

No Cold Case For This Murder

By PHILIP BOESCH

His friends called him Kirk but I always called him Professor Kirkpatrick. He sat white-haired dignified in his wheelchair, patient to his admiring students, popular, even kind. So I felt grateful to take 3 of his classes, plus a seminar, plus an independent study. He became my advisor. He recommended me, and we had our private moments when he changed his gray suit for a cardigan. I had access to him, maybe not as much as some, but all I needed. I was sure he taught by the truth.

If only then I knew the questions to ask.

Lyman Kirkpatrick, before coming to Brown University in the mid-1960's as Professor of Political Science, had no academic career to speak of. Since the early 50's, his legs paralyzed from polio, the man worked as the Inspector General of the CIA, a direct report to Director Allen Dulles. Being around as long as Kirk had been, the IG knew secrets from all around the Agency. His was the job of a ghost, inspecting and auditing covert operations that weren't supposed to exist, long before and after the murder of President Kennedy.

The world learned a lot more about Professor Kirkpatrick in 1998, long after Kirk died, when the CIA finally released his secret critique of the failed Bay of Pigs invasion. The Inspector General's Survey of the Cuban Operation not only blamed CIA planners for misleading the President, but before the CIA sealed his report for a lifetime, they attached to it the "Rebuttal" by Richard Bissell from 'Plans.' Bissell repeated the Agency's angry view that everything was Kennedy's fault, because 1500 CIA-trained Cubans were cut down and captured by Castro's army when Kennedy pulled the plug on air support. He let good men die, Bissell said, so he could pretend he was never involved, when everyone already knew the US was behind the attack.

It had to be in the Rebuttal, because Kirk wouldn't do the CIA whitewash. He and his 3 investigators asked enough upsetting questions, that they didn't know what to do with Kirk anymore. He wrote himself right out of a job with his IG reports, and then he left to teach, and then the CIA buried the reports he left behind...at least for the next 33 years.

To date, only two court cases have come out of the as-

sassination. New Orleans Jim Garrison's prosecution of Clay Shaw became Oliver Stone's film "JFK," and Mark Lane defended the defamation lawsuit brought by E. Howard Hunt, a story retold in the best-seller *Plausible Denial*. In both cases, jurors said they believed Oswald did not act alone, that a number of people conspired to murder the President. The House Select Committee on Assassinations later reported the same thing.

We just didn't know back then. We didn't know that the same agents in the Cuban operation, who managed Lee Harvey Oswald, also shared assassination training and intense hatred for JFK. We didn't have Joan Mellon's *Farewell to Justice*, the 2005 account of how the CIA torpedoed Garrison's case. We didn't have David Talbot's *Brothers*, the 2007 story of Bobby Kennedy's private thoughts on the murder. Most of us didn't have the foresight of a Mark Lane to see through the Warren Commission to the outrage of cover-up. For years, we didn't even have the buried Zapruder film, which shows in slow motion before our very own eyes how the President was shot first from behind and then an instant later from the grassy knoll in the front. We questioned authority in the late '60's, but the skills and tools of cross-examination were yet to come.

So what to do now? The answer is that it's time to pursue freedom of information to the ends of this earth. Follow Freedom of Information Act suits against bureaucrats who still withhold evidence. Support non-profits and independent researchers. You can and should write your Congressman, but our government agencies won't do anything.

Read again how Mark Lane proved the truth of the story that placed the CIA's Cuban operation, and Hunt,

in the middle of the conspiracy to murder the President. Cross-reference the good works by Mellon and Talbot and others, and keep unpeeling the onion.

Line up the lawyers who represented the characters in this bad play. This is the lesson of *Blood, Money & Power*, the book by a partner in Ed Clark's Texas lawfirm. For years Clark served as LBJ's personal lawyer and fixer, from the corrupt build-up of wealth, through to the end of his Presidency. It's not news that Clark's law partner puts Clark in the middle of the assassination web, but that he does it with information kept confidential for years by attorney-client privilege. According to Talbot, known CIA assassin David Morales told his lawyer he was in Dallas on November 22. Go after every lawyer file and note and recollection, and never take no or 'privilege' for an answer.

When the President was murdered, Kirk still ran the Office of the Inspector General of the CIA. He and his investigators knew more than anyone about the connections of the CIA's Cubans. They wrote the inside book on it; they were competent, and dedicated.

If I could have back just one seminar night with the professor, I'd be ready with the questions this time. What can still be done to chart the days for all the suspect CIA assets and agents? Where were they and what were they doing that week when Kennedy was shot? What about the killings of all these witnesses? Oswald contacts Guy Banister and David Ferrie, murdered before testifying, Johnny Roselli, implicated and murdered before testifying, witness after witness, victim after victim, knowing a little or a lot and dying for it...And how is it possible that police can question Oswald for 2 days before he's killed, with no record of what he said?

Then, on a night in his office, one on one, when he'd be wearing his cardigan, I'd ask Kirk for the Inspector General's survey of the assassination. I'd ask him for the truth. I still want to believe that he would have told me, and that we would have lived to tell the world. If only then I knew the questions to ask.

The Boesch Law Group handles business and personal litigation matters throughout Southern California. Among its high profile litigation, Mr. Boesch was lead trial counsel for Anna Nicole Smith in obtaining her federal court judgments, including the #1 Judgment in the Nation according to US Law Week. He successfully represented the Wall Street Journal against all major oil companies in the leading federal case on public access to court files; and is the author of 3 editions of the California Judges' Association's judges' handbook on cameras in the courtroom.