

Hearings Provided Little New Data

Priscilla Johnson McMillan is the author of last year's dual biography, "Marina and Lee." She interviewed Lee Harvey Oswald in the Soviet Union in 1959, was a witness before the Warren Commission in 1964 and appeared three times as a witness before the House Select Commission on Assassinations.

By PRISCILLA JOHNSON McMILLAN

1976, New York Times News Service

WASHINGTON

EARLIER THIS MONTH the U.S. House Select Committee on Assassinations wound up five weeks of public hearings on the murders of John F. Kennedy and Martin Luther King. The hearings — to be followed by more public hearings in November and December, and a final report — followed two years of work by the committee.

Has the House Committee, which at a cost of \$5 million dollars is the most expensive in the history of Congress, justified its cost to the American taxpayer? Has it answered old questions about the murders of Kennedy and King, or turned up any new leads? The answer is a cautious "maybe."

The committee's report, to be issued late this year or early in 1979, is likely to say that while some issues will never be resolved, the two assassinations were the work of Lee Harvey Oswald and James Earl Ray and that there is no proof of a conspiracy in either case. The report will probably criticize the Secret Service and Federal Bureau of Investigation, the agencies chiefly responsible for protecting Kennedy and King, and be highly critical of all bodies engaged in the post-assassination investigations — the FBI, Central Intelligence Agency and the Warren Commission. It will undoubtedly make recommendations as to how investigations of any future assassinations should be conducted.

The committee was created two years ago in response to pressure from black leaders, including Coretta King, widow of Dr. King, who believed that since J. Edgar Hoover, former head of the FBI, hated Dr. King, bugged his hotel rooms and plotted to destroy his authority, he might also have plotted King's death in Memphis in 1968.

To the pressure from blacks was added pressure from conspiracy theorists in the Kennedy assassination, who went to work within 10 days of Kennedy's death in 1963 and built up such momentum that a poll in January 1977 showed that only 19 percent of the American people agreed with the Warren Commission's conclusion that Lee Harvey Oswald alone killed President Kennedy.

At the outset the committee showed a marked pro-conspiracy bias and by the summer of 1977 was so plagued by rivalries and press leaks the House refused to vote it further funds unless the committee's chief counsel, Richard Sprague, was dismissed. Sprague's replacement

was a Cornell law professor, G. Robert Blakey, who also became chief of staff. Under Blakey the staff, although still beset by suspicions and inner conflicts, has worked together more cohesively.

IRONICALLY, for a group with a strong anti-FBI slant, the committee in the King case relied almost wholly on the sweeping FBI investigation — the FBI assigned 3,000 agents, full or part time, to turn up leads in the killing. The committee produced few new leads of its own, but it did produce the one witness who really mattered — James Earl Ray. Ray had never before testified in public because in 1969, faced with the government's case against him, he plea-bargained with the state of Tennessee and received a 99-year sentence instead of a trial.

On the witness stand before the committee Ray seemed eager to take credit for the killing. "He wants the fame without the blame," an observer said. Each morning and each afternoon of his two-and-a-half days under the TV cameras, Ray methodically associated himself with a piece of hard evidence that linked him to the killing of Dr. King. The sole remaining question is that of money — a question that could imply a conspiracy: Who paid Ray's expenses in the eight months before the King killing and during the weeks between the murder on April 4, 1968, and Ray's capture in London two months later?

Until recently the committee and the FBI supposed that Ray financed his travels by robbing a bank in Alton, Ill. But there is another possibility. During the seven years (1960-1967) he spent in the Missouri State Penitentiary on an armed robbery charge — prior to the killing of Dr. King — Ray was a successful drug merchant. He stored up thousands of dollars which he may have smuggled out of prison with the help of members of his family. Ray himself points to a "family conspiracy" when he insists that he had a mysterious co-conspirator named "Raoul." To some, this sounds like a Spanish version of "Ray."

Ray, when he returns to the witness stand in November, will shed as little light as he can. He is fiercely loyal to his family and, already in prison for life, the prospect of a new indictment, this time for perjury, clearly does not bother him. As for the family member who is principally involved — Ray's brother Jerry — he has spent half his life in jail on charges ranging from robbery to manslaughter, and has been heard to joke that a perjury charge would be a "step up in status."

THE HOUSE COMMITTEE has already questioned Jerry Ray and other family members in private. It remains to be seen whether it will call Jerry Ray publicly in November, break down the family loyalty and thus answer the question of how James Earl Ray financed his escape after he shot and killed Martin Luther King.

