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THE NEW LEADER

In Defense of a Theory

By Thomas G. Buchanan

TO THE EDITOR:

IN MY capacity as criminal investigator, there has come to my attention a distressing crime of which you are the luckless victim. I refer to the long article about me ("Thomas Buchanan, Detective") in your issue of September 28. This article was published—in good faith, I'm sure—under the name of a French writer named Leo Sauvage.

The article, my research has convinced me, was not written by Leo Sauvage, but by his brother, K. O. Leo is, as everybody knows, the U.S. correspondent of *Le Figaro*, and he is one of France's most distinguished journalists. His brother, a retired ex-pugilist, now makes a humble living as a stringer for the U.S. Information Service.

Articles by Leo cost a lot of money, but they are well worth it. He has done a great deal of original investigation of the Kennedy assassination and, since I am totally dependent on such sources and have always said so, I have quoted him in the edition of my book which Put-

nam will bring out this month, evaluating the report the President's Commission has just issued. Articles by Leo's brother K. O., on the other hand, are relatively inexpensive and indeed I think, if you will make the proper inquiries, you will discover that no fee is needed.

We must not accuse K. O. Sauvage of fraud in selling you an article which he has written on a subject with which he is less familiar than his brother. But I do accuse him of unethical procedure when he charges you the fee which you would normally have paid to Leo.

That the author of this article has misappropriated Leo's byline will be instantly apparent to you, if you will compare the article you published with authentic work of this distinguished writer. The respected correspondent of *Le Figaro*, for instance, has a certain subtlety of style. He can be witty and ironic. He does not go swatting gnats with baseball bats like the reporter who prepared your article. On style alone, the substitution is apparent.

In regard to content, one has only to compare the views expressed by the authentic correspondent of *Le Figaro* with the position of his imitator. The impression given by the article you used is that I am no credit to the human race and ought to be exterminated. I am rather sensitive on this point, since I am now 45 years old, and I have never seen the Orioles win the World Series. I was hoping that I might live long enough to see it happen.

But Leo Sauvage himself is one of the outstanding critics of America's official version of the Kennedy assassination, and would be among the first reporters to be liquidated, if a purge were started. In *Le Figaro* of September 28, he wrote as follows:

"No doubt the American authorities, who have been largely concerned with the criticism and sarcasm which their previous statements have provoked in other countries, hope that the large amount of documentation which the Warren Commission has gathered in support

(CA-46)

The Tories muffed their chance and Harold Wilson is in the hot seat. Urgent domestic and foreign problems have been piling up over the past year and cannot be delayed any longer. At home Britain's gold reserves are being drained, threatening her price competitiveness on world markets. Artificially stimulating the boom until election time, the Tories applied a series of stop-go deflationary measures that stunted Britain's growth rate and led to chronic unemployment. Their hesitant bid to enter the Common Market was an attempt to meet sideways the problem of economic stagnation, caused by subsidized inefficient industries and over-powerful trade unions.

Free competition with Europe could have forced Britain to make unpopular but essential economic reforms. But now that the European door is shut, at least for the time being, it will have to face this problem head-on. Vehemently opposed to any union with Europe, economic or otherwise, the Socialists face an economic dilemma that will pit them against their own trade unions if they apply wage restraints to curb inflation, or an austerity program, perhaps coupled with devaluation of the pound, that would be the kiss of death with the voters.

EVEN THOUGH he has no taste for the Common Market, Wilson faces a political *dénouement* with Britain's Continental allies over the question of European political union. For the past year the anti-Gaullist forces in the EEC—led by the Dutch, the Italians, and the Erhard-Schroeder group in Germany—stalled on moves leading to political integration until after the British election. Under the inspiring, but logically mystifying banner of "no European union without Britain," they seemed to assume that the British were yearning to scuttle Commons in favor of a joint European parliament in Strasbourg. While this was dubious

even under the Tories—despite their willingness to put Europe over the Commonwealth—it is all but unthinkable under the Socialists.

