

Letters to the Editor (continued)

## AFTER THE ASSASSINATION

Sir.—The F.B.I. documents published in *Six Seconds in Dallas* are not the only F.B.I. reports relating to Julia Ann Mercer to be found in Commission Document File 205. These additional reports shed light on the recent exchange between Mark Lane and John Sparrow (*LS*, March 28, 1968).

The F.B.I. first interviewed Miss Mercer on November 23. The report of that interview, dictated by Special Agent Wallace R. Heitman on November 23, makes no mention of any photographs being shown Miss Mercer. In substance it very closely recapitulates her November 22 affidavit (CD 205, pp. 313-314). During her next interview on November 25, she was shown by Special Agent Heitman some photographs of Lee Harvey Oswald and his New Orleans associates. She advised that neither Oswald nor any of his associates appeared to resemble the men she had seen with the pickup truck (CD 205, p. 315).

Mr. Lane's assertion that F.B.I. interest in Miss Mercer "began to wane" as soon as she proved incapable of connecting Oswald with the pickup truck is mistaken. The F.B.I. continued its investigation by checking fourteen air-conditioning firms on November 27 (Miss Mercer had noticed the words "Air Conditioning" on the truck), and continued checking out these leads until December 9, 1963 (CD 205, pp. 317-319). On November 28 Miss Mercer was interviewed by the F.B.I. for a third time.

The full report of that interview deserves quoting.

Julia Ann Mercer . . . was shown a group of photographs which included a photograph of Jack Ruby. Mercer could not identify any of the photographs as being identical with the person she had observed slouched over the wheel of a green Ford pickup truck parked about 10.50 a.m. at a point near the place where President Kennedy was assassinated on November 22, 1963.

She then was shown a photograph of Ruby, and she advised the person in the truck had a rather large round face similar to Ruby's, but she could not identify him as the person.

She then was shown a photograph of Lee Harvey Oswald, and she stated that Oswald was of the same general build, size and age as the person who took a long package from this truck, but she also could not identify him as being the one who took the package from the truck. (CD 205, p. 316.)

Thus it would seem that Julia Ann Mercer was shown a picture of Jack Ruby just as Mr. Lane indicated. But it would also appear (if we can believe the F.B.I. reports) that she was shown Ruby's picture on November 28, 1963 (after Ruby shot Oswald), and not on November 23, 1963, as she now recalls it.

One critical fact has been overlooked by both Mr. Lane and Mr. Sparrow

in their discussion of the Julia Ann Mercer incident. Both have mistakenly assumed that Miss Mercer saw the parked truck on Elm Street just *west* of the railway overpass, and that the "grassy hill" she mentions is in fact the "grassy knoll" leading up to the stockade fence and concrete pergola on the north side of Elm Street. A close reading of her November 22 affidavit and her November 23 F.B.I. interview shows that this is a mistake. "At a point about 45 or 50ft. east of the overhead signs of the right entrance road to the overpass", Miss Mercer observed, "there was a truck parked on the right hand side of the road." But as photos of Dealey Plaza show (see 24H543-547), these overhead signs are located some 200ft. *beyond* or *west* of the railway overpass. Thus the vehicle seen by Miss Mercer was parked 150ft. beyond the railway overpass. The "grassy hill" she mentions lay between the railway overpass and the more distant highway overpass and was not the famous "grassy knoll". The incident she mentions did not happen in Dealey Plaza at all, but rather at a distance of some two city blocks from the centre of the Plaza.

