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7 September 1971

Mr. David W. Belin
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Dear Mr. Belin:

As I understand it, you make two main arguments in your reply to my article on the testimony of Charles Givens in The Texas Observer of August 13, 1971. (1) You maintain that the statements made to you by Givens in April 1964 are authoritative and nullify his earlier conflicting statements in what you term "hearsay" and "third party" reports. (2) You further maintain that the overall weight of the evidence set forth in the Warren Report renders insignificant and irrelevant its discrepancies, omissions, and misstatements on particular points.

Addressing your first argument, I wish to point out that the so-called "hearsay" and "third party" reports include an affidavit executed by Givens within a few hours of the assassination (CE 2003 page 27). That affidavit constitutes direct testimony carrying the same legal and evidentiary force as the numerous affidavits taken in testimony by the Warren Commission and published in its Hearings (see for example 7H 590-594). To imply, as you did, that the Givens affidavit of November 22, 1963 is hearsay or third party evidence is a serious misrepresentation which appears to be neither inadvertent nor uninformed. Your comment on this specific question would interest me very much.

Your defense of the credibility of Givens' testimony of April 1964 is therefore compromised at the outset by a basic premise that is incompatible with the actual facts. More important, you have not explained how you could place credence in Givens' much-belated story of returning to the sixth floor for his cigarettes without cross-examining him and also the federal agents, police officials, and eyewitnesses whose testimony or reports came into direct and irreconcilable conflict with Givens' deposition. The need to reconcile or resolve the conflict, as was attempted where other witnesses were concerned, was all the greater in the light of the fact that Givens had a police record and that a police official evaluated him as "readily subject to influence".

In assessing Givens' story of April 1964 as authentic, you disregarded and continue to disregard the force and significance of the report by two FBI agents who interviewed Givens on the day of the assassination that he had told them that he saw Oswald on the first floor at 11:50 a.m. (CD 5 page 329). The FBI agents had no reason and no basis for fabricating such an allegation, much less for doing so when Oswald was still alive and expected to come to trial. Had you considered their report to be false or mistaken, surely you would have

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caused them to be questioned and if necessary removed from further investigation of the assassination.

That you accepted, without further ado, Givens' denial that he had made the statement reported by his FBI interviewers (6H 354) is all the more incomprehensible when you knew that another witness, William Shelley, testified independently that he, too, had seen Oswald on the first floor at 11:50 a.m. (6H 328). Shelley's credibility never came under suspicion by the Warren Commission. Indeed, his testimony was cited by the Commission to refute another witness, Victoria Adams (WR 154).

Moreover, independent corroboration of Oswald's presence on the first floor at noon and at 12:15 p.m. was provided by two additional eyewitnesses, Eddie Piper, who exchanged remarks with him (6H 383) and Carolyn Arnold (CD 5 page 41), respectively, although the Warren Report falsely alleges that no one saw Oswald after 11:55 a.m. (WR 143).

Thus, information or testimony from federal agents and from eyewitnesses in the Book Depository—and the Givens affidavit of November 22, 1963—was arrayed against the inherently implausible, long-delayed story Givens told for the first time in April 1964. In effect, it was at least six against one. To place reliance in Givens' late-blooming allegations, you had first to demonstrate the unreliability or error of the individuals who provided conflicting evidence—the more so when you elected to accept an unsupported story deemed by the Warren Commission to incriminate Oswald, while you disregarded but in no way disqualified or impeached evidence tending to exculpate him which derived from a number of separate, independent sources.

You received further reason for suspicion when two police witnesses tried to establish that Givens had reported his supposed encounter with Oswald near the sixth floor window on the day of the assassination (5H 35-36 and 6H 321), while Givens himself admitted that he had not remembered the incident until many months had elapsed (CD 1245 page 182).

This complex of evidence militates against crediting Givens' April 1964 testimony. When it is compounded by the purposeful silence of the Warren Report on the inimical evidence from Givens himself and from a number of disinterested sources, one is compelled to ask if malfeasance did not take place.

Nor is the Givens affair an isolated one. You and your Commission colleagues are compromised by a second prima facie instance of perjury and collusion which involves conflicting testimony taken by you and other counsel from C. W. Brown and Sheriff Decker, on the one hand, and Captain Fritz and Sergeant Gerald L. Hill, on the other, as is detailed in my book Accessories After the Fact, pages 85-88.

While such documented charges of serious impropriety by the Commission and its counsel stand unrefuted year after year, you have accused me of fraud and deception without offering one iota of evidence. Your reply to my article suggests that you consider it "fraudulent" and "deceptive" that I did not quote at great length the very testimony that I have argued is the product of perjury and collusion and for which argument I have given chapter and verse. If that is the basis for your charge, it is nothing more than ludicrous. That you have used your "reply" to

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to publish wholly unsupported and insupportable charges, and to hurl abusive epithets instead of responsive answers to legitimate questions, only bespeaks a desperation to divert attention from the clearly-defined issue raised in my article.

I can be brief in addressing your second argument, which invokes the "over-all weight of the evidence" set forth in the Warren Report. The fact is that each and every part of that over-all evidence, when it is subjected to careful scrutiny and comparison with the corresponding testimony and exhibits, crumbles into ambiguity, contradiction, or outright misrepresentation, just like the misleading and disingenuous account in the Warren Report of the evidence provided by Charles Givens. The over-all evidence is about as weighty as a feather, as has been proven and fully documented in a number of responsible critiques of the Warren Report.

Before closing this letter, let me dispose of your petulant complaint that I did not give the correct title of the document co-authored by you and Joseph A. Ball in the citations which appear in my article. If you will look at page 11 of the August 13, 1971 issue of The Texas Observer, column 2, penultimate paragraph, you will see that I set down the full and correct title, "Ball/Belin Report No. 1, dated Feb. 25, 1964".

I mention this only because it shows that you are a careless reader, quick to make irresponsible and unfounded criticisms.

Yours very truly,



Sylvia Meagher

Copies to the Editor of
The Texas Observer, et al