The violently anti-European sentiments voiced by Hugh Gaitskell at the 1962 Brighton conference of the Labor party have never been repudiated by his successor. The European federalists cannot wait any longer for Britain lest the whole impetus for political union collapse under the assault of revived French and German nationalism. Unless Wilson does an about-face and pushes a kicking and screaming Labor party into a political union with the Continent, Europe will have no choice but to go ahead without Britain. The result could well be the resurgence of Gaullist influence and the gradual diminishment of Britain's importance in the affairs of Europe.

In addition to a showdown in Europe, the new Labor government has inherited a *crise de confiance* with Washington over the Multilateral Force (MLF), the State Department's plan for a fleet of missile-carrying cargo ships. Despite pained protests from both the outgoing Tories and the incoming Laborites, the U.S. has demanded that London join NATO's nuclear navy as a symbol of its trans-Atlantic loyalties. This is a poignant dilemma for Wilson, who has virtually pledged himself to scuttle the British Bomb and to "renegotiate" (whatever that means) the Nassau Pact under which Britain promised to buy Polaris missiles from the U.S. If Labor fulfills its pledge by taking Britain out of the nuclear club, it will thereby make France the dominant military power in Europe, and relinquish the ability to protect the faithful Commonwealth nations of India and Malaya just at the time that China has become a nuclear power.

As far as the MLF is concerned, Laborites, like the Tories before them, have never concealed their opinion that it is a military mon-

strosity which is likely to make Germany an independent nuclear power. Both parties have tried to outbluff Washington in the belief that the U.S. would never sign a bilateral nuclear deal with Germany—and that if Britain stays out, the plan will wither away. Yet President Johnson seems determined to push on with MLF anyway, even at the price of creating a German-American nuclear force. If this happens, Labor will be faced with three equally unpleasant alternatives: joining the potentially dangerous MLF in order to balance Germany, staying out of the MLF but keeping the Bomb, or giving up both the Bomb and the MLF in the desperate hope that moral influence will hold more weight than military power. It is not much of a choice, and it would not be surprising if Labor ended up by swallowing its scruples and keeping the Bomb as the lesser of various unthinkable evils.

Never particularly interested in foreign affairs, Wilson would like to concentrate his energies on urgently needed reforms at home. But the world is not likely to wait while Britain decides whether to play a major role in the new balance of forces that is emerging, or whether it prefers to be a more populous Sweden. Decisions not made tend to make themselves. If Labor succumbs to its chronic temptation to crawl into its shell rather than get involved with those nasty doings on the Continent, it might still build a more equitable society at home while surrendering the influence it could have over the future of Europe at a time when all the old power blocs are breaking up. That would be one way of building Jerusalem, but it is not a course which Britain's friends can be expected to look upon with much enthusiasm. Harold Wilson has shown that his slide rule is firmly rooted in the 20th century; he has still to show that his heart is not in the 19th.

of its conclusions will finally crush the skeptics and reduce them to silence. I am very much afraid this hope is doomed to disappointment. This is not only because some forces hostile to the United States have no intention of halting their sarcastic comments. Unfortunately, it is chiefly because the voluminous documentation of the Commission provides no decisive refutation of the serious objections which have been raised against the Warren theory. In some respects, one may even say that the Warren Report increases the existing doubts about the investigation in Dallas, not only by offering interpretations which are even less believable than the original version, or by making additional statements for which there is no proof, or finally by relying on key facts which rest upon a base which is too fragile to support them."

Leo Sauvage goes on to name these weak points:

1. That many witnesses will have trouble trying to identify Oswald, in the last few minutes before Kennedy came into range on Elm Street, patiently assembling his dismantled rifle, wrapped up in a package witnesses insist was too short to have been the murder weapon unless it was disassembled. Sauvage notes that this was in violation of the time he spent building up a row of book cartons to hide himself.
2. That the Commission has relied too heavily upon the testimony of Marina Oswald that her husband fired a General Walker.
3. The chief objection: "One is rather surprised to read that the Warren Commission attaches any significance at all to the fact that Oswald was identified by witnesses late that night, or the following morning, after television programs had repeatedly carried his picture and all the newspapers had published numerous photographs of him." Sauvage adds that recognition of the man who had just been arrested, after offering resistance, had been further amplified by the

fact that when the police arrived in the lineup, he was quite conspicuous because he had a swollen eye and a fresh cut where the police had struck him.

