

CONFIDENTIAL

October 10, 1971

Mr. David Belin  
Herrick, Langdon, Belin and Harris  
300 Home Federal Building  
Des Moines, Iowa 50309

Dear Mr. Belin:

Your letter of September 20 is at hand. I am replying to it under the conditions set forth in my letter of August 14.

After taking all the time you apparently have to deal with my correspondence, one would think that you might attempt to address some of the issues I raised and answer, as I requested and as you promised, the specific questions I posed. This you have not done. Instead you have wasted my time and your own by filling page after page with the most arrogant pro forma denials and flagrant misrepresentations of the evidence. You indicate further correspondence would serve no purpose and with this I agree for the sanctimony you have heaped on me tells me nothing more than that you are a man riddled with guilt and unable to confront reality. However, I will not permit your last eight-page fantasy<sup>6</sup> stand as the final word.

It is unfortunate that you find me lacking in a "scholarly" approach in my examination of the "overall record," a term which you apparently delight in using. If I am unscholarly in your eyes, then to you, sir, scholarship must include perjury and collusion, omission of vital evidence, distortion of facts, and outright lies.

Should you blink in naive astonishment or feel the urge to rush to your typewriter and roll out one of those lengthy letters assuring me of your virtues, I think you should read this letter through for I will fully document--for the last time--how you lie, distort, omit, and invite the charge of collusion in perjury.

Your second paragraph misrepresents what I stated in my first letter to you. Your selective quotation implies that I stated I did not intend to publish my "personal research project." I did not say that nor did I mean it. The only thing I intended not to publish was the specific memorandum which I requested. "anything of that nature" was meant to include any other papers you might have provided me. If there was any element of doubt in your mind as to what I did not intend to publish, then as a lawyer you certainly should have asked me to clear up your doubts before writing letters such as that of July 8. Likewise, I never expressed a desire not to circulate our correspondence.

"Officer Tippit was shot at approximately 1:16 p.m.," you say. I think this is a misstatement. Officer Tippit was shot at the very latest at 1:16, for at 1:16 his shooting was announced on the police radio. Furthermore, you and the Warren Report in which your faith is vested fail to mention one witness who looked at his watch at the time of the shooting and noted it was 1:10. (volume 24, p. 202) You may tell me that this man's watch may have been slow or that he might be a liar, but I am disinterested in such feeble excuse-making since, at this point after the official inquiry, it is sufficiently culpable to point out that neither you nor any other lawyer involved with the Commission looked into this man's story or tried to find out if his watch was correct. You simply ignored him. This man's affidavit also demonstrates that he, not Domingo Benavides as the Report says, radioed the police dispatcher about the shooting. Thus, by ignoring him, you are guilty, in the least, of omission and distortion.

You say that I "conveniently" ignore Johnny Calvin Brewer in my correspondence. While I do not mention him by name, I do consider the information concerning "Oswald's" activities. (See page 2, paragraph 2 of my letter of August 6) In your article for the Texas Observer you do not "conveniently" ignore Mr. Brewer although your reference to him makes me wish you had. In that article you say that Oswald ducked into Mr. Brewer's shoe store. He did not; he merely stopped and looked in the window, never leaving the sidewalk or entering the store. You also say that Brewer followed Oswald into the Texas Theater. He did not. He watched Oswald go down the street and enter the theater. Here you are guilty of blatant misrepresentation.

"When Oswald was arrested, he had in his possession the murder weapon," you say. If you can prove to me that what Oswald possessed was the murder weapon, I will go to the National Archives and eat it. As I told you in my lengthy letter, the cartridge cases at the scene of the crime came from that gun, but it cannot be proven that the bullets in the body came from that gun and, in fact, there is not a correlation between those bullets and these cartridge cases. Until you make that correlation for me based on scientific evidence and not this entity you conjure up and call the "overall record," I say you are guilty of distortion and misrepresentation in calling this gun the "murder weapon."

