

Showtime show trial:

Among EOC readers, access to Showtime cable TV seems scarcer than interest in the LWT production, "On Trial: Lee Harvey Oswald." I was able to see the program, so it seemed like a good idea to get this issue out as soon as possible. It is less edited than usual; my allocation of space probably does not accurately reflect the relative importance of the various witnesses, or of the program as a whole.

The mock trial used real lawyers, real witnesses, and no script. Five and a half hours were broadcast on November 21 and 22. (An additional 18 hours will reportedly be shown next January, or maybe it will be just 12 and a half hours.) There were 21 witnesses in all - 14 called by prosecutor Vincent Bugliosi, seven by defense lawyer Gerry Spence. There were nine "November 22" witnesses (six who were in Dealey Plaza, two on the Tippit case, and one from Bethesda); four people who knew or investigated Oswald and one who knew Ruby, and seven people who testified to or participated in the HSCA and Warren Commission investigations. Not much documentary material was used in the trial, other than the Zapruder film and some 1963-64 film clips.

High points, in my opinion, for viewers already familiar with the case: Ruth Paine talking about Oswald, Ed Lopez on his HSCA investigation of Oswald in Mexico, Paul O'Connor on the circumstances of the autopsy.

Low points: the cross-examination of Ruth Paine, Jack Anderson as a commentator, conspiracy witness Tom Tilson, Cyril Wecht's testimony on the single-bullet theory, the trial as a fact-finding vehicle, and Gerry Spence (who came across like Mark Lane imitating Sam Ervin).

Prior to the filming, I talked with (and consulted for) some of the LWT people, primarily producer Mark Redhead and researcher Richard Tomlinson. They had a good understanding of the subtleties of the case, and of the limitations imposed by the trial format. Unfortunately, those limitations were more apparent in the final program than the new insights and information they developed. In real life, I am told, there is more of a fact-finding process in the work of trial lawyers than the jury ever knows. The LWT effort might look much more productive after we see the outtakes (or if there is a book or long article - I have heard nothing about one.) LWT definitely got some interesting comments from potential witnesses who were not even mentioned in the final version.

Summary and commentary:

The first evening's segment (three hours) comprised the prosecution case. It was the basic WC-HSCA evidence against Oswald, presented in a rather straightforward way by Bugliosi.

Bugliosi's presentation included relatively little that offended me, except for a few things like some comments in his opening statement about Oswald as a Commie (which Spence pounced on). Bugliosi was much worse on "People are Talking" in S.F. in mid-November, where he dredged up Joseph Goebbels and the "big lie" to bash the critics with. Bugliosi's trial presentation did tend to refer more to what "the critics" had said than to "my opponent," and he tried to discredit Wecht by calling him "the darling of the conspiracy buffs."

Opening statements followed a brief introduction by Edwin Newman, including some stock footage. The stated aim of the show was to restore the rights of Oswald to a trial, and of the American people to see justice done. The London set looked like a courtroom, with a jury brought over from Dallas, an apparently working court reporter, and an audience of actors.

Bugliosi's real record was one acquittal in 106 felony prosecutions, and Spence had not lost a jury trial in 17 years; at some level these guys were clearly playing for keeps. This may have led to strategies aimed at winning, rather than at, say, coming up with newsworthy new evidence or good TV.

Bugliosi began his opening statement with negative comments about conspiracy buffs. A frameup is a "preposterous" idea; Oswald was a "deeply disturbed and maladjusted man" and a "fanatical Marxist."

Spence said that when he started work on this trial, he thought Oswald (generally referred to as "Lee") was guilty, but he was now convinced that we have been carrying a "national lie" with us. At the end of the trial, the jury would still want to know why Bugliosi, representing "this huge polithera [sic] of power in this country" had still not come forward with the whole truth, and would therefore have to return a "not guilty" verdict.

By and large, the prosecution witnesses repeated their earlier statements, often by saying "yes" to Bugliosi's leading questions. I suppose that was like a real trial, and it certainly kept the proceedings from dragging, but in many cases this limited the opportunity to judge the demeanor of the witness. I'm not sure anything came out in direct testimony which we didn't already know, but if it did, we would have trouble judging whether it was a real subtlety or one introduced by Bugliosi's paraphrasing.