I am in agreement with Sauvage on each point he mentions, and I have some reasons for suspecting that the President's Commission has not given us convincing answers to the questions both of us are asking. But I will name them, let me first plead guilty to the charge that my original article in *L'Express* in February did contain some errors and—worse than that—I cannot even claim to have corrected these errors from my own investigation. I did no original research in Dallas. I have never claimed that the material I studied was that of hundreds of reporters, some of whom occasionally were first-hand. None of us is better than our sources, as M. Sauvage himself might appreciate if he will find my article attributed to him in *The New Leader*, in which he is quoted.

"The only version that can be considered official since November 23 states that the description of Oswald was transmitted to police cars after Roy Truly, head of the Depository, had notified and had informed one of the Detectives—that the employe seen in the second-floor lunchroom a few minutes after the attack had disappeared. Buchanan mentions this version elsewhere in charging against the windmill, but without stopping to tell us why he does not pause there. To me, the Truly explanation appears completely plausible, and I thus have no need of Buchanan's Accomplice Number 3.

Unfortunately for our poor friend K. O., Truly's explanation, which seemed plausible to him, did not seem plausible to the Commission and the very week your magazine appeared, the President's Commission came out with a new official version: "Howard L. Brennan was an eyewitness to the shooting. . . Brennan described the man to the

police. This description most probably led to the radio alert sent to police cars at approximately 12:45 P.M. . . . The public never mentioned Oswald's name in their broadcast descriptions before his arrest. . . . His presence was not noticed until at least one-half hour later. . . . It was probably no earlier than 1:22 P.M. at the time when the rifle was found.

I should be most sympathetic to K. O. Sauvage to pass discreetly over his mistakes, but had he not accused me of one error I consider just a bit insupportable. He insinuates that I mistook the town of Irving for a private residence. I did not. That mistake was made by one of my translators. It will not be found in the Italian, German, Dutch, or any of the other simultaneous editions of the series. I need scarcely add that the unfortunate young man who made this error is no longer working at the press; there are some limits, even to the patience of Françoise Girod.

WE ARE now better placed to analyze our findings, since they have been irretrievably committed to official paper and cannot be modified and shifted to meet each new criticism. I suggest the theory of the assassin rests upon a series of official speculations appearing in the Warren Report, variously labeled "probable" or "possible" or sometimes just "conceivable." Here are some of the most important, (in order):

Speculation: Two bullets probably caused all the wounds suffered by President Kennedy and Governor Connally. . . . One shot passed through the President's neck and then most probably passed through the Governor's belly. . . . The alignment of the points of entry was only indicative and not conclusive that one bullet hit both men. . . . The evidence indicated that the President was not hit until at least frame 210 and that he was probably hit by frame 225.

Fact: Refer to Commission Exhibit 893 (frame 210). Observe location of the crosshairs, showing where the President was shot. Note that a shot that passed through Kennedy at the position indicated would have struck the Governor in the lower portions of the back or hip, after first penetrating the car seat in which the Governor was sitting. Now refer to Commission Exhibit 895 (frame 225). Note that the car was turned to the right, and that a shot fired from the point shown at the intersection of the crosshairs, after passing through the President, not only would have hit the car seat but would then have hit the Governor at the extreme left lower portion of his body if he were turning at that time, would have missed the Governor completely. Thus at no time between the two points could a shot have passed through Kennedy and then have been falling at an angle the Commission estimates at more than 17 degrees, "traversed the Governor's chest at a downward angle . . . and exited below the right nipple," as reported in the section dealing with wounds. The evidence shows that two bullets hit the President, and that a third one hit the Governor of Texas.

Speculation: The witness testimony . . . supports the conclusion that the first two shots fired hit the President. . . . The first shot did not miss, . . . must be an explanation for the Governor Connally's recollection that he was not hit by it. There was, . . . probably, a delayed reaction . . . when the bullet struck him . . . the time he realized that he was hit. . . ."

Fact: The Commission has provided its own answer to this speculation. The remainder of the sentence I have cited totally invalidates the first part: "—a delayed reaction . . . despite the fact that the bullet struck a glancing blow to a rib and penetrated his wrist bone." Flesh wounds can, of course, remain unnoticed for a certain time; a bone wound would produce a constant shock

The evidence shows that the shot which hit the Governor of Texas took place after Kennedy was hit.

