

THE FILES FIASCO

By Gary Aguilar, M.D.

The ghost of Joe West continues to linger. West was the Houston private eye who, in 1990, brought forth Roscoe White as the gunman on the grassy knoll. Little noted in the Roscoe White controversy was the fact that, just a few months before, West had named a different grassy knoll assassin: Chicago hit man Charles Nicoletti. Now, this earlier Joe West claim has been resurrected in the form of a video entitled *The Murder of JFK: Confession of an Assassin*. It seems that Joe West had a follower, Bob Vernon, a Louisiana music promoter. He visited West's widow and while perusing the late investigator's collection of JFK materials, he found notes on convict James Files. Vernon met Files in prison where Files spilled the beans on the entire Dealey Plaza operation. And several other matters. In addition to Nicoletti (supervised by John Roselli), Files has encounters with David Phillips, Sam Giancana, Frank Sturgis (also on the knoll), and David Ferrie (he claims to know the real story about his death).

This new video presentation is a slimmed down version of what Vernon showed researchers earlier. There are at least 3 characters missing. But we hope there are no plans to incorporate the leftovers into a sequel. The last thing we who are serious need is another shepherd crying "Wolf!". For, as in the parable, we run the risk that when, and if, the truth ever emerges, no one will be listening. -Eds.

That Mr. Robert Vernon finally put out for sale his interview of a Mafia-connected man, James Files, confessing to the murder of JFK was no surprise to the few of us who had heard of the controversial Vernon. In a way, the relatively meager manner of its appearance as a "for-sale" video item is testament to the good judgment of wary and knowledgeable Warren critics.

If Vernon had had his way, the story would have showcased in a Pay-per-view "television program of the century," to borrow from Vernon's understated aspiration,

featuring luminaries such as Cyril Wecht, MD, JD, Peter Dale Scott, Ph.D., David Scheim, Ph.D., John Stockwell, David Mantik, MD, Ph.D, J. Gary Shaw, yours truly, and perhaps others sitting like "Gong Show" contestants awaiting public humiliation.

Even the Pay-per-view idea was apparently a step down for Vernon, for he had contacted Dick Clark productions at one time, with the goal of a putting on a \$2 million deal with NBC—

a video out for sale, and crossing his fingers.

The story itself is rather simple, but it is not one Vernon discovered. It was unearthed by another controversial "investigator," Joe West, who died in 1993. Files, who is doing 50 years in an Illinois prison for attempted murder, claims he was mobster Charles Nicoletti's driver. Nicoletti invited Files to be JFK's backup assassin, despite the fact Files was then just 21 years old, not himself in the Mafia, but merely an apprentice. Files claims the other shooters missed JFK's skull, and so Files delivered the final, fatal

head shot from his position behind the grassy knoll. Files then claims that after firing, he idiotically took the .22 caliber bullet casing from the weapon, bit down on it, and left it atop the fence on the grassy knoll, as though leaving such incriminating evidence at the scene of the crime wasn't risky. As the story goes, it wasn't; the dented bullet casing wasn't found until 1987, and by a man who found another identical bullet casing, sans teeth marks, 150 feet away.

There are other problems with Files, as well as with his story. The archeological report that indicated the bullet casing could have been left there in 1963 was written by a man with an undergraduate degree in *anthropology*, not *archeology*. Files alleged military record is in doubt—the military serial number that Vernon said is Files'—belonged to a James Edward Files who served in World War II when Files was a toddler. The only reporter who has spoken with Files is Associated Press's Mike Cochran, who opined, "The chances of this guy telling the truth are about one in a billion." Files did

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CATTLE CALL

ATTENTION: INVESTORS INTERESTED IN JFK MURDER SOLVED

HEAD'EM UP MOVE'EM OUT! JFK: MURDER SOLVED is headed for production and broadcast on Pay-per-view television in November of 1995. We've had over 150 inquiries into our television program of the century and we are sending this note to all of the interested parties to let you know.

IT'S SHOWTIME!

There are 30 shares available at \$20,000 per share. The investment shall be recouped from first proceeds realized from the broadcast revenue, IN PERPETUITY. The 30 shares will divide 40% of the profits equally per share. Please fax your intent to participate to INVESTIGATIVE CONCEPTS UNLIMITED. Phone and Fax: (510) 228-3858.

The final broadcast agreement is near completion. A production escrow account is being established at a California bank and escrow information will be provided to all active participants.

SOPHISTICATED QUALIFIED INVESTORS ONLY!

FOR INFORMATION CONTACT: BOB VERNON (510) [REDACTED]

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show that was nixed after NBC consulted other assassination experts, according to journalist Michael Hytha who wrote perhaps the most withering appraisal of Vernon's project for the *Contra Costa Times* on 2/20/96. Finally, Vernon had to settle for putting

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not respond to requests from *Contra Costa Times* journalist, Mike Hytha, for an interview.

Hytha reported, "As for his place in history as the man who, he claims, fired at least one of the shots that killed Kennedy, Files said he wants no part of it. 'I don't even want to be remembered in history. I'm nobody,' Files stated in his interview with Vernon, suggesting he never chose to target Kennedy or anybody else. 'I just followed the orders. To me it was like taking out the garbage.'"

