Surfer's ear

It's beginning to seem as if every sport has its special hazard. First it was tennis elbow, then frisbee finger. Now comes surfer's ear.

The surfing syndrome came to

PHOTOGRAPH BY WARREN BOLSTER FOCUS ON SPORTS

Sporting hazard: Tennis elbow, frisbee finger and now surfer's ear

light at the Stanford School of Medicine, where surfing freaks kept turning up, complaining about impaired hearing. When otolaryngologist Daniel Seftel investigated, he found that each of the men—who had surfed almost daily for years—had developed bony growths inside their ears. Brought on by waves crashing cold water into the sensitive ear canal, the growths sometimes became so large they completely obscured the eardrum.

Fortunately, the bony appendage can be surgically removed and hearing fully restored. And the problem can be bypassed altogether, Dr. Seftel says, by wearing a set of custom-fitted, molded ear plugs.

Seventies

Assassination inquiry: forward, march. . . sort of

After being in legal limbo for a month, the House Select Committee on Assassination escaped extinction last week when the full House voted 237–164 to reconstitute it. This was a much slimmer margin than the nearly 4–1 majority that set up the investigations into the murders of John Kennedy and Martin Luther King last September. And the committee's new mandate allowed it to resume work for only 60 days, at the end of which the House will reevaluate the panel's progress and budget; this was further evidence of Congress' diminished confidence in its own assassination inquiry.

Many of the problems encountered by the committee have been of its own making. The $6.5 million annual budget suggested by Chief Counsel Richard A. Sprague as a "bare-boned minimum" required to conduct an adequate investigation was clearly not well thought out, and the initial report of the committee failed to make a convincing case to justify the scope of the projected investigation. The interim chairman of the committee, Thomas N. Downing (now retired, to be replaced by Congressman Henry B. Gonzalez of Texas), made a serious tactical error in encouraging Sprague to assume the role of spokesman for the committee, a prerogative normally reserved for committee chairmen or other elected committee members. "Congressmen were madder than hell at Sprague for talking too much," says one veteran Capitol Hill observer. Downing's failure to set up stringent rules of procedure to be followed by the committee and its staff also contributed to the problem.

The first barrage of criticism began on December 15 with an article in the *Los Angeles Times* based upon an informal breakfast chat between Sprague and a large group of *Times* reporters. One of the main questioners at the breakfast was Washington bureau chief Jack Nelson, a staunch defender of the Warren Report (though he recently conceded he has not read it) and critic of the need for a new inquiry. The *Times* stated that the committee planned to purchase two tiny transmitters for the purpose of surreptitiously recording witnesses and secretly subjecting them to voice-activated lie detectors. Sprague vehemently denies any such statement or implication or even that the transmitters (which are listed in the committee's itemized budget request) ever came up, a defense that is supported by examination of a transcript of the exchange and implicitly by the *Times*' failure to attribute the statement to Sprague. Sprague insists that the supposed connection between the committee's use of lie detectors and the transmitters was pure inference on the part of the *Times*, and that the only purpose of the transmitters was as a communication device to be used by investigators. He cited the committee's publicly stated policy of *openly* recording witnesses with their knowledge and consent.

The day after the *Times*' piece appeared, Congressman Don Edwards (D-Calif.), chairman of the House Judiciary committee's Civil and Constitutional Rights and a former FBI agent, wrote to Chairman Downing denouncing Sprague's investigative methods as outlined in the article, calling them "wrong, immoral, and very likely illegal." The letter, a copy of which was sent to the House leadership, received considerable attention on the Hill.

With the controversy mounting, the *New York Times* ran an article by David Burnham on January 2, the day before the convening of the 95th Congress, which portrayed Sprague's 17-year career in the Philadelphia district attorney's office as a series of especially dirty scandals. Congressman Gonzalez angrily denounced the piece on the floor of the House, calling it "a journalistic vendetta." Claude Lewis, associate editor of the *Philadelphia Bulletin*, found it inconceivable that an objective reporter could write such a totally negative piece about Sprague, something of a legend, albeit a controversial one, in Philadelphia law enforcement. "You can dig up dirt on anyone if you look hard enough," noted Lewis. Others familiar with Sprague's career, not all ardent supporters, were likewise quick to brand Burnham's piece a "hatchet job."

With congressional support for the committee rapidly eroding, Burnham continued to hammer Sprague, publishing on January 6 excerpts from the Edwards letters attacking Sprague's methods. The piece repeated the inferences first made in the *LA Times*, but made no reference to the fact that Sprague had denied them.

With the Assassination Committee technically out of existence as of the end of the 94th Congress, with its staff taking on the role of unpaid volunteers, and its access to classified material cut off, Congressman

WIDE WORLD

Richard Sprague: Vendetta victim?

Gonzalez decided to return to the Rules Committee with a brand new resolution reconstituting the panel. By this time House Speaker Tip O'Neill, a supporter of the resolution, was voicing doubts that floor passage was a certainty.

