

A LOOK AT THE EVIDENCE

AN ANSWER TO JOHN SPARROW

By Mark Lane

TOWARDS THE END OF 1967 it became clear that the defenders of the Warren Commission's conclusions, both on and off campus, had abandoned the defence of the Commission itself. In one sense this rendered their task easier of accomplishment for, by asserting that Mr. Oswald was probably the lone killer even if the Commission said so, the sophisticated second-phase defenders divested themselves of the responsibility of apologizing for, or even explaining, the Commission's odd techniques. Yet this approach was not entirely devoid of disadvantage. The public had at first been advised to accept Mr. Oswald's solitary guilt, even in the face of contrary evidence, for seven distinguished members of society had ostensibly examined the evidence and rendered a verdict. Thus, faith in the Commission, not in the troublesome evidence, was the original basis for the Report's acceptance. The subsequent desertion of the defenders from that position based upon a need to disassociate themselves from the Commissioners and their blunders, while understandable, tended nevertheless to further undermine faith in the Report.

On December 14, 1967, *The Times Literary Supplement* interrupted the trend I have just described by publishing a 17,000-word defence of the Commission entitled "After the Assassination", written by John Sparrow, Warden of All Souls College, Oxford. The document reveals Mr. Sparrow to be an orthodox loyalist. The American press greeted the article with much fanfare and enthusiasm. For example, *Time* devoted almost a full page to it, and the *New York Times* ran three stories about it. The document was "comprehensive" and "scholarly" and it was of such importance that a special consultant to President Johnson was prompted to write to *The Times Literary Supplement* on White House stationery, publicly praising it as "superb". That letter too was published in England and widely publicized in the United States.

spared an article by a passionate man—one without a cool and clear head.

Not long after the publication of the Warren Commission Report, I lectured twice at Oxford. Since Mr. Sparrow had written some articles in defence of the Warren Commission Report in the London *Sunday Times* in an attempt to answer various questions raised by Professor Hugh Trevor-Roper, he was invited to debate with me. Mr. Sparrow replied that he was unable to meet me in debate as he was not sufficiently knowledgeable about the case. While his writing on the subject did betray that weakness, I was surprised that he expressed it so openly. Nevertheless, Mr. Sparrow wrote, he would attend my lecture. I spoke for a

the Defenders". Yet Mr. Sparrow is not without ingenuity. He presents his view of a critic's argument, and then presents the answer of another defender.

In *Inquest*, Edward J. Epstein quotes Norman Redlich, an assistant commission lawyer, as saying that if one rejects the single-bullet theory, one is stating that there are two assassins. Arthur Goodhart rejects Epstein's work since various quotations were, he claims, "repudiated as being false" although Mr. Goodhart refuses to disclose his basis for that rather general statement. Mr. Sparrow disposes of Mr. Epstein by relying on Mr. Goodhart's work. Says Mr. Sparrow flatly: "Unfortunately for Mr. Epstein, he misquotes Mr.

opened on the President; she saw a "what appeared to be a rifle-case" from carry it towards the bushes on the knoll (according to Mr. Lane) behind a few Dallas policemen were standing near, but move the truck or take any action—complaints that Commission investigator question Miss Mercer and "did not try to the three police officers so as to quest or to locate the truck"; he charges the p thus condoning a breach of security re and suggests that the incident was with the fire from the grassy knoll, th innuendo being that the police turned a and that the Commission culpably abstai probing into the incident. Thus on its page he creates an atmosphere of suspici pervades his book.

What Mr. Lane does not tell us is that took statements from Miss Mercer and identified the truck (which belonged to a construction firm working on a neighbouring lot it had broken down, and if any box was from it, it must have been a toolbox; I managed to get it moved on, with all its c shortly before the arrival of the Presid session. The report recording all this is in the Commission's archives.

One can only suppose that Mr. Lane was of this report and recklessly made his basis of his charge against the Dallas that it is so, was not his own negligence as that which he imputes to the Commis

It is true that I did not state in *Judgment* that the F.B.I. took statements from Miss Mercer. The F.B.I. reports that Sparrow refers to were suppressed at and, therefore, both unavailable and u In those circumstances Mr. Sparrow that I was "reckless" and guilty of negligence", presumably for not p leading an armed assault upon the Archives, appears to be based u ignorance.

