

The curious testimony of Mr. Givens

By Sylvia Meagher

New York City

One witness who helped to incriminate Lee Harvey Oswald in the assassination of President John F. Kennedy was a Book Depository porter named Charles Givens. The Warren Commission gave prominence to his testimony that he had forgotten his cigarettes on the sixth floor and that when he went to retrieve them just before noon he had encountered Oswald near the southeast corner window.

In a book published in 1967 (*Accessories After The Fact*, Bobbs-Merrill Co., Inc.), I discussed the discrepancies between the Givens story as set forth in the Warren Report and the corresponding testimony and exhibits, and the grounds for concluding that the story suggested perjury and collusion. It was logically inconsistent with a genuine encounter at about 11:45 between Oswald and a group of employees who were racing two elevators from the sixth to the first floor, when Oswald had called to them to send one elevator back so that he could go down too. Ten minutes later, if one accepted Givens' testimony, Oswald declined to go down for the lunch break. Moreover, while Givens supposedly exchanged a few words with Oswald on the sixth floor, other witnesses observed him on the first floor. Most of all, Givens' testimony was suspect because in his affidavit to the Dallas police later that afternoon he said nothing about forgetting his cigarettes, returning to the sixth floor, or meeting Oswald there — an omission that was incomprehensible, if the encounter was authentic.

THAT IS HOW the situation appeared back in 1967. Some months ago, I obtained from the National Archives a collection of unpublished Warren Commission documents ("CD's") concerning Charles Givens. Reading them was a shock not soon to be forgotten. I had half-expected that the CD's would reconcile and dispose of the contradictions that earlier had forced me to question the legitimacy of the Givens testimony. Instead, these new documents raise even stronger questions about Givens' testimony and the role of two or more Warren Commission lawyers in extracting that testimony.

Here is a chronological reconstruction of the Givens affair from which anyone easily can judge for himself whether or not there

Ms. Meagher is one of the more serious students of the assassination of President Kennedy and the Warren Report. She has published articles and reviews in Commonweal, Esquire, the now-defunct Minority of One and other publications.

are sufficient grounds for an accusation of perjury, collusion, and falsification of evidence with the clear purpose of incriminating Oswald as the assassin of President Kennedy. (The citations in each case refer to both published transcripts and exhibits and to unpublished commission documents or internal reports and papers.)

November 22, 1963

At 1:46 p.m. Inspector Sawyer of the Dallas police issued an alert on the police radio for Charles Givens, a porter at the Book Depository, because he had "a police record and he left" (CE 705 page 30). It was known at that hour that Oswald, too, had left the scene but no alert for him was issued — Captain Will Fritz and two detectives intended to proceed to Irving personally, in search of Oswald.

Within an hour or two, Givens was escorted to the police headquarters, where he was questioned and where he executed an affidavit stating that he had left the sixth floor at about 11:30 a.m., had gone to the washroom, at noon had taken his lunch period, had gone to a parking lot to visit with a friend employed there (CE 2003 page 27). Givens' affidavit said nothing about a return to the sixth floor for cigarettes or an encounter there with Oswald.

Later that day Givens was interviewed by FBI agents Griffen and Odum. He gave them the same story as in the affidavit but added one additional piece of information — that at 11:50 a.m. he had seen Oswald reading a paper in the "domino room" on the first floor (CD 5 page 329).

November 23, 1963

Bonnie Ray Williams, another Book Depository employee, in an interview by FBI agents Griffen and Odum described a race between two elevators on November 22nd at about 11:30 a.m. in which he, Givens, and others participated. On the way down, they had seen Oswald on the fifth floor. Williams had returned to the sixth floor at about noon and had seen no one there (CD 5 page 330).

December 2, 1963

Givens, interviewed by the Secret Service, said that he had seen Oswald with a clipboard on the sixth floor at about 11:45 a.m., shortly after which he and some fellow-workers had boarded the two elevators. While racing to the first floor, Oswald had called to them to send one elevator back up (Ball/Beilin Report No. 1, dated Feb. 25, 1964). Again Givens said nothing about a return to the sixth floor for his cigarettes at any time after the elevator race.

December 9, 1963

The FBI Summary Report (withheld from the public until mid-1966, when certain excerpts were published in the book *Inquest*, raising a furor of doubt

about the Warren Report) to President Johnson stated that Oswald had been observed on the fifth floor between 11:30 a.m. and noon and that during that period of time he had asked Givens, who was in an elevator, to close the gates when he got off so that the elevator could be summoned (CD 1 page 6). The FBI Summary Report omits Givens' statement to two FBI agents on the day of the assassination that he had seen Oswald reading a paper in the domino room at 11:50.

