

## The New 'Evidence'

Evidence that is far from convincing has led a special committee of the House of Representatives to the questionable conclusions that John F. Kennedy "was probably assassinated as a result of a conspiracy," and that there is "a likelihood" of a conspiracy in the murder of Dr. Martin Luther King.

It is now up to the Justice Department to decide whether to reopen the investigations into the deaths of the President in Dallas on Nov. 22, 1963, and of the civil-rights leader in Memphis on April 4, 1968.

The committee's findings were in the form of a brief summary, and do not include the supporting evidence. That will come months from now in a final staff-written report. However, statements from members of the House Select Committee on Assassinations do not suggest that the panel came up with much that was new, despite two years of hearings and an expenditure of almost \$6 million.

In the King case, the committee was unwilling to assign probability to a conspiracy, as it was in Kennedy's murder. It said merely that "circumstantial evidence" points to "a likelihood" that confessed killer James Earl Ray did not act alone.

That finding came as a surprise to experts who believe that there is more reason to suspect a conspiracy in King's death than in Kennedy's.

The Justice Department is reluctant to launch new and costly investigations, and will postpone a decision until after it examines the final report. The department's go-slow attitude is understandable. The committee's assumption that Kennedy probably was the victim of a conspiracy rests entirely on the acoustical analysis of a Dallas police tape recording of street sounds from a motorcycle radio that had been left in the "on" position.

Two witnesses told the committee that the tape establishes "a high probability" that a second gunman shot at Kennedy from a grassy knoll in front of the presidential limousine. The committee concedes that the fatal shots came from Lee Harvey Oswald's rifle, and avoids all reference to the fact that no bullet from a second gun struck the car or has ever been found.

The committee also concedes that it "is unable to identify the other gunman or the extent of the conspiracy."

The tape of the motorcycle-radio transmission was made by a Dallas police dispatcher at headquarters; strangely, it does not contain other sounds that should have been heard at the immediate scene of the assassination. The recording of sirens approaching and then fading suggests to other experts that the motorcycle was stationary and, possibly, as reports from Dallas now suggest, at a point distant from the actual shooting.

The controversy over the 15-year-old tape will continue, but questions as to its validity as evidence cast doubt on the committee's quick acceptance of it as proof of a probable conspiracy.

In the King case, where the probability of a plot is greater, the committee cites no new evidence to support the "likelihood" that Ray was part of a conspiracy. That assumption, apparently, came from testimony that Ray may have shot the black leader in the hope of collecting a \$50,000 bounty, said to have been put on King's head by two St. Louis men, both of whom are now dead. There was also inconclusive testimony that two of Ray's brothers may have been of assistance to him—or, at the very least, were aware of his plans to kill King.

Except for the testimony of the acoustical experts in the Kennedy murder—and they did not appear until the last week of the two-year inquiry—the committee was able to discover little that was new in either of the assassinations. As for the tape evidence, it is clearly open to challenge.

But as long as there is a public suspicion of conspiracy in either case, the Justice Department will be under great pressure to launch still another full-scale investigation.

Unless the committee produces more evidence than it has, an inquiry starting from scratch in the Kennedy murder would be a waste of time and money. If the Justice Department does decide to act, after studying the full committee report, it should confine itself to an examination of the only new "evidence"—the tape recording.

In the King case, the committee found Ray's own testimony that he had at least one accomplice "not worthy of belief." In the absence of new evidence—and the panel found none—we doubt that a further inquiry into King's death would be productive.