First witness: Buell Frazier, slightly graying. He lives "here in Dallas." He said that Oswald was the only employee missing at a roll call. Spence opened with a little joke, and bugged Bugliosi by mispronouncing his name. He led Frazier to say that Oswald was nice, liked kids, was not a madman, and had not previously lied to him.

The real issues involving Frazier, particularly his interrogations by the police, did not surface. (LWT had been referred to Chapters 10 and 11 of George O'Toole's book "The Assassination Tapes.") Of course, all my comments about what was not done are subject to revision when we see the rest of the testimony next year.

Charles Brehm described what he saw of the shooting. To Spence, he conceded that he had called himself an expert on those few seconds. The Zapruder film was shown, to make the jury experts too. Brehm argued a bit when Spence described the head snap in exaggerated terms. Spence carried on about the direction tin cans move in when hit by rocks, and he was reprimanded for his theatrics. There's a mind-bender. If a witness misbehaved, would he be cited for contempt of television? (And sentenced to watch "Dallas"?)

Harold Norman was led through his description of hearing the shots and falling cartridge cases on the next floor up. Spence aptly noted that Norman did not try to escape from the armed man in the building, and Spence inscrutably suggested that what he heard could have been other metal objects dropping. Norman seemed a bit evasive, or perhaps just understandably puzzled by the whole exercise. Oddly, he indicated that he had resisted the efforts of the FBI to put words in his mouth, on the question of whether what he heard was "above" or "right above" him. Spence tried (inadequately) to clarify the issue of when employees were freed to leave the building.

Sheriff Eugene Boone described the sniper's nest, and his discovery of the rifle, saying that "Mauser" was used as a generic term. Typically, Spence did not really cross-examine Boone about what he had said, but used his testimony as a way of presenting his own speculation. Spence suggested that the gun was meant to be found, and that the cartridge cases were found in positions inconsistent with ejection to the right from the rifle.

As in a real trial, I guess, Boone didn't get to point out that cartridges can bounce, and he played along with Spence's resurrection of the old Mannlicher - Mauser identification problem. Boone conceded that he was not able to identify the rifle as the one he found, just in the sense that it did not have his marks on it. Having testified that he found no powder burns on the foliage on the knoll, he conceded that there were none on the sixth floor either.

Officer Marrison Baker described his encounter with Oswald on the second floor. Spence emphasized that Oswald did not seem excited.

Ted Callaway told of seeing Oswald run past his used-car lot with his

pistol, and of checking Tippit's pulse and calling in on his radio. On cross, Bugliosi objected to Spence cutting off Callaway's responses, but was overruled. I wonder if anyone got to sit down with these witnesses and have a decent session of questioning without playing by legal rules, and if a record of such conversations will ever become available. If not, that would be a real loss.

About an hour into the show, there was the first exchange I found potentially valuable. Callaway conceded that Capt. Fritz said before the lineup that they wanted to wrap up the case on Oswald, and linked him to JFK's murder, but Callaway said he had asked first. He continued to defend the handling of the lineup (e.g., the clothing worn) and the validity of his identification: "I could have made it, sir, if they had been 'nekkid.'"

Bugliosi called Frazier back, to identify Billy Lovelady standing in the doorway a few steps in front of Frazier. Spence had gotten Callaway and Baker to say that the man in the Altgens photo resembled Oswald. Spence tried to make an issue of Frazier not having identified Lovelady before. This is a good example of muddying up the facts on what really is a non-issue.

Jack Brewer (known to us as Johnny Calvin Brewer) told of seeing Oswald outside his shoe store, and of his role in the capture of Oswald. Did we know that the police briefly held a gun on him? Good testimony from a human-interest viewpoint, but we did not learn how Brewer felt about jumping into that dangerous situation. To Spence, he conceded that Oswald's odd behavior was consistent with being a patsy, that a policeman struck Oswald, and that he did testify that he heard someone say "Kill the President, will you" - but he does not know who, or even if it was a policeman. (It did not come out that he told David Belin that it was "some of the police," and that he thought he "had seen him [Oswald] some place before. I think he had been in my store before." [7 WCH 6, 4])

After a "break," during which Ed Newman retraced Oswald's route, Cecil Kirk testified about his HSCA photo analysis, primarily of the Zapruder film and the backyard photos. Kirk had better graphics capabilities this time - stop action video, and a light pen (as used for play analysis in football games). This production reportedly cost about \$1 million; the HSCA spent only about \$5.5 million investigating the JFK and MLK cases.

