prosecution of Clay Shaw in New Orleans for Kennedy’s murder, or the mind of Lee Harvey Oswald, or the Warren Commission, et cetera, et cetera.

When looked upon in the above light, and with my objective being to compress the essence of the vast and limitless words and literature on the assassination into one single volume, one could possibly say about the seemingly inordinate length of this book, “Is that all you have to say, Mr. Bugliosi?” On the other hand, I suspect that at some point in their reading of this book, many other readers will say to themselves, “Why does he [yours truly] keep piling one argument upon another to prove his point? He’s already made it twelve ways from Sunday, so why go on?” To those readers I say that the Warren Commission also made its point, and well, over forty years ago, yet today the overwhelming majority of

\*Indeed, if this book (including endnotes) had been printed in an average-size font and with pages of normal length and width, at 1,535,791 words, and with a typical book length of 400 pages, and 300 words per page, this work would translate into around thirteen volumes.

Americans do not accept its conclusion that Oswald acted alone, a great number not even believing he killed Kennedy. Hence, the overkill in this book is historically necessary.

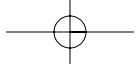
What about the companion CD-ROM of endnotes numbering 954 pages? With forty official volumes, 933 books, and literally hundreds of millions of other words written in newspapers and magazines about the most important murder case in our history, one of my very biggest tasks for you, the reader, was to separate the wheat from the chaff out of the virtually endless allegations, controversies, and issues surrounding the case. I believe I have done this, and it is this wheat, as it were, that constitutes this very long book.\* The endnotes are for the following people: those lay readers who want to know more about a matter in the main text; conspiracy theorists and serious, longtime students of the assassination; and scholars and future historians. To put the material presently in the endnotes into the main body of the text would have substantially slowed down and interrupted the flow of the narrative and interfered with the average reader's enjoyment of the book. And if the truth be told, and the reader promises not to tell, I had a big inducement to put whatever I could in an endnote. Since the book is already uncommonly long, and therefore heavy, whatever I could put in an endnote helped enable me to put out a book that wasn't prohibitively long and unmanageable.

Readers might be interested to know that I commenced my work on this book following the London trial in 1986. So I have been working on this book for twenty-one years. Most of the early years were devoted to research, reading, and writing, not interviewing witnesses to fill in the holes, which I did do much of to supplement my continuing reading, writing, and research in later years.

Finally, I believe readers will also be struck by the incredibly rich cast of diverse characters who people the Kennedy assassination saga, characters who would rival those in the most inspired of fiction, including that of Shakespeare. I don't read fiction but I've been told that most prominent novelists really only have four or five characters who keep reemerging, in different clothing, in their various stories, whereas Shakespeare allegedly had more than twenty disparate characters. I can assure the readers of this book that within its pages they will meet many extremely fascinating people in addition to President Kennedy himself and his wife, Jackie, not the least of which, you will find, are Lee Harvey Oswald and Jack Ruby. J. Edgar Hoover, Lyndon Johnson, Fidel Castro, and Che Guevara are among the many others.† Conspiracy author Paris Flammonde said it well when he observed that the dramatic personalities in the Kennedy case were among "the most extraordinary ever to stride, slink, and flee across the stage of greater human events . . . , and like the pageant of characters" in "Lawrence Durrell's *Alexandria Quartet*, almost all enter as enigmas and most are hardly more understandable when they depart."<sup>89</sup> Long-time JFK assassination researcher Bill Drenas connects these characters with the unbe-

\*At some point, of course, my writing on this case had to come to an end. Since the production and lead time for this outsized book was several months, and advance copies were scheduled to be sent out to reviewers on March 1, 2007, that point was in early November of 2006, when the book was in final galley form and my editor informed me that no further writing by me about new allegations being made in the case would be possible, only corrections to the galleys, or a very short insert here or there for clarification or other necessary purposes. So I was unable to respond to any book or other publication on this case that was published after early November of 2006.

†One character, for example, and there are many others, is so interesting that when Warren Commission counsel called him to testify about his relationship to Oswald, counsel became so captivated by the man and his story that counsel just listened to him, even telling the witness at one point, when the witness, on his own, started talking about Oswald, "I want to get to that," but "first" he wanted to hear more of the man's background—that part of the witness's testimony consuming over twenty pages of small print in a Commission volume.



lievable twists and turns in this story when he says, “If you sat down and tried to write something that was this interesting about a presidential assassination, you couldn’t do it. It’s the most fascinating story ever told. That’s why people will never stop talking about this case.”<sup>90</sup>

Though the president’s murder happened in Dallas, Texas, the long journey you the reader are about to embark on will take you to many other places—New Orleans’s colorful and steamy French Quarter, a hotel room in Moscow, the beaches of the Bay of Pigs in Cuba, and the roiling waters of the Gulf of Tonkin off North Vietnam; from a mob hang-out in Chicago to the little town of Stanley, North Dakota; a park bench in Central Park and bullring in Mexico City to the anti-Castro-laden streets of Miami’s Little Havana; and so on. Though a good portion of the subject matter will be complex, sometimes even arcane, I hope I will have infused even these areas with enough interesting and understandable narrative to keep your interest throughout this very long and circuitous journey.

Vincent Bugliosi  
January 2007  
Los Angeles, California