Speculation: "It was entirely possible" for one shot to have been fired between Kennedy's two wounds, although the gunman would have been shooting at very near the minimum allowable time to have fired the three shots within 4.8 to 5.6 seconds.

Fact: "A minimum of 2.3 seconds must elapse between shots," the report has stated. It must be remembered that the maximum is based on the best possible performance of the greatest rifle expert in the world; an ordinary shooter, Oswald, barely qualifying with 271 out of 250 the last time he fired in the Marines, would take much longer. One shot in the interval between the President's two wounds would have to have occurred almost exactly midway in this period. On the other hand, a substantial majority of the witnesses stated that the shots were not evenly spaced. Two shots between the one producing Kennedy's two wounds would mean the speed with which one man could fire these shots had been exceeded. Testimony of the Governor of Texas indicates that he heard the shots before and after he was hit. The wife confirms this. Testimony of the witness injured by the wild shot shows he also heard shots both before and after he was hit. He cannot have been struck by any fragment of the bullet that hit Connally, since he was found intact. The evidence shows there were four or more shots, two of which were fired between the ones by which the President was wounded.

Speculation: Based on the known facts of the assassination, the Marine marksmanship experts, Major Anderson and Sergeant Zahm, concurred in the opinion that Oswald had the capability to fire three shots, with two hits, within 4.8 to 5.6 seconds. . . . On the basis of Oswald's training and the accuracy of the weapon as established by the tests, the Commission concluded

that Oswald was capable of accomplishing the second hit even if there was an intervening shot which missed."

Fact: The Report states that six "expert riflemen" attempted to repeat the feat of the assassin. It appears that they fired at a stationary target, not one that was moving; the report, however, is ambiguous on this point. "Three marksmen, rated as master by the National Rifle Association, each fired two series of three shots. . . . the first series the firers required time spans of 4.6, 6.75 and 8.2 seconds respectively. On the second series they required 5.15, 6.45 and 7.2 seconds." Subsequently, "three other firearms experts tested the rifle in order to determine the speed with which it could be fired. The purpose of this experiment was not to test the rifle under conditions which prevailed at the time of the assassination but to determine the maximum speed at which it could be fired. The three FBI experts each fired three shots from the weapon at 15 yards in 6, 7, and 9 seconds." The evidence shows that in 7 cases out of 9, these experts took longer than the maximum time which has been attributed to Oswald, that their average for three shots was 6.75 seconds and they were accordingly, have needed three seconds to have fired a fourth shot.

Speculation: Constable Deputy Sheriff Weitzel, who only saw the rifle and did not handle it, thought the weapon looked like a 7.65 Mauser bolt-action rifle. . . . After review of standard reference works and markings on the rifle, it was identified by the FBI as a 6.5 millimeter model 91/38 Mannlicher-Carcano rifle. . . . District Attorney Henry Wade repeated the error that the murder weapon had been a Mauser."

Fact: The Commission notes the murder weapon is inscribed with various markings, including 'MADE ITALY,' 'CAL. 6.5,' etc. No consultation of the standard reference

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REPUBLIC

as a public model of the private hope. The rare possibility of a leader who could express the democratic mystique and yet be a leader rather than an administrator, a bureaucrat, a servant — this possibility suddenly was revealed to us, too late, a year ago. In that lost possibility was the poetry, or a part of it. As Pops puts it in his last lines,

But though your life is gone and my youth
I see you now in truth

Criminal Insanity: Facts or Strategy

by Thomas S. Szasz

This is a book for people with short memories. They might enjoy it. For others, however, this book may be boring or annoying.

Let me say at the outset that I have long admired Mr. Belli for his legal defense of those injured by medical procedures. This aspect of his work has been imaginative, fearless, and pioneering. However, in the Ruby trial, I be-

Dallas Justice: The Real Story of Jack Ruby and his Trial
by Melvin Belli
with Maurice C. Carroll
(McKay; \$5.50)

lieve that Mr. Belli made a serious error in having Ruby plead not guilty by reason of insanity. Moreover, in the course of the trial, the clearer it became that this was an error, the more stubbornly Mr. Belli seemed to cling to it. Belli has now compounded his original error: he has written a highly slanted, propagandistic account of the trial.