The investigation into the murder of John F. Kennedy has been more complex. Conspiracy theorists over the years have suggested that Lee Harvey Oswald was not guilty at all and that somebody else pulled the trigger. Others believe Oswald did kill the president, but that he had help, and that there were one or more additional assassins on Dealey Plaza on November 22, 1963. And, since Oswald, a self-proclaimed Marxist, defected to Russia in 1959 and returned to the U.S.A. in 1962, and then tried unsuccessfully less than two months before the assassination to go to Cuba to fight for Fidel Castro, ques-



tions have arisen as to whether Oswald had been recruited as an intelligence agent for someone — the CIA, the KGB (Soviet secret police), even the Castro government.

Finally, evidence has come to light over the years that both the FBI and CIA withheld evidence from the Warren Commission and that two of the commission's seven members failed to tell the commission a vital fact that was known to them — that the Kennedy administration had been engaged in secret plots to unseat Castro and even to murder him. Since these plots could have given Castro a motive for getting rid of Kennedy, they raised a real possibility of Cuban involvement in the Kennedy assassination. With this vital fact withheld from it, some critics have asked whether the Warren Commission could conceivably have reached the right conclusion when it announced, in September 1964, that Lee Harvey Oswald killed President Kennedy and that he apparently had done so alone.

FACED BY THE variety of questions about Oswald, the House committee took an unusual step. A few months ago members of the committee staff invited leading conspiracy theorists to present their cases. Staff members then took the more plausible of their theories and tried to deal with them. Opening the public hearings this September, they brought in ballistics experts who gave strong support to the Warren Commission's "single bullet" theory. This theory, which holds that President Kennedy and former Texas Gov. John B. Connally, who was riding in the jump seat in front of him, were initially struck by the same bullet, is central to the Warren Commission's finding that all three bullets known to have been fired in Dealey Plaza on Nov. 22 could have been fired by one man and that, therefore, there need not have been a second assassin. The trajectory of the two bullets that hit President Kennedy — medical experts testified that they came from above and behind — were traced to the window where Lee Harvey Oswald is believed to have perched, and where his fingerprints, together with three empty cartridges, were later found.

The committee also heard engineers who, having employed techniques not available in 1964, testified that, given his position in the jump seat, it was impossible for Connally not to have been hit by the first of the bullets that struck Kennedy. And the committee heard experts in tests called "neutron activation analysis." (Such tests were employed by Warren

Commission experts in 1964, but analysis techniques were less sophisticated than they are today and the commission decided not to use the test results.) According to the new experts, the bullet that hit Connally and the two bullets that struck Kennedy both came from Oswald's Mannlicher-Carcano rifle. Moreover, the experts said, a bullet recovered from the chimney of Major General Edwin A. Walker's home also came from the same rifle, the first scientific corroboration of the Warren Commission's finding that on April 10, 1963, Oswald tried unsuccessfully to shoot Walker.

IF THE NEW BALLISTICS techniques strongly supported the Warren Commission's conclusion that Lee Harvey Oswald was a lone assassin, acoustics tests performed for the committee pointed the other way. According to these tests, a tape left running in a police motorcycle during the assassination raises a 50-50 possibility that a fourth shot may have been fired, requiring a 7.9-second interval between the first and last shots — and requiring a second assassin. The evidence appears to be tenuous, and the expert who put it forward backed down under questioning. His time period of 7.9 seconds, moreover, fits neither the scenario of the Warren Commission, which — using film taken during the assassination — said 5.6 seconds elapsed, nor does it fit any of the conspiracy theories.

Still, having raised the specter of a fourth shot, the Assassinations Committee will now have to deal with it.

The committee did deal definitely with another disputed piece of evidence — photographs that show Oswald, a pistol at his belt, standing with a rifle in one hand and copies of two left-wing newspapers, *The Militant* and *The Worker*, in the other. Confronted with the photographs in jail after the assassination, Oswald disowned them: "They're my head superimposed on somebody else's body."

Conspiracy theorists have agreed with Oswald that the photos were faked to incriminate Oswald. Marina Oswald, on the other hand, has said Oswald ordered her to take them in the back yard of their Dallas home on March 31, 1963. Photographic experts summoned by the

treatment of a Soviet KGB defector who claimed that Oswald had never been recruited by Russia. The committee was critical of the CIA for trying to "break" the defector rather than learn everything he had to tell about Oswald. Yet the committee itself, in its public sessions, likewise failed to probe the evidence, pro and con, as to whether Oswald could have been a Soviet agent.

