



Assassination Inquiry Committee

4718 SARATOGA AVENUE, SAN DIEGO, CALIFORNIA 92107

vol.2, no.2 (March 27, 1969)

FOOT-IN-THE-DOOR POLICY

No, we're not dismantling our Gestetner and going home. To be sure, recent events might lead one to believe that everything has suddenly been cleared up and that the door is now closed on the three assassination cases: Shaw is proven innocent; Ray has confessed guilt; and Sirhan is revealed to have acted out of an Oedipus Complex. Surely we will be forgiven for remaining skeptical on all three counts. As can be seen from points made by Art Kevin, Mark Lane, and Art Kunkin (in this issue), just how innocent Clay Shaw is still remains in doubt. Regarding the "trial" of James Earl Ray, even such stalwart news-dispensers as NBC and the New York Times have been openly critical, the former referring to a "puppet jury" and the latter to an "aborted trial." As for Sirhan's Oedipus Complex, which according to one psychologist led him to kill RPK as a hated father-figure, it appears that the whole theory is a thinly disguised plagiarism from a recently published work called Casebook Of a Crime Psychiatrist. (See sentence-by-sentence comparison near the end of this issue.)

But the incredibility of these official revelations will certainly not deter a flock of social scientists and psychologists from detecting some kind of underlying "pattern" to all of these "lone-nut" assassinations. Thus, Sidney J. Slowich and Robert E. Kantor have already theorized in the LA Times (a condensation of an article in, of all things, the latest Bulletin of the Atomic Scientists) that "the emergence of charismatic public figures, at crisis points in the history of a constitutional democracy such as the United States, tends to generate assassination attempts by marginal, anomie men from estranged strata of society." Such "anomie" men are, of course, Oswald--"a disoriented, hate-ravaged, mother-dominated failure"; Ray--"a person whose known history has involved habitual self-degradation"; and Sirhan--"a withdrawn fanatic with multiple identity problems." Clearly the U.S. has entered the Anomie Age.

No, we're not convinced. And until we are, we'll keep our foot in the door.

Prescott S. Nichols

MARK LANE INTERVIEW BY ART KEVIN (News Director for KHJ-Radio, Los Angeles) taped in New Orleans shortly before the termination of the trial of Clay Shaw.

KEVIN: Mark, if Mr. Shaw is found guilty, whether or not the tie is firmly established in the jury's mind between New Orleans and Dallas, what's going to happen with regard to what the government has maintained in the Warren Commission Report? What thrust, what direction can the government, the country, and the citizenry take after such a commission has told us that one thing happened, when in fact something else may have?

LANE: Well, it's very simple. All the government has to do is to tell us the truth because they know who killed President Kennedy and why he was killed, but we can't expect that after five years of silence. If there was a United States Congress then maybe some Congressman or some Senator might get up on his feet and say, "In view of this finding, we should have a Congressional investigation." But there are not very many people in the United States Congress or Senate who are very much concerned about the welfare of this country. So I don't expect we'll find much activity there.

What can the citizens do? The last poll I saw showed that over 80% of the people in the country said they did not believe the Warren Commission Report. They believed a conspiracy took the life of President Kennedy; and the majority of those who took that position, when asked if there should be a new investigation, said, "No, we don't want a new investigation!" The posture of the American people evidently, if the polls can be credited, is that we don't know who killed our President and for God's sake don't tell us! If that's the view of the American people on this important question, then there's very little hope that we'll ever get the facts, and there's very little hope that there will be much progress in any area in the United States.

KEVIN: On the other hand, if Shaw is found not guilty, what is it going to do to critics of the Warren Commission Report such as yourself? Does it mean that the thrust of everything you've been working for for the last five years is for naught? Are you going to have to wait for a cooling off period?

LANE: I think the press is going to try to have it both ways. The press will tell us, if Shaw is convicted, then he was convicted of a crime completely unrelated to the death of President Kennedy. "Sure they found him guilty of a conspiracy, but was it the conspiracy?", that's what we'll hear. If Shaw is acquitted, he will be . . . acquitted of the conspiracy; and the press will say, "This proves that the Warren Commission is sound." But Dymond, who is Shaw's defense lawyer, has said that he is not trying to defend the Warren Report, that he is not able to do so. (I think he's demonstrated that adequately in the courtroom.) The Warren Report as far as I can see is not on trial, at least in terms of what an acquittal will mean. If they find Clay Shaw not guilty, all the jury has said is that they do not believe that Shaw conspired to kill President Kennedy. If they find him guilty, they are saying that there was a conspiracy to kill the President, which will be completely repudiating what the Warren Commission said. But facts are facts! The bullet which killed President Kennedy came from the right front. The Warren Commission said Oswald was behind the President at the time. And the question remains, how could Oswald have shot President Kennedy from the front, from the back? There is no finding by any jury that can ever answer that question, I'm afraid.

KEVIN: In other words then, you are not going to stop. Your own personal efforts to arrive at what you feel to be the truth in the matter will continue regardless of the verdict.

LANE: Well, of course. I was involved in looking into this matter and raising questions before Jim Garrison was. I think Jim Garrison's contribution is unique. I think that he is a unique patriot. I think that there is probably no one in this whole country, no public official, who would have done what he had to do. And if there should be an acquittal, I think all that anyone can say about Jim Garrison is that he had the guts to take the evidence that no other prosecutor had the guts to take, and present it to a courtroom. When several witnesses come forward and say, "Clay Shaw conspired to kill President Kennedy. Here is the evidence." If the District Attorney is in possession of that evidence and does not present it to the grand jury, then the District Attorney should be indicted for malfeasance and nonfeasance. Garrison did exactly what he had to do, and I think he should be honored and credited for what he has done regardless of what the jury thinks as to the validity of the evidence. It's not up to the District Attorney to determine whether the jury's going to say guilty or not guilty. I've seen stories in the New York Times saying that Garrison to a very large extent is himself on trial. I don't recall that statement being made about any District Attorney ever before in this country. Was Earl Warren on trial when he was the prosecutor in Alameda County, and he lost numerous cases when he said to the jury, "Here's the evidence. I'm convinced the man is guilty." And the jury said not guilty! Was Warren on trial each time? Of course not. Warren, I presume, was just doing his duty- Garrison's doing his. The difference is that Garrison is doing a duty which no other public official in this country had the guts to do.

KEVIN: Realistically though, Mark, if there is a judgement in favor of Shaw, then Garrison suffers as an individual and probably will not be re-elected; yourself and the other critics, I imagine, would have a heck of a hard time because everybody would assume that there is nothing to it. Realistically, isn't that what might happen?

LANE: Well, I'm not being very realistic about it. If I was realistic about it, I would never have gotten into this matter five years ago. What Garrison has done is a credit to him as a human being. There is no one else in this country who has a public position who has done what he has done. The District Attorney of Dallas hasn't done anything; he has much more evidence than Garrison has, but he is silent. The Chief Justice of the United States has helped to suppress the evidence for seventy-five years. So has Lyndon Johnson. So have the other six distinguished members of the Warren Commission.

They have been honored for their part in suppressing the basic evidence about the death of President Kennedy, and Garrison has been condemned for trying to reveal that evidence regarding the death of the President. But that's the way it is. Garrison understood that when he began this search for the truth. So did I five years ago. So did the other critics; and we don't expect any great rewards no matter what the result is. We do that which we have to do.

KEVIN: Mark, no matter what the result is, I think many people assume Garrison is only scratching the surface. If that is true, how much more has to be scratched before something more potent and even more relevant than Clay Shaw comes out? Garrison's scenario, if we assume it to be correct, involves many levels that can stretch high up.

LANE: There is no statute in Louisiana which permits prosecution for a coup d'etat, which is what took place in America on November 22, 1963. Garrison has uncovered the conspiracy, I believe, quite successfully. He's dealing with only a small corner of it, the only corner which can be brought into a courtroom in the state of Louisiana. I think he's doing that properly; there's nothing more that can be done. As he states, if you know there's a huge container of milk, but you can't get at it all, you can take a small portion, a jigger shot, and analyze it and it's still milk. That's what he's done. He's analyzed a portion of this conspiracy and has presented evidence regarding it. An intelligence operation which results in a coup d'etat is a difficult thing to bring under a statute. He's brought in a portion of it, and I think he will find a way in the months ahead to make it plain to the American people everything that he knows about this case. I don't think most of it will be admissible in a courtroom, but I think it will nevertheless be presented to the American people during this coming year.

