

HOUSE UNIT BELIEVES KENNEDY AND KING WERE PLOT VICTIMS

Assassinations Committee Report Says Earlier Inquiries Failed to Explore Cases Fully

By WENDELL RAWLS Jr.

The House assassinations committee has concluded that conspiracy was "likely" in the murders of President John F. Kennedy and the Rev. Dr. Martin Luther King Jr. and that neither the Warren Commission nor the Federal Bureau of Investigation adequately explored conspiracy possibilities in either death.

The final report of the committee, which will be made public tomorrow at a news conference in Washington, maintains that elements of organized crime "probably" conspired to have President Kennedy shot to death and that two people fired at his car in Dallas on Nov. 22, 1963.

The committee concluded that Dr. King's death in Memphis on April 4, 1968, "probably" evolved from a conspiracy of right-wing St. Louis businessmen.

Comments on F.B.I.

The report clears both the F.B.I. and the Central Intelligence Agency of any involvement in the conspiracies, although it says that the F.B.I. helped create a climate conducive to the murder of Dr. King by attacking his civil rights activities through its Counter Intelligence Program, known as COINTELPRO.

The panel also maintains that a conspiracy in the slaying of Dr. King could have been found within months had the F.B.I. gone beyond identifying the killer, pursuing him as a fugitive and preparing a murder case against him.

The committee's findings differ considerably from those of earlier investigations, and its report is likely to produce more controversy over conspiracy theories in both cases.

Assassins' Identities Confirmed

The committee found that Lee Harvey Oswald did kill President Kennedy and that James Earl Ray did kill Dr. King. While it praises the Warren Commission and law enforcement agencies for their roles in determining who pulled the trig-

gers and clears them of any allegation of cover-up, it is strongly critical of both the commission and the F.B.I. for seeming to concentrate their efforts on proving to the American public and the world that both assassins acted alone.

"With an acute awareness of the significance of its finding, the committee concluded that the F.B.I. investigation of whether there had been a conspiracy in President Kennedy's assassination was seriously flawed," the 686-page report contends in a complaint it also applies to the Warren Commission. "The conspiracy aspects of the investigation were characterized by a limited approach and inadequate application and use of available resources."

It had a similar criticism of the F.B.I. in the King case.

The panel, officially known as the House Select Committee on Assassinations, was dissolved last January. Its report recommends that the Justice De-

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partment reopen both assassination investigations.

The report is largely the work of the committee's chief counsel, G. Robert Blakey, a professor of law at Cornell University, and is its final product.

The life of the committee, which began two and a half years and \$5.4 million ago, has often been stormy. Even in its final act, not all of its 12 members found agreement. Three of them filed dissenting views as to a finding of conspiracy in the killings.

A comfortable majority of the members, however, were convinced that more than one gunman fired at President Kennedy as his motorcade rolled through Dealey Plaza in Dallas.

According to the committee, Oswald fired three shots from the sixth floor window of the Texas School Book Depository Building and an unidentified person fired one shot from the grassy knoll in front of the President's limousine.

The committee bases its finding on elaborate acoustics tests of a Dallas police tape recording of sounds produced by the radio microphone of a motorcycle policeman who was traveling with the motorcade when the President was shot. The microphone was stuck in the "on" position and transmitted the sound of gunshots to the main radio control room where all incoming radio messages were recorded as a matter of policy.

Until the committee investigators found it, the recording was in the home of a high ranking Dallas police official who received it more than 15 years ago and removed it along with other materials relating to the initial police investigation.

The reel-to-reel tape recording was

studied by the firm of Bolt, Beranek and Newman of Cambridge, Mass. The firm had examined the Watergate tapes and analyzed recordings of the shootings at Kent State University in 1970.

Second Analysis of Tape

The tests of the police tape disclosed what sounded like four gunshots. The committee then sent the tape recording to Prof. Mark Weiss of Queens College and his research associate, Ernest Aschkenasy. They agreed with the previous finding of four sounds that resembled gunfire, but they recommended that a reconstruction be performed in Dealey Plaza.

The committee reconstructed the shooting, and the scientists analyzed the sound waves and echoes to determine both the timing of the shots and the direction from they came. The scientists eventually were able to discern that the tape recording came from a motorcycle that had a windshield, that the microphone was on the left side of the motorcycle and that it faced downward. The analysis also showed where the motorcycle would have to be in the motorcade in order to have recorded the shots.

