

4 September 1969

Dear David,

Thanks for your detailed letter of 31st August, and Happy Birthday. I hope you resolve the complications with your two girl-friends and impress on them that you are doing really serious work with which they should not interfere for such trifles as they have in mind. Marriage can wait. (I am being facetious.)

And, let me clarify immediately, I was also being facetious in suggesting that Gemberling and the FBI, upon hearing Revill's opinion, rushed to offer Givens a bribe. Now, let me reply to your various points in the same sequence as in your letter.

About Laredo: Yes, there may well be an FBI news release disclaiming the press story, although I am not aware of such a release. It would not, in itself, close the matter by any means, because the newspaper story was quite detailed and seemingly authoritative. FBI denials are not to be taken literally in every case, as they are as likely to be self-serving and deceitful as not. Such a denial might merely signify an attempt to discourage further probing into this particular area, to forestall embarrassments which might come to the surface.

I am glad that you intend to reply to Schoener, for the record if for no other useful purpose. As for Olson's monograph: I found it surprisingly self-important considering how little new or original work it contains. However, it will be useful to establish contact with him, since he seems to have an orderly mind and an ability to write cogent prose, and should be encouraged to continue researching the case.

Unfortunately, I have very little in the way of photographic material. I do have Fred Newcomb's color transparencies on Oswald-with-the-rifle, and a set of color transparencies of the Willis slides, but that is it. I do not have the Betzner photo, have you tried Dick Sprague? He probably has the most complete collection of photographic materials of any of us, since that is his great specialty. His cataloguing has been useful, but I have been sceptical and dismayed by the various theories and "identifications" he has postulated from photos and films--wildly fanciful and almost crackpot, in some instances. I do not have Dick's address but you might be able to reach him via Fensterwald.

Reverting to Givens (page 2 of your letter): I am glad that you find the chronology useful and I am counting on your strong presentation of this very incriminating chain of stories--incriminating of Ball, Belin, Rankin et al, the FBI, probably the Dallas police, and Givens himself. I do admit freely that I have a kind of maternal or proprietary feeling about this material and possibly the happiest two moments of this entire year were, for me, when I read the summary of Givens' interviews in the Ball/Belin report, and then when I read the Gemberling interview of Revill. I will certainly honor my commitment not to preempt anything in the Ball/Belin report, but if you do not use the material, or do not use it within a reasonable time, and if I have the opportunity to make effective use of the Givens stuff, I may ask you at some later time to release me from my promise with respect to this one element in the Ball/Belin memorandum. (It being understood, of course, that if you are not willing to do so, I will continue to honor my commitment.)

You may well have a significant point with regard to Givens' reference to the clipboard in his SS interview, sometime between 12/2 and 12/6/63, probably 12/4, or 12/5/63 (the dates on the appended affidavits of Truly, Norman, et al.). The clipboard becomes "incriminating" only by reason of its "discovery" still on the sixth floor, with the implication that Oswald never left that floor until after the shooting. And the collateral implication that the witnesses were mistaken in their statements that they had seen Oswald on the first floor as early as 11:50 a.m. and as late as 12:15 p.m. (e.g., Givens in his 11/22/63 interview, Shelley, Piper, and Mrs. Arnold).

You say in the excerpts which you enclosed with your letter, "The clipboard, I believe, was found on Dec. 6." However, as in Assessories pp. 68-69, I had concluded that the clipboard was found on or about December the 2nd. After the lapse of so much time, I no longer recall the reasoning by which I arrived at that timing--probably, it was on the basis of Kaiser's testimony.

I have the impression that Givens first mentioned the clipboard to the SS agents after it was "found" on the sixth floor, and in response to specific questions by the agents. That is implied by the remark that he "did not give the matter further thought." But even if he mentioned the clipboard only because the SS agents asked him about it and elicited his statement, it is not clear whether his reply was in the context of his transformed story or an innocent reply. One might also ask why he did not tell the SS agents in December, as he had told the FBI agents on 11/22/63, that he had seen Oswald in the Domino room at 11:50 a.m. He might have told them, only to have the agents omit the information. He might have forgotten to mention it. Or he might have started even then to transform his exonerative story into an incriminatory one.

What leaves me with lingering doubt about the last possibility is (1) that his mention of the clipboard seems to me to have been elicited by the SS agents, after it was "found" and (2) that if he was already suborned and engaging in perjury with the purpose of fabricating evidence of Oswald's guilt, he actually said very little. Certainly he had not yet worked out or been coached in the "forgotten cigarettes" version at the time of the SS interview in December. It was not until April that he produced that infamous fiction.