KEVIN: Mark, since you are an attorney, let me ask you about the legal significance of Garrison taking many of the people who were in Dealey Plaza that day, who saw and heard things other than what the Warren Commission noted to be fact. These people, many of whom you developed in your years of research, have now testified legally before a judge in a court of law. What is the significance of this testimony being on record, as opposed to its being in the speculation part of the Warren Commission Report?

LANE: I think Garrison has made a valuable contribution. In fact, Garrison was responsible for the first semi-public showing of the Zapruder film. I don't think anyone can see that film and believe that all the shots came from behind the President-- the Commission's conclusion. And if Garrison did no more than to subpoena and show this film where the press of America could see it, no matter how they may have garbled what they saw or misunderstood what they saw-- I think any honest newsman, or maybe that's a combination of words which is never appropriate, who saw that film would have to report that the film appeared to show with certainty that the President had been hit from the front and was driven sharply backward and to the left. If Garrison did no more than uncover that evidence and make it available, then he made a valuable contribution. But in addition to that, he's presented a number of witnesses whose names were known to the Warren Commission but whom the Commission did not bother with. Newman, who testified today, for example, spoke on WFAA-TV in Dallas eight minutes after the shots were fired. He was on television telling what he saw. He of course was never called as a witness by the Commission because what he saw was not convenient to the Commission's conclusions; and this is the way it went throughout. What Garrison has done is to make it possible for witnesses who had important information to make available, to make their statements under oath for the first time. I think history will judge that and will record that.

KEVIN: Are you hopeful that, based on the legal fact that now these people are on record in a court of law, someone else could pick up the cudgel from here, or would it have to be done in New Orleans since the trial of Shaw took place there?

LANE: Anybody in a position of public life can do anything with this evidence now; it's all available. But a lot of it has been available for a long time. I don't see any member of the House or Senate show any deep concern with who it is who killed his president five years ago. And the Kennedy family themselves have shown very little public concern for doing anything about the thus far unsolved murder. I don't suppose we're going to see in our lifetime, to use Earl Warren's phrase, any deep concern with the evidence in this case. It is this which causes me to be very pessimistic about the United States today.

page 4.

KEVIN: We we're discussing several times this "generational gap" that seems to be developing already, that since it's been five years already since the assassination, young people are growing up who five years ago had no precise recollection of what happened, just a general one. Now, generationally, as each five and ten year period goes by, aren't we heading into a situation where the whole incident becomes more forgotten and more consigned to history?

LANE: Sure, and I'm certain that this is something that those who planned the death of President Kennedy had in mind. They knew first of all that there was sufficient government control or influence over the media so that the important questions would not be asked publicly. They knew that whatever commission was appointed to look into the matter, it would be a commission that would not reveal the information. Indeed, I believe that President Johnson appointed the Warren Commission for the purpose of suppressing the basic evidence about the death of President Kennedy, which is what they have done for five years. They are in control of the situation, and that's perfectly proper--- in a totalitarian state. It's not proper in a democratic society. If we'd like to have that, we'll have to bring about some changes.

KEVIN: Mark, you've spoken at hundreds of universities, before hundreds of groups, in this country and overseas, and I've seen you lecture many times in California. Everybody's vitally, deeply interested. And yet nothing ever really gets off dead center with regard to a new Congressional probe or some kind of a citizen's committee moving to do something meaningful. Why? What is the mental situation that people go through? The public is interested. Polls indicate that 80% of the people don't believe the Warren Report, and yet where are we?

LANE: I guess we're in Germany in the late 1920's, where people just don't believe what the authority tells them, but they don't want any other information. They don't want to do anything about it. I've heard these television documentary programs where there's discussion about how we're on the verge of anarchy and revolution in America. I think if one looks at the problem closely, the danger is that we're on the verge of falling asleep in this country. People know now that Lee Harvey Oswald was not the lone assassin of President Kennedy, and they know the government has lied to them about who killed the President. They don't know why, but they know the government has lied to them. If there's ever a cause to get out in the streets with a rifle and say, "Well, we have to change everything now," I would think that should be the cause. But I don't see anyone even suggesting that his Congressman introduce a bill to look into the matter. There was one Congressman a couple of years ago, Congressman Kupferman, a republican from New York, who introduced a bill calling for a re-investigation of the work done by the Warren Commission. I think he got one other Congressman, out of over 500 down there, to support him. Nobody at all in the Senate. That's where we are. Apathy. Lethargy.

WE'RE STILL NOT ALONE

On Sunday, March 16, I called Elliott Mintz' talk show (KLAC-LA) and suggested that, since Garrison had lost his case, he hold a poll on who still believed that John Kennedy was murdered by a conspiracy. Elliott said it was an interesting idea, and after three people called up supporting the topic, Mintz took my suggestion.

Elliott said you could vote four different ways: John Kennedy was murdered by (1) a conspiracy right of center, (2) a conspiracy left of center, (3) Oswald, acting alone, or (4) the subject is no longer important.

The poll lasted about ten minutes. 151 listeners participated. The results were: 6 for Oswald acting alone; seven stating that the subject wasn't important; 26 supporting a left-wing conspiracy theory; and 111 invoking a right-wing conspiracy.

There were a smattering of write-ins. These included: one for a conspiracy involving Oswald and Jack Ruby, two blaming Cuba, and three for our former President, Lyndon B. Johnson.

John Gasparovic

"COURTROOM REACTION"

Gloom prevailed in court for members of the District Attorney's staff of New Orleans when at 1:03 AM a jury foreman said, "Not Guilty," in the case of Clay L. Shaw, accused by District Attorney Jim Garrison of conspiring with others to kill the late President Kennedy. Throughout the trial, I was the lone newsman permitted to sit with the District Attorney's staff in a small cubicle right next to the jury box. What you hear now are "gut reactions" to gloom. First of all, there was chief prosecutor James Alcock, a short direct young man who had carried the weight of explaining the State's case to the jury. Alcock's head dropped when the words "not guilty" were sounded. He leaned forward in his chair and said, "Oh No...No." His head moved from side to side in continued dis-belief. Alcock's fellow attorney, Assistant DA Alvin Oser, the man who carried the bulk of the Dealey Plaza portion of the case, muttered to Alcock, "How'd we go wrong?" Just a few minutes earlier, Oser told me he was happy to see the jury deliberating even though it was well after midnight. Oser said it was a good sign, and he was hopeful for a positive verdict for the State. Alcock however never seemed quite that confident. The bottom had dropped out for him days before- this will be the subject of a later report. Assistant DA Bill Alfort, who'd helped Oser on the Dealey Plaza testimony, told me, "We didn't have a foolproof case." And then there was Andy "Moo-Moo" Sciambra, an Assistant DA, former boxer too. Moo, usually a smiling, gregarious Italian, had no sparkle in his eye. Instead he told me that he wished they hadn't been sidetracked in their New Orleans probe to people and places outside the city. Sciambra, who developed the seemingly credible witnesses from Clinton, Louisiana, who said they saw Shaw with Lee Oswald and David W. Ferrie, felt confident that if they'd done nothing more than concentrate on the local people who could place the three together, they would have won. District Attorney Jim Garrison left the courtroom about an hour before the verdict came in. Later, Sciambra in his office said that he'd just finished talking to Garrison on the phone about the verdict. Moo said he was overwhelmed by Garrison's closing line to him, delivered with that strange Garrison-type humor. Sciambra said Garrison closed with the line, "Now the whole world will know who I am." These words were attributed to Lee Harvey Oswald when he was under arrest in Dallas in the office of Police Captain Will Fritz.

"THE CASE FOR THE STATE"

Despite all that had happened before, in years past, when the case of the State vs. Clay L. Shaw began in Division C of the Criminal District Court, the Garrison case looked good. On came a stream of witnesses from the community of Clinton, Louisiana, a town near New Orleans. They all told of seeing the defendant in the company of Oswald and the late David Ferrie. Then the State's case switched to Dealey Plaza, and on came a host of people testifying that something other than what the Warren Commission said happened on Nov. 22, 1963, actually happened. They were convincing too. Garrison's case continued to look good. Then came three State's witnesses in a row whose veracity tested even those already confident and ready to believe that the Warren Commission erred when they said that Lee Oswald was a lone assassin. There was Vernon Bundy, the narcotics addict. He allegedly saw Clay Shaw hand Lee Oswald what appeared to be money one day while he was on the Louisiana lakefront, about to shoot himself with two caps of heroine. Next was tax accountant Charles Speisel of New York City who said he once attended a French Quarter party with David Ferrie, who introduced him to the party host, Clay Shaw. In the interim, Speisel had filed a 15 million dollar suit against a multitude of people and companies alleging that he was being hypnotized without his prior agreement, and that those various agents often sent strangers to his door often masquerading as members of his family, and that the contrived harrassment had even affected his sexual potency! And then, of course, there was Perry Raymond Russo, the young man from Baton Rouge, who said he'd actually overheard Shaw, Oswald, Ferrie (and others) plan the President's death. However under defense cross-examination, even Russo agreed with defense counsel that he thought he was listening in on a "bull session" at the time and not a conspiratorial meeting. Perry Russo's story sounded as wild as it did two years ago when he was the State's star witness at Shaw's preliminary hearing. He was still the State's star witness at this trial.

page 6.