Commission's Approach to the

Two charges that I have made ag Commission for more than three y particularly relevant in examining if I have accused the Commission of su relevant data and of relying upon statements when real evidence was a The Commission selected various dc for publication in its volumes of i indicating that it relied upon them upon other material for its conclusion

The Commission declined, in its t volumes, to publish the several F.B.I regarding the statements made by Miss and while Mr. Sparrow may, if he rely upon those documents, he may not to imply that the Commission did so The Commission's lack of interest Mercer's evidence may be determine fact that she was not called as a wit no reference to her observations ag the Commission's report, not even her

The F.B.I. reports, now declassifi that the F.B.I. examined the matter m fully. Yet that investigation raises mo than it answers for the reasonable e even if it appears that Mr. Sparrow is He makes reference to the F.B.I. through another work, again indici although he has read "about" ther not actually read them. Mr. Sparro that he "gratefully availed" himse analysis of the F.B.I. reports made Josiah Thompson in a work enti seconds in Dallas, and as if to em Warren Commission's methods as w support its conclusions, nowhere appear to state that he troubled to-exa evidence itself.

The several F.B.I. reports reveal th agents showed pictures of Mr. Os Miss Mercer. When she was unable that he was the man who took what to be a rifle-case from the truck th interest began to wane. According F.B.I. hearsay report, a Dallas polic Joe Murphy, did recall that a truck w in Dealey Plaza at the same time Mercer described the incident. Acco the F.B.I. report, Officer Murphy sai the area with one of the occupant vehicle, leaving the other two occup the pick-up truck. Officer Murphy c know, from his own observation, w not either of the other two remain carried a rifle-case up the knoll to the fence and deposited it there. Officer later testified before counsel for t mission but he was not asked at interesting episode by the Commission Joseph Ball. The men with the pick were not identified, nor were they q by the Commission or its staff or the

Mr. Sparrow states that I crea atmosphere of suspicion" regard matter. In fact, I presented the facts th and added this observation:

The so-called gun case may have been em man carrying the case toward the busi



In a letter to *Time*, which that publication was kind enough to print (after subjecting it to some editing), I pointed out that Mr. Sparrow had, in the past, admitted his inability to support the Commission's Report in open debate. Subsequently *The Times Literary Supplement* published a further rather personal attack upon me for having sent such a letter to *Time*. Said *The Times Literary Supplement* in its "Commentary":

Mr. Mark Lane continues his own headlong, impetuous rush to judgment in *Time* magazine. While *The Times Literary Supplement* did not inform its readers of the substance of my letter, it added that I did "not make it clear whether" my conclusion that Mr. Sparrow's article, "based almost exclusively upon his abysmal ignorance of the facts and his own prejudice", was "inspired by a careful reading of the article itself or only by *Time's* necessarily brief summary".

Unfortunately that question was rushed into print before it was posed to me in a letter later dispatched by the Editor of *The Times Literary Supplement*. In response to this letter I replied that I had in fact studied Mr. Sparrow's article and would be pleased to send a reply to it to him if he agreed to publish it without editing the document. The Editor graciously replied that my response would be published. It follows.

Mr. Sparrow refers to "reasonable, critically-minded people" unhampered by an "idee fixe", those "with cooler or clearer heads", "the dispassionate inquirer", and it is difficult to escape the impression that he counts himself among this elite and unprejudiced group. Yet his description of those with whom he is in disagreement is rather harsh. He asks if the critics are "obsessed, unbalanced men". He refers to me, somewhat metaphorically perhaps, as "the itinerant demonologist", and as if pleased, not to say obsessed, with the word, he states that at one time "the demonologists were making no headway"; asks what "inspired this outbreak of 'demonology', and how were its exponents able to cast their spells so widely and compel belief in their lurid denunciations?"; refers to another author as "the most outspoken of the 'demonologists'"; considers the motives of "the 'demonologists'" and "the procedure of the demonologists"; refers to the "lack of realistic thinking" that affects "the demonologists"; wonders why "people have fallen for the demonologists"; is dismayed by the "innuendoes of the demonologists"; and explains in closing that he has "tried to show" that some of the critics are "demonologists".

As might be expected the deceased accused lives even worse. Mr. Oswald, Mr. Sparrow writes, "ran away like the little rat he was", "the circumstances one might wish to be

considerable length of time and I think it reasonable to conclude that if my remarks were accurate the Warren Report was not. At the conclusion of my lecture I called upon Mr. Sparrow to rise and answer a question which I wished to put to him. There was a moment's silence during which students started turning about and final y with all eyes upon him, Mr. Sparrow rose. I asked him to point out to the students any errors that I had made in my lecture. He replied that he was aware of none, other than my allegation that Seymour Weitzman, an officer who discovered the alleged assassination weapon, gave a description of it, while the Warren Report stated (Mr. Sparrow said) that the officer only glanced at it. Of course, Mr. Sparrow was correct in stating that there was a conflict between the Report and the remarks that I had made, but the evidence—the F.B.I. report of the officer's statement, Weitzman's own affidavit and his testimony—reveals that the error was in the Commission's conclusion.