February 13, 1964

Lt. Jack Revill of the Dallas police was interviewed by FBI agent Robert Gemberling about press rumors of a Negro being held in protective custody. Revill "stated that Givens had been previously handled by the Special Services Bureau on a marijuana charge and he believes that Givens would change his story for money." (Emphasis added.) Gemberling's report repeats the story of the elevator race during which Oswald yelled to Givens to close the gates when he got off (CD 735 pages 296-297). Almost three months after the "fact," there is still no hint from Givens, Revill, or the FBI of cigarettes forgotten by Givens or his return to the sixth floor and encounter there with Oswald. But in another context, Revill volunteers the opinion that Givens would give false information "for money."

February 25, 1964

Warren Commission lawyers Joseph Ball and David Belin complete a first joint report, summarizing the evidence known by that date, and note discrepancies as to the time of Givens' departure (and elevator race) from the sixth floor — 11:35 as against 11:40 or 11:45 a.m. Ball and Belin also note that Givens saw Oswald at 11:50 a.m. in the domino room and that three other witnesses also place Oswald on the first floor — William Shelley, at about 11:50 a.m.; Eddie Piper, at noon; and Mrs. Carolyn Arnold, who believed she had seen Oswald near the front door of the Book Depository at about 12:15 p.m. (Ball/Beilin memorandum of Feb. 25, 1964, pages 101, 105-107, 110).

March 18, 1964

Givens, in an affidavit furnished by him to FBI agents Trettis and Robertson, states that when President Kennedy was shot, he was standing at the corner of Record and Elm Streets. "I returned to the Depository Building, and was told by a Dallas policeman that I could not enter the building. About an hour later I went to the Dallas Police Department and was questioned by the police for about 45 minutes." (CE 1381 page 36.) Wearisome

August 13, 1971

though, it is, it must again be pointed out that there was no mention during the 45-minute interrogation of the cigarettes left and retrieved or of seeing Oswald on the sixth floor, nor were these alleged circumstances hinted at in the March, 1964, affidavit to the FBI, four months after the assassination.

April 8, 1964

Charles Givens gives sworn testimony to the Warren Commission in a deposition taken by lawyer David Belin, with no one else present except the court reporter. Now, for the first time, Givens tells the story (later embodied in the Warren Report) about the cigarettes forgotten on the sixth floor and the encounter with Oswald (6H 345-356, WR 143). Belin should have been fully aware that Givens had told a completely different story to the FBI and the police on the day of the assassination, and subsequently to the Secret Service and the FBI, since Belin had co-authored the report which discussed Givens' accounts of his movements in considerable detail. But Belin did not challenge Givens' new story nor place on record that on several earlier occasions Givens had sworn to a completely different account of his movements and actions on the day of the assassination. Indeed, in one oblique question, he asked, "Did you ever tell anyone that you saw Lee Oswald reading a newspaper in the domino room around 11:50 ... that morning?" (6H 354). Givens replied, "No, sir," which meant either that he was giving Belin a false response or that the two FBI agents who had interviewed him on Nov. 22 had invented Givens' reported statement that he had seen Oswald in the domino room at 11:50 a.m. Yet neither Givens nor the FBI agents were challenged or even queried in an attempt to determine which story was true and which was false.

Did Belin thus passively and by omission become a party to collusion, perjury, and the suborning of false testimony?

April 8, 1964

Lawyer Belin took the testimony of Inspector Herbert Sawyer on the same day as he questioned Givens. Sawyer stated that he had sent out an alarm for Givens an

hour after the shooting on Dealey Plaza because "he was supposed to have some information about the man that did the shooting" (6H 315-325). Belin apparently accepted that statement, despite the fact that Givens when he was picked up did not produce information "about the man who did the shooting" and despite the language of the alert broadcast on the police radio, which shows clearly that Givens was wanted because he had a police record and was missing from the Book Depository.

Why did Sawyer (and later, Revill, as discussed below) attempt retroactively to authenticate a story which Givens articulated for the first time in April? Was this testimony part and parcel of a deliberate, planned collusion among police officials, commission lawyers, and a witness who was a man with a police record and who was appraised as a man who would change his story for money?

