

THE CASE OF SECRET SERVICE AGENT ABRAHAM W. BOLDEN

- Who Wanted to Tell the Warren Commission About a Chicago Plot to Kill President Kennedy And Was Jailed Six Years for Trying

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(Based on a chapter in a forthcoming book by Bernard Fensterwald)

An Attempted Phone Call to the Chief Counsel of the Warren Commission

On a sunny Sunday afternoon in May, 1964, a Secret Service guard at the White House quickly and cheerfully admitted an average-looking, youngish Negro in civilian clothes. The guard passed him through with a minimum of formalities, for he knew him as a fellow Secret Service agent who had formerly been a member of the White House detail. The man admitted was Abraham W. Bolden, and he was in Washington to attend a special Secret Service School which was to begin the next morning.

Bolden crossed the White House lawn, and entered the Executive Office Building on the west side of the Mansion. Once inside, Bolden placed a phone call to the home of Mr. J. Lee Rankin, the Chief Counsel of the Warren Commission but he got no answer. After a short while Bolden left the White House, and returned to his hotel.

His failure to reach Rankin made him apprehensive, for Bolden had noted that all of his activities that afternoon were being carefully observed by another Agent, Garry McLeod, who was also from Chicago, and who was rooming with Bolden in Washington while they both were attending the Special School. At 2:30 a.m. on Monday, Agent McLeod received a mysterious phone call which he declined to discuss with Bolden.

At 7:00 a.m., Agents Bolden and McLeod arose, dressed, breakfasted, and departed for school. During an intermission between classes, Bolden was suddenly approached by the Special Agent in charge of personnel, Howard Anderson, who told him that the Secret Service Office in Chicago had just discovered a counterfeiter's printing plant in a suburb of Chicago, and that all Chicago agents were to return to Chicago immediately to assist in the investigation. Bolden and McLeod were driven to Dulles airport by Anderson and put on a plane to Chicago.

Arrest of Abraham Bolden

Upon their arrival, instead of being taken to the Secret Service office, the Agents were taken to the Office of the United States Attorney Brennan. Although, as Bolden later learned, a warrant had been sworn out for his arrest, it wasn't served on him. Nevertheless, Bolden was held incommunicado from early afternoon until midnight, charged with solicitation of a bribe, and was, moreover, denied the right to counsel.

Finally, at midnight, he was formally placed under arrest, and permitted to call a lawyer. He was incarcerated in the DuPage county jail, Wheaton, Illinois, on the night of May 18-19, and taken

before U. S. Commissioner C.S.B. Pike, in Chicago, on May 19th, almost 24 hours after he had unwittingly, but in fact, been placed in criminal custody. That his trip to Chicago was "under pretext" (and in effect constituted a kidnapping), that he was held incommunicado, that he was denied the right of counsel have all been conceded by the government as set forth in an opinion of the U.S. Court of Appeals for the Seventh Circuit denying him a new trial.

Who is Abraham W. Bolden and what had he done to warrant such harsh and unconstitutional treatment?

Background

Abe Bolden grew up in one of the toughest sections of East St. Louis, Illinois, one of the toughest cities in the United States. Despite the handicaps of his racial and economic background, he worked his way through college, graduating cum laude from Lincoln University at Jefferson City, Missouri. Even in college, Bolden showed stubborn traits of character that were to get him into deep trouble later. A college classmate has written of him:

...he may be classified as foolish or as a man of courage, depending upon one's views. For example, I will recall a few incidents from his college days. During freshman hazing all of us did as we were told, whether it was trying to blow out a light bulb, marching in a straight line, or staying away from co-ed dormitories. Bolden did not conform, he defied upperclassmen and refused to do anything that was not included in the school manual. Before entering college Bolden had won several medals as a trumpet player in Illinois. One of our college instructors teasingly referred to him as "Medals". Whereas most of us would have been afraid to say or do anything, Bolden emphatically let the instructor know that he would not be called "Medals" again. Once he wrote a letter to the campus editor criticizing the granting of scholarships to men who were poor scholars but good athletes. Since Lincoln takes pride in its athletic teams, the entire student body became enraged, and several times he was threatened with violence. In spite of it all, Bolden never compromised his stand.

Upon graduation from college in 1955, Abe Bolden worked for the Pinkerton Detective Agency for a year and then spent four years as an Illinois State Trooper. His record was so outstanding that he became an Eisenhower appointee to the United States Secret Service in 1960, and subsequently President Kennedy made him the first Negro member of the Secret Service White House detail.

tation of Spagnoli. And it was Jones who gave the sworn statement which resulted in Bolden's arrest.

The Two Witnesses Against Bolden Were Counterfeiters

The only witnesses against Bolden were two counterfeiters, one of whom was currently under indictment, the other of whom had previously been arrested by Bolden himself. Yet on the basis of their statements, Bolden was brought to trial before Federal Judge Joseph Sam Perry.

