

On August 13, 1971 an article documenting what appeared to be clear evidence of perjury, collusion, and falsification of evidence on the part of a key witness and a Warren Commission assistant counsel with the purpose of incriminating Oswald as the assassin, appeared in the Texas Observer. The article entitled "The Curious Testimony of Mr. Givens" by Sylvia Meagher was a chronological depiction of the testimony of Charles Givens, a porter in the Texas School Book Depository whose testimony before the Warren Commission was instrumental in placing Oswald on the sixth floor of the Depository during the period immediately preceding the assassination.

A synopsis of Mrs. Meagher's chronology follows:

- Nov. 22, 1963 - Givens executed an affidavit at Dallas Police Headquarters stating that he had left the sixth floor at about 11:30 a.m., had taken lunch at noon, and had gone to a parking lot to visit a friend employed there (Commission Exhibit 2003 p.27 - published by Warren Commission). Later that day Givens was interviewed by the FBI when he gave the same story, but added he had seen Oswald at 11:50 a.m. reading a paper in the domino room on the first floor of the Depository (Commission Document 5 p.330 - not published by Warren Commission).
- Dec. 2, 1963 - Givens told the Secret Service that he had seen Oswald on the sixth floor at about 11:45 a.m. and Oswald asked that the elevator be sent back up. Givens did not mention ever returning to the sixth floor. (Ball/Belin Report No. 1, dated 2/25/64 - not published by W.C.)
- Feb. 13, 1964 - Lt. Jack Revill of the Dallas Police told FBI agent Robert Gemberling that "Givens had been previously handled by the Special Services Bureau on a marijuana charge and he believes that Givens would change his story for money." The report reiterates Oswald's request for the elevator, but there is no mention of Givens ever returning to the sixth floor (C.D. 735 pp.296-7 - not published by W.C.)
- Feb. 25, 1964 - Warren Commission lawyers Joseph Ball and David Belin in a joint report ^{note} discrepancies as to the time Givens left the sixth floor, and also note that Givens saw Oswald at 11:50 a.m. in the domino room. They note as well that three other witnesses independently place Oswald on the first floor -- one at 11:50; one at noon; and one at about 12:15 p.m. (Ball/Belin memo op. cit. - not published by W.C.)
- March 18, 1964 - Givens is again interviewed by the FBI and makes no mention of ever having returned to the sixth floor (C.E. 1381 p.36 - published by W.C.)

April 8, 1964 - Givens gives sworn testimony to the Warren Commission in a deposition taken by lawyer David Belin. Givens tells Belin that he had forgotten his cigarettes on the sixth floor and when he went to retrieve them just before noon he had encountered Oswald near the southeast corner window.

Thus the story Givens told to Belin on April 8 was inconsistent with every statement he had previously made -- something of which Belin was well aware, and yet he did not submit Givens to cross-examination on the point. The implication is obvious. If Oswald was on the first floor, as four witnesses including Givens alleged, he could not have fired shots from the sixth floor southeast corner window. The Warren Report gave great weight to Givens April 8 testimony in order to place Oswald near the alleged sniper's nest prior to the assassination.

The Texas Observer invited Belin to reply to Mrs. Meagher's charges. His reply, published in the same issue as Mrs. Meagher's article decried the "assassination sensationalists," assured the readers of the Texas Observer that David Belin was an honorable man, and insisted that the Warren Commission had done a thorough and competent job.

In an editorial on the Meagher/Belin exchange The Texas Observer said of Mr. Belin's reply: "Mr. Belin went to a great deal of trouble to prepare a response for the Observer. We learn his views on assassination critics as a whole ("sensationalists," he calls them), his views on the Vietnam War (we've all been deceived) and his earnest defense of the investigative techniques used by the Warren Commission. But nowhere in his lengthy response does Mr. Belin apply himself to the specific charges in Ms. Meagher's article. We simply are asked to take David Belin's word that the statement Charles Givens made to him on April 8, 1964... is the true account of what Givens saw on Nov. 22, 1963. We're given no logical explanation of why we should believe Givens's statement of April 8 rather than his statements made on the very day of the assassination and on Dec. 2 and on March 18." The Observer concluded that "Mr. Belin's article is the slick irrelevant reply of a lawyer who doesn't have much of a defense to present."

Mrs. Meagher, in an effort to elicit some interest at The New York Times sent copies of her article, Belin's reply, the Observer editorial, and her September 7, 1971 reply to Belin to several people at the Times including Harrison Salisbury, editor of the Op-Ed page. No one seemed quite sure what Salisbury's position on the assassination controversy was. He had heaped lavish praise on the report in his introduction to the

Times/Bantam edition of the Warren Report in 1964. In the November, 1966 issue of Progressive he reiterated his faith in the conclusions of the Warren Commission, but acknowledged severe misgivings about the way in which they had conducted their investigation. At that time he called for a new inquiry. His introduction to the Times/Bantam edition of the "Report of the National Commission on the Causes and Prevention of Violence" published in November, 1970 however, vigorously embraced the official versions of the assassinations of John Kennedy, Martin Luther King, and Robert Kennedy.

If Salisbury's position was ambiguous, it was not to remain so for long. On November 22, 1971 -- the eighth anniversary of President Kennedy's assassination -- the headline "THE WARREN COMMISSION WAS RIGHT" appeared emblazoned across the top of Salisbury's Op-Ed page. The article decried the "assassination sensationalists," and its author was none other than David W. Belin.

Opposite Belin's article that day the Times carried an appropriate editorial entitled "The Liberty To Know," which criticized Government harassment of the news media and praised "the First Amendment guarantee of a free press, which really is a guarantee of the people's 'liberty to know.' "

— / / / —