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Dear Sir:

David Belin's piece ("The Case Against Conspiracy," 7/15/79) is out of Carroll's Alice in Wonderland. As the Red Queen, he believes in verdict before evidence; he "knew" the Select Committee on Assassinations was wrong about a second gunman shooting at President Kennedy before he read the Committee's Final Report. Those interested in the truth should read the Report. Mr. Belin's piece reflects prejudice and seriously misleads through half-truths and false statements.

First, Mr. Belin suggests that the Committee's finding was based "almost solely" on acoustic testing, yet he does not review the additional evidence. On the other hand, when he observes that the physical evidence (other than the acoustical) points to a single gunman—it does not negate a second gunman—he sets out additional testimony. Mr. Belin, therefore, presents a distorted picture. In fact, a policeman, a Secret Service agent, a Korean War veteran (over whose head the third shot was fired), among others, said they heard the knoll shot. Others saw smoke. (Modern guns do emit white gases.) Footprints were also found behind the knoll fence, and a policeman accosted, but released an individual behind the fence, who identified himself as a Secret Service agent, even though no agents acknowledged having been there.

Second, Mr. Belin initially questions: why no cartridge case? If only one shot is fired, no case need be ejected. Why only one shot? Oswald's third shot hit the President's head .7 of a second after the second gunman fired. Obviously, the knoll gunman thought he had killed Kennedy. Why fire

again? Why ~~was~~ motorcycle sounds on the tape of the race to Parkland? They are, in fact, present. Why no police sirens heard immediately? The officer remained in the Plaza for a ~~time~~. Why a chime? The police headquarters receiver could record sounds from more than one mike. The chime was elsewhere. Mr. Belin then suggests the motorcycle ~~itself~~ was elsewhere, even though the Committee published photos of the officer in the Plaza in the right place at the right time, and the authenticity of the tape is established by other scientific evidence, as noted fully in the Report.

Third, questioning the Committee's rejection of Ruby's supposed motive: to save Mrs. Kennedy from having to return for a trial, Mr. Belin suggests Ruby was not part of a conspiracy. Rabbi Silverman's testimony that Ruby told him he had told a policeman of the motive before he saw his lawyer may be accepted without question. (Special Agent Sorrels so told the Warren Commission.) In fact, Ruby probably lied to his Rabbi and Agent Sorrels about his true motive. But Silverman's or Sorrel's testimony is not determinative of the ultimate issue. The Committee only found that Ruby's 1967 note to his second lawyer suggests that the motive was false, not that it was wholly fabricated by the first lawyer.

Fourth, to underwrite the motive story, Belin points to a 1964 polygraph, given by one of the FBI's "ablest". He does not note that Ruby was diagnosed as a "psychotic depressive" and that the FBI, in fact, recommended that the Commission not rely on the test, a recommendation the Warren Commission followed. Did Belin fail to read the Warren Report, too? Since Belin did not read our Report, he also did not know that our experts re-evaluated the 1964 test and found that it was not only invalidly administered, but invalidly interpreted. In fact, it showed deception.

In November 1966, Ruby granted a filmed interview to the press; he was scheduled for retrial in February. He said: "Everything pertaining to what's happened has never come to the surface. The world will never know the true facts of what occurred: my motive" He added, ". . . [T]he people who [have] . . . so much to gain . . . [will] never let the true facts . . . come . . . to the world." Unless the Kennedy investigation is pursued further, Ruby may turn out to be right; he was for 15 years.

Belin's individual errors could be documented further, but his major charges also require response. Belin complains that the Warren Commission did not have its day in court; he was not permitted to testify in public session in the Commission's defense. Belin was given an opportunity to appear in executive session or by deposition; he could have made his deposition public. Other Warren Commission lawyers, including its general counsel, followed this procedure.

All members of the Commission and the general counsel, in fact, appeared before the Committee in public session, something Belin knows, since he appeared with former President Ford, a member of the Commission. Belin was not called as a witness in a public session because a review of his work showed that he had little to offer. He did not play a key role in the work of the Commission. His testimony about the facts of the assassination was second-hand. The Committee preferred its facts firsthand.

Next, Belin offers a theory as to why the Committee went wrong; he blames it on the staff and that the Committee's work was conducted in secret.

I have been associated with the work of Congressional Committees for almost twenty years. No Committee that I have ever worked with was more democratic, knowledgeable, or more in control of its own processes than the Select Committee. Indeed, the Select Committee was probably more democratic, knowledgeable, and more in control of its processes than was the Warren Commission. Witness the dissents to the work of the Committee, but not the Commission. I make that judgment based on a two-year study of the Warren Commission and personal experience with the Select Committee. When did Belin conduct a similar study of the Committee? He has not even read our report.

Belin's secrecy comment is ironic. The Warren Commission held one day of public hearings. Belin, who was Executive Director of the Rockefeller Commission, was not able to persuade his own Commission to do better. The Select Committee held almost forty days of public hearings on the evidence gathered in its two-year investigation of the Kennedy and King cases, where the Committee's work was open to public scrutiny. Each of the issues he criticizes were, in fact, raised in public hearings.

The Committee's investigation was not held entirely in public for obvious reasons. Classified information was involved. Reputations were at stake. The Committee had a duty, under House Rules, to evaluate its evidence before it was made public. Belin knows the character of the allegations in the Kennedy case. Even though many of the allegations have proven to be irresponsible, they had to be checked out, first confidentially. Would he have had the Committee do otherwise?

Last, Belin grumbles that the Committee made up its mind at the last minute. The Committee had the basic acoustical evidence in July. It knew then what it portended. It all depended on what the final verdict of the scientists was. That came in November. When should the Committee have made up its mind, except at the end when all the evidence was in?

When President Ford appeared before the Committee he was asked why the work of the Warren Commission had fallen on such hard times. First, the former President said that its critics had "deliberately or negligently misled the American people by misstating facts and omitting crucial facts . . ." Second, he suggested that many people were cynical. Third, he observed that people had not read the report.

The Select Committee should be accorded, at least from former Warren Commission staff members, the same they themselves would have wished to have received. I suggest that Mr. Belin should heed the advice of his client.

Sincerely,

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