The importance of the brief confrontation was not lost upon the students, although the press in England and the United States seemed reluctant to report that the Report's stoutest defender in Britain had quite publicly admitted and then demonstrated that he was unable to defend it.

I have no doubt that in the ensuing years, Mr. Sparrow has had the opportunity to examine the twenty-six volumes of evidence and therefore the opportunity to better prepare his defences. Yet his most recent work does not reveal that he has taken advantage of the additional time. In a brief opening statement in which he sets out, for purposes of background, the issues that are not in dispute, he is inaccurate about the number of pages in the Warren Report, the number of volumes of evidence devoted to the exhibits and, therefore, inaccurate as well about the number of volumes devoted to publication of the testimony of the witnesses. This may be explained by an examination, at the foot of the article, of the list of books and other documents "consulted by Mr. Sparrow" for his article. Absent from the list are the Warren Commission Report and the twenty-six volumes of testimony and exhibits. A reading of the article reveals that the failure to list the basic documents is not an oversight. Mr. Sparrow, in fact, does not rely upon the evidence. He relies upon that which other Commission defenders have asserted to be the evidence.

This indeed founds a new school of scholarship. Mr. Sparrow urges as an energetic eclectic and his article as an anthology of little quotations (generally devoid of citations) that might optimistically be entitled "The Best of

Redlich on this vital point." Mr. Sparrow presents a third-hand version of Mr. Goodhart's second-hand assertion as proof.

Mr. Sparrow refers to an allegation by William Manchester (as to what three unnamed men told him about the autopsy photographs and X-rays as "vital evidence"), indicating that such a term may be applied by him to any allegation that supports the Commission, although neither of the two words—"vital" nor "evidence"—have any application to a hearsay remark three times removed from the source.

Mr. Sparrow writes: Worst of all, the critics repeatedly fail to distinguish between a good point and a bad one and refuse to abandon arguments that have been shown to be without foundation. Three or four years of debate and discussion have cleared away a vast undergrowth of misconceptions: circumstances that seemed suspicious (e.g. the military rehearsal, shortly before the assassination, of the ceremonial for a Presidential funeral) have been shown to have an innocent explanation;

If this is the "worst" example of the conduct of the "critics" that Mr. Sparrow can find, one may perhaps be permitted to respond that one of the faults of Mr. Sparrow is that he fails to distinguish between a point made by a "critic" and one put forward by a defender himself, as one example, as a straw man. To my knowledge no "critic" has ever raised the military funeral rehearsal as a matter to be explored (much less one not even now to be abandoned) nor would any, I believe, be so reckless as to join Mr. Sparrow, even now, in his bizarre assertion that the rehearsal was a circumstance "that seemed suspicious".

Mr. Sparrow states that he is about to "criticize the methods he [Lane] employs in establishing a basis for his innuendoes". He adds that in reading *Rush to Judgment* "one does not have to look far to find them". He selects as his first example an episode involving Julia Ann Mercer. Mr. Sparrow has thus chosen the weapons and the area where issue is now to be joined, and I shall respond in some detail, for a full examination of the facts regarding this incident illuminates the rather shoddy investigation conducted by the Commission and Mr. Sparrow's subsequent shameful behaviour as well.

Mr. Sparrow writes: On the first page of *Rush to Judgment* Mr. Lane recounts, as if it was established fact, the story told by a Miss Mercer, who on the morning of the assassination saw a truck parked by the grassy knoll from which (according to him) fire was later

the President's route was possibly observed and yet unchallenged by the Dallas police. Great security precautions had been taken to protect the President in hostile Dallas; here was an apparent violation. If the case was empty, it was still negligent of the Commission not to investigate. And perhaps the case was not empty.

Mr. Sparrow's assertion that "if any box was removed from [the truck], it must have been a toolbox" and therefore, presumably, not a "gun-case" is the one relevant observation contained in his 350-word discussion of the incident. Yet that statement is without foundation and, as his curious phraseology indicates, he may well have been aware of that fact. If Mr. Sparrow cannot be certain that anything was removed from the truck—"if any box was removed"—how can he presume to know with certainty what was removed? "It must have been a toolbox." The "report recording all this," Mr. Sparrow assures his reader, "is accessible in the Commission's archives." Yet there is no document in the National Archives that records any of "all this."

The various F.B.I. reports reveal that Officer Murphy left the truck with one individual and that two others, apparently observed by Miss Mercer, remained. The F.B.I. hearsay report of a speculative allegation by the officer regarding something that may have transpired in his absence—Murphy further stated it was probable that one of these men had taken something from the rear of this truck in an effort to start it

—is thus recklessly escalated by Mr. Sparrow into a fact.