Garrison's case began to crumble. Regardless of the sometimes staggering State's evidence against Dealey Plaza, it was now apparent that two different trials were under way here- one for Clay Shaw, the other for the Warren Commission. The Garrison case never firmly linked the two. The jury's ultimate verdict of "not guilty" upheld the feeling of many.

"THE CASE FOR THE DEFENSE"

Clay Shaw's manner, approach, and bearing, and the conduct of his attorney's, played no small part in the jury's eventual verdict for Shaw. Throughout the 20 days of pitched battle, in which both sides presented their cases, Shaw was the picture of calm certainty. Looking at him made one feel sure he was sure that he was not guilty. Though he appeared weary sometimes, Shaw never showed reaction to the monstrous allegations which the State hurled at him. Quite often he sat and listened with the rapt attention of a spectator, rather than the defendant. And Shaw's chief counsel, F. Irvin Dymond, maintained a dignity, cool, and legal stature that most certainly earned him the respect and admiration of the jury. Dymond's approach was simple, almost too simple to be true. His defense was truth. Defense witnesses for Shaw were certainly not of the questionable veracity of some of the State's people. Shaw's friends and associates took the stand to qualify his whereabouts during the period that DA Jim Garrison said he conspired with Lee Oswald and David Ferrie to kill President Kennedy. Even Dymond's Dealey Plaza experts, despite their admitted ineptitudes, left enough reasonable doubt for one to imagine that error, and not a government cover-up was responsible for what happened on Nov. 22, 1963 and the years thereafter. But far and away, Shaw's best defense witness was Shaw himself. In a low key, straightforward manner, he answered each of the State's allegations. Not even severe cross-examination by Alcock could ruffle Shaw. In fact, Alcock seemed quite often to be still "fishing" for the State's case against the 55 year old retired businessman. Shaw's credibility as a witness far out-weighed the believability of Perry Russo, Vernon Bundy and Charles Speisel. Those men were the State's only real links between Shaw and the alleged conspiracy. So firm was Shaw that even a surprise State's rebuttal witness, who testified that he saw Shaw and Ferrie together, failed to stir much interest and certainly didn't affect the jury, who would ultimately find this man "not guilty."

"THE WITNESS WHO TURNED THE TIDE AGAINST GARRISON"

It was odd that a convicted perjurer, a pudgy, hip-talking, diminutive attorney named Dean A. Andrews, should turn the tide against Jim Garrison. But so it came to pass. Andrews was called as a witness for the defense. He was questioned only briefly by defense attorney Dymond who got Andrews to admit that a "Clay Bertrand" he allegedly knew, was not his client, Clay Shaw. The State had believed otherwise, and Jim Garrison had Dean Andrews prosecuted and convicted of perjury. First, some brief background on Andrews. This former Assistant DA in nearby Jefferson Parrish told the Warren Commission that the day after President Kennedy was killed, while he was recuperating from an illness, a man called him and asked him if he would be interested in representing Lee Oswald, who was alive and under arrest in Dallas. When pressed for the name of the man who called him, Andrews told the Warren Commission it was Clay Bertrand, a man who had often sent him questionable clients, criminals, homosexuals and the like. Andrews also told a story of Lee Oswald visiting him on several occasions to try to straighten out his discharge status. Now, back to the courtroom, and Dean Andrews is on the witness stand, under oath and under cross-examination by Alcock. After telling the court that Shaw was not Bertrand, Andrews refused to answer most questions put to him by Alcock, claiming self-incrimination or lawyer-client privilege. Ultimately, Judge Haggerty had to decide that Andrews had to answer Alcock, that he could not show "only one side of the coin", as he put it. And then Dean Andrews cracked. This peculiar little man bared his soul to a hushed courtroom. Andrews testified that he'd lied to the Warren Commission about a man calling him up and wanting him to defend Oswald. He said he'd plucked the name Clay Bertrand from a party joke. Andrews said he was just a little man who always wanted to be a big man and wanted to be remembered- but not as a perjurer. On Dean Andrews testimony, the entire Garrison case fell apart. Garrison himself had often said that it was

Andrew's testimony before the Warren Commission that first put him onto the mysterious Clay Bertrand, whom he would eventually claim was Clay Shaw. If there was no Clay Bertrand, then how could there be a case? The jury answered that question when they declared Shaw innocent. And it should be noted here that Andrews even blew the case for Garrison's chief prosecutor, James Alcock. At day's end, Alcock sat down with me on a bench and asked me haltingly if I believed Andrews. His head hung low as we spoke. Eventually, he got up and walked away saying, "I wish to God that Garrison had never read the Andrews' testimony."

"WHERE DO WE GO FROM HERE?"

The not guilty verdict in the case of Clay Shaw is viewed by many as a "not guilty" verdict for the Warren Report as well. But that judgement is not entirely true. Even Shaw's defense attorney told the jury in his closing remarks that the Warren Report was not on trial in that courtroom in New Orleans, only Clay Shaw was. Even Dymond admitted to errors in the Warren Report, though he could not buy implications of an official cover-up. But I would submit that this kind of opinion is good. It is certainly better than no opinion, for at least it presumes legitimate inquiry. The Warren Report had never been put to the test in a court of law before this case. Never before had Col. Finck or FBI agents Shaneyfelt and Frazier been subjected to non-governmental questioning about the events on that dark day in Dallas. For some, their answers were sufficient. But for many others, their testimony will only bring more questions to mind. Only legitimate inquiry by each and every one of us will help resolve doubt. And make no mistake- The Jim Garrison office raised plenty of doubt about what the government says happened in Dealey Plaza. As for Jim Garrison, his future would appear somewhat uncertain at this point. Soon he faces a fight for re-election as District Attorney. Until he lost the Shaw case, he was campaigning vigorously for re-election. There has been speculation too, which has never been firmly denied, that Garrison might seek the Statehouse or a Senate seat from Louisiana. As for Garrison's motivations in prosecuting Shaw, let me tell you what he told me one day in court. "Win or lose," he said, "I know that something over 60% of the American people don't believe the Warren Report. If that goes to 80% by the time we're through, I'll be happy."

MANY GUNS IN DEALEY PLAZA

On the day President Kennedy was assassinated, many rifles in addition to Oswald's alleged rifle were found in or near Dealey Plaza. Some of these were found before the alleged Oswald rifle was found. Nearly five minutes after the assassination, at about 12:35 PM a Warren Commission exhibit states that a man with "something in his hand" ran behind the Grassy Knoll. At the same time, an Associated Press photo clearly shows the silhouette of a man with a rifle on a garage roof on the Stemmons Expressway, a short distance from Dealey Plaza. Between 12:44 and 12:45 PM, according to transcript of Dallas Police radio transmissions printed by the Commission, the Dallas police described a suspect seen near the Texas School Book Depository armed with what "looked like a 30-30 rifle or some type of Winchester." Oswald's alleged rifle, according to the Warren Report, was a 6.5 Manlicher-Carcano, which was not "discovered" until 1:22 PM. At 1:12 PM Inspector J. Hubert Sawyer of the Dallas Police Dept. stated over the police radio that he found "empty rifle hulls (shells)" on the 3rd floor of the Depository. Between 1:12 and 1:22 PM, a Japanese .35 rifle was found on the 5th floor (according to a radio tape), a British model 303 rifle and 3 British 303 shells were found on the 6th floor (according to an NBC video tape), and another rifle was found on the roof of the Depository. According to a Texas newsman, Capt. Glen D. King of the Dallas Police Dept. said that the rifle on the roof was a Mauser. When asked about the Mauser after Oswald's alleged Carcano was found, King replied, "Oh, the Mauser turned out to belong to a guard on the roof, and he dropped it there when he heard the shots below and ran to investigate." At 1:22 PM, according to hearings and exhibits of the Commission, "a 7.65 Mauser bolt action equipped with a 4/18 scope, a thick brownish-black sling on it" was found on the 6th floor of the Depository.