May 13, 1964

Lt. Revill testified before the Warren Commission, J. Lee Rankin conducting the examination in the presence of Warren, Gerald Ford, Allen Dulles, Norman Redlich, Arlen Specter, and Charles Murray, ABA observer. Revill stated that at about 2:30 or 3 p.m. on the day of the assassination he knew only that someone named Lee had been arrested and that "this was told to him by a colored employee of the Depository." Revill continued, "I asked him if he had been on the sixth floor ... he said, yes, that he had observed Mr. Lee, over by this window. ... So I turned this Givens individual over to one of our Negro detectives and told him to take him to Captain Fritz for interrogation" (5H 35-36).

This testimony is patently false, for the obvious reason that Givens on arrival at the police department did not state that he had seen Oswald "over by this window" and never said so until April, 1964. Chief Curry, when he was questioned on June 2, 1964, by FBI agent Vincent Drain, gave a different version than Revill of what had transpired: "Givens told Revill that he had been in the ... Depository ... with Oswald on the morning of Nov. 22, 1963, but was on the street during the ... motorcade ... Chief Curry related that everyone who might have any knowledge of Oswald, known as Lee to Givens, was being questioned" (CD 1245 page 181). This seems to be the authentic story — that Givens was questioned not because he had any special information but because he was employed at the Book Depository.

June 2, 1964

Police Chief Curry was interviewed by FBI agent Drain, as reported in the preceding paragraph.

June 3, 1964

The FBI promptly re-interviewed Givens, who told FBI agents Switzer and

Petraskis that he now recalled that he had returned to the sixth floor at about 11:45 a.m. to get his cigarettes, etc. (CD 1245 page 182). The FBI did not even raise an eyebrow at Givens' sudden recovery from sustained amnesia.

September 20, 1964

The Warren Report was released, with its "forgotten cigarettes" version of Givens' activities. It contained no indication, explicit or implicit, of Givens' original story, which had placed Oswald in the domino room at 11:50, nor did it mention that another witness had also seen Oswald on the first floor at precisely that time while still other witnesses saw him still on the first floor at noon and at about 12:15 p.m.

The report also "cleared up" some of the confusion about items of evidence which had arisen because of fragmentary or misleading press reports out of Dallas in the first frantic hours after the assassination. For example, news stories about the chicken remains and a cigarette package had created the impression of a sniper who had concealed himself for a prolonged time on the sixth floor, awaiting the President's appearance. The report explained that the chicken remains were discarded innocently by one of the Book Depository employees who had eaten his lunch on the sixth floor. But it said nothing about the cigarette package mentioned in the initial press stories but then completely forgotten by the news media. Oswald, after all, did not smoke.

But Charles Givens *did* smoke. If he really left his package of cigarettes on the sixth floor, it may have been picked up together with the chicken bones since the burden of the unpublished documents is that he never returned there to retrieve anything. Certainly it is curious that the elusive cigarette pack is not mentioned anywhere in the 26 volumes of testimony and exhibits nor in the hundreds of pages of unpublished documents which deal in great detail with the crime search and the laboratory tests of materials and objects found on the sixth floor.

April 1971

Relying solely on the official documents and papers of the Warren Commission, I have assembled a chronological account of the conflicting statements and testimony in the matter of Charles Givens and suggested why they raise profound misgivings about the commission's findings. I am confident that no spokesman for the Warren Commission will come forward with clarifications that effectively reconcile the contradictions in the evidence or that can justify the embodiment in the Warren Report of a version of Givens' story that is incompatible with all his earlier statements, without acknowledgement that there had been previous, different versions by the same witness. □

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'Truth was my only goal'

The following response by David Belin, one of the two Warren Commission lawyers charged with determining who killed John Kennedy, is, to our knowledge, the first written response any Warren Commission lawyer has made to criticism of the investigation of the assassination of President Kennedy. —Ed.

By David Belin

Des Moines

Like the proverbial person who is so close to the forest that he cannot see the trees, the assassination sensationalists have talked about cigarette packages, fictitious puffs of smoke from smokeless gunpowder and chicken bones. What they have not talked about is the heart of the physical evidence and key witnesses such as Johnny Calvin Brewer, whose testimony I took before a court reporter in Dallas on April 2, 1964. (Vol. VII, pp. 1-8)

Mr. Brewer was the assistant manager of a shoe store located near the Texas Theatre in the Oak Cliff section of Dallas. He became suspicious of the way Oswald ducked into his store early in the afternoon of Nov. 22, 1963, when police sirens were heard coming down the street. After the police sirens subsided, Oswald left the front of the shoe store and Brewer followed him into the Texas Theatre and then had the theatre cashier call the police. When they arrived at the theatre, Brewer pointed out Oswald, who pulled out a revolver which he had in his possession as the police approached him.