On July 12, 1964, after the first jury before whom he was tried reached an impasse, Judge Perry called the jurors back into the courtroom and stated, "In my opinion, the defendant is guilty of counts one, two, and three of the indictment," adding clearly, however, that the jury could entirely disregard his opinion. Some of the jurors apparently did, as they remained deadlocked and a mistrial was declared.

Judge Perry scheduled a new trial almost immediately. As would be expected, Bolden's lawyer asked that Judge Perry excuse himself as prejudiced and let the case be tried before another judge. Judge Perry refused, stating: "Maybe, I'll give you a fair trial the next time. Maybe the evidence won't show that he's guilty this time."

On the second trial Bolden was convicted, and on August 12, 1964, he was sentenced by Judge Perry to a term of six years in prison.

One of the Witnesses Admitted He Lied About Bolden at the Request of the Prosecutor

Subsequently, Spagnoli was brought to trial for counterfeiting. In the course of the trial, again before Judge Perry, Spagnoli admitted under oath that he had perjured himself when he testified against Bolden. In fact Spagnoli stated that he perjured himself at the request of the prosecutor, Richard Sikes. And a yellow sheet of legal paper, in the handwriting of Sikes, was submitted into evidence to verify Spagnoli's allegations.

The Appeals Court Dismissed the Motion for a New Trial

All of this notwithstanding, the Seventh Circuit Court of Appeals turned down Bolden's plea for a new trial and sent him off to the Federal Penitentiary in Springfield, Missouri, to serve his term.

The Appeals Court dismissed the propriety of a second trial before Judge Perry by saying that "an opinion as to what the evidence has demonstrated cannot be equated with personal bias."

As to the constitutional questions raised, the Court admitted the following: "In this posture, we must accept as fact (1) that the defendant requested the aid of counsel, (2) that his request fell on deaf ears, and (3) that certain inculpatory statements were made thereafter."

Having admitted all of this, the court dismissed it with the following wave of the hand: "The voluntary character of the defendant's statement, of course, would in no way excuse the failure of the law enforcement officials to grant him an opportunity to consult with his attorney upon request. The importance of timely legal guidance to even the most sophisticated layman is unquestioned. However, the denial of a request for counsel, as a constitutional violation, must in turn be judged according to the particular circumstances in the case and by the

prejudice resulting therefrom. Escobedo v. Illinois, 378 U.S. 478, 491 (1964)".

The unusual circumstances of Bolden's return to Chicago, as well as his newly discovered evidence (i.e., the admitted perjury of the principal witness (Spagnoli) against Bolden) and the subornation of perjury by the prosecutor failed to persuade the Appeals Court; and Judge Perry's denial of a motion for a new trial was affirmed.

On June 20, 1966, the Supreme Court of the United States (with the Warren Commission's Chairman as its Chief Justice) declined to review the case. And thus might have ended the tale of Abe Bolden.

Solitary Confinement Following Publicity

In December of 1967, Bolden was visited at Springfield by his new, court appointed lawyer, John Hosmer, accompanied by an Assistant District Attorney from New Orleans and by Mark Lane, a lawyer known for his books critical of the Warren Commission Report. As a result of this visit, Bolden's "story" was given world-wide circulation; yet, instead of this resulting in his case getting a new hearing, he was put into solitary confinement.

Attacks on His Family

If Bolden's own tragedy were not sufficient, what had befallen his family is equally shocking. In October, 1966, an attempt was made to bomb and/or burn his home. On another occasion, his garage was burned down. On December 31, 1966, a shot was fired through the window of his home. His wife has been followed, and a brick has been heaved through the window of her car.

The only ray of hope so far for Bolden is the interest taken in his case by Federal Judge William R. Collinson of Kansas City. Tiring of appealing to Judge Perry in Chicago, Bolden filed a writ of habeas corpus with Judge Collinson. Technically such a writ must go back through Judge Perry; so, Judge Collinson couldn't be of immediate help. However, he was so impressed with the merits of Bolden's appeal that he appointed John Hosmer of Springfield as Bolden's lawyer. In his letter to the lawyer, he enclosed a personal letter to Bolden which said: "I will, of course, enter judgement in your habeas corpus matter in order that you may perfect your appeal to the Eighth Circuit. However, I will be in Springfield next week and would like to see if Mr. Hosmer would wish to file an amended application setting forth any grounds which his investigation may have uncovered in order that you may have a full record to go before the Eighth Circuit."

Bolden Now Out of Prison, Having Served His Term

Yet, thus far, neither Judge Collinson nor John Hosmer have had any luck in getting justice for Abraham Bolden. He has now served his term and is out of prison, but he has never been able to get a new trial.

After all, he did threaten to tell the Warren Commission about a previous conspiracy to kill President Kennedy in Chicago three weeks before Kennedy was murdered in Dallas; and this might have invited further criticism of the Warren Commission report which is the establishment's official version of what happened. And he was outspoken in his criticism of the establishment's agents, a perilous course of action in recent years.