Had the Commission been sufficiently intrigued by the material submitted to it to call Miss Mercer it might have received some rather disquieting information. On January 10 and 15, 1968, District Attorney Jim Garrison, who apparently is less persuaded by hearsay reports than the Commission personnel or John Sparrow, questioned Miss Mercer, then Mrs. Julia Stinson, at the Roosevelt Hotel in New Orleans. She stated that she had been able to observe the driver of the truck for approximately one minute as she had "looked directly into the face of the man at the wheel and he looked directly" at her. On November 22, 1963, Miss Mercer had told the Dallas Sheriff's Department that she believed that she could identify the man if she were to see him again. She told Mr. Garrison that on the day following the assassination she was shown "perhaps a hundred pictures" by F.B.I. agents. She selected a picture of a heavy-set man in his forties as the driver. When the F.B.I. agent turned the picture over, she said she read the name "Jack Ruby" on the back of the photograph. Subsequently when Jack Ruby shot Lee Harvey Oswald she stated that she "immediately recognized Ruby as the driver of the green truck" and as the man whose picture she had been shown by agents of the F.B.I.

Mrs. Stinson also told Mr. Garrison that the article carried up the knoll did not appear to be a "toolbox." She said: "I was delayed by traffic long enough to observe a man remove from the back of the truck

a rifle wrapped in paper." She said the paper was brown, similar to photographs of Commission Exhibit 142, the brown paper sack that the Dallas police were said to have found in the Texas School Book Depository. (Of course Mrs. Stinson, not having been called as a witness by the Commission, had never been shown the paper sack. Photographs and a description of the Commission Exhibit, however, have been published.)

When Mr. Garrison showed Mrs. Stinson the affidavit published in the Commission's evidence and purportedly signed by her in two places she stated: "Neither of the signatures on the two pages of this affidavit is mine." She said that she had signed no affidavit for the local authorities. Mrs. Stinson added: Also I note that a woman has signed her name as a Notary Public and has indicated that this alleged statement was "sworn to and subscribed" before her. This also is untrue. On no occasion during any of my questioning was a woman ever present.

Mrs. Stinson's statement is not without significance. It reveals that the Commission's volumes of evidence—certainly the last eleven volumes which comprise documents purporting to be affidavits, hearsay reports, and other data—may be of questionable value. When I discussed with Mr. Garrison the implications of Mrs. Stinson's statement, he observed that "it reveals the Warren Report to be a monumental edifice, unfortunately constructed on quicksand."

It now appears from the words of the witness herself that the only accurate statement taken from Mrs. Stinson, one of the most important

observers in Dealey Plaza on November 22, 1963, is the one secured by Mr. Garrison more than four years after the assassination.

Mr. Sparrow selects the parked truck episode to initiate his attack upon *Rush to Judgment* and to "criticize the methods he [Lane] employs in establishing a basis for his innuendoes." In spite of the fact that he appears to have counted himself among the "reasonable, critically-minded people", Mr. Sparrow found nothing to criticize in the Commission's approach to the incident. Yet a close examination of the relevant data here, as is often the case in other areas chosen by other apologists, and quite specifically the case in every area selected by Mr. Sparrow, reveals the Commission's failure to be of greater consequence than one might have postulated.

The old mysteries remain. Why did the Commission fail to call Miss Mercer, fail to question Officer Murphy about the episode, and fail to identify and question the men who had been with the vehicle? What motivates persons with otherwise acceptable academic reputations to offer them up in sacrifice to defend the Commission's lapses even when to make an inadequate attempt requires, as in this instance, the false presentation of the evidence?

To the previously unanswered questions that flow quite naturally from the evidence one must now add these: Did Ruby drive the truck? Why did the F.B.I. fail to report to the Commission that Miss Mercer had identified Ruby? The significance of that identification was not lessened by the fact that she states that she is certain that it was made on November 23, 1963, twenty-four hours before Ruby became a public figure by shooting Oswald. And most intriguing of all: Why did F.B.I. agents show a picture of Jack Ruby to Miss Mercer prior to November 24, 1963, the date on which Ruby killed Oswald?

The one original or analysis offered by Mr. Sparrow, and singled out by *Time* magazine and the *New York Times* and other publications as impressive and worthy of reprinting, is contained in one paragraph: Then, the actual assassination: If it is hard to believe that Oswald hit his target in two out of three quick shots, it is harder still to suppose that two men, more than 100 yards apart and unable to see or communicate with each other—for a tree obscured the grassy knoll from the Depository window—could have synchronized their fire so perfectly; and it is hardest of all to imagine that conspirators would have allowed the success of their plan to depend on such a feat of synchronization.

