

Qualms About the House's Assass

By George McMillan

CAMBRIDGE, Mass.—That new House investigation into assassinations was almost certain to fail, even if the re-established Select Committee on Assassinations had been given the \$13 million and the two-year life span it had sought. But this week, a skeptical Congress gave it only until March 31 and \$84,000 a month with which to prove that it had a reason to exist.

A Congressional investigation is by its very nature not the ideal environment for clearing up factual confusion. The temptation to seek headlines is too great. But now the assassination committee must find "new" facts, produce sensations within two months, or die. The trouble with the committee is not that it will fail to clear up the confusion about political assassinations but that it will make more confusion and leave us at the end of two months with a new bag of dishearteningly bewildering set of spooks and conspiracies.

It is not surprising that the day after the House committee's appropriation, its chairman, Representative Henry B. Gonzalez, announced what a headline called "New Evidence in J. F. K. Killing," only to admit when challenged that his evidence was "un-corroborated."

This demand for quick new assassination "facts" is almost certain to cause the committee to turn to that small



army of sectarian scholars, the assassinologists who have for more than a decade been raising questions about the events in Dallas in November 1963 and Memphis faster than the old ones could be answered.

Indeed, these assassinologists have now produced rumors that they bitterly dispute among themselves. The common characteristic of these questions is that they are negative. Many can never be answered.

But standing stubbornly above this controversy are two facts:

1. There is an overwhelmingly persuasive hard core of positive, interlocked evidence that Lee Harvey Oswald killed John F. Kennedy and that James Earl Ray killed Dr. King.

2. There is not a scintilla of positive hard evidence that either Ray or Oswald was acting for, or with, a conspiracy.

None of the conclusions in the Warren Commission report (whose 26 volumes make it the best-documented crime in the history of mankind) has ever been impeached, and they show convincingly that Oswald killed two men and tried to kill a third, not only Kennedy but also Dallas patrolman J. D. Tippit, after having already tried to kill Maj. Gen. Edwin Walker in April 1963.

The Justice Department has just completed a 148-page report that is an exhaustive review of the 203,000 documents in the King assassination file. The conclusion reached is that Ray killed Dr. King and did it alone. Ray's movements as he enacted his brutal murder are traced step by step in the

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8,000-word narrative of "stipulated facts" to which Ray pleaded guilty in Memphis.

Ray no sooner had pleaded guilty than he claimed he had been coerced, and asked for a new trial.

After studying this carefully, a three-judge Sixth Circuit Court of Appeals ruled unanimously against Ray on every one of his allegations. On Dec. 14, 1976, the United States Supreme Court refused to review the lower-court decision.

If Ray had not pleaded guilty, and if Jack Ruby had not killed Lee Harvey Oswald, the two assassins would have been tried in court, with rules of evidence that excluded the irrelevant rumor, the peripheral fact, cross-examination of the witnesses would have blown open a thousand speculations, and everything would have been witnessed and reported upon by the press

and judged by a jury of ordinary men and women. Sirhan Sirhan, who killed Robert F. Kennedy, and Arthur Bremer, who shot George C. Wallace, were tried and found guilty, and there have been very few rumors about their crimes.

Now that it's too late to try Oswald or Ray, it is almost impossible to think of any other format of review where the rumors that have festered for more than a decade could be put to rest.

But it is hard to see what good can come from a callous investigation of the profound and tragic events. Some day we must learn to accept the intrinsic irony and absurdity of them, that Oswald and Ray, indistinct killers with amorphous ideologies, did in fact alone change our history.

George McMillan is author of "The Making of an Assassin: The Life of James Earl Ray."