Another German Mauser with a telescopic sight was reported "in a staircase on the 5th floor." The Warren Commission claimed that Oswald's alleged Italian Carcano was also found at 1:22 PM. It should be noted that the police radio dispatcher, when asked later at 2:41 PM, "Was the rifle recovered that was used in the shooting?" replied, "not that I know of. All we found were some empty hulls." The questions remain. Why was Oswald's alleged rifle singled out? What happened to the other suspects and weapons spotted that day?

Gary M. Murr

(editor's note: This fine article by Gary Murr appeared in the latest issue of the Probe, published at the University of California, Santa Barbara, and edited by Perry Adams. The Probe has consistently featured important critical articles on the assassinations, and we commend them for their outstanding work.)

Garrison continues battle

March 14, 1969

ART KUNKIN

The Los Angeles Times editorial statement of March 4th on the New Orleans conspiracy trial of Clay Shaw is a masterpiece of malicious lying. There certainly must be a special place in hell reserved for the editorial writer who can say, "As weird a collection of witnesses as ever decorated a courtroom was brought in by the prosecution, only to destroy themselves by their own testimony... If there is one fact proven beyond all dispute in the Shaw case it is that Jim Garrison is unfit to hold public office."

Let us look at the facts! Did New Orleans District Attorney Jim Garrison conduct a public circus or a legal proceeding in charging Clay Shaw with conspiring with Lee Harvey Oswald and David Ferrie to kill former President John F. Kennedy? Did he have proper evidence against Shaw or was Shaw's involvement, as the Times claims, "based on the most tenuous of evidential supposition, along with a great deal of imagination by the prosecution,"?

Why, if Garrison had a proper case, did the jury return a verdict of not guilty? Is this verdict proof that Garrison had an "absurd and malicious case?" And is Jerry Cohen, Times staff writer who covered the trial in New Orleans, justified in concluding that "The integrity of the Warren Commission, which Garrison tried to destroy, remains intact." (L.A. Times, March 2).

Those who say that Garrison should now resign or be "investigated" make it appear that the New Orleans District Attorney has such great personal power, and ability to misuse it, that single-handedly and without legal restraint, he was able both to arrest Shaw and maliciously subject him to the degradations and expenses of a trial. Quite the contrary is true.

Clay Shaw was arrested on March 1, 1967. He was booked under the Criminal Conspiracy Statute in the new Louisiana Code of Criminal Procedure, based on Napoleonic law. He was released on \$10,000 bond.

The pertinent portions of the Conspiracy statute says: "Criminal conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any crime: provided an agreement or combination to commit a crime shall not amount to a criminal conspiracy unless, in addition to such agreement or combination, one or more of such parties does an act in furtherance of the object of the agreement or combination."

"Where the intended basic crime has been consummated the conspirators may be tried for either the conspiracy or the completed offense, and a conviction for one shall not bar a prosecution for the other."

"Whosoever is a party to a criminal conspiracy to commit a crime punishable by death or life imprisonment shall be imprisoned at hard labor for not less than one nor more than 20 years."

After the arrest Garrison had three legal routes for bringing Shaw to trial: a bill of information, a Grand Jury indictment or a preliminary hearing. Although only needing one of these procedures, Garrison proceeded to get both a Grand Jury indictment and, on March 1, 1967, a four day preliminary hearing by a panel of three judges.

The three judges on the panel ruled unanimously to have a trial. Chief Judge Bagert told newsmen: "This wasn't a question of guilty or not guilty. It was a question of probable cause... Given what we got in there, I had no choice. Russo (the key prosecution witness) stood up. There were some minor discrepancies, but you tend

to doubt, you have to doubt it, when here is a 100 percent story every time."

Naturally, the judges could not have commented on the guilt or innocence of a defendant in a forthcoming trial. They and the Grand Jury, however, were ruling on whether or not the state had sufficient evidence to bring Shaw to trial. Judge Bagert said, "Think of what the alternative would be to cut him (Shaw) loose when the defense presented no real case. They were just grabbing at straws."

When the trial finally began, in January 1969, Shaw's attorney again had a chance, after the prosecution presented its case to ask presiding Judge Haggerty to dismiss the case for lack of sufficient evidence. They did do so, asking the judge to grant a motion for a directed verdict of acquittal, but the judge denied this motion.

This history shows that not only Garrison but four judges and a Grand Jury believed the evidence against Shaw dictated that a trial be held. Claiming under these circumstances that Garrison is unfit to hold public office and should resign because he did bring Shaw to trial is nothing, then, but sheer nonsense and a malicious attempt to confuse the public. If a Grand Jury indicts a person, a District Attorney must prosecute or he is really demonstrating unfitness.

It is interesting to note that the L.A. Times, and the others who are calling for Garrison's resignation, do not voice a word of criticism about the preliminary hearing panel, the Grand Jury or the trial judge. Just a mention of these judicial bodies and their decisions explodes the argument

that Garrison is automatically unfit to hold public office because "he" brought Shaw to trial.

What then about the "weird" prosecution witnesses who destroyed themselves with their own testimony? The State of Louisiana brought forward 49 individuals to testify against Shaw, 43 witnesses in the presentation of the case and 7 in rebuttal (one, Dr. John Nicolson, a pathologist, testified two times). In past Free Press articles, we have covered the testimony of the first 43 in some detail so let us start here with the 7 rebuttal witnesses, and then briefly summarize the rest of the so-called weirdos.

The first prosecution rebuttal witness was Emmett Charles Barbe, Jr., the maintenance foreman at William B. Reily Coffee Company, New Orleans, where Lee Harvey Oswald had been employed. Barbe was Oswald's immediate supervisor and testified that he fired Oswald on July 19, 1963 because of excessive absences and indifference to his duties.

This testimony was important because Shaw's attorneys had called Marina Oswald as a defense

witness and she had testified about Oswald's life in New Orleans. She had testified that to her knowledge Oswald did not know Shaw, Ferrie, Perry Raymond Russo, etc; that Oswald went to work during the day and stayed home at night. But she had testified that prior to her leaving New Orleans on September 23, she had discovered that Oswald was out of work for three days without her knowing about it.

Barbe's testimony completely destroyed the image that Marina knew all about Oswald, his whereabouts and his friends. His testimony showed that Oswald had been out of work for two months, between July 19 and the end of September, without Marina knowing his whereabouts or source of income during what was according to Garrison a critical period in the planning of the conspiracy.

Weirdo One—A man who has worked steadily for ten years at one job in supervisory positions, and whose testimony demolished that of Marina Oswald.

Second rebuttal witness. Eugene C. Davis, owner of a bar in the French Quarter in New Orleans. He testified that he was never known as Clay or Clem Bertrand.

This testimony was in answer to that of Dean Andrews, a New Orleans attorney, who testified before the Warren Commission in 1964 that, when Oswald was arrested in Dallas, he received a call from a Clay Bertrand asking him to defend Oswald. Andrews has been convicted of perjury because of conflicting statements he made before the Warren Commission and the New Orleans Grand Jury as to the identity of Clay Bertrand.

Garrison charged that Bertrand is Shaw, but during the Shaw trial Andrews claimed that he lied both to the Warren Commission and the Grand Jury and that there really had been no call requesting him to defend Oswald. He said that the name came to mind because many years previously he had been introduced to a man named Clay Bertrand who he knew to be Davis.

There was no reason to doubt Davis as to his testimony, particularly as it conflicted with that of a convicted perjurer who testified as a defense witness... Therefore it's not accurate to call Davis "weird" and self-destructive.

Third rebuttal witness for the prosecution, Nicholas Tadin. Now here we have a real one. In the direct examination it developed that Mr. Tadin is a business agent for the Musician's Union and spends as many as six nights a week in the French Quarter. He is a responsible citizen and a former schoolmate of the judge. He has seen Shaw many times and can recognize him.

He has two sons. In 1964 they were taking flying lessons from David Ferrie. The boys greatly admired Ferrie. They are deaf and he was the first adult outside of their family to pay attention to them as human beings. However Tadin and his wife learned that Ferrie was a homosexual with a liking for boys and they were at the airport every time the boys had a lesson.

As the questioning continues we learn that in the summer of 1964 Mr. and Mrs. Tadin (she testifies next and corroborates her husband's testimony) drove to the airport and see David Ferrie come out of a hanger with Clay Shaw. Mr. Tadin tells his wife, "Oh, that's Clay Shaw," (in a somewhat derogatory tone, as if to say there's proof of Ferrie's homosexuality) and she comments on Shaw's distinguished bearing and good looking hair.

According to the Tadin's, Shaw then goes to his car while Ferrie walks over to them. Tadin: "I see you have a new student," Ferrie: "That's not a new student. That's Clay Shaw, a friend of mine from the International Trade Mart."