Spence suggested, in a patronizing and artificial way, that the sudden stop of the running girl (Rosemary Willis) may have been caused by her mother - she presumably did have one, right? - calling her name. Spence tried to get Kirk to admit that he could not detect a CIA or KGB fraud; he stood his ground. I remain impressed by Kirk. I really believe that many of the HSCA panelists would have been delighted to come up with evidence of conspiracy. (That has been said about the WC staff too, but there I have strong doubts.)

An odd bit of role-playing: Bugliosi objected to the playing of a 1964 clip of Connally talking about the shots, when he must have realized that it was good television and would not be passed up.

Dr. Charles Petty testified about the HSCA pathology panel, attributing the head snap to a neuromuscular reaction. Cross-examination was dreadful - did you ask the FBI or the CIA "to produce the brain of the President?" Even expert witnesses don't get to talk. The HSCA public hearings were usually a lot better than a real trial, imperfect as they were. (Remember "I just have one more question, Mr. White. Do you know what photogrammetry is?" [2 HSCA 344]) Petty looked authentically and appropriately amused by the antics of the lawyers.

Bugliosi and Spence seemed genuinely puzzled by the panel's observation that the photos and X-rays contradicted the autopsy surgeons on the location of the head entry wound. (7 HSCA 129) Spence erroneously introduced this as a conflict between the photos and the X-rays, and the real issue here (which the HSCA was unable to resolve) was totally obfuscated.

HSCA firearms expert Monty Lutz described a re-enactment he did for

Bugliosi this May, getting three hits in 3.6 seconds once, and two hits the other four times. Spence noted that this was not an exact duplication. He made this point in such an obnoxious way that his success with juries both surprises and disturbs me.

Vincent Guinn testified about his neutron activation analysis. The cross-examination (reproduced on p. 9) was in some ways typically awful. Spence emphasized that Guinn had not examined 28 additional bullet fragments which were "found" in the head. (In fact, they were "found" in X-rays.) The erroneous implication that 28 other fragments were removed and then ignored just slipped by. (Or was that my inference, not Spence's implication, as Mark Lane used to say?) Guinn wasn't allowed to say what he knew on that point.

Insofar as there is a real inauthenticity issue, i.e. in the context of Lifton's evidence, it was not pursued in any meaningful way on the air.

The next witness was a surprise to me, and a new face: former FBI documents expert Lyndal Shaneyfelt. He gave straightforward testimony about the Klein's order form for the rifle and Oswald's diary and letters, with a reading of the sections indicating the most hostility to the U.S. Spence played the innocent: "Well. Do you realize what you've been used for here, doctor?... to smear my client, isn't that right?" Presumably used to this sort of thing in real life, Shaneyfelt did little but answer the questions. Reading from 8 HSCA 236, Spence noted the expert testimony that the diary was written in only a few sittings. Shaneyfelt stood up to him on his use of microfilm copies for analysis.

Spence suggested, hypothetically, that assuming Oswald was working for "the CIA or for the Army Intelligence or for the Navy Intelligence," he might establish his loyalty by sending anti-American letters through the censored mail. A confused double hypothesis: an agent wouldn't ordinarily keep a diary, but he wanted his to be read. Shaneyfelt conceded that it was a "fair assumption" that the CIA and FBI can create good forgeries.

A bit of real-life drama emerged in the testimony of Nelson Delgado, now a chef in Arkansas. He and Oswald were both "130%" pro-Castro in the Marines. He agreed with Spence's description of his (previously reported) fears that the FBI would get him, and Bugliosi wondered - without probing the reasons for his fears - if Delgado didn't think that the FBI would have gotten him if they really wanted to. Delgado said he was "just old news" now, and revealed that he had indeed been shot in the shoulder.