Your first paragraph on page two again misrepresents what I said. I did not put forth as fact that "someone got possession of Oswald's revolver and dropped the cartridge cases at the Tippit murder scene." I said that was a possible alternative explanation as to how the cases got there, especially in light of the fact that they cannot be specifically related to the bullets from the body. I also offered this explanation to show that the presence of these cartridge cases is not irreconcilable with a theory of Oswald's innocence—which is exactly what you asked me to do and what I did in detail.

You claim to be "shocked by the cavalier treatment in which (I) tried to wiggle out" of the identification of the Davis women. You also imply that the errors in the observations of these women leave you with no doubts about their reliability. What, then, convinced you of their reliability? Certainly not the fact that, sitting next to each other at the line-up, each claimed that she was the first to make the identification. One of the women who was so "positive" the man she saw was Oswald was also positive this man wore a black or dark blue coat, while the assailant wore a white or light gray jacket. So how reliable are her observations? The other was so positive that there were five men in the line-up that she provided a description of each. There were only four men. I wish you held your own line-up for her in which she could have had the opportunity to pick out the nonexistent fifth man. I assume, had you done this and had she ultimately picked this man, you would have offer it to me as proof that there were five people in the line-up.

Speaking of "cavalier treatment," I note your statement that "Helen Markham also positively identified Oswald." Did you forget to mention that when brought in to the line-up Mrs. Markham was so hysterical she had to be drugged? Did you also forget what I pointed out to you, that in her testimony Mrs. Markham admitted she had never seen any of the people in the line-up, but that Oswald gave her cold chills? That is quite a "positive identification." You may accept such nonsense if you wish. I prefer to accept the opinion of your colleague, Mr. Ball—who you praise—that Mrs. Markham is an "utter screwball." (Mr. Ball made this remark in a debate in Beverly Hills on December 4, 1964.)

I do not "gloss over" Mr. Scoggins' identification as you allege. If you wish to reply to my letters, I suggest you read them first. I pointed out to you that

Scoggins may have seen Oswald's picture prior to the line-up, and that the line-up he attended was so grossly unfair that a blind man could have identified Oswald.

Likewise, I do not put faith in those line-ups as you apparently do. Before you can make anything of the witness identifications, you must first demonstrate that the line-ups were fair. I have already told you and documented that the line-ups were not fair, and that in all cases they made Oswald stand out. This you have not refuted.

"And thus," you say, "when you couple this eyewitness testimony with the physical evidence...there is surely not a reasonable doubt that Oswald was the killer of Officer Tippit." Sir, when you put all the evidence together, you end up with a pile of nothing, with a chain that has no links. There is absolutely nothing in all the evidence alleged to "prove" Oswald guilty put forth by you and your cohorts which is credible, reliable, or can stand any close scrutiny. So, while you may pass over my every point by screaming about the "overall record," it is obvious that the evidence, collectively and individually, does not prove Oswald guilty and that you are inseparably wed to an indefensible supposition.

Again, you misrepresent me as having said Oswald "could not have arrived in time to have been the Tippit murderer." That you should twice do me the injustice of putting words in my mouth sickens me. Once and for all, I said that a piece of information you introduced into the record "indicated"—not proved—that Oswald could not have arrived in time. Although you have twice twisted it, this remark was made in the proper context.

Before you call my lengthy and extensively documented responses to you "woefully inadequate," you make the pretense of responding to my initial inquiry. I first asked you if you had a copy of a specific memorandum and, subsequently, I asked if you ever wrote the described document whether or not you now have a copy. Your response? "I do not have many memoranda and other documents which I wrote during and after my work with the Commission..." Obviously, this does not tell me a) if you currently have the specific memorandum to which I referred or b) if you ever wrote this memorandum. Thus, you fail to respond to my initial inquiry.