The courtroom is hushed. Throughout the trial, and since his arrest two years before, Shaw has claimed not only that he did not conspire with Ferrie and Oswald but he did not even know them. Now here's this very non-weirdo witness proving Shaw to be a liar, and in relation to an alleged co-conspirator.

Cross-examination: Mr. Tadin. When did you come to the Dis-

trict Attorney's office with this information? Answer: This morning! (There's an audible gasp in the courtroom. A surprise witness has appeared at the very end of the trial. As I reported several weeks ago, in one of my little "scoops" from New Orleans, an employee of the District Attorney had stolen and given to Shaw's attorney a complete list of all prosecution witnesses and the substance of their testimony. So until Nicholas Tadin the defense had been demonstrating a magical ability to cope with witnesses who had not appeared at the preliminary hearing).

The cross-examination continues in a tone of bafflement. Mr. Tadin, didn't you know that two years ago there was a preliminary hearing during which the question of Clay Shaw's relation to David Ferrie came up? Answer: Yes.

Cross: Well, why didn't you come forward then? Answer: I didn't want to get involved. Cross (in a joking tone of dripping skepticism): Well, why do you want to get involved now? Answer: Well, I was watching my TV last night, saw the report of this trial, knew the truth wasn't coming out and decided to call Garrison this morning.

Cross (dripping scorn, loudly): Mr. Tadin, do you ever lie? (The courtroom is quietly terse as Mr. Tadin remains quiet for a long time. What can he say? And then he says it, perfectly). Answer: Everyone lies sometimes but I'm definitely telling the truth now. End of cross examination. A one question re-direct by Assistant D.A. Alcock: Mr. Tadin, do you ever lie under oath? Answer: No, Sir!

The judge declares a five minute recess because it's obvious the newsmen want to get to their phones after this dramatic development. I go out into the hall and talk to Louis Ivon, Garrison's chief investigator. Did Tad really call the office just this morning? "Yes, but we knew about him a year ago. Dozens of people at the airport have told us of seeing Shaw and Ferrie together but no one would agree to take the witness stand until Tadin called this morning."

I get a flash of insight about what it takes to be an investigator in a case of this enormous scope. Enormous patience. Fending off hooks who will manufacture testimony to suit so they can get their names in the papers. (That's why Garrison for a long time in this case insisted that each person who volunteered information to his office be given truth serum or a lie detector test). On the other hand, the frustration of coping with the ordinary citizen who could easily convince a jury of his credibility but who "doesn't want to get involved."

The recess ends. Mrs. Tadin takes the stand and confirms her husband's testimony. She says her husband called her at work and if it wasn't for her husband's feelings she still wouldn't want to get involved. Dymond, the defense attorney, tries to take advantage of Mrs. Tadin during cross-examination: Do you do everything your husband tells you to do? She makes it very clear that her husband can't make her perjure herself, and is excused.

So much for rebuttal witnesses three and four. Weirdos? Certainly not. The Tadin's testimony, along with the other credible witnesses who have seen Shaw together with Ferrie and/or Oswald, is going to put Shaw in jail for perjury. According to Garrison, this will hopefully encourage others to come forward with information. Shaw, of course, can't be tried for conspiracy because of the double jeopardy provision in American law. Garrison always stated that what he's done is lift up a small corner of a conspiracy and there is a need to tug at this corner for as long as possible and uncover as much as possible so that democracy can prevail over invisible government.

Rebuttal witness five, Dr. John Nichols, pathologist. A serious, intent man who had qualified previously as an expert in forensic pathology (the study of damaged tissue and bone to identify the cause of damage for courtroom purposes). He spoke of the difference in bone damage caused by

Mr. and Mrs. Newman, who were standing within ten feet of the former President when the fatal headshot was fired told of seeing Kennedy pushed backward and to the left as his head exploded while they scrambled to the ground to shield their position, believing that the shots were coming over their heads from the grassy knoll.

Mr. and Mrs. Phil Willis, Mary Moorman, and Wilma Bond testified and had their famous photographs put into evidence, all contributing to the sense that more than one gunman was firing in those few seconds of terror at Dealey Plaza.

And then there was Abraham Zapruder and his famous home movie of the presidential limousine as the shots were fired. The Zapruder film was shown numerous times at regular speed, in slow motion, and in a slide projection where details of bodily movement could be most readily studied. This film shows the incredibly rapid backward movement of Kennedy as his head explodes, and the only rational explanation is that there

was a shot from the front after he slumped forward from a shot in the back.

(The film, and testimony, also showed that Kennedy's movement could not be explained by an acceleration of the limousine. The limousine was slowing up, in fact, because the motorcycle officers in front stopped at the sound of the shots.)

The other explanation advanced by the supporters of the Warren Report for that sharp backward movement is that the explosion of the head caused severe internal pressures or an unusual muscular contraction which made the body move to the rear in the direction of the bullet's source...I frankly think this conclusion is searching for straws on the part of those who refuse to accept the testimony of their own eyes.

Unfortunately, most newsmen refuse to accept the testimony of their own eyes.

Unfortunately, most newsmen at the trial fell into that category. When we first saw the Z film almost everyone was stunned by the impact of what they had seen. One young newsman literally staggered down the hall saying, "I don't believe it, I don't believe it. That shot had to come from the front!" The newsmen listened to the FBI experts say the shots came exclusively from the rear. It was amazing how the Emperor was suddenly wearing clothes again simply because the authoritative sounding of the FBI laboratory had spoken.

We have already accounted for half of the witnesses brought forward by Garrison to establish his case. At the very beginning of the trial there were a bloc of witnesses as credible as the Tadin's who placed Shaw together with Oswald and Ferrie in Clinton, Louisiana. In that there were a number of mutually reinforcing statements, they can be said to be even more credible than the Tadin's.

There was Edwin Lee McGehee, a barber from Jackson, La. who gave Lee Harvey Oswald a haircut and recommended that he see than State Rep. Reeves Morgan.

Morgan, the second witness at the trial, testified Oswald came to his house and that he recommended Oswald register to vote in East Feliciana Parish. He told Oswald that this might assist him in getting employment at the East Louisiana State Hospital.

Then John Manchester, town marshal of Clinton, La., testified that he saw a strange black Cadillac near the voter registrar's office. As many Negroes were registering for the first time, Manchester was very aware of the possibility of an incident caused by strangers. He went over to the

car, asked for identification from the man behind the wheel and was told that he was with the International Trade Mart in New Orleans. The town marshal identified Shaw in court as the driver of the car.

The registrar of voters, Henry E. Palmer, testified that Oswald came in to register. A civil rights worker Corri C. Collins testified that he saw Oswald get out of the back seat of the black car and go into the registrar's office. Collins noticed two men remain in the car and saw the town marshal walk over to them. Collins identified Shaw as the driver and Ferris as the other man in the front seat.

Another civil rights worker from the Congress of Racial Equality identified Shaw as the driver of the car and saw Oswald standing in line to register. Two women from the East Louisiana State Hospital then testified that Oswald came to the hospital to apply for a job.

This group of witnesses represented months of work in the Clinton area. These witnesses, and the Tadins, don't spell out conspiracy but they are credible enough to put

Shaw in jail on perjury charges. When that happens, will the Times continue to speak of weird ding-a-ling witnesses or will the editorial then read that an innocent man was railroaded?

The next witness was an ex-dope addict, Vernon Bundy, who testified that he saw Shaw give some money to Oswald on the Pontchartrain Lake Front and later picked up some pro-Cuba leaflets which dropped out of Oswald's pocket...Not an ordinary citizen but he certainly didn't crumble away in a mass of contradictions as the Times would have it. Bundy identified Shaw in court and Oswald from pictures. Four policemen testified as to Oswald's activities distributing Pro-Cuba leaflets.

The next witness gets a bit weirder, but let's see how much before we give him up in sacrifice to the Times editorial office. His name is Charles Spiesel, a New York City accountant. Spiesel testified that he met Ferrie in a French Quarter bar in June 1963 and started speaking to him because he had flown with Ferrie during the war. Ferrie then took Spiesel to a party where he met Shaw and overheard a discussion about killing President Kennedy. Shaw, who at first seemed amused by the conversation, finally asked a question about using a plane for the assassin's escape.

On cross examination, Spiesel revealed that he has large law suits against the City of New York because communists are trying to hypnotize him. He began to look a fool but Shaw's main defense attorney, Dymond, began to press the psychological advantage he had gained beyond the point of reasonable return. Dymond asked that the judge and jury see if Spiesel could locate the house where the alleged party was held.

Spiesel did so on the next day, Saturday, leading judge and jury to two identical houses both of which Shaw used to own. He couldn't quite make his mind up which house he had entered to attend the party but it was later found out that Shaw still has social friends in one of the houses and has frequently attended parties there.