What is the outcome of all this discussion?  
Surely it is cause for amusement that neither of the disputants was sufficiently familiar with the geography of the assassination site to realize that the alleged

incident occurred not in Dealey Plaza but two blocks away. Mr. Sparrow's attack on Mr. Lane for not mentioning the F.B.I. reports is clearly unfair; the reports in question did not become available until long after *Rush to Judgment* was published. Likewise, Mr. Lane's claim that Julia Ann Mercer was shown a photo of Jack Ruby on November 23 would seem doubtful in light of the cited F.B.I. report indicating she was shown Ruby's photograph on November 28. On the other hand, I think I went too far in *Six Seconds in Dallas* in saying that Patrolman Murphy's interview by the F.B.I. "effectively puts to rest any lingering doubts about the pickup truck seen by Julia Ann Mercer", just as Mr. Sparrow went too far in suggesting that this same interview "removes any possible suspicion about the truck and its occupants". Mr. Lane's arguments on this point are quite telling: Patrolman Murphy is, after all, only a hearsay witness with respect to what happened at the truck after he left. Yet it also is doubtful whether this minor incident (which did not even occur where Mr. Lane thought it occurred) can bear the heavy weight of significance he ascribes to it. If this discussion shows anything, it demonstrates the ease with which a molehill can be transformed into a mountain.

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\*\*John Sparrow writes:—

(1) I welcome the new evidence adduced by Professor Thompson: as he says (and as I said myself, *TLS* March 28), a mountain has been made out of a molehill. It now appears that Mr. Lane, having manufactured his mountain, transported it (unconsciously) to the assassination site to accommodate a mare's-nest.

(2) The new information confirms my own conclusions:

*The Ruby photograph.* As I pointed out, this was not shown to Miss Mercer until after Ruby had murdered Oswald, and the fact of its being shown at all argues against police complicity in that murder; Professor Thompson now makes it clear that Miss Mercer's attention was specially drawn to the photograph and that she failed to identify its subject as the driver of the truck.

*The location of the truck.* Miss Mercer's statements about the truck are puzzling in several respects; if Professor Thompson is right in concluding from them that it stalled not in Dealey Plaza but two blocks to the west, the whole episode becomes even more plainly irrelevant—particularly since her evidence, on this footing, makes the man carry the supposed gun-case not towards the assassination site but away from it. Professor Thompson suggests that there may be "cause for amusement" in Mr. Lane's locating this episode in Dealey Plaza and in my acceptance of that location; he omits to mention the fact that in *Six Seconds in Dallas* (page 218) he accepted it himself.

(3) Professor Thompson, like Mr. Lane, discounts Patrolman Murphy's statement as hearsay, in so far as it contradicts Miss Mercer's. But, as I have already pointed out (*TLS*, April 11), Miss Mercer's statement itself shows that Murphy's evidence was first-hand. Another first-hand witness is Patrolman Brown, who apparently remained on the spot throughout the relevant period, and declared that "he did not see anyone remove anything from this truck" (C.D. 205, quoted in *Six Seconds in Dallas*, p.219). However, if the truck episode is irrelevant, it hardly matters whether the police evidence about it is first-hand or not.

(4) "Mr. Sparrow's attack on Mr. Lane for not mentioning the F.B.I. reports is clearly unfair", says Professor Thompson. It was not for failing to mention the reports that I criticized Mr. Lane, but for making outright assertions, damaging to the F.B.I., which the reports showed to be untrue. Had I known that the reports were inaccessible to him when he wrote, I should have rebuked him not (as I did) for negligence in not consulting them, but for recklessness in launching a serious attack based on an unjustified assumption.

\*\* Mark Lane writes:—Mr. Thompson now considers the matter of Julia Mercer's observations on November 22, 1963, and her treatment by the Warren Commission, to constitute a "minor incident", a "molehill". Yet of the very few incidents that he chose to discuss in his book, of the hundreds available for analysis, he chose to discuss and analyse this one. One wonders whether the fact that he now feels that he "went too far", as he puts it, in reaching his conclusion in this matter caused him to consider the incident

less important than evidently he judged it when he was preparing his manuscript. This would be curious indeed, for once he concedes that his flat rejection of Miss Mercer's observations was faulty, he must, it would seem, give greater credit to her remarks. And having just recently been informed that Miss Mercer has repudiated the F.B.I. reports and the "affidavit" upon which Mr. Thompson has relied in the past (which documents form the *entire* basis for his challenge of Miss Mercer), one would expect that the matter would take on more, not less, significance.