CARRYING A concealed weapon is a crime, and the very fact that Oswald had such a weapon in his possession on November 22, 1963, surely cannot be ignored. Moreover, the act of pulling out a revolver as a police officer approaches is somewhat suspicious, to say the least. Documentary evidence proved that this very revolver had been purchased by Oswald — under an alias. Finally, irrefutable scientific evidence proved that this revolver to the exclusion of all other weapons in the world was the weapon which discharged the cartridge cases which witnesses saw the murderer of Officer J. D. Tippit toss away as he was leaving the scene of the Tippit murder. (The bullet slugs themselves in Tippit's body were too mutilated to avail themselves of conclusive ballistic testimony, but cartridge cases can be individually traced to a particular weapon, just as un mutilated bullet slugs can.)

In addition to the physical evidence of the gun and the cartridge cases, there were several witnesses including William

Scoggins, Ted Callaway and Barbara Jeanette Davis who saw the gunman at or near the scene of the Tippit murder and who identified Oswald as the gunman in police lineups.

The silence of the assassination sensationalists is very telling — they cannot seriously challenge the conclusion that Oswald killed Tippit, in light of the weapon found in his possession, the ballistic evidence of the cartridge cases and the combined effect of this with the eye witness testimony of independent witnesses near the murder scene plus the testimony of Johnny Calvin Brewer.

In the case of the murder of President Kennedy, two of the bullet fragments found in the presidential limousine were large enough for ballistic identification. In addition, a nearly whole bullet was found at Parkland Memorial Hospital. Less than an hour after the assassination, a Mannlicher-Carcano rifle, No. C2766, was found stuffed between some cartons near the back stairway on the sixth floor of the Texas School Book Depository Building. Irrefutable scientific evidence proved that these bullets came from that particular weapon to the exclusion of all other weapons in the world. I, myself, examined these bullet slugs with test bullets from the rifle with a comparison microscope.

In addition to the bullet and two large portions of a bullet(s), three cartridge cases were discovered shortly after the assassination at the southeast corner window of the sixth floor of the Texas School Book Depository Building. Scientific evidence proved that these cartridge cases, like the bullets, came from that particular rifle to the exclusion of all other weapons in the world.

I PERSONALLY took the testimony of the executive officer of Klein Sporting Goods, which was the company that sold and shipped the rifle to Lee Harvey Oswald's post office box in Dallas under his assumed alias, A. Hidell. I personally saw the copy of the order form that Oswald sent in for the rifle.

The only persons who testified they saw a rifle at the time of the assassination testified they saw that rifle in the southeast corner of the Texas School Book Depository Building. There are myriads of other facts, all of which are summarized in our official report of the Warren Commission which conclusively show that Lee Harvey Oswald was the assassin of President Kennedy.

Through the past several years, I have marvelled how easily the world has been

deceived by assassination sensationalists like Sylvia Meagher. The device used has been relatively simple: Distortion by commission, coupled with distortion by omission and often the use of innuendo.

Perhaps I, too, would have been misled by some of the writings of the sensationalists if I had not personally worked with the Warren Commission as one of the two lawyers who concentrated in what we called "Area II: The determination of who was the assassin of President Kennedy." My partner was the distinguished California attorney, Joseph A. Ball. By the time we had completed our work, we had more first-hand knowledge of the evidence pertaining to who was the assassin of President Kennedy and who murdered Dallas Police Officer J. D. Tippit than any other people in the world.

When Kaye Northcott, editor of *The Texas Observer*, wrote me that she was considering for publication the contrived article by Sylvia Meagher, I replied on December 10, 1970, that "...all of the allegations in the article of Sylvia Meagher are false. ... If one takes the time to read and study the basic report of the Warren Commission, the evidence as a whole conclusively shows that Lee Harvey Oswald killed John F. Kennedy and also killed Officer J. D. Tippit. Moreover, as one of the lawyers who was intimately involved in the interrogation of the key witnesses to the assassination, I know that the evidence was impartially and objectively gathered with the one goal that we all had in mind: the truth, the whole truth, and nothing but the truth. As an independent lawyer, I am beholden to no one and there is not a person in the world who could have made me sign any report concluding that Oswald murdered President Kennedy and Officer Tippit if I did not believe that the evidence as a whole showed that the murderer of Officer Tippit and the murderer of John F. Kennedy beyond a reasonable doubt was Lee Harvey Oswald."