Finally, at the close of its hearings the committee called noted gangland figures who had spoken, in the summer of 1963, about a "hit" on President Kennedy in retaliation for his drive

If the new ballistics techniques supported the Warren Commission's conclusion that Oswald was a lone assassin, acoustics tests pointed the other way.

House committee authenticate the photos and say they bear the markings of Oswald's Imperial Reflex camera. They add that the pictures were apparently developed at the commercial photography firm where Oswald was employed until April 6, 1963.

ALTHOUGH THE HOUSE Assassinations Committee cleared up more confusion than it created in matters that were subject to scientific examination, it showed a proclivity for high-profile witnesses — ranging from mob leader Santo Trafficante to ex-President Gerald R. Ford — and pursued a headline-hunting approach that precluded serious public inquiry into the most vital questions of all: Was Oswald an agent of the U.S. or any foreign power? Did he have ties with underworld figures who wanted to kill President Kennedy?

For example, in abrasive questioning of Richard Helms, former director of the CIA, committee members asked whether Oswald had been recruited by the U.S. intelligence agency. Helms said "No," and the committee, in public hearings at least (it also took hundreds of sworn and unsworn private depositions), chose not to probe any deeper. Yet some theorists say that this is the key to the assassination.

Similarly, the committee spent two highly publicized days flaying the CIA for its brutal

against organized crime. The committee thus raised suspicions but failed to establish any link between Lee Harvey Oswald and the underworld.

IN ADDITION to investigating Oswald's motives and the question of whether he might have been the tool of others, the committee had also to consider the work of U.S. agencies that were assigned to investigate the assassination. For it has been known since 1974 that the Kennedy administration tried to destabilize Castro's government and even mounted two attempts to kill Fidel Castro.

High officials knew of these attempts, yet did not tell the Warren Commission during the 10 months in 1963-1964 while it was preparing its report. Among those who knew but did not tell were Robert Kennedy, the attorney general; Dean Rusk and Robert McNamara, the secretaries of State and Defense; J. Edgar Hoover, head of the FBI, which was the principal agency responsible for helping the Warren Commission; and high-ranking CIA officials, including Helms, who was in charge of CIA liaison with the Warren Commission.

Not only that — two members of the Warren Commission, Allen Dulles, former head of the CIA, and Senator Richard Russell of Georgia, actually knew about the Cuban matters and failed to tell the seven-man panel of which they were part. And, in a remark to the present

committee that was almost unnoticed by the press, Helms made a sensational disclosure that has never before been made public: President Kennedy himself knew of the attempts to kill Castro.

Asked whether the knowledge of these attempts would have altered the Warren Commission findings, ex-President Ford, a member of the commission, he said, would have had to "broaden and deepen" its inquiry but would still have concluded that Oswald acted alone.

Ford has an ally in Castro. In an interview with members of the committee, Castro said he knew about the plots against him but felt they were merely "part of everyday life." So far was he from holding them against Kennedy, Castro added, that had he himself known of any plots against Kennedy's life, he would have considered it his "moral duty to inform the United States."

BESIDES AIRING TAPES of Castro's interview with members of the committee, the hearings have produced other moments of public and private drama. There was Connally wiping away tears as he relived the Kennedy assassination. There was Marina Oswald Porter berating herself in her hotel room after a day on the witness stand: "Why didn't I stop Lee? Is there something I could have done to prevent it?" And there was Helms, still dapper but visibly aged and apologizing like a broken man: "I'm just sorry that it's an untidy world."

The committee hearing may well be the last chance the American people will ever have to hear all the facts in the murders of Kennedy and King, for people die and evidence disappears. (Today, for example, no one seems to know what became of President Kennedy's brain after the Warren Commission turned it over to his brother Robert).

Moreover, the committee itself has created an entire new record for conspiracy theorists to attack as evidence of a cover-up. Indeed, polls taken last week show that the number of Americans who doubt that Lee Harvey Oswald acted alone has risen, not dropped, since the hearing began.

For as long as there are human beings there will be those who cannot accept the meaninglessness of history and prefer to order the "untidy world" with the tidiness of a conspiracy. Thus, over the years, one set of conspiracy theories had only to be cut down for a new set to crop up with the inevitability of mushrooms after rain.