Thus, due to insoluble technical difficulties, Mr. Sparrow has sought to remove a good part of the contemporary meaning of the word "ambush" from the language. This incredibly silly assertion fails to contemplate either of the two most logical explanations for coordinated rapid firing from separate locations. Two or more rifle-men aiming at a moving target might agree either to fire when the target reached a certain specified point or immediately after one rifleman, designated in advance, fired the first shot. In battles dependent upon rifle fire both techniques have been employed and hundreds of shots, not just three or five, have been fired in that fashion in less than six seconds. It is almost understandable that Mr. Sparrow, perhaps blinded by a self-appointed mission and eager to make an original contribution, offered so fragile an argument, but almost inexplicable is the republication of that paragraph by the media. Perhaps *Time* and the *New York Times* relied upon the adage quoted by Mr. Sparrow—*Populus vult decipi*: the public is ready to be deceived.

Mr. Sparrow, willing to analyse the Commission's evidence without betraying any indication that he had seen it, was willing to do the same for Jim Garrison's evidence. He refers to the New Orleans District Attorney as "Big Jim Garrison, the 'Jolly Green Giant'." He refers to Mr. Garrison's evidence as "very dubious" although since the trial of Clay Shaw has not begun, he has not observed any of it. To my knowledge he has not examined the massive files in New Orleans containing the results of Mr. Garrison's thorough investigation. Many of the documents there, such as Miss

Mercer's statement, are a genuinely interested observer they appear to bear no relationship to the guilt or in Mr. Shaw.

Mr. Sparrow writes the word "if" indeed that I ever to be spoken—most outcome of the trial at New York without awaiting the fact that "no light shed by the tragedy can excuse its or efface from the record deeper than the crime itself: making reference yet as work of the demonologist

Mr. Sparrow appears to that if in the event subsequent prove that the critics were right and he and his colleague in error, the critics were anyway since they were gists. There comes a time when every demonologist his day. A trial judge, the existence of certain known demons perhaps in tute the appropriate moment

Mr. Sparrow's final as the "aftermath" of the tion—that is, the "condemnation" who have dared to disseminate very official Warren Report—is "a stain deep crime itself" (the crime murder of President Kennedy) is unspeakable. I treat, I fear, that Mr. Spicacious about historical as he is about details at

Should Mr. Sparrow de that he is loyal to America recall that those who support to the French government abroad, when it seems urgent and desirable to faction with the evic showed Dreyfus to be gustrated no loyalty to that and is France. In a society no administrator a false conclusion is the The name Hugh was, of course, known

dent Kennedy. It was primarily with a text reeler's last days. Today it reversed in academic circles out America, for Profes Roger is recognized, even than four years after thion, as the one English, has revealed through hi he had read the evidenc the death of our Preside he has been unafraid t didly about it.

Loyalty to the best America begins, I submit, to the facts. If the a hideous situation exists be heeded—not ignored, personal attacks made Garrison and others whsted in determining whsident Kennedy and w appear to be misdirect when a physician reverserious disease is prese are to be dreaded. T necessarily to be dismiss merely because they c bad news. Nor can t be fairly used as proof-cian's evil intent.

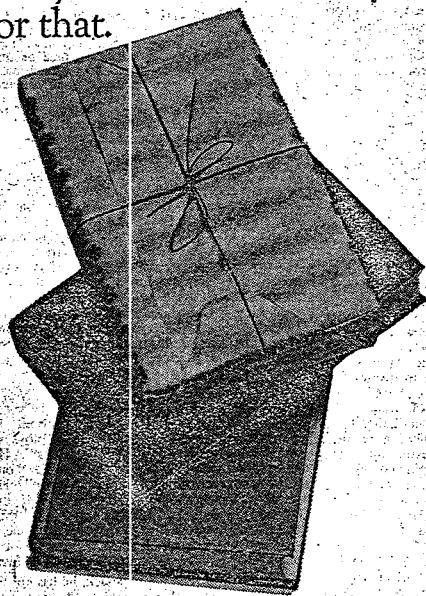
Note

I should hope that row will be afforded the to respond to my rop limited my analysis of article primarily to charge. I chose the Mfident only because it me that Mr. Sparrow that choice himself, a plained.

Should Mr. Sparrow spond to any other alle has made, since all of I nerable, I think it fair t write to me with such : I shall be pleased to I would judge, it unfair, umstances, for him to in *The Times Literary* for not responding to a tion of his massive ar If this one ex: not suffice, I only too pleased t analysis of each charge Sparrow. Only time a tations (the need for s haps 50,000 words) ma a response to each charge. Such massi upon the arguments ders would require a manuscript. I have, completed such a doc will be published in the in June of this year.