Evidently, it is now Mr. Thompson's contention that the matter is of relatively little importance since it took place in an area removed from Dealey Plaza. Yet here too he is in error. For his conclusion, Mr. Thompson relies upon an F.B.I. hearsay report which Miss Mercer has stated is inaccurate and an affidavit which she states is inaccurate and a forgery. It might be of interest to note at this point that the majority of the witnesses who testified before the Commission, after having been questioned by F.B.I. agents, and who were shown or told about the contents of the F.B.I. reports, stated that those reports were inaccurate. We speak now not of a handful of witnesses, but of the majority of the Commission's own witnesses who were given an opportunity to comment upon the F.B.I. reports of their interviews. In spite of the F.B.I.'s rather spotty performance, Mr. Thompson (not to say Mr. Sparrow who appears to rely upon Mr. Thompson rather than upon the more (troublesome evidence) continues to credit the hearsay reports, even those which, as in this instance, have been specifically repudiated by the relevant witness.

There is no need for imprecision or conjecture regarding this question. The witness, unlike so many others, is alive and well and quite willing to again state where the event occurred. A man carried a rifle up the knoll, "just a few feet from the railroad overpass in Dealey Plaza", she states.

One notes in Mr. Thompson's letter an eagerness to remove the *incident* progressively further from the Plaza. He calls it that, never once referring to the substance of Miss Mercer's statement that a man carried a rifle into the area not long before the shots were fired. First he writes that it took place "at a distance of some two city blocks from the *centre* of the Plaza" (italics added).

(The Plaza, not being a circle, sphere or polygon, of course, has no true centre, that is a point equally distant from all sides. For purposes of this discussion I have accepted Mr. Thompson's term and have fixed as the "centre" a point on Main Street (which represents the North-South division in the Plaza) equally distant from the overpass and Houston Street.)

Surely that is an odd way to describe the geography of the event, since the wooden fence on the grassy knoll from which some of the shots were fired is in Dealey Plaza but more than one block from the *centre* of the Plaza. Moreover the famous sixth floor window of the Texas School Book Depository is almost two blocks from the *centre* of the Plaza.

At first Mr. Thompson, measuring from the Plaza's centre, placed the event just one block from the Plaza, as

did the police. But two sentences later Mr. Thompson writes that the incident "occurred not in Dealey Plaza but two blocks away". Not content with the inaccurate version submitted by the police, Mr. Thompson moves it still another block out of Dealey Plaza and apparently without any basis. One might add that, even had Mr. Thompson been correct, that the man observed by Miss Mercer carrying a rifle toward the knoll was, when last she saw him, 150 feet from the point where some shots later originated, the event would still bear investigation and could not fairly be disposed of, therefore, as a "cause for amusement".

Some weeks ago, concerned that Mr. Thompson had led Mr. Sparrow astray, I wrote to Mr. Thompson to advise him of Miss Mercer's recent meeting with Mr. Garrison and of her repudiation of the documents upon which he, Mr. Thompson, had relied. It is not my intention here to raise matters of courtesy in reporting that I have had no reply, but to indicate Mr. Thompson's lack of concern for securing all of the available information, including a statement from Miss Mercer. Miss Mercer may be questioned. Mr. Thompson may write to her or visit her if he wishes. I must confess that I find it puzzling that those who trouble to write articles and books about this important subject show such slavish reliance upon doubtful second-hand reports and such a marked reluctance to secure first-hand data when it is so easily obtained.