There can be no doubt about one fact: Mr. Belli is an enthusiastic advocate. He is still arguing that Ruby did not know what he was doing when he shot Oswald and ought to have been acquitted as not guilty by reason of insanity. Is it possible that Mr. Belli has become the victim of his own strategy? That he has confused a legal tactic with a scientific explanation? This book suggests that Mr. Belli really believes that "justice" would have been better

Transfigured, resplendent in our ruth.

They say you were still half symbol,
Being given so little time;
Come, let us take you so, but in this sense:

In that region of possibility you fill
There, still, your bright incontinent essence

Inclines to its own completion, still
Shapes almost its own actuality, still contrives

Some reason, measure, humor in our lives.

served by acquitting Ruby than by finding him guilty and meting out some punishment for his deed (not necessarily the death penalty).

Why did Mr. Belli agree to defend Mr. Ruby? Not for money. "I seek in this book," says Belli, "to pursue the fivefold goal that I set for myself in the trial: To save Jack Ruby, to strengthen our law, to demonstrate the inadequacy of the archaic McNaughten Rule in legal insanity, to wed more securely modern science to modern law, to help Dallas solve its problems."

But how did Belli know, only three days after Oswald was shot and before seeing Ruby, that a psychiatric defense was "scientifically" indicated in this case? This is only the first of a great many disturbing questions that could be asked about Belli's strategy, questions he neither bothers to ask nor to answer.

It seems that Belli knew no more about Ruby's mental condition when he accepted the case than did anyone else who watched television and read the newspapers. Three days after Jack Ruby shot Lee Oswald, Earl Ruby came to California and asked Belli to take the case: ". . . we agreed to go ahead with the case. I would have found it hard to resist. This was a big trial that could focus worldwide attention on mental health and its unsatisfactory archaic relationship to the law."

The conclusion is inescapable that Belli had decided, the moment he con-



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sidered defending Ruby, to use the insanity ploy. It is easy to imagine, moreover, why he might have done so: any lawyer, even the most inexperienced and obscure one, could have pleaded Ruby guilty to the crime, and concentrated on trying to establish the lack of real premeditation. But this would have required no Belli! He was going to have his client walk out of the courtroom a free man. Clearly, there was only one strategy for accomplishing this—namely, pleading temporary insanity. In this book, Mr. Belli is still trying to pull off this daring coup. I think he has failed again.

To win the case, Belli had to prove—not beyond any reasonable doubt, but to the satisfaction of the jury—that, when Ruby shot Oswald, he was so mentally ill that he was unable to distinguish right from wrong—in other words, that he did not know what he was doing. If Ruby was in a fugue state, acting like an automaton, why

did he shoot Oswald and not someone else? But Mr. Belli does not carry his dissatisfaction with the McNaughten Rule this far. He does not want to foster skepticism about the courtroom use of psychiatry (as I do)—he wants to use psychiatry for his own purposes.

Indeed, Mr. Belli loves to call people "sick." Oswald was mentally sick. Ruby, of course, was also mentally sick. "I would like," writes Belli movingly, "to hear an American judge say, 'I sentence you to jail till cured'. Not that everyone who commits a crime is crazy, of course." Of course not: only those whom Mr. Belli and his psychiatrists so diagnose.

While we cannot here consider the troublesome question of what "mental illness" is, it should be clear that there is a fundamental difference between a logical proposition (like "snow is white"), and a strategic utterance (like "Better Buy Buick"). The former as-

serts a fact; the latter promotes a course of action. Furthermore, regardless of the linguistic form of the assertion, there are certain social situations that make statements of facts do the work of strategic recommendations. For example, it is one thing to inquire into the religious beliefs of persons in the course of studying the incidence of trichinosis in New York City, and quite another to have done so in the course of "protecting" national security in Nazi Germany. I submit that in a court of law—especially when a sensational murder case is being tried—everything that is said (or not said) has strategic import: it helps either to convict or to acquit the defendant. I am sure no one knows this better than Mr. Belli. But he admits to none of this in his book. He insists on defining the controversy about Jack Ruby's mental state as a scientific problem—rather than as a problem of moral decision-making, which is subsequently justified and rationalized on scientific grounds.