It was Sauvage, I think, who first questioned the "discovery" of the clipboard in a brilliantly sarcastic argument which is either in his book or one of his magazine articles, or both. And during our 9/30/66 debate with Liebelier and Griffin, Liebelier was forced to acknowledge explicitly that the contention that Oswald was on the sixth floor just before and at the time of the shooting was supported by little or no evidence (while the hapless Griffin almost strangled himself by such tortuous reasoning as to reach the humiliating "logic" that the "fact" that Oswald shot Tippit was the best evidence that he was on the sixth floor at the window).

Because the December mention of the clipboard is ambiguous and possibly innocent, I would be inclined to center the whole argument on the "forgotten cigarettes" testimony with its indisputable proof of perjury and collusion. The culpability of absolutely irrefutable: he knew and remembered Givens' original story and he consciously and deliberately failed to place it on record or to resolve the flagrant contradictions and self-reversal. That he knew and remembered is proved by his chicane question to Givens--"Did you ever tell anyone that you saw Oswald in the Domino room...etc." and his accepting Givens' denial, which he knew damn well to be false. Since this evidence is categorical, and the allusion to the clipboard in December is ambiguous, I would hesitate to include the latter point for fear of diluting the far stronger argument on the "forgotten cigarettes."

I am very grateful for the copy of the complete SS 491 that you sent. On the basis of a first, quick reading, I have found nothing noteworthy. But I will read the whole report a second time, with deliberation and extreme care, and will write at once if there seems to be anything exceptional.

Still on page 2 of your letter, penultimate paragraph: Yes, it is clear that Revill's remark was directed to the rumor of the "Negro janitor" invention foisted on Thayer Waldo by SS agent Mike Howard. I was only being ironic and clumsily jocular in suggesting that Gemberling rushed to his principals with the good news that he had located a witness who could be bought--and they must have had legions of such witnesses. We are in full agreement on Revill's meaning but regardless of the context in which he had his remark, it remains an assessment of Givens' character and a corroboration of his vulnerability or venality. It is thus an invaluable new element in the structure of evidence that led me to characterize his testimony as smelling of perjury and collusion, in my chapter "The Sixth Floor at Noon." And, as noted therein, Sawyer and Revill, among others, became parties to that perjury and collusion when in their testimony they attempted, ex post facto, to authenticate the fiction that Givens on 11/22/63 had placed Oswald at the sixth floor window, when on that date he had in fact placed him in the Domino room.

Your page 3, paragraph 3: I agree completely that too much should not be made of the "negative evidence" in CE 1381. In fact, the FBI used a standard questionnaire in this series of interviews with the Depository personnel, designed to elicit as little information as possible. As I noted in Accessories, the nature of the questions posed ensured that they would not elicit from Mrs. Arnold the information that she had seen Oswald at about 12:15 p.m. near the front door. I would only comment that it was an opportunity for Givens to volunteer his "forgotten cigarettes" story, if he was anxious to get it on the record, but I agree that this is not a point that should be argued.

As to including the Givens affair in a chapter on "outstanding failures" of the WC, I would urge that the whole episode goes beyond "outstanding failure" and constitutes a prima facie case of intentional falsification, on the part of Belin et al, for the express purpose of incriminating Oswald--by placing on the record specious testimony locating him on the sixth floor and excising from the record four eyewitness statements placing him on the first floor. Perhaps you classify purposeful fabrication of evidence as an outstanding failure of the Commission, but I am convinced that this goes well beyond procedural imperfections and right into the sphere of conscious, deliberate, and criminal fraud which is even now prosecutable and which constitutes ground for disbarment of Belin and his accomplices.

Page 3, paragraph 6: I suppose there must be somewhere a written request for re-interview of Givens which led to the FBI interview of him on 6/3/64, but I have no idea how we could get our hands on it.

Finally, the last paragraph of your letter is reassuring in that you say the basic case is coherent and complete, but discouraging in that you do not mention a target date or deadline for the finished ms. and seeking a publisher. I hope that you will be really finished by the end of this year because it would enable you to hope for publication by late 1970. By the way, I finally did read the Harper's article on McGeorge Bundy---absolutely lethal and damning, both to Bundy and by implication to the whole system which made this evil period of our history possible. All the best,

*Albin*