It is this failure that blunts the thrust of every point made by Mr. Thompson in his letter. For example, Mr. Thompson states that the F.B.I.'s interest in the matter did not wane, and he offers proof that the bureau checked on some fourteen air-conditioning firms. Precisely. Miss Mercer has sworn that she never told the local or federal police that the words "air conditioning" appeared on the truck. When the Dallas Sheriff's Department suggested to her that the panel did bear those words she replied that she was certain that no words were written on the truck. Yet, based upon the false lead, the F.B.I. agents began their thorough investigation of the air-conditioning firms in Dallas and Mr. Thompson has now applauded their diligence. With far less personnel Mr. Garrison too has looked into the matter after having interviewed Miss Mercer. It appears possible that as the trials proceed in New Orleans the public may learn that a close friend of the Dallas police and of Jack Ruby, not an air-conditioning firm, owned the panel truck in question.

Mr. Thompson prefers to believe that the F.B.I. showed a picture of Jack Ruby to Miss Mercer on November 28, 1963, and that Miss Mercer is in error in believing that the picture was displayed the day before Ruby shot Oswald. Yet Miss Mercer was there, and she states that she is certain of the date. She adds that when she observed Ruby kill Oswald on television on November 24 she immediately recognized the murderer as the man whose picture she had been shown the day before. Since Ruby's name was on the photograph which she had seen the day before, Miss Mercer was able to state at once that the man who had just killed Oswald was named Jack Ruby, while the rest of the television audience was required to wait for a considerable period of time before that information was broadcast.

I should like to list each of the points made by Mr. Thompson in his letter and my response.

*Point One:* The F.B.I. investigation was thorough in that some air conditioning firms were looked into. *Response:* The F.B.I. agents followed, in that instance, a false lead provided by the Dallas Sheriff's Department and rejected by the witness.

*Point Two:* The photograph of Ruby was shown to Miss Mercer after Ruby shot Oswald. *Response:* The F.B.I. hearsay report says so but the witness swears that the report is wrong. There are other witnesses who can corroborate Miss Mercer since she was able to give Ruby's name before he was publicly identified on November 24.

*Point Three:* The man with the rifle was "two blocks away". *Response:* Mr. Thompson meant, it seems, one block. In either event, the incident took place just at the overpass that is located in Dealey Plaza, the witness insists. Mr. Thompson again rejects the evidence, the statements made by the witness, in favour of the discredited hearsay reports.

*Point Four:* Mr. Sparrow's attack upon me regarding the unavailable F.B.I. reports was, Mr. Thompson states, "clearly unfair". *Response:* I agree.

*Point Five:* Mr. Thompson "went too far" in relying upon the F.B.I. reports in his book. *Response:* Here, for the first time, Mr. Thompson's talent for understatement is apparent.

*Point Six:* Mr. Sparrow "went too far" in drawing much the same conclusion in his article. *Response:* Mr. Thompson is correct here, but since Mr. Sparrow stated in his article that he was gratefully indebted to Mr. Thompson for the information, it hardly seems proper for Mr. Thompson, the source of the misinformation, to chastise him without indicating a willingness to accept the responsibility.

The genesis of this entire discussion may be found on one page of *Rush To Judgment*. There I suggested that the Commission should have called Miss Mercer as a witness since she had said that she saw a man with a rifle in the area where the President was shot later that day. In their initial works Mr. Thompson (in his book) and Mr. Sparrow (in his article) both reacted virulently to that suggestion. They have now retreated from their original response (at least Mr. Thompson has for the two of them, which is perhaps his right under the circumstances), leaving their supporters to speculate about what Miss Mercer might have said had she been called as a witness by the Commission. Yet it was my suggestion that she should have been called that originally engaged the wrath of these two researchers.

There is, in fact, no substitute for an adequate investigation, and as this exchange once again emphasizes, no such investigation was conducted by the Warren Commission. At this point, even its most ardent defenders are reduced to speculation on its behalf.

Is either Mr. Thompson or Mr. Sparrow now willing to state that the Commission should have called Miss Mercer as a witness, or do they both continue to contend that the presence of a rifle near the knoll was irrelevant to the Commission's inquiry?