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testimony in order to convict a 19-year-old bank teller, Richard Lee, of a 1972 Chinatown gang murder. The paper's legal staff had approved the stories for publication and when a retraction was demanded, the *Examiner* refused to print one.

After the pieces appeared, the alleged perjured witness suddenly decided he'd never lied at the Lee trial. Libel suits followed. Last January, Lowell Bergman learned that the *Examiner* would not pay for his defense—he wasn't a regular staff member; he'd been working off a grant arranged by Willie Hearst III from the Fund for Investigative Journalism.

Ramirez, who had been put on the case by Randolph Hearst himself, suddenly began to wonder whether his legal interest might coincide with his publisher's as little as his partner's had. "Bergman and I worked on those stories together," he says. "If they



**Reg Murphy: Staff infection**

could foresee the possibility of conflict with one reporter, at what point would they do it with me?"

Bergman and Ramirez went out and hired their own lawyer, while local reporters put together a defense fund to raise the necessary fees. Murphy, who repeatedly refused to discuss the case for attribution, is reportedly hostile to the reporters who've spearheaded fund raising at the *Examiner*. Those who have discussed the case with him privately say he sees Ramirez as a "deserter." The San Francisco journalistic community is hot on the issue, questioning the sanity of a management that has divided its defense and alienated Bergman, who could presumably damage the paper's case if he chose to. *Sacramento Bee* reporter Denny Walsh, a pro at being sued (after he spent six years on *Life* magazine's special news team

investigating organized crime and official corruption) says: "The only way harassment suits can succeed is if publishers allow them to."

Bergman says he'll probably give up writing at least temporarily. "It's the way this stuff gives you triple vision, like 3-D movies without the glasses. I no longer get clear images of what I'm trying to say. I get the clear image, and the image of what it could mean, and of how it could be interpreted. It's a kind of legal halo. The worst is, I'm not sure what I can say anymore."

—Mary Jean Haley

## The Insider Interview: Richard Sprague

When you meet Richard Sprague, one thought comes immediately to mind: you are glad that he is not prosecuting you. Dick Sprague was the man who got Tough Tony Boyle for the murder of Jock Yablonski. Tough Tony and 72 others: all of them tried by Richard Sprague for first-degree murder; all of them sent to jail. No, Dick Sprague is not a man to mess with.

Which perhaps explains as well as anything why Sprague no longer works for the Congress of the United States, investigating the murders of John F. Kennedy and Martin Luther King. He is not a man who suffers fools gladly. And when he talks about his brief tenure in Washington, it is clear that he found the Capitol overstocked with them. "A rattlesnake," Henry Gonzalez, the erstwhile chairman of the House Assassination Committee, called him, just prior to departing to Texas for a long rest. Poor Gonzalez. He didn't know the half of it.

The rattler was in his den, a comfortably prosperous law office in Philadelphia, the other day, reminiscing about Gonzalez, the Congress, the press and those days in Washington, and explaining why it is unlikelier than ever that the killers of Martin Luther King and John F. Kennedy will ever be found. He was, by turns, relaxed, humorous, cynical, prosecutorial. Self-doubt was never in evidence.

"Congress," he says, "never intended to conduct a thoroughgoing investigation in the first place. It was politics, a way of appeasing the Black Caucus."

Sprague's tone is not bitter, but matter-of-fact. He has never suffered from illusions, and, in taking the post of

directing the assassinations investigation, he knew from the start the risks of dealing with politicians. "I wanted to do the investigation the right way," he explained, "and if they didn't want it that way, fine. At least we would know who wanted to kill the investigation and why. We could see what part of the woodwork they crawled out of."

If Sprague is surprised, it is only because there turned out to be so many holes in the woodwork. They began opening up as soon as he started to select his staff, drawing many of them from homicide bureaus and D.A. offices from around the country. The members of his committee, however, had other ideas. "They saw it as a major patronage opportunity," explained Sprague. Sprague resisted them, and also the importunings of Gonzalez, who took over as chairman with the retirement of Virginia Democrat Thomas Downing, and thereupon set out to cleanse the committee of all of Downing's staff. When, during one committee session, Sprague suggested to Gonzalez that such a course would be "improper" and "immoral," Gonzalez exploded. The full committee, however, supported Sprague, but at a considerable cost. Thereafter, Sprague had trouble getting Gonzalez to return his phone calls. After a time, Gonzalez shut off the long-distance phones for Sprague's staff, and rescinded their clearance to peruse classified information. In the end, Sprague says, "Gonzalez went berserk."

The rest of Congress, including the members of his own committee, were not much better, in Sprague's view. The committee, he says, can be broken down into several classifications: "headline hunters"; "people trying to fit their preconceived prejudices"; a few, honest congressmen trying to conduct an impartial investigation, "and a couple of fellas who wouldn't know the front door from the back door." Jim Wright, the majority leader of the House, seemed to fit the last bill. Once, Sprague recalls, Wright insisted on a personal briefing on the Kennedy assassination. Trying to please, Sprague dispatched one of his senior deputies, who proceeded to lay out the case for an hour and a half. At the end of the briefing, Wright said: "What about Sirhan Sirhan? Everyone knows he pulled the trigger. They caught him right there." The briefer then patiently

explained that Sirhan Sirhan was the assassin of Robert, not John, Kennedy. "Oh, oh," Sprague quotes Wright as saying. "I just got it mixed up." Another time, a well-known congressman demanded why Sprague was investigating the King assassination "since the Warren Commission has cleared that thing up already." Other congressmen, whom Sprague declines to name, told Sprague that time and money "should not be wasted investigating the murder of some nigger." Sprague also encountered Kennedy loyalists in the Congress who did not want the assassination investigated, lest it somehow taint the president's reputation. "They preferred," Sprague says, "to leave him a sainted martyr." There were other occasions when Sprague detected the fine hand of American intelligence at work. "There are some congressmen up there," he explains, "who want to bend over backwards to show their friendship to those two agencies [CIA and FBI], and wouldn't dream of doing anything to risk offending them. And then there are some other congressmen who, I got the feeling, had a somewhat different motive." You mean, the CIA and FBI "had an arm on them?" Sprague was asked. "That's exactly what I mean," Sprague replied.