Belli takes very seriously his contention that Ruby did not know, and still doesn't know, why he killed Oswald. It is, of course, convenient for him to do so. He quotes Ruby: "We know I did it for Jackie and the kids. I just went in and shot him. . . . Maybe I ought to forget this silly story that I'm telling, and get on the stand and tell the truth."

This does not seem to bother Belli. By viewing Ruby's mind as a thing that has an "inside" which psychiatrists can inspect, he can discount or accept what he wants from Ruby's statements: "At that point, with his mental examinations behind him and the outline of our defense clearly established, he was suddenly ready to admit that he had shot Lee Harvey Oswald deliberately and that our contention that the shooting had occurred during a blackout in which he was incompetent to know what he was doing was a fraud. But by that time . . . I was convinced that he wanted to confess to something that he was making up, that his professed knowledge of the shooting was the result of confabulation. . . ."

Unconvincing as Mr. Belli's thesis is (to me at least), it is virtually destroyed by his own gratuitous comment: "I am sure the story was false because it didn't square with everything else we

Will you buy Boo Sun a cow?



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knew; from the standpoint of legal tactics it was, of course, absolutely useless . . ." (my italics).

Although Mr. Belli does not admit that he is pleading a case, his slanting of the evidence amply demonstrates this. Here are some examples of what I mean.

First, there is Ruby's autobiography, written in collaboration with a Hollywood writer, Bill Woodfield, printed in newspapers from coast to coast. Belli barely alludes to this affair. Yet publishing this story served at least two purposes - to raise money for Ruby's defense, and to prepare public opinion (perhaps even the jury) for Ruby's acquittal as temporarily insane.

Second, Mr. Belli fails to mention the public opinion poll, allegedly undertaken by the defense, reported in *The New York Times* on February 29, 1964. At the time of the first sampling, on December 16 (approximately three weeks after Mr. Belli was retained as chief defense counsel), 66 percent of the people polled in Dallas thought Ruby was sane when he shot Oswald. The next sampling was taken in Houston, February 8, immediately after Ruby's autobiography had run in *The Houston Chronicle*; only 36 percent of those polled said Ruby was sane. The third and final polling was again in Dallas, on February 9: the proportion of those who believed that Ruby was sane had now declined from 66 percent to 40 percent. The advertising campaign to sell Ruby's insanity seemed to have had palpable results. (The district attorney's office was also doing its share to try Ruby, as it had Oswald, first in the newspapers, and only later in court. This justifies Mr. Belli's tactics only if we believe that two wrongs make a right.)

There is much more of this kind of slanting. Indeed, Mr. Belli applies, with hardly any modification, the methods appropriate to pleading a case in court to the writing of what is alleged to be history - that is, adducing only those facts favorable to his client, and omitting everything else. Only in this light can we explain the omission in this book of a letter to the editor of *The Journal of the American Medical Association* (published on April 13, 1964), signed by Dr. Francis M. Forster,

Professor of Neurology at the University of Wisconsin; Dr. Roland P. McKay, Professor of Neurology at Northwestern University Medical School; Peter Kellaway, PhD, of Houston; Dr. Robert S. Schwab, Associate Professor of Neurology at Harvard Medical School; and Dr. A. Earl Walker, Professor of Neurosurgery at Johns Hopkins Medical School. It reads as follows:

"The undersigned testified at the recent trial of Jack Ruby for and at the request of the state. We submit the following statements to the many physicians responsible for the health and peace of mind of nearly one million patients with various types of epileptic seizures. 1. Neither the clinical history nor the electroencephalogram of Mr. Ruby indicated any definite evidence of epilepsy. 2. Epileptic seizures are never associated with complicated and planned criminal acts of violence. 3. Epileptics are as safe to be with as any group of people except in extremely rare and usually predictable situations."

This is the kind of evidence that Mr. Belli was asking the Dallas jury to reject. And, because they refused to reject it, he is asking us to believe that it was an anti-Semitic and corrupt jury.