The committee knew that the recording came from the motorcycle ridden that day by Officer H.B. McLain. It had a windshield and the microphone was on the left side. Officer McLain said the microphone faced downward and that it often got stuck in the "on" position. A film taken by Elsie Dorman, who had been watching from the School Book Depository, showed that officer McLain was in the place he had to be in order for the microphone on his motorcycle to record the gunshots.

95 Percent Certainty

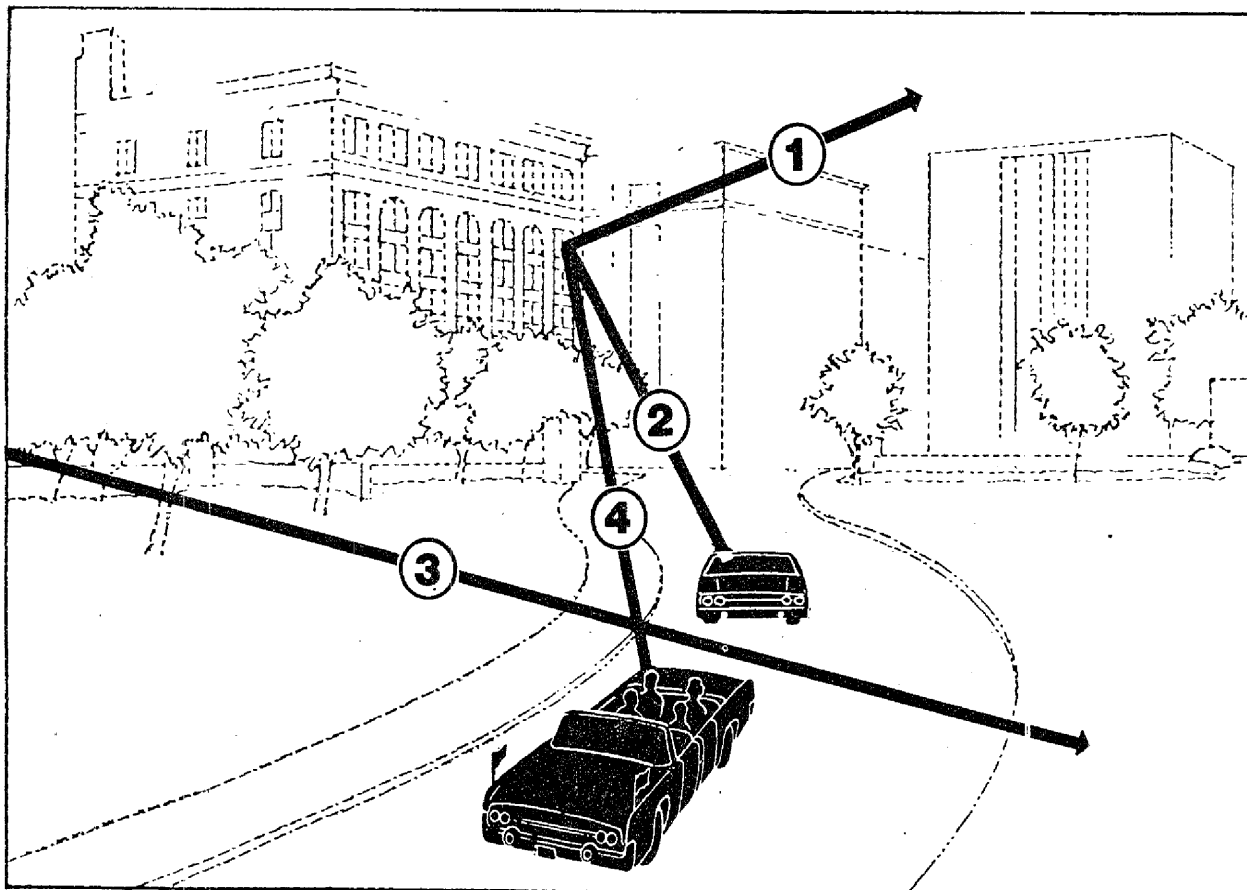
The acoustics experts said their tests showed a 95 percent certainty that a fourth shot had been fired and that the additional shot came from the grassy knoll in front of the President.