Each week, The Sunday Times devotes about three whole pages to book reviews. Because a lot of our 3,781,000 readers are readers. And more reading gets done on a Sunday. People have the time. After they've read our book reviews, they read the book ads. Last year we took a lot more book advertising than the next biggest quality Sunday newspaper. Perhaps it's because we've got more readers than they have. But one thing's for sure. Our readers have made us the best seller. So have words with them about your next book. They might do the same for that.

What
we mean
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Mark Lane's Comment on Commentary

In its Commentary on January 18 *The Times Literary Supplement* asked what I would "make of Mr. John P. Roche's letter from the White House printed in our issue of January 4? Will he scent yet another conspiracy: a political plot to induce Senator Robert Kennedy to speak out (or to stay quiet)?"

Sorry to disappoint you, but to offer a finding regarding Mr. Roche's motivation for communicating with *The Times Literary Supplement* would be to indulge in speculation, an area previously preempted

by the Warren Commission. As in the past I prefer to remain with the facts. The facts regarding Robert Kennedy's expertise concerning the facts surrounding the death of his brother are nothing if not well established and beyond dispute. Senator Kennedy has publicly stated on more than one occasion that he has not examined any of the evidence and that he has not even looked at the Warren Commission report. The question for those who care to speculate is why Mr. Roche, given these circumstances, wishes to offer Robert Kennedy as an expert on

the case. This odd behaviour, however, is not as unique as it might appear at first blush since most of the experts who accept the Warren report, and even some who have attempted to defend it, have shown the same disinclination to undertake an examination of the evidence.

So long as you pose questions about the White House may I do so as well? Why has Lyndon Johnson ordered much of the basic evidence stored in the National Archives to be suppressed until September, 2039? Are you intrigued, for example, by the classified C.I.A. docu-

ment titled "Oswald's access to information about the U-2", or the "missing" F.B.I. file entitled "Re Ruby's subversive activities prior to the assassination"? Does the suppressed document which reveals that the F.B.I.'s central office sent telegrams to all southern regional offices of the F.B.I. on November 17, 1963, warning that an attempt would be made to assassinate the President in Dallas in five days, hold any interest for you? It was not until more than four years after the President's death that a security officer at the F.B.I. made the contents of those

telegrams available to me. The disclosure came some three years ahead of the disclosure established by President Kennedy's successor.

Perhaps just one last quip: Why did the F.B.I. fail to warn the President and thus permit a ride into the Dallas ambush casually in an open automobile? Since there appears to be no evidence upon which conclusions might be based: ing the above inquiries, perhaps might consider submitting to Mr. Sparrow for reply.

JOHN SPARROW'S REPLY

Mr. Lane's article was shown to Mr. Sparrow. In order to make plain to readers the points at issue between them, we are printing Mr. Sparrow's comments below.

Reluctantly, for I should like to challenge almost every point in his article, I accept Mr. Lane's suggestion that readers should judge between us simply on the Mercer episode.

Mr. Lane alleged in his book that Commission investigators failed to question Miss Mercer and did not try to identify either the police officers or the truck mentioned in her statement of November 22, 1963. These charges have been shown to be baseless. When he made them Mr. Lane, as he now explains, was unaware that F.B.I. agents in fact questioned Miss Mercer on November 23 and again, showing her photographs, on November 25, and that on December 9 they identified the truck and interviewed the police-officer who handled the matter, Patrolman Joe Murphy. The report of that interview, here reproduced, removes (in my opinion) any possible suspicion about the truck and its occupants, and justifies alike the investigators' conclusion that the matter was not worth pursuing and the Commissioners' decision not to refer to it in their report (the F.B.I. statements being filed and duly made accessible in their Archives).

Mr. Lane does not challenge Patrolman Murphy's statement; instead, he suggests that it can be reconciled with the statements made by Miss Mercer to the Sheriff's office in Dallas on November 22, 1963, and to Mr. Garrison in New Orleans on January 10 and 15, 1963, according to which she saw a man carrying from the truck a gun-case (statement of 1963) or a gun wrapped in brown paper (statement of 1968). Mr. Lane points out that Murphy admittedly left the area for a time with one of the "construction men" from the truck, and therefore could not have known, from his own observation, that one of the other construction men did not carry a gun-case or a gun up the slope in his absence. That is true; none the less it seems reasonable to conclude from Murphy's statement—the other two men remained with the pickup truck along with two other officers—"these persons were under observation all during the period they were stalled on Elm Street"—that if a gun or gun-case had been carried from the truck the officers would have seen it and taken action, and that in fact nothing of the sort occurred.