You may fit, however, to take up space to tell me you hope "some day" to put together your working papers into a document which will "expose the assassination sensationalists and their methods" and also show the world that David Belin worked "with but one goal in mind; The truth, the whole truth and nothing but the truth." If this day should come and the world is finally made aware of your integrity and moral fiber, will you include in your "document" the memorandum you wrote on January 30, 1964, in which you confidently proclaimed Oswald the killer before you had taken a single word of testimony and when your research materials consisted of what you now scorn as "hearsay statements by third parties?" And will you endeavour to explain to your readers how your goal could have been truth when you were so certain of Oswald's guilt prior to your investigation?

As an example of my "woefully inadequate" responses, you say "nowhere do (I) refer to the testimony of Johnny Calvin Brewer..." As I said before and as I would not have to say if you would read my letters, I do address Mr. Brewer's testimony although I do not mention him by name. I for one am baffled by your obsession with Mr. Brewer whose most earthshaking observation was seeing Oswald look in his store window, walk down the street, and go into a movie theater. This proves nothing unless you utterly distort it, as you so flagrantly did in the Texas Observer.

4

If it is any consolation to you, I omitted the information about "Oswald's" jacket to spare you the humiliation of another instance in which you and the Report grossly misrepresent. The fact is that there is not one shred of proof that the jacket found in the parking lot (and not by Officer Westbrook as the Report says) was Oswald's jacket. In fact, that jacket could not be associated with Oswald because of the mysterious laundering mark on it. If you are willing to believe Marina Oswald's identification of the jacket, then I assume you are also willing to believe that shrieks whistle, simply because nothing which Marina said (you may pick any one of her many versions of any story) is worth the slightest credence. Perhaps you will now refer me to that delightful episode in which Mr. Benavides identified Oswald's blue jacket (CS 163) for you as the assailant's gray jacket. (volume 6, page 453)

What you say in reference to the paper sack in no way addressed the question I asked you about it. You say Oswald's prints were on the bag, one was on the rifle, and Oswald bought the rifle. Therefore, in light of the evidence in the Report, "it is reasonable to conclude that Oswald constructed the bag and brought the rifle into the building." I will ignore your glowing non sequitur. However, I asked you why the Report presents no evidence that Oswald ~~constructed~~ the bag (the existing evidence proves only that he handled it) and why the Report suppressed the testimony of Troy Eugene West indicating Oswald did not and probably could not have made it. You fail to answer these questions, and I assume you cannot answer them without admitting what by now is obvious, that this is a case of overt suppression and that the Report's assertion is a distortion tantamount to a lie.

When I ask you why you did not investigate the accuracy of Mr. Brennan's statement that Oswald in the line-up was not dressed the same as the man in the TSB window, as well as why this observation is omitted from the Report, you tell me, in many words, that the summary of Brennan's testimony presented in the Report is "most objective" and "as a whole consistent with our conclusion that Oswald was the assassin." This answers neither of my questions, whether or not the summary is "objective," it does not include the fact that Brennan noted a discrepancy in clothing (whether or not one existed). And, despite the fact that you find Brennan's "whole" testimony consistent with Oswald's guilt (a strange finding since that testimony is not even consistent with itself) a difference in the clothing Oswald wore and that the alleged assassin wore is an inconsistency. Whether you regard it as major or minor or whatever other mumbo-jumbo you can offer, I still want to know why you didn't do a single thing to resolve this difference.

By admitting that "every single point" I raise can be answered, you make conspicuous and highly culpable your failure to answer my "every single point." You lead me to the obvious inference that an answer to the points I raise would, if honest, entail a confession.

Indeed, you do make one confession which I find particularly amusing and illustrative of the ease with which you either deceive yourself or lie outright. Referring to my question about the Report's accounting for Oswald's whereabouts between 11:55 and 12:30, you write:

To the extent of Piper's testimony and the statement of Carolyn Arnold, there appears to be a minor overstatement as to the extent of the time when Oswald's whereabouts were unaccounted for, although the key time factor remains that no one saw Oswald within at least fifteen minutes of the time of the assassination...