Then the tape recording was matched against such visual evidence as the film taken by Abraham Zapruder, a parade spectator, and the sound of the shots matched the actions of the President and the other wounded passenger, Gov. John B. Connally.

In addition to the scientific evidence, the committee had the testimony of witnesses who said that they had heard shots come from the direction of the knoll. One of those witnesses was a Korean War veteran who immediately pulled his wife and daughter to the ground because he was sure they were in the line of fire between the knoll and the President.

Another was a man who saw a puff of smoke in the vicinity of the knoll, and a third was a police officer who said he heard a shot from the knoll and ran immediately toward it. There he encountered a man who said he was with the Secret Service and displayed a badge, which the policemen did not inspect very closely.

A check of the placement of Secret



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Probable scenario according to source on House panel: Lee Harvey Oswald fired three shots from depository. First (1) went wild. Second (2) struck President Kennedy

and Gov. John B. Connally. An instant before Oswald's final shot, gunman on grassy knoll fired (3) and missed. Mr. Oswald's last shot (4) also struck the President.

Service agents, however, disclosed that none had been in the area of the knoll.

The Warren Commission, the F.B.I. and the C.I.A. maintained that they could find no connection between Mr. Oswald and elements of organized crime. The committee was more successful in that regard, finding the following circumstantial links:

¶ Oswald had numerous associations with Carlos Marcello, the reputed New Orleans crime boss.

¶ Charles Murret, Oswald's uncle and said to be like a father to him, was a minor gambling figure in New Orleans crime family.

¶ David Ferrie, an operative for Mr. Marcello, was an instructor of Oswald in the Civil Air Patrol and he was known to frequent the small office building where the Cuban Revolutionary Council was located and was the address stamped on the Fair Play for Cuba Committee pamphlets that Oswald distributed.

¶ Marguerite Oswald, Lee Harvey's mother, was acquainted with several men who were associated with lieutenants in the Marcello organization.

Mr. Marcello harbored an avowed hatred for the the President and his brother Robert F. Kennedy, who was waging an active campaign against organized crime that included extensive use of wiretaps. Some of the wiretaps later disclosed an organized crime vow of revenge against the Kennedys.

Ruby's Associations Traced

The committee investigators were also able to connect Oswald's assassin, Jack Ruby, to extensive organized crime associates. His telephone records disclosed several calls to underworld figures, including Sam Giancana, the Chicago crime boss who was subsequently murdered in his home, and to associates of Santos Trafficante, the reputed crime boss in Tampa, Fla. Mr. Ruby had been associated with two hired killers in Chicago in the 1930's and 1940's as well as with Meyer Lansky, the organized crime leader in Miami.

Both Mr. Marcello and Mr. Trafficante have denied any involvement in the assassination. Mr. Lansky has not been questioned about it, as far as is known.

After all the investigation and scientific analysis, a source on the committee presented the following probable scenario for the sequence of events in Dealey Plaza:

The Presidential motorcade turned in front of the School Book Depository building and into Oswald's view. As he began to place his rifle into a position to fire at the President, he pulled the trigger and fired a shot into the air. He quickly reloaded and sighted down the barrel — not through the telescopic sight — and fired a second shot, which struck President Kennedy just below the neck and then hit Governor Connally.

Almost Simultaneous Shot

Seven-tenths of a second before he fired the next shot, someone on the grassy knoll fired at the President, who was moving in front and somewhat across his field of vision. That shot, which did not hit any occupants of the Kennedy car, and for which there is no physical evidence, such as a bullet, seemed almost simultaneous with Oswald's third shot. While Oswald's shot struck the President in the top right portion of the head, the gunman on the grassy knoll saw the President fall and thought his shot was the one that had felled Mr. Kennedy. He did not fire a second shot, and thus did not expel a spent shell.

The report concludes that "to be precise and loyal to the facts," the committee "was compelled to find that the President was probably killed as the result of a conspiracy."

The report absolves the Soviet Government and the Cuban Government of any involvement in a conspiracy. It finds unlikely, but does not completely rule out, the possibility that a tiny group of pro-Castro Cubans, such as those who helped Oswald distribute the Fair Play for Cuba pamphlets in New Orleans, could have assisted in the assassination.

