

The JFK Lawyers' Conspiracy

By Max Holland

During forty-two years of controversy over the assassination of President John F. Kennedy, the legal profession has played an instrumental role. All seven members of the Warren Commission, which investigated the 1963 assassination, were lawyers. There were twenty-seven people on the commission's staff (including Norman Redlich, a *Nation* contributor since 1951), twenty-two of whom were aspiring or practicing attorneys. The combined efforts of these lawyers produced an imperfect report in September 1964, although its fundamental findings have never been seriously impeached.

But what the legal profession giveth, less scrupulous members of the bar taketh away. Since 1964 four other lawyers have been chiefly responsible for putting the *Warren Report* into undeserved disrepute. During a conference in November sponsored primarily by the Washington-based Assassination Archives and Research Center (AARC)--headed, not coincidentally, by a lawyer--three of these four lawyers made rare public appearances or were otherwise represented in spirit.

The paterfamilias of disingenuousness, Mark Lane, was noticeably absent. An obscure New York attorney at the time of the assassination, Lane single-handedly set the standard for dishonest criticism. In 1964 he spread innuendo about an ostensibly sinister delay in the Warren Commission's investigation as he went barnstorming around the country giving what was then known as "The Speech." Two years later Lane published a book titled *Rush to Judgment*, having conveniently forgotten his earlier accusation. Carey McWilliams, editor of *The Nation* during those years, steadfastly refused, to his everlasting credit, to propagate Lane's basic allegation that the government was indifferent to the truth. Little did McWilliams (or anyone else) know then that the KGB was finding Lane's work so useful that it was secretly underwriting his "research" and travel in the amount of \$12,500 (in 2005 dollars).

The Soviet intelligence service was engaged in a scheme to implicate the CIA, the FBI and the far right in the assassination and the subsequent murder of the accused assassin, Lee Harvey Oswald, but had little to show for its efforts until New Orleans District Attorney Jim Garrison inserted himself into the case in 1967. Owing to a clever piece of [disinformation](#) implanted in a left-wing Roman newspaper, *Paese Sera*, in March 1967, Garrison became consumed by the notion that Clay Shaw, a prominent businessman he had charged with participating in an alleged conspiracy that killed JFK, was actually "an employee of the CIA...an agency man in Rome trying to bring Fascism back to Italy," as he put it in his 1988 memoir. Within a matter of months Garrison had succeeded in making the KGB's wildest fantasy come true: An elected public official in America was propagating Moscow's line. Not even Lane had dared suggest that official Washington

was complicit in the assassination itself.

Garrison, having died in 1992, did not attend the AARC conference, but he was represented in spirit by Joan Mellen, a Temple University English professor who has just published a hagiography of the DA, whom Oliver Stone tried to rehabilitate in his 1991 film *JFK*. Mellen's reception was decidedly tepid, for Garrison, like Joe McCarthy, has always represented a fault line. Just as McCarthy was disavowed by many anticommunists because of his beyond-the-pale tactics, conspiracy "buffs," as Calvin Trillin memorably labeled them in a 1967 *New Yorker* article, have always been hopelessly divided over Garrison. Even buffs inclined to believe the DA's grand theory of a military-industrial-intelligence complex find it hard to square that with his persecution of Clay Shaw. The most vociferous critics among the buffs have never forgiven Garrison for setting back the movement almost irreparably. A jury declared Shaw not guilty in 1969 after a mere fifty-four minutes of deliberation, and if Shaw hadn't died prematurely in 1974 at the age of 62, Garrison would likely have found himself at the wrong end of an impressive civil judgment for misuse and abuse of his prosecutorial powers.

The fallow years following the collapse of Garrison's legal farce ended once Watergate proved that conspiracies and cover-ups could exist in high places. During Washington's season of inquiry in the mid-1970s, unresolved questions about the 1963 assassination resurfaced. Some of them richly deserved to be asked, and answered--such as the nature of the cooperation (or lack thereof) between the Warren Commission and the two agencies critical to its inquiry, namely, the FBI and the CIA. Led by Senator Frank Church, Democrats on the Select Committee on Intelligence dived into this issue with a vengeance--until the answers they started coming up with contradicted the still-prevalent view that once there had been a Camelot.