On January 25, the date set for debate on the new resolution before the Rules Committee, the *New York Times* printed a new Burnham piece containing denunciations of Sprague. The article inferred that Sprague's successful prosecution of UMW leader Tony Boyle (overturned because of judicial error last week) was the result of a fix obtained in return for whitewashing corruption in Delaware County where the judge's brother was a commissioner. This implication was angrily denounced by several observers, including Joseph A. Yablonski Jr., son of the labor leader allegedly slain on Boyle's orders. Washington lawyer Joseph Rauh, a former ADA head who participated in the Boyle investigations, also branded the inferences as ridiculous. "Someone's out to do a number on Sprague," he observed bitterly. Sprague's reply that a challenge to his dual roles had been dismissed by the courts prior to the Boyle trial was omitted from the piece—"snipped by some jerk in New York," according to Burnham. The *Times* corrected its error four days later by publishing the three snipped paragraphs on page 17 above the crossword puzzle. Commented one committee member, "I never believed in conspiracies until now."

The committee seems to have survived largely because of a compromise resolution worked out with Don Edwards to overcome the latter's concerns over Constitutional safeguards. But the committee's new mandate is a shaky one, and there are many who question the spontaneity of the events that have so swiftly reversed its fortunes.

"Sprague's taken on the FBI and the CIA," says Joseph Rauh, "and you can't expect to do that without retaliation; the only thing I don't understand is why the *New York Times* is fighting their battles. What Congress really wants is a patty-cake investigation—I think Sprague's licked. It's too bad, because if anyone could have gotten to the bottom of it, he could have." Adds the *Philadelphia Bulletin*'s Claude Lewis, "If Sprague is turned loose and allowed to dig, I'm 100 percent certain he'll come up with startling findings, findings that could come uncomfortably close to the government. There are forces that don't want that to come out."

Sprague himself is discouraged by the battering he has taken in recent weeks. "The press has twisted our position and has carried attacks that assumed what our position was without seeking clarification from us," he says. "This must be the first investigation in the history of Congress that's been subjected to this kind of criticism because of conjecture about what we're *going* to do rather than anything we've actually done."

—*Jerry Policoff*

Panther trial

When William O'Neal recently took the witness stand in the $47.7 million civil suit filed by survivors of the 1969 Chicago police raid, in which Black Panther leaders Fred Hampton and Mark Clark were slain, a chant of "pig, pig, pig" arose from the plaintiffs' side of the courtroom.

In 1969–70, O'Neal earned $30,000 as a paid FBI informant who so successfully infiltrated the Panthers that he became Fred Hampton's personal bodyguard. It was O'Neal

Fred Hampton: Gunned down at dawn

who provided the FBI with a floor plan of Hampton's apartment, a plan that the 14-man police unit referred to when surprising the sleeping residents at dawn with a nine-minute spray of gunfire. An autopsy revealed abnormally high levels of barbiturates in Hampton's blood; the plaintiffs believe that O'Neal drugged Hampton the night before the raid. FBI documents in evidence show that O'Neal was rewarded for his efforts with a $300 bonus.

After three earlier "official" investigations of the raid, during which neither he nor the FBI was even mentioned, O'Neal is back on the government payroll, this time earning about $3,000 a month to testify in his own defense. (Other defendants in the case include the FBI, the Chicago police department and the Illinois State Attorney's Office.) The payments, which started in September 1975—on the day he served his deposition in the case—are for "subsistence," O'Neal says.

Though able to subsist comfortably on his government salary, O'Neal did have some uncomfortable moments during his six weeks of testimony. While being questioned about the floor plan and his request to be a pallbearer at Hampton's funeral, O'Neal disappeared during a lunch recess last December 8 and didn't turn up again for five days. The defense explained that his wife was ill, but upon returning, O'Neal failed to bring the medical note that the plaintiffs' attorneys had requested. Although the plaintiffs believe that O'Neal was really holding out for more government money, Judge Joseph Sam Perry would not permit them to question O'Neal about his absence, ruling that to do so would violate security—O'Neal's location is a well-kept government secret.

It is no secret that the plaintiffs are dissatisfied with 80-year-old Perry's handling of the case. Despite the Court of Appeals' recent rejection of their request that it supervise the trial, they still contend that Perry's performance reflects overt prejudice. And who can blame them?

Former U.S. Attorney Sheldon Waxman has submitted an affidavit concerning two conversations he had with Perry in December 1975; Perry told him that Church Committee revelations regarding the FBI's counterintelligence program to subvert radical political groups, particularly the Panthers, were irrelevant to the case, and "They'll never be able to prove that the FBI killed those fellas." In fact, the FBI's COINTELPRO operation is at the heart of the plaintiffs' case; yet when it was revealed last spring that the FBI had withheld 50,000 pages of documents that it had been ordered to turn over, Perry announced that his confidence in the agency had not been shaken. And when the plaintiffs charged that defense attorneys conspired with the court reporter to price-fix the 20,000-page trial transcript at three times the lawful cost, thus preventing the plaintiffs from buying a copy and overcharging the taxpayers (who underwrite defense costs) by $60,000, Perry merely scheduled a hearing on the matter—*after* the trial ends.

Judge Perry has set a March 4 deadline for the plaintiffs to wrap up their presentation, and the case could go to the jury as early as April. Whatever the verdict, the losing side can be expected to call for a mistrial; subsequent appeals—and justice—could take years.

—*Paul Engelman*