Offer of \$50,000

In the case of Dr. King, the committee

found that James Earl Ray slew the black leader in order to collect on a standing \$50,000 offer from a St. Louis patent attorney and his associates.

The panel said that Mr. Ray received help before the assassination, probably from one or both of his brothers, and probably received some money during a meeting in New Orleans a few months before the murder.

The patent attorney, John H. Sutherland, was active in the White Citizens Council and was a staunch supporter of Alabama Gov. George C. Wallace in his 1968 Presidential campaign.

According to the committee, Mr. Sutherland conveyed the offer through John R. Kauffmann, a friend and politically conservative associate who also was a member of Mr. Wallace's American Independent Party and frequented a bar across the street from the Wallace headquarters. The bar was owned and operated by John Ray, James Earl Ray's brother.

Both Mr. Sutherland and Mr. Kauffmann died before the committee learned of these links, Mr. Sutherland in 1970 and Mr. Kauffmann in 1974.

The committee maintains that James Earl Ray was motivated by money, not by race, and that he was virtually apolitical. The committee believes that he was

summoned from Los Angeles by someone close to him and that he thus began a cross-country odyssey in which he stalked his target through the South.

It was finally in Memphis that he pointed a rifle through the bathroom window in a flophouse and two lives collided in the crosshairs of political assassination.

The presence of the standing \$50,000 offer for the murder of Dr. King was well known in the St. Louis area in 1967 and 1968. A St. Louis auto parts dealer named Russell G. Byers said he was approached by Mr. Kauffmann and Mr. Sutherland with the offer in late 1966 or early 1967. He said he declined. Other sources testified to the committee that the offer was frequently mentioned at Mr. Kauffmann's Buff Acres Motel outside St. Louis, which was frequently used by paroled convicts from the Missouri State Penitentiary, from which Mr. Ray escaped in 1967.

Therefore, sources on the committee maintain, it would seem "unlikely" that the F.B.I. had not heard something about it before the committee uncovered the information last year.

Formed in 1977

The assassinations committee was formed in early 1977, after other committees and commissions disclosed the involvement of the C.I.A. in attempts to assassinate some foreign leaders and its use of organized crime operatives in assassination attempts of Fidel Castro. Further, the disclosures of the F.B.I.'s COINTELPRO activities against Dr. King had cast suspicion on the bureau in the death of the civil rights leader.

The Congressional Black Caucus pressed for investigation of the King assassination and added its support to those who already were calling for a reopening of the Kennedy assassination.

There was growing belief in the nation that the assassins had not acted alone. In October, 1964, after the Warren Commission findings, a Gallup showed that 31 percent of the American people believed

that Lee Harvey Oswald was part of a conspiracy. Today, that figure is 80 percent. And 70 of the people believe that James Earl Ray did not act alone.

The committee, formed by a House vote of 280 to 65, had a tempestuous beginning. The first chief counsel, Richard A. Sprague of Philadelphia, was in the job less than six months before he and the committee chairman, Representative Henry Gonzales, Democrat of Texas, began feuding. When a majority of the other members of the committee backed Mr. Sprague, Mr. Gonzales resigned. Shortly after that, Mr. Sprague was gone.

When the new chairman, Louis Stokes of Ohio, appointed Mr. Blakey as chief counsel in place of Mr. Sprague, there was some reason to believe that Congress would decline to give the committee funds to continue its work. It had been in operation for six months and had yet to review a piece of classified information.

\$5.4 Million Spent

With Mr. Blakey, however, the committee stepped up its work, and before it was dissolved 18 months later it had held public hearings into each murder, conducted thousands of interviews and obtained testimony from more than 300 witnesses.

The final report is one of 27 volumes of published material available to the public. The public hearings take up 15 volumes. There are more than 500 exhibits in the King case and more than 600 in the Kennedy case.

The committee spent \$5,412,156 in two years investigating two assassinations. By comparison, the Warren Commission spent about \$10 million in about 10 months investigating one assassination. Even so, this committee had the biggest staff and was the most expensive Congressional committee in history.

In its final report, it recommends that the Justice Department take up where the committee had to stop when it ran out of time and money.