Vernon is not like Files at all—he wants very much to be remembered, if perhaps only financially, for solving the crime of the century. My first contact with him occurred when Vernon called me, apparently on the recommendation of Gary Shaw, to appear with him on his live Pay-per-view show. But I'd first heard of Vernon before that from Cyril Wecht who asked me if I knew anything about him, for Vernon lived not far from me in the Bay area. At that time I did not, but with my curiosity peaked, both Wecht and I agreed on the value of my "checking him out" before either of us agreed to appear publicly with him. The experience, and its aftermath, would prove illuminating to say the least.

The first order of business Vernon insisted upon was that I sign a confidentiality agreement before visiting his home to see his "evidence" on June 3, 1995. While I did so, the request seemed peculiar. Vernon had already publicly spilled his guts on Files to the Assassinations Records Review Board on 11/18/94, and public, official transcripts of his remarks were circulating widely. Moreover, Vernon had largely detailed the entire story on a public Compuserve bulletin board. The story was, thus, not exactly a secret.

Being unfamiliar with the details of the Mafia aspect of the JFK case, however, I asked Vernon via phone message if I could invite two friends to act as consultants, Hal Verb and Doug DeSalles, MD. Vernon faxed me, "You are welcome to bring your friends on Saturday. I will have confidentiality agreements for them when they arrive with you."

Neither DeSalles, Verb nor I found Vernon's "evidence" persuasive, and yet the full picture of the man did not emerge until we were walking out the door. Vernon said, "We could make a little money." The alarm bells went off. I called him a couple of days later to advise him I was disinclined to appear, and yet he still had the chutzpah to fax

me perhaps the most astounding, "CATTLE CALL" solicitation I have ever seen. He was looking for "qualified" investors willing to shell out \$20,000.00 each to invest in his program, with the promise of profits with its success.

I contacted Wecht to advise him nothing about the Files story, but to advise him about Vernon personally. I also advised others, including Shaw, and the negative reaction was unanimous. There were no takers. I also contacted John Stockwell, a Vernon investor, via Compuserve e-mail to express my doubts about Vernon. Stockwell sent my private e-mail to Vernon, and Vernon and Stockwell began a barrage of attacks on me via Compuserve which culminated in a false charge that I'd been "powdering" my nose in Vernon's bathroom!

Though Vernon may have been a coward, he was no fool—he refused my offer of a \$10,000.00 wager that I would test negative for all drugs in blood and urine tests I would immediately undergo in his county of residence—a test which I took anyway of my own

volition to put the rumor to rest, and which I passed with an entirely clean result. He further declined my offer to wager \$20,000.00 that I, Hal Verb and Doug DeSalles would all pass polygraph tests denying Vernon's preposterous smear. Vernon quickly disappeared, and the last time I spoke with him, he declined to speak with me when I asked if I could record the call. Stockwell, mysteriously, kept up the attack, prompting David Scheim, who admitted sympathy for some aspects of Vernon's story, to publicly rebuke Stockwell via multirecipient e-mail.

Stockwell's stout, electronic defense of Vernon seemed to lack conviction. He declined an open invitation from me and Scheim to a recorded discussion of the matter between the three of us. To me, Stockwell seems to have lost what readers of his *In Search of Enemies* believed was courage.

It is unlikely Vernon will be very successful with his video, though he will certainly sell a few copies. His best hope is that P. T. Barnum was right, and that a sucker is born every minute. ♣

RFK Photos

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myself and for whom I worked, she stated in no uncertain terms that during an ongoing trial, reporters could not conduct interviews with the jurors nor speak to them beyond a greeting. The implication was clear: jury tampering. Miller was present during this exchange and when the judge asked him if he had anything to add, he implied he might pursue the issue of having me barred from the court. Miller and company had given notice they already considered the continuous presence of a news source an annoyance. It appeared to make them nervous.

After that incident, the next week out in the hallway, Skip came over and asked why I did not come over to his group and ask some questions or ask to interview any member of the defense team in the interest of "evenhanded journalism."

The next encounter, during the fourth week of trial, proved to be the last straw for the defense team's tolerance of reporters. In an effort to supplement some articles with photographs of the principals in the trial, two friends of *Probe* took pictures of Miller and his associates as they stepped out into the hallway from the courtroom. The defense team complained in a very loud and whining fashion to the judge that they had been "ambushed" and that this was just intolerable. The judge was left with no alternative

but to call the photographers into the court and in much the same fashion as she had admonished myself, warned them they were not to take any pictures of any of the jurors. She again had them identify for whom they were taking the pictures and when the answer, "*Probe* magazine," was uttered, Miller went ballistic. He exclaimed in loud, resonant tones that if his picture appeared in *Probe* he would pursue legal action and sue the magazine. Then he threw his hands up and looked toward the ceiling and whined, "That's all I need is to have my picture in *Probe*!!"

These trial moments and related incidents are just a brief summary of how things went along during five weeks of testimony. The case went to the jury on Tuesday, August 6th, 1996 at approximately 10:40 A.M.

Scott Enyart and his family have had to suffer the financial burdens of an eight year-long legal battle. He was prepared to accept that burden and proceeded despite these obstacles. What he was not prepared to endure was the massive assault on his personal and professional reputation, put forth by the defendants' lawyers, as the major part of their defense.

And this defense was really the only one necessary to put doubt in the minds of the jury. The defendants' strategy was not to demonstrate their innocence of the alleged misdeed i.e. destruction of evidence and loss of personal property (see *Probe* May/June