What the Report says is not an "overstatement," major or minor; it is a lie and

I call it a lie without reservation because the people responsible for this area of investigation (you and Mr. Ball) knew as admitted in Ball-Balin Report #1 of the stories of Piper and Arnold. Thus you knew it was simply not true to say as the Report does that no one saw Oswald during the time in question. The fact that you allowed such a false statement to get by and be offered to the American people as the "truth" makes you party to a lie, whether or not you yourself told that lie.

Now can you so quickly escape this lie with the excuse that it doesn't matter because no one saw Oswald in the "key time factor," fifteen minutes before the shots. What are you going to do about Mrs. Arnold's verbatim statement at volume 22, page 635 that she did not leave her office until 12:20, not 12:15 as the earlier "third party" report indicated? Even if no one saw Oswald in the fifteen minutes, wouldn't you stop and think twice about the solid observation by Arnold Rowland of the gunman in the window with a rifle at 12:15? Doesn't this require some early quick footwork by Oswald? I might remind you, in case you wish to attack Rowland's credibility on the grounds that he lied about his glasses, that Rowland was able to confirm his time estimate with the clock stop the TSED and the police radio dispatch of 12:15-12:16.

No matter what amount of quibbling you may give me about Mrs. Arnold, Mr. Rowland, and the time factor, you still have not answered my question which was, to repeat, why was Mrs. Arnold not called as a witness and why was her story omitted from the Report.

As for the charge of perjury and collusion, it should be familiar to you by virtue of the article in the Times Observer to which you claimed to but did not respond. I will not consider the mass of irrelevancies in your "response" (indeed most have been mentioned in our correspondence) but will briefly touch on those few instances where you addressed the charges involving Mr. Givens. First, your citation of the testimony that you and Givens had not previously met and did not discuss his testimony in advance does not mean Givens could not have perjured himself or that you were not aware of the perjury as committed. Furthermore, it is irrelevant that you asked Givens if there were anything he wished to add to his testimony, since, although this gave him the chance to tell the truth, it is doubtful that at that point he would have confessed to lying under oath. Lastly, you accepted as concrete fact Givens' pro forma denials of having made the statement recorded in the original FBI report. Such denials--like your own--are meaningless. It was obviously incumbent on you to present Givens with the actual statement and get the story of the FBI agents who wrote the report to see if they contradict Givens' version. As the record stands, Givens testified contrary to the original information he provided the FBI, and offered a meaningless pro forma denial to you without the substantiation you were required to seek. The great change in Givens' story plus other evidence outlined in Sylvia Neagher's Memories After the Fact, pages 64-67, indicates to me that Givens perjured himself on this material point, that you were aware of this perjury, and became party to it by making no efforts to correct the record.

Your multiple assurances that Oswald killed Kennedy and Tippit and that truth was your only goal deserve no reply since, in the first case, you have failed to respond meaningfully to any of my documented points, and in the second, the ample evidence of your chicanery, untruthfulness, and malfeasance--to which this fruitless correspondence is a shining monument--destroy any claims you might make on integrity or virtue.

Although your knowledge of current history is poor, I am sure you know the story of the Reichstag Fire of Nazi Germany. The "over record" of the assassination and its official investigation may, I fear, become the story of America's Reichstag Fire thanks to lawyers and public servants such as yourself. And when you drown me in that sanctimonious crap about your virtue and my lack of scholarship, you remind me of those who defended the Nazis as men of peace misunderstood by the world.

Indeed, Mr. Belin, it is one of the minor mysteries of the assassination that you and your cohorts responsible for investigating the crime can now face yourselves, can have any inner peace, and can call yourselves men.

Apparently you can live with the knowledge of your disgusting actions but I ask myself if this country can survive when men like you, who are supposed to represent law and justice, are the foremost merchants of official falsification, deceit, and criminality.

Howard Hoffman