The last government witness - on the stand for about 25 minutes - was Ruth Paine. Wasn't this her first extended public appearance? It was interesting to see her in person, but the constraints of the format were overwhelming. She was trying to be precise, thoughtful, and fair, and apparently found talking about Oswald a difficult experience; the lawyers were busy acting like lawyers. For example, Spence asked if she were a CIA or KGB agent, ridiculing her (as she noted) for laughing at the first question. He badgered her about the coincidences involved in her studying Russian (to work for US-USSR friendship), befriending Marina, having the gun in her garage, and getting Lee the TSBID job - all, it seems, to make the point that she now knows how Lee would have felt about being (falsely) accused. Dreadful. Why she sat still for this, I don't know. She did say that she hoped to show "for the historical record" that a "very ordinary person" like Lee "can kill the President without that being something that shows on them in advance."

A discussion with Ruth Paine on her own terms could have been very illuminating. There are many questions she has apparently not been asked - about her previous interrogations, for example. I'm sure that even the buffs with suspicions about her relationship with the Oswalds could come up with a list of questions which could be asked in a productive and non-hostile manner. I hope she doesn't think Spence is a typical critic; I think some of us should write to her and apologize.

If Spence's whole case really were typical of what the critics have to

offer, it would be time to retire. My reaction to Mark Lane in 1964 was that all those little points must add up to something; my reaction to Spence is quite the opposite. His ability and inclination to suggest doubts about whatever a prosecution witness said told me less about what happened in Dallas than about how lawyers work.

The first defense witness was Bill Newman, who described seeing Kennedy and Connally hit. It was established that there was room for doubt in his opinion of the direction of the shots, since (when he was excited and upset) he signed a statement saying the JFK had stood up in the car.

Spence called Tom Tilson of the DPD to tell his story about someone who looked just like Ruby (whom he knew) throwing something into a car just past the knoll, right after the shooting. Tilson then followed him but the license number he called in was apparently not pursued, and Tilson's copy was lost. Sure. Bugliosi didn't get Tilson to recant on the stand, but his story certainly didn't look plausible when he was done.

Earl Golz's article on Tilson does not suggest that he thought the man he chased was Ruby. (#116, 2 pp., DMN, 20 Aug 78, just six days before the HSCA interviewed Tilson; see also 12 HSCA 15-16, or "Conspiracy," p. 82.) Golz's most provocative statement (given Hurt's account of funny business in the Tippit case) is that Tilson was close enough to Tippit to be a pallbearer.

Of all the conspiracy witnesses around, why would Spence want this one? I fear he really chose to suggest that Ruby was running around Dallas, on the knoll with a gun and planting a bullet at Parkland. That is hardly a leading hypothesis for a conspiracy involving Ruby; the only advantage seems to be that one can exploit it, in a very naive way, to incorporate some of Seth Kantor's testimony and at the same time cast doubt on Guinn's.

The testimony of Dr. Cyril Wecht generally resembled his HSCA appearance, in tone as well as content. Wecht still takes a hard line on the question of how he could be right and the rest of the HSCA panel wrong, suggesting the "subconscious" influence of their government grants and appointments. In the program's second gratuitous reference to nudity, Wecht asserted that he was the only panelist with "the courage to say that the king was nude and had no clothes on."

In response to Wecht's best point - the condition of CE 399 - Bugliosi did not bring up the test firings by Dr. John Nichols (and later by Dr. John Lattimer), where shooting this ammunition into a block of wood left the bullet in good condition. (Lattimer, p. 271-2) That's not the same as a comparable bullet from a real shooting, but it should be noted.

I cannot defend Wecht's use, in attacking the single-bullet theory, of the same schematic diagram he presented to the HSCA (1 HSCA 341). It is an unfair representation of what the government now claims CE 399 did. One can debate the SBT trajectory, but one must now start with the results of the HSCA's trajectory analysis. There may be minor errors on that work, but the SBT path is clearly not as implausible as Wecht presented it. Bugliosi scored a point by asking where the Kennedy bullet went if it did not end up in Connally, but he did not bring up the HSCA's trajectory work.

Perhaps the most impressive defense witness was hospital corpsman Paul O'Connor, one of the important Bethesda witnesses in Lifton's "Best Evidence." He described the removal of JFK's body from a body bag, the "constant" interference by Dr. Burkley (apparently on behalf of the family), and the condition of the head, which left no need for the procedure he usually performed to cut the skull and very little of the brain to be removed.

Bugliosi's cross-examination produced one dramatic moment. First he established that the surgeons did "most of the mundane jobs" usually done by the technicians, but O'Connor insisted there was no brain to remove. If this was so shocking, Bugliosi wondered, why didn't he tell the HSCA? He seemed genuinely surprised when O'Connor said he had been "under orders not to talk until that time."