ONE INHERENT problem in defending the Warren Commission report is that a lie can be uttered in a relatively few sentences. In contrast, in order to give a true picture of the entire facts, several paragraphs, or more, may be necessary. Yet, space limitations do not permit such a complete reply.

For instance, Sylvia Meagher writes about references to Charles Givens on pages 101, 105-107 and 110 of what she refers to as the "Ball/Belin Memorandum

of February 25, 1964." She omits vital portions of this document (the correct name of which was "Ball-Belin Report #1"), including the following from the initial three paragraphs of this 238-page document:

... Our report contains a summary of tentative conclusions reached on the basis of the thousand of pages of material examined thus far, but these conclusions are subject to change depending upon the results of further materials examined, the taking of evidence and additional information received from crime laboratory reports.

We should also point out that the tentative memorandum of Jan. 23 substantially differs from the original outline of our work in this area which had as its subject, "Lee Harvey Oswald as the Assassin of President Kennedy," and which examined the evidence from that standpoint. At no time have we assumed that Lee Harvey Oswald was the assassin of President Kennedy. Rather, our entire study has been based on an independent examination of all of the evidence in an effort to determine who was the assassin of President Kennedy. (Emphasis added.)

A primary purpose of this report is its adaptability for our own use in making further investigation. We have not attempted to make an exhaustive analysis of the interviews with the various persons involved. Rather, we have tried to pinpoint the most important facts and problems which appear from the data which has been examined thus far.

As an experienced trial lawyer, I know that whenever there are two or more witnesses to an event, you most likely find contradictions in the testimony between and among witnesses, and you often find contradictions within the testimony of a single witness. I also know that the best source of testimony is from the witness, himself, rather than from hearsay reports of that third party, such as police officers or FBI or secret service agents might write down. Included in our Ball-Belin Report #1 were comments on a number of contradictions within the hearsay statements of third parties, including inconsistencies in the testimony of Mr. Givens. I also noted in one of the written reports the observation of an officer that

Mr. Givens might be readily subject to influence.

WHEN I WENT to Dallas to take the testimony of various witnesses, including Mr. Givens, I did not go as a participant in an adversary proceedings — either a prosecuting attorney or a defense attorney — but rather I went as an attorney trying to ascertain the facts in a manner that would avoid leading any of the witnesses into giving preconceived or any type of "desired" testimony. Mr. Givens is a perfect example of this, for in a portion of his testimony which Sylvia Meagher did not quote, I asked Mr. Givens:

MR. BELIN: Is there anything else you can think of, whether I have asked it or not, that in any way is relevant to the assassination?

MR. GIVENS: No, sir.

MR. BELIN: Anything else you can think of about Lee Oswald, whether I have asked it or not, that might in any way be helpful?

MR. GIVENS: No, sir. Other than he is just a peculiar fellow. He is just a loner. Don't have much to say to anybody. Stayed by himself most of the time. (Vol. VI, p. 355)

Any experienced trial lawyer knows you do not ask questions such as this if you are trying to hide any facts. Mrs. Meagher writes such garbage as, "Was the testimony part and parcel of a deliberate, planned collusion among police officials, commission lawyers and a witness who was a man with a police record and was appraised as a man who would change his story for money?" Not only do the foregoing portions of my interrogation of Mr. Givens show the utter falsity of such an allegation, but a minute or two later in the interrogation of Mr. Givens I asked a similar series of questions once again and then concluded with a statement in the record showing how my interrogation of witnesses was conducted:

MR. BELIN: Anything else you can think of?

MR. GIVENS: No, sir; that is about it.

MR. BELIN: Well, Mr. Givens, we surely appreciate your cooperation in coming down here. Now you and I didn't talk about this at all until we started

taking this deposition, did we?

MR. GIVENS: No, sir.

MR. BELIN: You walked into the room and you raised your right hand and we started taking your testimony. Is that correct?

MR. GIVENS: Yes, sir.

MR. BELIN: Have I ever met you before?

MR. GIVENS: I don't believe so. I don't believe I have." (Vol. VI, pp. 355, 356)

In light of this record which Sylvia Meagher no doubt read, her use of the innuendo of "planned collusion" is an outright prostitution of the truth. At all times while I was with the Warren Commission, my sole concern was to get at all of the facts, letting the chips fall where they may, without trying to arrive at any preconceived result.

WITH THIS AS a frame of reference, let us further examine the testimony of Givens with reference to the various discrepancies in police and FBI reports of interviews with him. Givens testified that around 8:30 a.m., on Nov. 22, he saw Lee Harvey Oswald on the first floor of the School Book Depository Building. The record shows the following:

MR. BELIN: All right. You saw him at 8:30 on the first floor?