This was the first parade of Mardi Gras, by a good three hours, and at the end of it Spiesel wasn't quite as weird sounding as when he started out.

We have one more witness to discuss, Perry Raymond Russo, and he is the key to the conspiracy charge against Shaw. Russo is a former friend of David Ferrie. Ferrie died in February 1967 in peculiar circumstances after Garrison began his investigation but before Clay Shaw was arrested.

Russo claims that he was at Ferrie's house in September 1963, met Shaw and Oswald there and overheard a detailed discussion of how to kill President Kennedy. There was a discussion of cross-fire, escape for the gunmen at the sacrifice of a patsy, and alibis.

Russo repeatedly said in court that he did not take the conversation very seriously. Garrison and his aides, however, say that what Russo thought about it is immaterial because everything discussed at that meeting took place. Oswald wound up at Dealey

Plaza as the patsy. There was a triangulated crossfire that killed the President and all the gunmen got away except patsy Oswald. Ferrie took a mysterious trip right after the assassination to a town where he said he would be during the alleged conspiracy discussion along the way waiting at a phone in a Houston skating rink for a communication from someone. Shaw wound up on the West Coast on November 22, where he allegedly told Oswald and Ferrie he would be. Technically, this is a conspiracy agreement for which all parties are liable.

But, dear reader, even if you are convinced that Garrison demolished the Warren Report, which I think he did in the recent trial, would you convict Shaw on the word of one young man who wasn't sure he heard an agreement. I think Garrison's office made a few mistakes in communicating with the jury, particularly along the line of motivation.

(editor's note: Art Kunkin's report has been reprinted from the March 14th issue of the Los Angeles Free Press, which he edits and which has a distinguished record in regard to analysis of the political murders of our time.)

WHAT RELATION BETWEEN TRIALS AND TRUTH: THE RAY CASE

It all happened with frightening suddenness. After three long delays, it looked like the trial of James Earl Ray might actually take place just a year after his alleged murder of Martin Luther King, Jr. Then, on the weekend of March 8, it was announced by the media that Ray would appear at a hearing on Monday and that he would probably change his plea to guilty. Sure enough, when Monday came, not only did Ray appear at a hearing, he was put on trial. In the space of just two or three hours, he was heard, tried and sentenced. The next day, Tuesday, he was already entering his cell to serve "99 years," and that evening author William Bradford Huie, who had written the Look articles on Ray, was on television proclaiming that he no longer believed that Ray had been involved in a conspiracy.

Huie's role in all of this is interesting and deserves closer scrutiny. In his first Look article (Nov. 12, 1968), he wrote that Ray had informed him about a "blond Latin" named Raoul, who met Ray in Montreal and later made a deal with him involving Ray's receiving \$12,000 and a "suitable car," and living expenses in return for Ray's undertaking certain activities including a trip to Birmingham, Alabama, where he was to wait for "instructions." In Huie's second Look article (Nov. 26, 1968), he referred to Ray's well known December trip from Los Angeles to New Orleans and quoted Ray as saying that Raoul had written him "to meet him at a certain bar in New Orleans at a certain time on December 15." After the meeting, said Ray, "I was ready to leave. Raoul just wanted a report on what I had been doing. He said we had one more job to do, and we'd be finished; and, for sure, he'd give me complete travel papers and \$12,000 and help me go anywhere in the world I wanted to go. He wanted me to be careful, not get in any trouble, and he'd keep in touch. When I asked him what the next job was, he said not to worry about it and not to ask questions. Then he gave me another \$2500, all in \$20 dollar bills. I wanted to leave for Los Angeles that night, but Stein (his

rider) was picking up the children and wanted to visit some more relatives, so I agreed to wait one day for him." In both articles, Huie described how he was able to verify the details of Ray's story by checking them out on his own. To be sure, he gave no indication of having affirmed the existence of Raoul, but he made it clear that he had information about a plot, which could not be brought out prior to Ray's trial. When he was later interviewed on TV in Los Angeles (see article by Steve Pauley in AIC Newsletter vol.1, no.8), he went further and said that he knew of at least four people in Louisiana, one or two of whom "were wealthy and on the extreme right," who financed King's assassination.

Huie's third article was to come out in the December 18, 1968, issue of Look, but it never appeared, and on Feb. 7, 1969, he was arrested in Memphis on contempt of court charges for allegedly violating Judge Battle's order forbidding pre-trial publicity. Huie, who is supposed to have paid \$30,000 to Ray and his lawyers for the rights to Ray's information, was putting his material into a book to be published this month (March 18; to be exact), under the title They Slew The Dreamer. But now, of course, with Huie recanting and saying that Ray was "putting him on," it is very unlikely that the book, as first constructed, will be published. Thus, it would seem that Huie, Look, and the unknown publisher have wasted a great deal of time, effort and money; and Huie is still facing trial for contempt of court. If Ray was indeed putting Huie on, it surely must be one of the greatest put-ons of the century.

In spite of Huie's curious turn-about on the controversy question and in spite of the proclamations made by the attorneys for both sides in Memphis, there are a number of people close to the case who still believe that Ray was part of a larger conspiracy. Among these are Ray's first attorney, Arthur Hanes, Ray's brother, John Larry Ray, and apparently Ray himself. Basing his judgment on a great many conversations with Ray, lawyer Hanes is still convinced that Ray had a contact and that he was a small part of a larger conspiracy. Shortly after he was dismissed as Ray's lawyer last November, Hanes told the New York Times that the conspiracy was so large in scope that, to his way of thinking, it could only have been masterminded by either the Communists or the United States Government. What Ray's brother had to say is more concrete than this, but it has received very little mention in the national news media. According to the St. Louis Post-Dispatch (March 13, 1969), James Earl Ray confided to his brother just two days before pleading guilty that he was "not the only one in on this." John Ray told the newspaper, "My brother said there was someone else in on this 'deal,' but it had been hushed up by the Federal Bureau of Investigation." As for Huie's reports, "He said the articles had been substantially correct except for making Raoul a blond; he was actually red-haired." In refuting the theory expounded by Memphis authorities that Ray's motive may have been racial hatred, his brother made a rather telling point. James may not have admired Negroes, he said, "but he certainly didn't hate them enough to make him come back into this country from Canada after breaking out of Jefferson City (state prison) and knowing he was a wanted man." John Ray also pointed out one interesting fact in the case: Although Ray was a non-smoker, the ashtrays of his white Mustang were filled with cigarette butts when the car was discovered in Atlanta after the assassination. All of the brother's statements concerning Ray were bolstered, of course, by Ray himself. First there were his startling remarks in the Memphis courtroom to the effect that he did not go along with J. Edgar Hoover and former Attorney General Ramsey Clark "on the conspiracy thing," and now there is his belated request to change his plea back to not guilty-- which may mean another trial.

With all of the evidence for a conspiracy, much of it seeming to come from the horse's mouth, the abortive trial in Memphis does indeed appear to be a travesty of justice. And yet I think there is something to Judge Battle's statement that even a full-fledged trial with the adversary proceedings would probably not succeed in solving the problem of whether or not there was a conspiracy-- a problem which even Battle still admits is still at issue. If I have learned anything during this year of assassination trials, it is that the courtroom is at best an imperfect place to bring out the truth about a possible conspiracy. We have seen this with the Shaw trial and we have seen it with the Sirhan trial. Groups are never tried, only individuals; and under the adversary system,

the two sides only bring out those facts that will serve to defend or convict that individual of a specific crime. Thus, several weeks may be spent on internal forces at play in the defendant's psyche but not a day on possible external forces with which he may have become involved. Where, then, can the truth about assassination conspiracies be brought to light, if not in the courts? The implication in the Ray case is that the Justice Department, which has admitted that it is continuing its investigation, will be able to solve the problem, but based on their past performance, we may be forgiven for having even less faith in them than in the local courts. And the suggestion that the President convene another "Warren" type of commission must be considered either diabolical or naive. It may be that there is no government agency that can thoroughly and unflinchingly explore this matter. Our only hope at present may be the private group of critics and investigators organized by Bernard Fensterwald in Washington. As Fensterwald said in a recent press conference, his group, the Committee to Investigate Assassinations (CIA), "ultimately hopes to force the federal government into a thorough and honest inquiry which it has avoided" since President Kennedy's death. The "ultimately" is not a very satisfying word, but it's better than nothing.