It is the press, though, the *New York Times* and reporter David Burnham, the author of several scathingly critical articles about Sprague and the committee, who come in for Sprague's fullest contempt. Sprague accuses Burnham of biased reporting, of failing to check the facts, and of doing his best to undermine the committee. Once, when Sprague was alerted that Burnham was preparing an article critical of his handling of the Boyle prosecution, and had not bothered to interview him, Sprague went to his office to confront him. Recalls Sprague: "I said to Burnham, 'What kind of an investigation job are you doing when you haven't talked to me?' Burnham calmly said that when he writes a story, he doesn't necessarily get all the facts first. I said 'That's a weird way to proceed.' And he said, 'Well, I write a draft and decide where else to go. Don't you do that?' I said, 'No, before I write I try to get all the information.' I said to Burnham, 'I guess that shows the differences between you and me.' Burnham says, 'Yes, I'm glad there are.' " "I do not know what the motivation was," Sprague continues, "but it was such a pattern, I

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**Sprague: Quick snare? No**

do not believe it was a mistake. It was a regular pattern of attempts to create a bad image. . . . It's interesting. Right after I resigned, the *Times* took Burnham off the story and assigned somebody else to do it. Whether that was because there was an attempt to use Burnham to do a hatchet job, I don't know. But there is no doubt that Burnham did."

Burnham, who agrees that the confrontation took place, tells it slightly differently. After writing a piece in which he spoke to then-chairman Thomas Downing before coming back to Sprague, he went to work on a second. Vainly trying to get an appointment with Sprague, he finally got the counsel on the phone. Sprague insisted on coming to Burnham's office instead of talking on the phone, despite the reporter's advice that he just wanted to check a few things. Burnham says that Sprague came up to his office and in front of two aides "yelled and screamed" for a long time before submitting to questions.

The end product of all the scrambling with the press and with Congress was that Sprague's staff, and Sprague himself, wound up doing precious little investigating. By Sprague's own reckoning, he spent "point zero one percent" of his time examining the actual evidence. What he did see, though, whetted his appetite, especially one classified document from an intelligence agency, in which a secretary stated that a transcript she typed out after the Kennedy assassination was different than the recording from which she made it. That document, and other information that came to Sprague's

attention, was enough to convince him that, if he had it to do over again, he would begin his investigation of the assassination of John F. Kennedy by probing "Oswald's ties to the Central Intelligence Agency." The King case was another matter. Sprague personally interviewed James Earl Ray twice, and came away convinced that "Ray pulled the trigger that killed King." However, Sprague is also convinced that Ray had help, both before and after the assassination. As for the mysterious "Raoul," whom Ray claims framed him for the assassination, Sprague doubts that such a man exists, at least by that name. "When he [Ray] started talking about Raoul, I gave him kind of a sheepish look," Sprague says, "and he said, 'Well, call him whatever name you want to then.'"

Now, of course, it is all academic. The days when Sprague thought he could "wrap up the King case in a year, and the Kennedy case in two years," as he put it the other day, are long since gone. Sprague miscalculated. He thought that Congress really wanted an investigation. That they would leave him alone. Allow him to pursue the truth, wherever it lay. "I thought," he says, "that by this February we would have our staff together, and our investigation mapped out, and then it would be 'goodbye Congress.'" He could not have been more wrong. Congress never went away. "When they heard I was going to interview Ray, they wanted to bring him to Washington and turn on the TV cameras. When I explained that was impossible, they wanted to know if they could come with me to the prison. Now, can you imagine what it would be like down there with these 12 guys and James Earl Ray?"

Sprague never could; he was too much of a prosecutor, not enough of a politician. The difference was brought home to him one day after a conversation with a senior member of the House, who suggested that Sprague was wasting his time, since, as Sprague quotes him, "They'll be arguing about who killed Kennedy a hundred years from now, just like they argue about Lincoln's assassination." "I told him that I thought we had a chance to end that," Sprague said. "I told him that if you killed the President of the United States you ought to be brought to justice. He just didn't see it."

Sprague tries hard not to let it

bother him. "I am not an assassination buff," he claims, adding that, if nothing else, the aborted investigation "has given the critics of the Warren Commission another ten years of life." All the same, you can sense the pain. He talks almost wistfully of the time when "we could have wrapped up the King case within a year, and the Kennedy case within two years." No longer.

The reports he gets from his few friends in Washington tell him that the committee staff is beginning to disintegrate. Soon, he says, many of the senior investigators will be departing. "What they are doing now," he reports, "is dangling my old job in front of them. Driving a wedge between people, creating animosities where friendships existed." The only hope now, says Sprague, is for Jimmy Carter to appoint a special prosecutor, and he thinks that highly unlikely. The odds of Congress coming up with the truth? "Not a chance," says the prosecutor.

—Robert Sam Anson

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