Basically, Belli's defense of Ruby rested on the proposition that Ruby did not kill Oswald because he *wanted* to, but because he had *epilepsy*. Whether or not this claim is found credible depends largely on those who do the judging. As we know, criminal acts have been attributed to all sorts of "causes" - witchcraft, epilepsy, mental illness. Today, no American believes that witchcraft can cause murder. However, many - though evidently not as many as Belli had thought - believe that epilepsy can cause murder. And many more believe - indeed, this is considered quite sophisticated nowadays - that mental illness can cause murder.

How can epilepsy cause murder? As I have tried to show, the idea is preposterous. Moreover, Ruby did not suffer from clinically overt epilepsy - even the defense admitted that much. His only neurological abnormality (was a

slightly irregular electroencephalogram. In evaluating the significance of this finding, it is necessary to keep in mind that approximately one person in eight has an electroencephalogram that deviates from the normal. If Ruby deserves an acquittal as not guilty by reason of insanity on the basis of this finding (and the completely unproven assumption that he was in a fugue state) – so does every eighth person now convicted of crime (assuming the same incidence of electroencephalographic abnormalities in this group as among those not accused of crime).

It is a great tribute to American medicine that the defense was unable to find a single clinical neurologist or neurosurgeon (the medical specialists who know most about epilepsy as a disease) who would testify that Ruby's act was attributable to his alleged epilepsy. The prosecution had no such difficulty: Several authorities testified that (a) Ruby did not have epilepsy, and that (b) his questionably abnormal electroencephalographic tracing had no bearing on his shooting Oswald.

Indeed, the medical profession, through its official publication, *The Journal of the American Medical Association*, denounced, as baseless, the impression created by Mr. Belli and his experts that there is a causal connection between epilepsy and antisocial behavior, especially murder. (None of this is mentioned in Mr. Belli's book.) An editorial in that *Journal* (April 13, 1964), flatly asserted that there is no evidence that epileptics commit more crimes than nonepileptics, and added:

"Many years of work on the part of many people – professionals and others – to gain a measure of public acceptance of epilepsy as a physical (not a mental) disability, will be set back – way back – because of the completely presumptive classification of epilepsy with murder throughout the Jack Ruby trial. . . . An epileptic might kill, not because he has epilepsy, but because he is a human being."

This, precisely, is the point: is an individual accused of crime – Jack Ruby in this case – a person or a thing? Is he a moral agent, with human dignity

and legal responsibility – or is he a defective object, which, if attached to a gun, might kill someone, but which has neither a will of its own nor responsibility for its malfunctioning?

Mr. Belli, though believing to act from humanitarian motives, has treated Ruby as if he belonged in the latter category. He assures us, in the second line of the Foreword, that Ruby's conversation with Chief Justice Warren was "pitiful"; later he tells us that Ruby's claim that he shot Oswald to protect Mrs. Kennedy is a "confabulation," a mere symptom of Ruby's serious mental illness – not his real motive (in other words, Ruby does not, but Belli does, know what is in Ruby's mind – the classic formulation of mentally ill man as defective machine); finally, Belli also dismisses, as still another manifestation of Ruby's mental illness, his wish to "confess" his responsibility for the shooting and not plead insanity.

Writes Mr. Belli:

"Would it have been moral to take this sick man, this mental cripple, and have him grovel, 'I'm just a Jew-boy and I'm sorry. Please forgive me'? I can't agree that demeaning Ruby in that way would have been right, tactically any more than morally."

This is a matter of judgment and opinion, and Mr. Belli has as much right to his as anyone else. But it is difficult for me to see what is so demeaning about admitting to a wrongdoing. On the contrary, I believe that had Ruby followed his own inclinations as he presumably did when he shot Oswald, he would have succeeded – at a price, to be sure – in enhancing the significance of his life, which, as he had been living it, may have held little meaning for him.

Freud's credo was: Where id was, ego shall be. By this he meant that the psychiatrist's task is to make sense of what seems senseless. It is ironic, indeed, that today, in the US, the most enthusiastic advocates of mental health should invoke Freud's name, and use his language, to achieve a diametrically opposite goal: to render senseless what is a matter of common sense. (END)