Prescott S. Nichols

RAY AND "RAOUL"

Who is "Raoul"? That is the subject of a press conference held on March 17 by the new national Committee to Investigate Assassinations. Prior to the question-and-answer period, the Committee's Executive Director, Bud Fensterwald, made the following formal statement on the Committee's behalf:

"James Earl Ray has repeatedly said, both to his lawyers and to the press, both before and after his plea of guilty, that Martin Luther King was murdered as the result of a conspiracy.

"In addition Ray has said privately that a man named "Raoul" not only planned the murder but also pulled the trigger on the fatal shot.

"The Committee to Investigate Assassinations has gathered the following information which not only supports Ray's contentions, but which also cries out for a thorough, objective investigation of this (and the other political) killings:

*Several witnesses saw Ray and Raoul together in Selma, Montgomery, Atlanta, and Montreal.

*Not a single witness to the killing originally identified Ray as the fleeing assassin.

*Landladies in Toronto and London were shown photos of Ray, and all said they did not resemble the man who roomed with them under one of Ray's known aliases.

*Ray's extensive travels within and without the U.S. (including trips to Canada, Mexico, England, and Portugal), using three identities and three passports, shows organization and financing much beyond Ray's capabilities.

*Ray's long round trip from Los Angeles to New Orleans (to see an industrialist with an associate named "Tommy", whose office is on a canal) is well documented.

*Ray, using the alias Raymon George Sneyd, was arrested at 6:10 AM (GMT) at the London Airport; there is a considerable body of evidence that a second Raymon George Sneyd was arrested at the same airport, the same day, at 11:15 AM (GMT).

*Physical clues in Memphis point to a conspiracy: (a) Two white Mustangs drove away from the rooming house, not one. (b) An unidentified white, hooded "figure" was seen running from King's motel. (c) An unidentified person penetrated the police network, leading the police in the wrong direction. (d) Ray's white Mustang was filled with cigarette butts when found in Atlanta; yet, Ray doesn't smoke. (e) The FBI first sent out an unidentified person's prints as those of the suspect; later, Ray's finger prints were sent out.

*The FBI originally hinted at conspiracy, but later dutifully fell into line behind Ramsey Clark, denying hints of a plot. However, they did warn all witnesses to talk to no one, building a wall of silence around the case.

"The Committee notes certain common factors which suggest a connection between the Dallas murder of President Kennedy and the Memphis slaying of Dr. King:

*Photographs of a suspect arrested in Dealey Plaza.

*Easily identifiable guns conveniently left at both assassination scenes.

*Double and triple identities used by the suspects, i.e. two Oswalds and two or three Rays.

*Penetration of the police radio network in both cases.

"These and many other clues make a thorough, objective and professional investigation imperative. The Committee to Investigate Assassinations plans to conduct just such an investigation"

(editor's note: For more information and/or to financially assist this work contact:

Committee to Investigate Assassinations

927 15th Street, N.W.

Washington, D.C. 20005 (phone 202- 347-3837)

IS THERE MORE THAN ONE JAMES EARL RAY?

PETER DAWNAY

The world is generally aware that some day last year James Earl Ray, alias Ramon George Sneyd, the accused slayer of Dr. Martin Luther King, was arrested at London Airport and thereafter extradited to Tennessee where he has just been sentenced to 99 years. Very few, however, know the real story of that arrest, and yet it is one of the most extraordinary episodes in all the annals of criminal detection, fictional or otherwise.

The conflicting and contradictory reports put out by the press at the time merely served to confuse the public, which was not in any case interested in separating fact from fiction. But astounding though it may seem, of the two principal versions of the story to get into print, neither was fiction, and both were in essence factual.

The facts are these: on May 28, 1968, a certain Ramon George Sneyd checked in at the New Earl's Court Hotel in London and checked out again June 5. He called a cab to take him to the air terminal and then flew to Lisbon. On the same day another character calling himself Ramon Sneyd checked in at the Pax Hotel in London and checked out again at 9 a.m. on June 8. Meanwhile the first Sneyd, (whom we shall refer to as Sneyd I from here on) flew back from Lisbon and arrived at London Airport at 6:10 a.m. on June 8.

One of the passengers on that flight told me of a curious incident that had occurred just before take-off. At first, an hour's delay had been announced and shortly afterwards a SPECIAL Trident flight from London had arrived. The flight to London was then called, the delay turning out to be only twenty minutes.

When the passengers had taken their seats and the doors were about to be closed, an official came running over from the airport building with another man. Breathlessly he asked the steward how many passengers on board. Ninety six was the reply. "Then you have room for one more" said the official, indicating the man with him. Since subsequent accounts all said that there were ninety six passengers

on that plane, it is clear that the additional passenger was not on the passenger list.

On arrival in London, the passengers filed into the airport building along a raised catwalk. As they did so, they were scrutinized by two senior officers from the Flying Squad at Scotland Yard, Superintendent Butler and Inspector Thompson, both in plain clothes. Suddenly they stepped forward and accosted a man, asking him to step aside. A few minutes later he was hastily taken in a Flying Squad car to Cannon Row police station in central London. The arrest must have taken place at almost exactly 6:15 a.m.

Almost three hours later, the second Sneyd (Sneyd II from now on) left his hotel and made for London Airport. At 11:15 a.m., he passed through immigration and presented his passport, all unaware that a man who bore the same identity as himself had been arrested at the airport just exactly five hours previously. One look at the name in his passport was enough for the immigration official who immediately called in Scotland Yard's Special Branch which has an office at the airport. Detective Sergeant Philip Birch arrived and obviously had no alternative but to place the man under arrest. He was charged with carrying a forged passport and a loaded revolver.

The first news of the arrest came from FBI headquarters in Washington, which announced later that day that James Earl Ray had been apprehended at London Airport at 11:15 a.m. London time, 6:15 EDT after having flown in from Lisbon. This was confirmed 35 minutes later by Scotland Yard who put out the following statement which curiously omitted any reference to James Earl Ray.

Raymond George Sneyd born 8/10/32 Toronto, Canada, no fixed abode and no occupation was arrested at 11:15 a.m.

on 8/6/68 at London Airport and later charged at Cannon Row with possessing a forged passport and possessing a firearm... Superintendent Butler and Inspector Thompson are in charge of the inquiry. The arrest was the result of liaison with the FBI, the Royal Canadian Mounted Police and New Scotland Yard. The man was in transit through Immigration on arrival from Lisbon on his way to another country.

The next day every newspaper in England and America had the story on its front page. Although the information from official sources had been brief, a number of newspapers were able to fill in the details from airline officials and other sources. Ray had arrived on flight BEA 075 which had landed at 6:10 a.m. In his pocket he had had a ticket for an onward flight to Brussels on a flight scheduled to leave at 7:50 a.m. How then, one might well have asked, could he have been arrested at 11:15. One or two journalists did make an effort to explain this strange anomaly, but their efforts were singularly unconvincing. And there was also another anomaly. Transit passengers do not have to pass through Immigration unless for some reason they wish to leave the passenger lounge in which they wait for their onward flight.

It is doubtful, however, if anyone would have been troubled by these minor problems if it had not been for a journalist named Ian Colvin, of the DAILY TELEGRAPH, who happened to stumble across the true facts and very nearly gave the game away. Not that Colvin ever grasped the significance of his discovery for as a leading writer on a conservative paper he would never seek to attack the Establishment. That Sunday morning, as he read his newspaper, Colvin remembered that a certain Ramon Sneyd had persistently called him at his office the week before demanding to know how to become a mercenary in Africa. He had done so because of a series of articles which had recently appeared under Colvin's by-line concerning the exploits of a mercenary officer named Major Wicks. Colvin had taken Sneyd's address and had promised to refer the matter to Major Wicks. The address given was the New Earl's Court.

Although Sneyd had made several attempts to call Colvin, he had actually reached him only twice, once June 4 and once June 6. On the second occasion he indicated that he had moved to the Pax Hotel. In his story, which appeared the next day, Colvin wrote: "When we first spoke, a Canadian or perhaps American voice said..." This is very significant because Sneyd I had a southern American accent and Sneyd II a Canadian accent. Colvin never realized that the second call had been placed by a different person pretending to be the same man as the first. That this is what happened it not guesswork but is based on independent evidence which space does not allow me to go into here.

Later that Sunday evening, Colvin, who as it happened did not have a leader to write that day,

stroiled over to the newsdesk and asked how the story on Sneyd was coming along. He was told that nothing could be learned from Scotland Yard. "Would you like me to do you a story?" he asked. "Such as?" they replied. "Well I can do you an interview," Colvin said. He then set off to visit the Pax and the New Earl's Court hotels. At the latter he found that the police had forestalled him and the receptionist wouldn't talk. But the police had been nowhere near the former and the landlady was only too ready to talk. Curiously enough, however, although she told Colvin that Sneyd had been there until 9 a.m. on Saturday morning, the day before, and thus could not have flown in from Lisbon, he made no mention of this in his story and only stated that Sneyd had been known to have been in London until at least the 6th of June, although a careful reading of his story made it quite clear that he had been there until at least the 7th, (i.e. the day before his arrest).