Even supposing that the officers relaxed their vigilance in Murphy's absence, it seems inherently improbable that a conspirator should have unloaded a gun on the route of the procession in broad daylight in the sight of all and sundry, and then (according to Mr. Lane, *Rush to Judgment*, page 31) somehow (by climbing the five-foot stockade?) "taken it behind" the fence at the top of the slope without being observed; that intelligent men should have concocted a plot in which this manoeuvre was a necessary element is surely in the highest degree unlikely.

In any case, who were the plotters in the truck? Employees of the construction firm, it would seem, for they were riding in the firm's vehicle and one of them went with Murphy to the building where the firm was working and there procured another truck. If so, Mr. Garrison should have no difficulty in identifying them and denouncing them as accessories to the assassination. But Miss Mercer now maintains, in her statement to Mr. Garrison, that when she was shown a photograph of Ruby she recognized in him the driver of the truck. If that is right, what was Ruby doing in that *galere*, and who were the other

two? Impostors? Oswald and Tippit, perhaps, posing as "construction men"? But how then did they get hold of the firm's truck? It just does not make sense.

Moreover (though Mr. Lane does not tell us this) Miss Mercer's story accords with Ruby's movements

ber 23 or November 25, the fact (if it were a fact) that the Dallas police included Ruby's among the photographs they supplied to the F.B.I. would be the clearest possible indication that he was not a party to a conspiracy with them; if he had been their accomplice, they would surely

it refers to a gun-case and not to a gun wrapped in paper—a change from their point of view not worth the making?

I suppose it is just possible that the statement having been left unsigned, Miss Mercer's name was written in, for her sake, by an official; and Mrs. Allen may possibly have countersigned a statement taken by one of her colleagues; if so, these were irregularities in the Sheriff's office which, however regrettable, seem to me to be of little importance, and perhaps to be pardoned on what must have been the most hectic afternoon in that office's history. I think it much more likely, however, that, after four years, a faulty recollection of her interview has led Miss Mercer astray both about her signature and about the presence of Mrs. Allen, and that Mr. Lane's mole-hill, for all its birth-pangs, and in spite of the efforts of Mr. Garrison as *accoucheur*, will not yield him even a mouse.

Mr. Lane's treatment of the question of Miss Mercer's signature shows how prone he is, in his eagerness to discredit his opponents, to attach a sinister significance to points of small importance. It is this tendency that impels him to conclude (and to ask his readers to believe) from what he calls (without specifying them) my "inaccuracies about the number of pages in the Warren Report and the number of volumes devoted respectively to testimony and to exhibits, that I have never looked at the evidence myself and that my knowledge of it must be entirely second-hand. It is absurd, in my submission, to draw an inference from the fact that in a summary description of the Report I said that it contained "some 800" pages and that "half" the 26 volumes of evidence were devoted to exhibits—the exact number of pages being 838 and the exhibits occupying 11 of the 26 volumes.)

May I add a line of personal explanation about the lecture that Mr. Lane refers to towards the beginning of his article? In 1965, it is true, I was invited to debate with Mr. Lane by Mr. Ralph Schoenman, who was then acting as his manager. I declined, not because I thought my case a weak one, but because Mr. Lane was a man who had studied the facts intensively for many months, had lectured on the subject to hundreds of audiences, and had at his finger-tips the evidence and exhibits, to which my access was then recent and limited. He was the fully equipped professional, while I was the comparatively ill-instructed amateur.

I had another reason for declining the invitation: what I had heard of Mr. Lane as a controversialist led

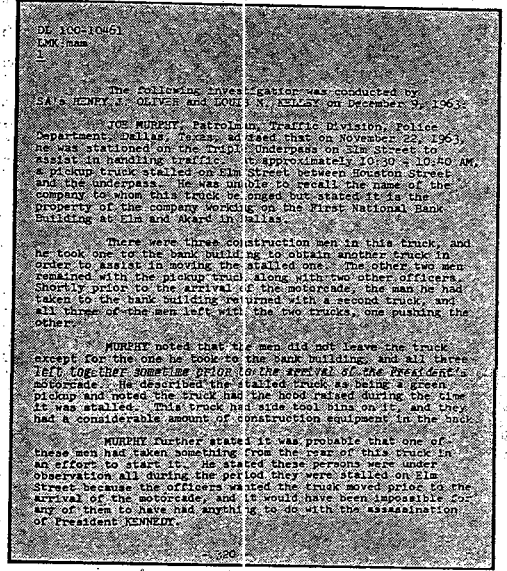
me to believe that I, who had trained in the high standards an pulitost procedures of the English would be at a disadvantage him as an opponent in public.