MR. GIVENS: Yes, sir.

MR. BELIN: Then what did you do?

MR. GIVENS: Well, we went back upstairs and started to work.

MR. BELIN: You went back up to the sixth floor to continue laying the floor?

MR. GIVENS: Yes, sir.

MR. BELIN: When did you see Lee Harvey Oswald next?

MR. GIVENS: Next?

MR. BELIN: Yes.

MR. GIVENS: Well, it was about a quarter till twelve, we were on our way downstairs, and we passed him, and he was standing at the gate on the fifth floor. I came downstairs, and I discovered I left my cigarettes in my jacket pocket upstairs, and I took the elevator back upstairs to get my jacket with my cigarettes in it. When I got back upstairs, he was on the sixth floor in that vicinity, coming from that way.

MR. BELIN: Coming from what way?

MR. GIVENS: Toward the window up front where the shots were fired from." (Vol. VI, pp. 347, 348)

Givens testified that Oswald was walking with a clipboard in his hand, from the southeast corner of the sixth floor. After the assassination, Oswald's clipboard was found on the sixth floor, not too far from the place where the assassination weapon was discovered stuck between some book cartons near the back stairway.

After Givens' testimony about returning to the sixth floor, I specifically asked him about the domino room because of early written reports of third parties in our possession. Mrs. Meagher refers to one area of questioning which occurred on page 354 of Volume VI:

MR. BELIN: Did you ever tell anyone that you saw Lee Oswald reading a

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newspaper in the domino room around 11:50, 10 minutes to 12 on that morning on November 22nd?

MR. GIVENS: No, sir. (Vol. VI, p. 352)

However, she conveniently omits the following testimony which appears on page 352 of Volume VI:

MR. BELIN: Now you said you saw Lee Oswald on the sixth floor around 11:55?

MR. GIVENS: Right.

MR. BELIN: Did you see Lee Oswald anywhere else in the building between 11:55 and the time you left the building?

MR. GIVENS: No, sir.

MR. BELIN: On November 22nd?

MR. GIVENS: No, sir.

MR. BELIN: Did you see him in the domino room at all around anywhere between 11:30 and 12 or 12:30?

MR. GIVENS: No, sir." (Vol. VI, p. 352)

The foregoing omissions of Sylvia Meagher are typical of all of the assassination sensationalists who have picked at extracts from an overall record with the Joseph McCarthy-like technique of innuendo of conspiracy. Moreover, in concentrating on innuendo and minute particles of an overall mass of evidence, there has been a most significant silence concerning the crux of the physical evidence and the overwhelming weight of testimony from the record. A full reading of the Warren Commission Report and the underlying published documentary evidence and testimony of witnesses conclusively shows that within a one-hour period, Lee Harvey Oswald killed two men in Dallas, Tex., on November 22, 1963: President John F. Kennedy and Dallas Police Officer J. D. Tippit.

Perhaps some day I shall take the time to write a book and expose the Sylvia Meaghers and the Mark Lanes and others for the inaccurate sensationalists that they have been. Yet, although I know that they have deceived the public, surely their sins of deception are not that great when compared with the kind of deception that has plagued America this past decade, Number One on the list, of course, being the Vietnam War.

When a Gulf of Tonkin resolution can pass both Houses of Congress and lead a President of the United States to commit over a half million American men and One Hundred Billion Dollars to fight a land war in Southeast Asia with all of the terrible consequences of such a war on both the American people as well as the Vietnamese, I do not get so worked up about the utter falsity of the writings about the Warren Commission by people such as Sylvia Meagher. After all, what is most important is not what others say that I did but rather what I know actually took place and that is very simple:

Like all of the other lawyers working with the Warren Commission, truth was my only goal. On the basis of the overall record as I investigated the two murders of Nov. 22, beyond a reasonable doubt, the man who killed President John F. Kennedy and Dallas Police Officer J. D. Tippit was Lee Harvey Oswald. ☐



the TEXAS PRAVDA

The all-Texas Sunday magazine

By David Helton

Austin
It's too easy. There's something very typically Texan about making no precaution against ridicule. Lyndon Johnson, for a good example. I'd be willing to bet that it was ridicule that personally hurt him more than anything else during his presidency, and yet he always laid himself open and always seemed hurt or surprised when people laughed. Every time he rolled out that misty drawl - every time his sad, honest, potlikker face appeared on television, the first inclination was to cover it all in custard pie...