Colvin's story appeared on June 10 under the headline DR. KING SUSPECT HERE 3 WEEKS. Apart from an account of the telephone calls and the interview with the landlady it contained two interesting facts which could not possibly have come from anywhere else than Scotland Yard. The first was that Sneyd had been arrested by Special Branch officers, (i.e. not by the Flying Squad as virtually every paper had stated the day before) and the second was that he had been in England for 21 days before his arrest, having arrived on May 17. Where he had stayed between May 17 and May 28 was not and never has been made clear however.

We now come to the most astonishing part of the whole episode. On that very same day, June 10, the EXPRESS came out with a story which it treated as a scoop. In inch high type it carried the identical headline to the Colvin story: DR. KING SUSPECT HERE THREE WEEKS. "Contrary to first reports that he had arrived by plane at Heathrow only hours earlier," it said, "Yard officers have established he had been in London for about three weeks."

The EXPRESS also informed its readers that Scotland Yard detectives had traced four addresses where Ray had stayed in London during those three weeks, though it carefully avoided mentioning any of them by name. The arrest had occurred because Special Branch men "making checks at London Airport spotted the name Sneyd typed on a passenger list for the 11:50 a.m. flight to Brussels."

There can be little doubt that this story was officially inspired because (a) the information was attributed directly to Scotland Yard, (b) it carried the by-line of the doyen of Fleet Street crime reporters, and (c) it was given banner headline treatment on the front page. Significantly, however, the NEW YORK TIMES of June 11 had a story which was also featured in the INTERNATIONAL HERALD TRIBUNE of that date in which the following appeared: "Scotland Yard officials continue to maintain that Ray was arrested here on Saturday morning following his arrival from Portugal..."

Another story in these two papers datelined London June 10, said: "Scotland Yard declined to confirm the reports, published in the DAILY TELEGRAPH and the DAILY EXPRESS... an FBI spokesman said that according to the bureau's information, Ray arrived in England on May 7, left the same day for Lisbon and flew back to London Saturday."

Despite the lack of confirmation from Scotland Yard, however, the news media accepted the new version of the story and were stuck to it ever since. The Trident jet from Lisbon and the brilliant detective work of the FBI have simply vanished. The arrest was the result of an "all ports" warning message about a man travelling in Europe under the name of Sneyd that was issued only two days earlier. Butler and Thompson have now been metamorphosed into Dept. Sgt. J. G. Birch.

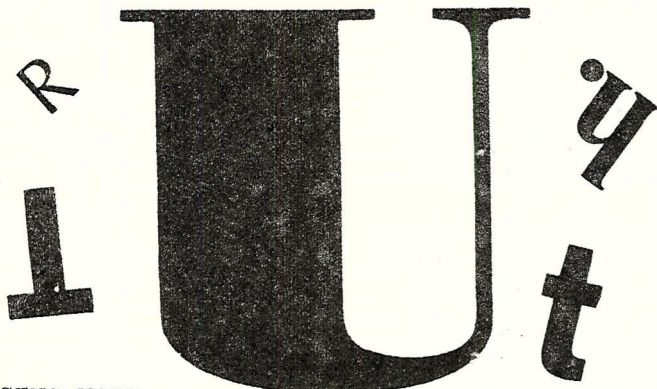
Thus it was that the embarrassing nature of Colvin's disclosures was made harmless. The technique was simply to change the story so as to fit the new facts that had been brought to light. It is a technique to which the student of assassinations rapidly becomes accustomed.

There is just one puzzling feature of the story. Why did Hoover announce the time of arrest as 11:15? At the time Colvin had not appeared on the scene and there was no reason to suppose that the second arrest could not be hushed up. One is forced to the conclusion that Hoover failed to take in that two arrests had been made, and that when the messages from London reached him he thought that the references to 6:15 and 11:15 merely alluded to the time difference between London and Washington which is exactly five hours. By an ironical twist, it turned out, it was this error which made it possible to render harmless disclosures which Colvin was to make and to conceal the fact of the second arrest by planting a story in the DAILY EXPRESS.

(editor's note: The article ending on the last page was reprinted from the LA Free Press. Peter Dawnay is a London publisher who has edited an assassination newsletter of his own and has published four books on the JFK assassination by Joachim Joesten: The Garrison Inquiry (1967), How Kennedy Was Killed (1968), Marina Oswald (1967), and Oswald: The Truth (1967). In recent weeks, Dawnay has been responsible for providing the AIC Newsletter with dozens of new subscribers in the United Kingdom and elsewhere throughout Europe. We now formally welcome these new people. We are eager to feature more of Peter Dawnay's material in issues to come.)

CASEBOOK OF A CRIME PSYCHIATRIST VIS A VIS SIRHAN BISHARA SIRHAN

Dr. James A Brussel is author of Casebook Of a Crime Psychiatrist, published last October by Bernard Geis. Dr. Martin M. Schorr of San Diego administered five psychological tests to Sirhan in Los Angeles on Nov. 25 and 26 and later prepared a clinical analysis for defense attorney Russell B. Parsons. According to the LA Times (3/15/69) an "unidentified New York woman... (spotted) the similarity of Schorr's statements to paragraphs from Brussel's book." We reprint to the right a side-by-side comparison of statements by both men so that our readers will be able to better appreciate Schorr's approach to problem solving. We wonder how many others involved in the creation of "assassination history" have employed such an honest posture? Geiss told newsmen he is thinking "very carefully" of suing Schorr for plagiarism.



CLOSING NOTE

Some miscellaneous points need mention. The AIC needs volunteers to help with preparation of the Newsletter, typists especially, and also people willing to help fold and staple the finished product. Drop us a note if you are interested.

"Address Correction Requested", printed on your Newsletter, is our way of telling the Post Office that we want to know your new address in the event you've moved. It is not a request that you write us to tell us that you haven't moved, as so many of you have done.

Many have inquired, "How much does a subscription to the Newsletter cost?", or have simply said, "Bill me for the cost." That is not our policy. Instead, why not send us a donation, taking into consideration what you can afford plus how important this Newsletter is to you. This is one important way you can participate, if you've asked, as many have, "What can I do to help?"

Our next issue will feature the perjury charge against Clay Shaw and the charge of theft of trial plans against Tom Bethell, former Garrison investigator. Keep on pushing with us...

(Newsletter edited by Stephen Pauley, MD; Prescott S. Nichols; and George Abbott, MD)

Dr. Schorr's statements:
"Essentially, the more he (Sirhan) railed and stormed, the more the mother protected Sirhan from his father and the more he withdrew into her protection.

"He hated his father and feared him. He would never consciously entertain the idea of doing away with the man... But somewhere along the line, the protecting mother fails her son.

'Repaid With Pain'

"She, whom he loved, never kept her pledge, and now his pain had to be repaid with pain. Since the unconscious always demands maximum penalties, the pain has to be death.

"Sirhan's prime problem becomes a conflict between instinctual demands for his father's death and the realization that killing his father is not socially acceptable.

"The only real solution is to look for a compromise. He does. He finds a symbolic replica of his father in the form of Kennedy, kills him and also reverses the relationship that stands between him and his most precious possession—his mother's love."

Dr. Brussel's book read:
"And the more he stormed, the more the mother protected her boy and the more he withdrew into her protecting arms.

"The boy hated his father, yes—and, more important, feared him. Therefore, he would never entertain the idea of doing away with the man... Then, somewhere along the line, the protecting mother may have 'failed' her boy.

"She whom he loved never kept her pledge, and he began to feel that she really didn't love him. Pain had to be repaid with pain, and since the unconscious always demands the maximum, the pain had to be death.

Prime Problem

"Now his prime problem was the conflict between instinctual demand for her death and the realization, through his conscience, that killing one's mother is not socially acceptable.

"The only solution was to look for a compromise. He did. He found a symbolic replica of his mother, killed her, and took valuables that stood for her most precious possession—the thing she denied him her love."



I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

MARTIN LUTHER KING Jan. 15, 1929 -- April 4, 1968



State Messner
302 West 12th St.
New York, N.Y. 10014

ADDRESS CORRECTION REQUESTED

ASSASSINATION INQUIRY COMMITTEE
4718 SARATOGA AVENUE
SAN DIEGO, CALIFORNIA 92107

BULK RATE
U.S. POSTAGE
PAID
San Diego, Calif.
Permit No. 7768