Unfortunately, issues relating to these orders were not pursued on the air. O'Connor, who was nervous, referred to getting permission from the HSCA to talk to Navy brass, and also indicated that the HSCA had not asked the right questions. The sequence of events is unclear: Bugliosi referred to an hour-and-a-half interview with the HSCA; I think the volumes cite only an "outside contact report" (which was often based on a phone call) dated June 28, 1978, but that does not preclude an earlier interview. The 1963 orders not to talk were not modified until March 1978, when permission to talk with the HSCA was reluctantly given. (Best Evidence, p. 608)

The broadcast did not mention the Sibert-O'Neill report or the other indications of head surgery. Spence seems to have used O'Connor's evidence only to establish the absence of the brain, without much of a scenario to explain it. O'Connor's interpretation was not brought out; Lifton's book said he basically believed the Warren Report.

Spence also brought up the missing brain with Wecht and Petty, and in connection with the Zapruder film. As with his version of a Ruby conspiracy, the missing brain is representative of but not really central to the mysteries of the medical evidence. Bugliosi's presentation of the HSCA investigation of RFK's probable role in the post-autopsy destruction of a brain may have unduly lessened the impact of O'Connor's testimony.

Former FBI SA James Hosty was called as an adverse witness. It was valuable to see him, but I don't recall much new information in his testimony on Oswald's note, the information "withheld" from him about Oswald's Mexico trip, and other matters. (Spence's grasp of the evidence seemed imperfect; he indicated at first that a page had been removed from Oswald's notebook itself.) It was Bugliosi who got Hosty to say that he was not suggesting Soviet consul Kostikov was involved in the assassination.

Hosty thinks the Mexico mystery man was assumed to be Oswald because prior wiretap information suggested - at the time - that Oswald was going to come over to pick up his visa. Where has this explanation been dealt with?

The next witness was HSCA researcher Edwin J. Lopez, barely recognizable as a short-haired and properly attired lawyer, talking about Oswald in Mexico. (His style during the HSCA investigation was informal; see p. 211 of Gaeton Fonzi's article on the HSCA, 2 EOC 10.2.) Like O'Connor, Lopez did not provide many facts the buffs did not already know, but he probably made quite an impression on the viewing audience. His personal conclusions were that Oswald was in some way associated with the CIA, and was a patsy.

Lopez concluded that there had been an Oswald impostor for all the Embassy visits - partly on the basis of his review of CIA photos taken from three sites. He specified that the surveillance was around-the-clock, contrary to David Phillips. [The Night Watch, p. 124; cf. Summers, p. 384] Spence noted that, in a real trial, Lee could have demanded production of the still-classified 280-page HSCA report on Mexico. On cross-examination, Bugliosi let Lopez talk a bit, and managed to effectively touch on some of the evidentiary difficulties with his conspiratorial conclusions.

The final defense witness was Seth Kantor, whose testimony provided a pretty good summary of the basic issues relating to Ruby, whom he knew. Bugliosi raised some of the standard non-conspiratorial rebuttals. I don't recall any facts which are not in Kantor's book on Ruby or the HSCA volumes.

In terms of factual information alluded to, Kantor, Lopez, and O'Connor certainly deserve more space in EOC than all the prosecution witnesses put together. However, we have not heard Lopez' evidence - he said he was still bound by his secrecy oath. The fact that Lopez went public with his personal conclusions is significant, in any case. On the whole, the evidence involved in the defense case was better than Spence's presentation of it.

I am told that the taped testimony included three additional witnesses, and that three more were flown to London but not used. (I do not know the names of those witnesses.)

Bugliosi's closing arguments were effectively delivered and generally straightforward. He did not push a "no conspiracy" argument, but alleged that Oswald was "guilty as sin." He could have been much worse; he cited Oswald's defection to the USSR not as evidence of his serious political beliefs, but as one indication that he was "utterly and completely nuts" and "bonkers," as one must be to shoot the President. He noted that Spence kept his cowboy hat on the table and didn't put it on anyone as a conspirator.