This is about a thing called *The Texas Star*. It's a Sunday supplement magazine circulated by 26 Texas newspapers at a rate of nearly a million and a half copies per issue, giving it probably the largest weekly readership in the state. As a Sunday supplement its high circulation was pretty much ready-made, but the figure is still remarkably large for a publication that has existed only since May. I went to the *Star* office the other day and picked up all of the back issues, with the idea of writing something about the magazine, and when I got home with those back issues my wife and I sat at the kitchen table and read through them and laughed until we couldn't laugh any more, until I began to wonder how in hell I was going to write anything about *The Texas Star*, what I could say that wouldn't be like, well, like calling a dwarf short. I mean, there it is. It's a piece of chauvinistic, sentimental, chamber-of-commerce, pre-Alaska, Texas-brags, right-wing, ridiculous junk. Its publisher is Gordon Fulcher, a newspaper publisher and current chairman of the Texas Water Quality Board. Its editor is Jimmy Banks, formerly an Austin correspondent for the *Dallas Morning News* and an unsigned columnist for the rightist *Houston Tribune*.

Its staff humorist is Wick Fowler. One of its founders was John Connally. What else do you need to know?

Except that that's too easy, isn't it? When all the laughter has subsided, you realize that *The Texas Star* is still there, that it has a million and half readers, that it

The writer is a novelist who lives on a farm near Bastrop. His first novel, *King Jude*, was printed by Simon & Schuster.

has been created in all seriousness, that - as with Johnson - ridicule won't make it go away. Then it becomes a bit more frightening than funny, and then it becomes advisable to say a little more about it. This isn't as simple, or fun, as laughing, but...

I'VE FOUND two statements in the column "Star Comment" (all their standing heads make something of the word "star" - Star Light, Star Bright, Star Hostess, Rising Star, Early Stars...) that are what I suppose to be thematic keynotes for the magazine. In the first issue, May 16, Connally tells its purpose, and Fulcher, on July 4, its politics. Fulcher says,

We can worship as we want to or not at all. Under the latter day court rulings, we can have access to about anything we want in the way of reading materials. Hordes can assemble and march around protesting and defaming and snarling at the very Constitution and Bill of Rights which allow them to act so atrociously.

Darned near any nitwit can run for public office and some of those in that category can even get elected.

Now, people who are hardly allowed to go to town to buy their own clothes can go to the polls and vote.

While there are some deplorable social ills, the people of America eat better, are better housed, and have more refrigerators, paved roads, automobiles, hair curlers, dishwashers, insurance, packaged foods, ice, drive-in restaurants, newspapers, and a jillion other things than any other people.

There's some debate about whether the repression has arrived or whether we have yet to feel the full force of it, but, whatever, here is a man calling for it. Here is your dead earnest anti-democrat (What nitwits does he mean?) Not conservatives, I'll bet. *Who* doesn't allow an 18-year-old to buy his own clothes? Not possibly the same people who do allow him to go down to Viet Nam and get the clap and dysentery, maybe hooked on smack, maybe blown to bits? Of course he still doesn't have to buy his own clothes, and if that's a prerequisite for enfranchisement then let's question the entire enlisted military vote.)

Here is the simple country yearning for the technological fascism that Ray Bradbury prophesied in *Fahrenheit 451*, Aldous Huxley in *Brave New World* and George Orwell in 1984. Here is the quick, glib twist of logic that transforms people

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Belin asks too much

Austin

The Pentagon Papers released by Daniel Ellsberg have opened the credibility gap of the Johnson Administration as wide as the Gulf of Tonkin. It took Americans most of the Sixties to comprehend the scope of our crimes in Southeast Asia. For most of those years the charges from the Left — that Johnson and the Pentagon were lying to the public, that civilians were being casually murdered in Vietnam, that we were laying to waste an entire country — were considered the paranoid and irresponsible ravings of the radical fringe.

America is no longer as naive as it was a decade ago. Perhaps this country is finally ready to look honestly at the crimes of the Sixties, to understand them and learn from them.

It wasn't just on the subject of Vietnam that we were deceived. The Sixties saw the violent deaths of John and Robert Kennedy, Martin Luther King, Malcolm X, Medgar Evers and other political leaders. It was reassuring in the three most infamous of these murders to attribute the crimes to solitary assassins, dangerous madmen, but, still, men who acted alone to achieve their treacherous ends.

IF THE WARREN Commission report was more than a little contradictory, so what? It was better for the country to forget about the tragic death of a popular young president, then to open the sores a thorough investigation of the assassination might reveal.