Then-Senator Gary Hart was more responsible than most of his committee colleagues for twisting unpalatable truths into the logical equivalent of pretzels and milking the tragedy for political gain. The only genuine conspiracy Hart and his colleagues established was the Kennedy Administration's attempts to kill Fidel Castro, and the subsequent efforts to keep that secret from one and all, including the Warren Commission. These days Hart--a lawyer before he entered politics--seldom talks about the Church Committee. Nonetheless, he made a rare appearance at the AARC conference to speak about the "still unanswered questions" raised by his three-and-a-half-month inquiry.

Listening to Hart was an exercise in time travel. The perspective gained after thirty years, not to mention information available from tens of thousands of recently declassified documents, was airbrushed out of existence. Hart forthrightly admitted that he has "not followed the research" but acted as if his conclusions were as fresh and relevant as when first issued in 1976. He remains a "total agnostic" on who killed Kennedy, and overly proud of his role in revealing that two groups were ostensibly motivated to kill the President: anti-Castro exiles and the Mafia. Those who testified before Hart have a somewhat different recollection of the former senator's probity. He

was “only interested in [testimony] proving what he wanted proven,” James Hosty, a retired FBI agent who testified before Hart in 1975, recently recalled.

When one young man in the audience had the temerity to ask why the Church Committee had not endeavored to answer questions instead of just raising them, Hart became testy, if not bitter. Had he been elected President in the 1980s, Hart averred, he would have reopened the federal investigation into the assassination (for the third time). The clear implication was that the American people will never know because Hart’s bid for the presidency was unfortunately aborted.

Notwithstanding Hart’s rare discussion--which included his hilarious impression of William Harvey, the CIA officer who negotiated the Mafia’s participation in the plots to kill Castro--the centerpiece of the AARC conference was a banquet address by G. Robert Blakey, who was a professor at Cornell Law School when he became chief counsel and staff director of the House Select Committee on Assassinations (HSCA) in 1977. It is due to Blakey that the federal government speaks (at least superficially) with a forked tongue about the assassination. In 1964 the Warren Commission unanimously found that “on the basis of the evidence before [it]...Oswald acted alone.” In 1979 the HSCA infamously concluded that JFK “was probably assassinated as a result of a conspiracy,” but the committee was “unable to identify the other gunman or the extent of the conspiracy.”

The pregnant construction of the HSCA’s hedged conclusion hinged entirely on so-called acoustic evidence rammed through the committee at the eleventh hour by Blakey. Now a law professor at Notre Dame and a nationally recognized expert on the RICO statute, Blakey invariably fails to mention that three HSCA members dissented in 1979 because they found the uncorroborated acoustic evidence unbelievable. And their reservations soon proved correct: A National Research Council panel (aided by an Ohio drummer named Steve Barber) established in 1982 that the “shots” allegedly recorded on a police Dictabelt began approximately one minute after the President was mortally wounded and en route to Parkland Hospital (a finding that is reaffirmed in the current issue of *Science & Justice*, a British forensic journal). In point of fact, 99.99 percent of HSCA’s report improved upon or underscored the accuracy of the *Warren Report’s* key findings. But one would be hard-pressed to know that after listening to Blakey. The exploitation of the assassination by the likes of Mark Lane, Jim Garrison and Gary Hart, for whatever reasons, was bad enough. But someday a historian looking back will likely declare Blakey the most irresponsible of them all. Blakey was given a position of great responsibility in the mistaken belief that he would seek the truth.

Writing about the prominent role of lawyers in American society, Alexis de Tocqueville once opined that legal training imparted “a kind of instinctive regard for the regular connection of ideas,” which tended to make lawyers informed, detached and trustworthy. It is hard to square that assessment with the overall performance of the bar since that day in November.

Postscript: After this article was published, Mark Lane sent a letter to *The Nation*, as did several other CIA conspiracy buffs. All the letters were published on 20 March 2006.

Washington Decoded

“To mitigate damages,” Lane wrote, “I require that you repudiate the article and apologize for publishing it.” Neither occurred, but so far Lane has not followed through on his implied threat.