There were certainly holes in Bugliosi's argument - when he asked, for example, if there was such a sophisticated conspiracy, why frame a poor marksman who had a \$19 rifle? That one can be answered. In general, I don't think an uninformed viewer got a good sense of the political context of the assassination. Bugliosi said Spence was too smart to say the FBI or CIA killed JFK, which would sound "downright silly," and he asserted that neither the CIA nor the Mafia had "any productive motive whatsoever" to do so.

Spence propped a photo of Lee in a chair, and said that Lee would probably say he was scared and could not explain a lot of the evidence. Spence would tell him to just trust the jury. Of course, he emphasized that each juror had to dispel all his reasonable doubts. (Neither lawyer was about to abandon successful techniques for this very special case, which is why Spence had to argue with Kirk about the running girl, for example.) Spence dragged up all the "coincidences" involving Ruth Paine, and various other alleged coincidences. He said that the only firm truth in this case is that the "closet" of hidden evidence is still locked.

Spence closed with a melodramatic metaphor in which a bird in a child's hand represented Lee's fate in the jury's hands. The speech's distance from the hard facts reminded me of Garrison. At this point, if I had been a juror, Spence's style would have led me to decide that some of the doubts he had planted were not really "reasonable" and could be ignored. One small consolation is that the lawyers did not get a lot of money for appearing on the program - just a lot of publicity.

While waiting for the verdict, we heard a discussion involving defense lawyer Alan Dershowitz and two men who could well have been witnesses, former AG Ramsey Clark and Jack Anderson.

Anderson's self-promoting remarks argued for a verdict of guilty as part of a conspiracy. Among other things, he claimed that he began digging into the CIA after the assassination, and that he found that the CIA had recruited Mafia killers to get Castro. Oswald killed JFK "little over three [sic] months" after Castro's "warning" interview with Daniel Harker of the AP, "and we've had plenty of testimony showing [Oswald's] links to the Castro movement." John Roselli was killed by Trafficante's people because he gave Anderson details of Castro's involvement. Anderson also talked about an immediate briefing of RFK by McCone. He also said that Hoover "made a public statement" to the effect that he was "under pressure to finger" Oswald. As a guide to Anderson's reliability, note that he referred to the acoustical evidence as if the HSCA's results had not been seriously challenged.

Does Anderson have some sort of first-amendment immunity against being properly questioned? His 1967 column suggesting that Castro had retaliated against plots pushed by the Kennedys was certainly an event in the controversy, not just a description of it. (Ed Newman, at least, did challenge his Roselli story.)

If anyone wants to transcribe Anderson's comments, or other parts of the program, I can provide an audio tape.

Among other things, Ramsey Clark suggested that the Castro-did-it theory is CIA disinformation. He praised the Warren Commission for doing a "marvelous job," and alleged that RFK had no doubts about FBI or CIA involvement. The issue, he thinks, is how we can keep our idealism without succumbing to "irrationality and to violence."

Dershowitz emphasized the importance of maintaining the integrity of the



fact-finding process. Even more than Spence, he would have emphasized that the process had been tampered with. Clark said that sort of thing happens all the time. Dershowitz thought Spence got some new facts out, and showed the advantages of the adversary process. Clark, correctly, disputed that.

Spence and Bugliosi made a few general remarks to the TV audience, mostly on the value of the mock trial.

The jury's verdict: guilty. On the question of conspiracy: seven no, three yes, two undecided.

There was also a telephone-poll verdict, provided by an unspecified number of viewers who saw at least part of the defense case and thought giving their opinion was worth fifty cents: 14% guilty, 86% not guilty in the West, 15% and 85% in the East. That is generally consistent with the 1983 Gallup poll often referred to by Hurt, and with Fensterwald's poll of "experts." (#1984.36, #1984.166-7) Newman thought the variance of the two verdicts was a "remarkable" state of affairs. (For my sentiments about polls of the general public, note item #126 below.) Newman said that the unavailable evidence, if relevant, should be made public, in light of the "continuing disquiet."

How I would have voted? In a real trial, not guilty (unless the rest of the jury was unanimously not guilty, in which case I might have taken the opportunity to hang the jury and get some more facts out the next time around); in a mock trial, based just on what was aired, guilty and conspiracy. But, as with my limited real-life trial experience, my strongest opinion was that at least one of the lawyers should be locked up. Despite my bias against Bugliosi for his prior comparison of some buffs to Dr. Goebbels, I think he did an acceptable and often persuasive job on the air.