I attended Mr. Lane's lecturing at the back of the hall. It took two hours, and I was appalled; I heard, and my worst fears about Lane as a controversialist were confirmed: strong points were stated, weak points omitted or over; it seemed to me an almost tenuous misrepresentation of the history. I think it much more likely, however, that, after four years, a faulty recollection of her interview has led Miss Mercer astray both about her signature and about the presence of Mrs. Allen, and that Mr. Lane's mole-hill, for all its birth-pangs, and in spite of the efforts of Mr. Garrison as *accoucheur*, will not yield him even a mouse.

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Needless to say, Mr. Lane's small difficulty in flooring me references to the evidence that unable to check or to challenge after a few feeble attempts to my end up, I thought it wisest down, having cut, as Mr. Lane more than once reminded the [an extremely sorry figure.

Mr. Lane has, of course, right to exploit the discomfort I suffered at his lecture and to license, if he thinks it does him the victory he scored over it neatly. But he must not overstate his case. He must not say that when asked to point out any errors in my lecture I "replied that [I] was of none" other than his alle about Weitzmann and the rifle cause that simply is not true; no he say that I "quite publicly admitted [the Report]", because that is a untruth. No intelligent person in Lane's audience can have been that I was throwing in my hand and publicly admitting that the Report was indefensible. Mr. Lane, as he tells us, really believes it? One must choose, so often has to do in reading his emics, between belief in his pr and belief in his intelligence.



that morning. He visited the *Morning News* to insert his weekly advertisement at "about 11.0 or 11.30", and telephoned to his sister in a high state of indignation at a time which from her evidence seems probably to have been about 11 o'clock—which is hardly consistent with his being in a stalled truck in Dealey Plaza from 10.30 or 10.40 onwards.

Miss Mercer's story is implausible also from the point of view of the narrator. If she had seen a man disposing of a gun on the procession route an hour or two before the President was due to arrive, would she not there and then have informed the policeman she saw standing by? If she did indeed see anything taken from the truck, surely—I repeat the suggestion—it must have been an innocent toolbox, after the shooting this was transformed by her imagination into a gun-case, and four years later, when she was shown by Mr. Garrison a photograph of Oswald's brown-paper parcel, into a gun wrapped up in paper.

Mr. Lane asks how it was that the F.B.I. showed Miss Mercer a photograph of Ruby on November 23—twenty-four hours before Ruby became a public figure by shooting Oswald? Even if they had done this, it would not really have been very surprising: Ruby had been eight times arrested in Dallas and his photograph might well have been among the hundred or so supplied to the F.B.I. by the Dallas police. But in fact Miss Mercer was shown the photographs not on November 23 but on November 25, the day after Ruby murdered Oswald. The date is fixed by the report of the interview at which the photographs were shown her—a contemporary document surely to be preferred to her recollection after the lapse of more than four years.

But, whether the date was Novem-

ber 23 or November 25, the fact (if it were a fact) that the Dallas police included Ruby's among the photographs they supplied to the F.B.I. would be the clearest possible indication that he was not a party to a conspiracy with them; if he had been their accomplice, they would surely

have taken care that Miss Mercer was not provided with that means of identifying him.

[Mr. Lane raises a doubt about Miss Mercer's statement of November 22. This was taken with those of at least thirty other witnesses, in the Sheriff's office in Dallas on the afternoon of the assassination. These statements, typed on forms designed apparently for solemn affidavits, were signed by the deponents and countersigned by one or other of the four officials, male and female, who were interviewed; Miss Mercer's was countersigned by Mrs. Rosemary Allen. Carbon copies of the statements (similarly signed and countersigned, it seems) were supplied to the Secret Service, the F.B.I. and the Dallas Police Department. Photographs of Miss Mercer's statement and of the copy supplied to the D.P.D. were reproduced by the Commission (vols. XIX, 483; XXIV, 216); they show Mrs. Allen's signature and what at any rate appears to be Miss Mercer's.

When she was shown one of these photographs by Mr. Garrison in January 1968, Miss Mercer (Mr. Lane tells us) repudiated her signature, and declared that she signed no affidavit for the local authorities; she added that no woman was present while she was being questioned. Mr. Lane suggests that this two-fold allegation of Miss Mercer's renders "of questionable value" the contents of the Commission's eleven volumes of Exhibits, and Mr. Garrison declares that it "reveals the Warren Report to be a monumental edifice, unfortunately constructed on quicksand." That seems to me to be making a whole range of mountains out of a probably non-existent mole-hill.

It is not clear whether Miss Mercer's repudiation of her signature was based solely on her recollection that she did not sign her statement, or on the look of the signature itself. It seems unlikely that the authorities altered her statement, and then forged her signature, with intent to deceive; if Miss Mercer (as she says) signed nothing, they had no signature of hers to copy; and, anyhow, why should they want to falsify the statement, which differs from her present version only (it seems) in that

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