Then came the murders of Martin Luther King and Robert Kennedy by two more "lone assassins." Again the American public preferred to accept the official, if specious, versions of the assassinations rather than demand full investigations of the deaths. James Earl Ray was whisked off to prison over his own protestations that he had been part of a conspiracy and still the public was too lazy or too scared to call for more information.

Perhaps now that we have faced up to the full implications of our activities in Southeast Asia, we can also summon the courage to look into these grave domestic crimes.

Since 1968, a small and poorly-financed group calling itself the Committee to Investigate Assassinations has been studying the deaths of the Kennedys and the Reverend King. To start with, they are computerizing all of the information that various Warren Commission critics have compiled on the Dallas assassination. The committee is reported to have sufficient information in its files to completely discredit the Warren report. It also has found some startling new information on the murders of Robert Kennedy and Martin Luther King (see "The Irregulars

Reflections

"Take the Field" by Fred J. Cook in the July 19 *Nation*).

In this issue, the *Observer* has printed an article by Sylvia Meagher which casts serious doubts on the credibility of the testimony of one of the commission's key witnesses, Charles Givens, and on the methods by which this testimony was taken. Ms. Meagher's article speaks for itself. For the most part it is simply an accurate compilation of Warren Commission records.

DAVID BELIN'S reply to Ms. Meagher's piece does not seem to me to be equally straightforward. It is an important document, however, simply because a key member of the Warren Commission team has finally chosen to respond to one of the critics. And it is important because for the first time Belin affirms that Charles Givens gave contradictory statements to investigators. The Warren Commission report never mentions the fact that Givens told different stories at different times. It only reveals what Givens told David Belin, months after the assassination.

Mr. Belin went to a great deal of trouble to prepare a response for the *Observer*. We learn his views on assassination critics as a whole ("sensationalists," he calls them), his views on the Vietnam War (we've all been deceived) and his earnest defense of the investigative techniques used by the Warren Commission. But nowhere in his lengthy response does Mr. Belin apply himself to the specific charges in Ms. Meagher's article. We simply are asked to take David Belin's word that the statement Charles Givens made to him on April 8, 1964, five months after John F. Kennedy was assassinated, is the true account of what Givens saw on Nov. 22, 1963. We're given no logical explanation of why we should believe Givens' statement of April 8 rather than his statements made on the very day of the assassination and on Dec. 2 and on March 18.

Charles Givens was either lying on Nov. 22, Dec. 2 and March 18 or he was lying on April 8 or he was lying on all those occasions. If I were on a jury listening to Givens' various tales, I would probably choose to believe the story he told on the day of the assassination rather than the story he told five months later. At the very least, the Warren Commission report should have noted that Givens gave more than one account of what he saw.

Mr. Belin's article is the slick, irrelevant reply of a lawyer who doesn't have much of a defense to present.

The curious testimony of Charles Givens is a small and not very sensational footnote to the story of the Kennedy assassination. It will make a few more index cards for the computers of the Committee to investigate assassinations.

There's a great deal more work to be done to find out what actually happened on Nov. 22, 1963, and on those other infamous assassination days. It's not a very pleasant task. But this country has little chance of regaining its integrity until the real stories are brought into the open.

K.N.

Communication

By Don Gardner

Shepherd

The article written by Michael Eakin (*Obs.*, July 16) concerning the role of MayDay Tribes is the most inaccurate, naive and misleading piece on a major political situation I've ever read in *The Texas Observer*. And my piece isn't meant to be one of those ludicrous "refute" things in which people argue in print. The event which took place in Washington, D.C., April 25-May 5 has indeed been poorly reported, as Eakin stated. However, his article in one of our few honest journals was the final motivating force which unleashes my silence to say: MayDay was a violent action manipulated by a few in hopes that a Chicago-type reaction would follow, further throwing the country into chaos.

After making such a high-and-mighty statement I'm going to turn and start elsewhere to back up my analysis. When I left Houston for Washington I was thoroughly enthusiastic about the militant non-violent Gandhian style tactics which were being advertised. A group of journalists, including myself, planned to put out a daily paper during the action. It gave me a good opportunity to view the whole action from near the inside and, at the same time, as a participant.

THE WHOLE ACTION was organized by the People's Coalition for Peace and Justice. MayDay and the MayDay Tribe are political arms of this newly created political organization. PCPJ has a coordinating committee made up of such people as Rennie Davis and Sid Peck who are in control of the decision making. PCPJ initiated and publicized the MayDay actions and when people arrived in Washington they were told all decisions were up to them and their regions. PCPJ sent out the call for people to participate.

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