The credits included special thanks to Tony Summers and Mary Ferrell. The copyright is held by LWT.

#### Clippings:

117. For 15-16 Nov 86 (Seth Kantor, Cox papers and NYT service) [3 pp.] "Despite the impact of the testimony, the realistic trial is dominated by the hand-to-hand courtroom combat" of Spence and Bugliosi, who "do not like each other, on and off camera." A good pre-broadcast overview, with a few quotes from the witnesses.

118. 9 Nov 86 (LAT) "Oswald goes on trial" [4 pp.] An amusing account by Bill Bancroft of Dallas, who worked as a researcher for the program. Norman was hard to locate; Amos Euins was afraid to participate; a judge who looked like one was not easy to find; some "jurors" (deliberately chosen to be under 35) were (understandably) suspicious of the LWT offer. (One checked Bancroft's credit rating.) There was much tension during the filming. "All 18 hours are scheduled to be shown on Showtime in 1987."

119. Nov 86 (Cabletime) This Showtime ad does not mention LWT, but does use the dreaded "d" word: "Innocent or guilty? You decide after watching this docu-drama of the controversy behind the Kennedy assassination."

120. 21 Nov 86 (SF Examiner) "Oswald inherits his day in court at last; a goose teaches a boy to be a man" (Two separate items.) "In a curious way, this massive program elevates the 'People's Court' genre while degrading both the reality and the mythos behind legendary 'Inherit the Wind' court battles." TV critic Michael Dougan is more generous to Spence than I can be: he "transfixes the jurors (and, I suspect, many viewers) with his intense magnetism, his down-home demeanor, his unflappability and confidence." But Dougan sees the basic problem: "Where 'On Trial' disappoints is in the implied promise that this may be a ground-breaking investigation, bringing fresh evidence - or, at least, perspective - to the fore.... Alas, most of the time is devoted to rehashing old arguments...."

121. 16 Nov (Schneider, NYT) "Bringing Lee Harvey Oswald to 'Trial'" The "main weakness", Bugliosi said, was the time limitation on cross-examination and closing statements.



122. 19 Nov (AP) "Kennedy case put to a jury" [2 pp.] Researcher Tomlinson said the program "produces no new evidence" and is not "the final word on who killed Kennedy." O'Connor's "dramatic" testimony is noted.

123. 4 Nov (LA News in NY News) "TV gives Oswald his day in court" Spence is "best known as the flamboyant lawyer who won a multi-million-dollar verdict in the Karen Silkwood case." (I am told that the Law Enforcement Intelligence Unit played a role in that case; to get some idea of why I am interested in the LEIU, and the possibility that it knew about Oswald, see the documents listed in EOC for 16 Jun 79.) "The lawyers were chosen not only because of their visibility but also because... 'We wanted people who would take this seriously.'" Bugliosi "combed through" the WC and HSCA volumes, "and 'all the books by the conspiracy buffs.'" (Did he talk to any of us? Not that I know of.)

124. 22 Nov (LAT) "Oswald Skeptics' Night in Court" "If the emotions aren't genuine, then these witnesses are among the world's best amateur actors. The posturing is by lawyers, not witnesses, proving that real people telling real stories are far more compelling and believable than characters speaking dialogue."

Speaking of flamboyant lawyers whose style didn't cut it in this case:

125. 23 Nov (Wice, Hartford Courant, in SFC) "The Botched Trial of Jack Ruby" [3 pp.] "A lawyer less concerned [than Melvin Belli] with his public image probably would not have gambled his client's life on an implausible [epilepsy] defense." The press, prosecutor, and judge didn't do so well either, making "a mockery out of due process of law."

126. 3 Nov (SFC) In a poll at four named colleges, 30% of the 1000 responding students said they believed that "aliens from outer space visited Earth in ancient times." About the same fraction believe in Bigfoot and Atlantis. More than half "said they are creationists." So let's not take our 85% in the JFK case too seriously.

127. 20 Nov 86 (Corry, NYT) A good critique of the lawyers' styles and the witnesses' demeanor; quotable, but I'm short on space and time.

#### An excerpt:

The entire broadcast cross-examination of Prof. Vincent Guinn:

GS: Well, I'd rather cross-examine Mr. Bugliosi than the doctor, since he's the one that's given all the testimony. [Judge: But the doctor's on the stand.] Doctor, will you answer my questions, nice and simple, yes and no, like you did for Mr. Bugliosi?

