

The Amnesty Option

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Crimes that tear the soul of a nation should not be left incompletely examined or obscured by mystery. South Africa has shown the healing power of truth as it looks back at the crimes of apartheid, granting amnesty to whites and blacks alike who come forward with evidence of their past misdeeds. As Americans watch the work of South Africa's Truth and Reconciliation Commission, the moment may be right to consider whether a similar approach might be useful in the United States in certain narrowly defined situations. Unlike South Africa, whose new government is still evolving, the United States has a fully developed and functioning criminal justice system. But it is also true that contemporary American society is still haunted by some unresolved questions that nag at the national conscience. Such questions, if left unresolved, promise to provide fodder for conspiracy theorists for decades to come. At a time when anti-government propagandists are increasingly active, the prospect of increased alienation and mistrust among citizens is not an attractive one.

In our recent history, two traumatic events — the assassinations of President John F. Kennedy in 1963 and Dr. Martin Luther King Jr. in 1968 — have proved especially fertile for conspiracists. But many thoughtful, fair-minded students of history argue effectively that our knowledge of those events remains incomplete. The King family has requested that the Clinton Administration establish a commission, armed with the authority to offer amnesty from prosecution to anyone with new information, to look into Dr. King's assassination. Admittedly, the parallel to South Africa is inexact, and we recognize the drawbacks and risks, including a flood of crank claims and loss of the possibility that someone's death-bed confession could lead to new trials. But given the narrowing window in which to get testimony from any living people with direct knowledge, we see enough merit in the idea to recommend a broader national discussion.

Greater clarity about the two cases not only might establish the true boundaries of the crimes, but also might end the wild speculation that gnaws at America's faith in itself and its government institutions. Moreover, while there is much reason to be skeptical about the Kennedy and King conspiracy theories, it is clear that all potential areas of inquiry in these two assassinations have not been exhausted. Only last week we saw two new disclosures about the Kennedy assassination. Former President Gerald Ford cast new doubt on the single-bullet theory by disclosing that he altered the Warren Commission finding about the entry point of a bullet to President Kennedy's back. In the other development, new information became public about the Central Intelligence Agency's attempt to enlist the Mafia in an assassination plot against Fidel Castro. This invites re-examination of the view that

there was neither Cuban Government nor Mafia involvement behind the actions attributed to Lee Harvey Oswald, the identified gunman.

In making its amnesty proposal, the King family is seeking a fresh way to determine whether there was a conspiracy to kill Dr. King. In a tactic that harms their own cause, the family has rejected the view that James Earl Ray was involved. Even so, their plea has a firm factual foundation in one finding of the House Select Committee on Assassinations, which conducted a two-year investigation of the King shooting. The committee identified Mr. Ray as indeed the killer, but it also found that he was probably aided by other people who have never been apprehended.

Dr. King's son Dexter has alleged that his father was killed by Army intelligence, the Federal Bureau of Investigation and the Central Intelligence Agency, with the probable knowledge of President Lyndon Johnson. While the family's anguish is understandable, the wild flinging of unsubstantiated allegations can only deter serious debate about whether to use amnesty to resolve unanswered questions about a national trauma.

Amnesty cannot be offered lightly. The price of amnesty, as South Africa has seen, is that those involved in or knowledgeable about crimes are spared prosecution if they confess or provide new information. The President, Congress and many citizens may be unwilling to accept that tradeoff. There is also the remote but not wholly implausible fear that future assassins might assume eventual forgiveness if they can avoid capture long enough. No doubt book contracts and movie deals await anyone with valuable information about the Kennedy or King killings, although there might be legislative remedies for that.

For all these legitimate concerns, the notion of amnesty should not be dismissed. Since there are no official investigations extant in either case, the best hope of obtaining additional information would likely come with a declaration of amnesty and appointment of an independent panel to review new testimony. Amnesty would have to be strictly limited to the Kennedy and King killings, and carefully supervised by a responsible and experienced investigative group that can sift through new information to identify credible accounts.

In the end, the potential gain from an amnesty-driven inquiry may well outweigh the risks. Otherwise there is little chance of learning more. The lifetime of unidentified witnesses and conspirators, if they exist, is fast running out. There may be just a few years left to determine if the official findings are complete. Some risk is justifiable at this late date to provide history with a full account of two murders that convulsed and changed the nation.

Dear Gerry,

7/14/97

The NY Times editorial of the 6th with your 7/9 is disgusting while it is also pathetic. It is now talking about amnesty to avoid having its past exposed. Lesar has sent Pepper some of the evidence I got for the evidentiary hearing of the 1970s and that can perhaps help now. If he sent the right stuff and if Pepper understands it. I proved that the rifle was dropped outside Canipes when that would not have been possible for Ray had he been in that bathroom. But as the can, judges ignored this. *Jim sent much else that I could use.*

Glad to get the press release of those "honorable men." I started a book about ~~the~~ Commission lawyers with that title, mislaid the release, and gave Jerry all my work on it, what I'd written and what I'd copied for it. You and Dennis may want to keep this in mind because that may include what you can use.

Jerry volunteered to retype what I was writing in answer ^{what} to that scumbag of a subject-matter ignoramus Kermit Hall had in the Maryland Law Review. It is retyped and he is working on corrections. I've been keeping myself clear to get on what he gives me as soon as he does. I plan many uses for ~~the~~ ^{this}. & Jerry thinks well of it. It runs about 250 pages and I have 64 exhibits for it. It is a book! And weak as I am, I was astounded to get it on paper in two weeks! There will be copies.

Copies reminds me. Dave just read what I wrote two years ago about Newman's mistitled Oswald and the CIA. He had ~~just~~ ^{just} ~~gotten~~ gotten it. I think from a friend who is a very fine person, Bill Mills, of ~~Highson~~ ^{Highson}, CA. No mail delivery there. His box is 1119 and the zip is 95326. He and Bill Neichter have been in touch and between them I think you can get anything that I've finished that you do not have. I've lost track of what there is. Mills has been very, very helpful in many ways. Jerry may also have what perhaps the others have not duplicated. And Dave should at least know about them, what they are.

Glad to know that Dennis is back. He and Nancy undoubtedly have much to do and much to remember from what I hope was a fine experience.

Thanks for your good wishes. I guess I'll and I are about as good as we can hope to be. I'm much weaker, tired more easily, have some medication reactions (at a cost of more than \$750 a month reactions to the damned things yet!) but at least no real pain of any kind.

Best to you all,