VG: Wherever that's possible, yes, sir.

GS: Here's a picture of the skull, X-ray of the skull, of the President. And what we see are an artist's drawing of the fragments that were seen in the X-ray. I understand that you examined only two of the 30 fragments that were found in the skull; is that correct?

VG: There were only two that were delivered to me, I'm not sure...

GS: (Interrupting) Please, is that correct? [VG: That is correct.] You did two. [Yeah.] Only two. And do you know which two? [No.] And so do you know what the composition is of the other 28 fragments found in his brain?

VG: Yes.

GS: Have you checked them?

VG: No, but I know what they are.

GS: Well, have you examined them, put them through the neutron activation analysis?

VG: They were not available, the other pieces.

GS: Thank you. Now, doctor, did you analyze the large copper fragment that was found in the limousine?

VG: No, this was only an analysis of bullet lead.

GS: I'm gonna ask you once more, Dr. Guinn, did you analyze the large copper fragment that was found in the limousine? [VG: No.]

GS: Are you aware of the fact, doctor, that dishonest evidence can be honestly examined? [VG: Of course.]

GS: That means that an honest examination can be made of evidence that's been manufactured or planted. [VG: It's always possible, yes.]

GS: Your testimony isn't to be interpreted by the jury that you find that this is honest evidence, is it?

VG: I cannot say; I have no reason to doubt the authenticity of the evidence; [VG ignored GS's interruption: No, but you can't say one way or the other, can you?] it came to me in the original FBI containers with their designations on them, and in all appearances the specimens matched what was in the Warren Commission report description of them. I have no reason to doubt that they are completely authentic; they were brought to me from the National Archives by a man of the National Archives.

GS: I'm understanding that, sir, but you're not testifying to this jury that you can vouch for their authenticity, are you?

VG: No, you never can do that, in any criminal case.

GS: Your testimony isn't to be interpreted to mean that you know that the bullet parts that you examined actually came from the body of the President? [VG: No way, unless I were the surgeon.]

GS: And you just examined what they gave you, isn't that true, doctor?

VG: Correct. [GS: Thank you, doctor.]

#### Postscripts relating to Tony Summers:

The "settlement" referred to at 8 EOC 3.10 did not involve any admission or court ruling that Phillips had been libeled. It seems safe to assume the the potential cost of going to trial resulted in a settlement. The Observer conceded that the Summers extracts "could have been read to suggest that Mr. Phillips was himself involved in a conspiracy relating to the assassination and in the suppression of evidence about it," and "accepted that there was never any evidence to support such a suggestion." The case involved not only excerpts from "Conspiracy" but subsequent articles in the South China Morning Post based on Summers' research, as distributed by the Observer.

"Goddess" is out in paperback (Onyx, \$4.95), with a substantial new chapter (45 pages) on various aspects of the Monroe-Kennedy story.

#### Queries and comments:

Q80. WBAI's anniversary program featured John Davis, David Lifton, and Phil Melanson. Can someone provide a tape?

Q81. Investigations of Oswald's activities in New Orleans turned up several references to Tulane (where some FPCC handbills were found, for example) and (I think) one or two to Loyola. Does anyone know of any references to LSU at New Orleans (now the University of New Orleans)? That was the downtown public college, and at least as likely a place for Oswald to do his work as the two major private colleges. (I know of only 10 HSCA 127, which says that Guy Banister checked out Cuban students at LSUNO for the CRC.)

I have again gotten far behind in my correspondence, and I expect to catch up now that the case is quiet again - unless someone comes up with a photo of Col. North on the grassy knoll. (I'm being sarcastic only about the tendency of a few conspiratorialists to link some of the mysterious old evidence to whoever emerges in the newest scandal. Some aspects of the latest disclosures certainly have roots in the Cuban issues of 1963, and we should not be surprised if some of the newly prominent names can be linked to people who have been mentioned in the assassination controversy. Peter Scott has already come up with some interesting ideas along these lines.)

Credits: Thanks to B. Fensterwald (#116), J. Goldberg (127), G. Hollingsworth (122, 124), S. Kantor (117), P. Melanson (118, 123), G. Owens (121), R. Stetler, and G. Stone (118).