

'A First Class Texas Job'

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Discussed in this article: *Rush to Judgment* by Mark Lane; *Inquest* by E.J. Epstein

Somebody once said that "the man on the Clapham omnibus" was the sort of typical figure of average common sense whom judges, juries, lawyers and the like ought to have at the backs of their minds as a point of reference when considering complex and over-technical legal problems. If this anonymous traveller does not have the expert knowledge and confidential sources of information possessed by the police or the pathologists or the psychiatrists, at least, so runs the argument, he may have some degree of intelligent objectivity that can enable him to distinguish wood from trees and thus come a little nearer to a just understanding of the truth. He seems to have been referred to very infrequently during the inquiries concerning the death of President Kennedy on November 22, 1963.

Now I myself do not often travel to Clapham, and I have not personally consulted "the man on the omnibus." The nearest I got to him was perhaps "the man at the Dublin dinner party," the evening of the day upon which it was announced that Oswald had been shot by Ruby. The conversation turned naturally upon the news from Dallas; indeed, it did more than turn, it was obsessed by it. "Who do you think did it?", "What's your interpretation?", "Is any of the official story likely to be true?", etc. Then this man said:

"Whoever did it, and for whatever reason, there is no doubt in my mind that the whole thing is a first class Texas job."

I asked him exactly what he meant and he replied, in effect:

"You go to the cinema, don't you? You enjoy Western films? Well, Dallas is a great modern city, as far as its material way of life is concerned; but spiritually it is still more or less a wide-open cow town of the 1880s, and the murders of Kennedy and Oswald and Tippit belong to that period of history. Whatever their subsequent effects upon the history of our own time they must be viewed through the appropriate retrospective lenses, which in this case are the lenses of a film camera. It doesn't have to be a good film, even. The Wild West in its own time saw itself as a mythological age and dramatised itself in exactly the same way as the cinema has done ever since."

Let me give one example of this self-dramatisation which I found out about later: a civilian motorist in Texas is apparently permitted, by state law, to carry a gun in his map compartment on the grounds that "saddle holsters" are a necessary provision for self defence when making a journey across the desert; nobody knows when rustlers, Mexican bandits, Injuns, or Billy the Kid might not suddenly turn up.

And turn up they did, with a vengeance, in Dallas, in 1963.

Wild west scenario

So let me, being a dramatist by trade and not a lawyer like Mr. Lane nor an academic like Mr. Epstein, set out a few notions for a film sequence of just such a "first class Texas job." We are in Texas, around 1880, and an important person, much loved and much hated, is about to arrive in town. He does not have to be the President; he need be

no more than the fearless, hard-hitting editor of a newspaper who has been exposing a number of local financial scandals involving large scale cattle transactions and various dubious deals with the Apaches. He is believed to be interested in examining the causes of a recent and nearly disastrous Indian rising, and he is known to be anxious to find ways and means of coming to some sort of accommodation with, say, Geronimo, the scourge of the southwest. He has expressed the opinion that the said scourge has been unduly provoked by the US Cavalry in alliance with the Texas Rangers and,, more important, he is being listened to in Washington. He is played by Spencer Tracey.

As the stagecoach swings into the dung-covered main street, a volley of shots ring out and Mr. Tracy falls back into his seat, dead. Confusion in the street. Everyone runs backwards and forwards and guns go off all round the compass. From the Sherriff's Office emerges the sheriff (Dean Jagger) yelling, 'Some renegade's shot the editor! The cry is taken up from end to end of the town, and after having utilised about thirty seconds of sound track it becomes, rather strangely, metamorphosed into a shout of "That half-breed's shot the Editor!" Immediate rush of persons to a shack on the edge of the desert in which dwells Anthony Perkins, half-breed and generally disreputable character. When the posse, or lynch mob, or whatever it is, gets to the shack it is to discover Mr. Perkins standing, bewildered, over the corpse of the Sherriff's Deputy (Lee Marvin). A smoking gun lies beside the porch, and the half-breed's redskin wife (Jean Simmons, for some reason) grovels in the dust, screaming hysterically. Perkins is hauled off to jail, and the Sherriff, his thumb in his waistcoat, a shotgun in the crook of his elbow, and an ambiguous smile under his moustache, makes a great performance of telling everyone within earshot that:

"This man's gonna git a fair trial or else Ah wanta know the reason why. An' he's gonna git his fair trial at ten o'clock on Tuesday mornin', and at precisely ten o'clock on Tuesday mornin' Ah'm abringin' him out o' this yar jail house and Ah'm atakin' him across the street to that thar court house and no-one's agoin' to stop me!"

Short interlude inside the jail during which Mr. Perkins rattles the bars and shrieks: "You cain't hang an innocent man!" And then, Tuesday morning. Amidst a roaring, muttering, definitely overacting crowd of unwashed extras, the prisoner is led out of the jail. A pause on the veranda while the Sherriff addresses a few more self-congratulatory remarks to the' citizens. Then, suddenly, through the press comes Frank Sinatra (or perhaps Dean Martin) in a character part: beat-up gambler who has been established as alternately beating up and making love to the girls in the saloon. He has also been established as a great pal of Mr. Jagger and also of Mr. Marvin, and with a swift lunge of his right arm he fires six successive bullets straight into Mr. Perkins' stomach.

He then breaks down and sobs out something about " That Editor was a fine man and he had the sweetest little wife this side of the Rio Grande. She never knew I existed even, but I'm telling you all, I did it for her sake." Further up the 'street, a slow track of the camera reveals a group of well-fed gentlemen in frock coats and spotless Stetsons, smoking cheroots and apparently very much at ease with the world. They are on the steps of the Inter-State Cattlemen's Bank and Trading Assoc., Inc., and among their frock coats is at least one blue and braided cavalry uniform.

Now any ordinary audience will have a very fair idea of what such a sequence means. It means that a reel or two later James Stewart is going to discover on behalf of the " simple, decent people of this state " (i.e. a group of hymn singing smallholders, at feud with the cattlemen, and suspicious of Mr. Stewart, because he is supposed to be a professional gunfighter) that the Sherriff, the Deputy, and a number of others are all in a conspiracy, backed by the frock coats and the uniform, to kill Mr. Tracy and cause he is supposed to 'be a professional gunfighter) that the Sherriff, the Deputy, and a number of others are all in a conspiracy, backed by the frock coats and the uniform, to kill Mr. Tracy and implicate Mr. Perkins (who, being a half-breed, has no friends). The actual shots at the stage coach were probably fired by Mr. Marvin, though Mr. Perkins may have been blackmailed into expending at least one cartridge, and Mr. Marvin, unfortunately, has made a mess of his second assignment. which was to kill Mr. Perkins before he could be arrested, so the Sinatra/Martin character has had to be called in to finish the job. This was unwise, because being such an unstable individual, he is liable to overdo it. His fervent expressions of devotion to the Editor's wife are an example of his injudicious zeal in this direction. Of course, the flaw in this argument is fairly obvious. Had the Sherriff been paid by John Wayne rather than Dean Jagger, the audience would take an entirely different interpretation, and there would be no need to put James Stewart under contract at all, because Mr. Wayne would clearly be able to wind up the story on his own, positively oozing independent integrity. But in fact, in Dallas, three years ago, there was no John Wayne, and a great deal of trouble was taken to see that there was to be no James Stewart either. Nevertheless, after one or two false claimants (terrible old hams, for the most part,

whose mouthings and sawings of the air would convince very few Clapham commuters) he has turned up. He is, of course, Mark Lane, and he has been given some unexpected and not entirely sympathetic assistance by Edward Jay Epstein.

Mr. Lane comes into the business as the legal adviser of Mrs. Oswald, mother of the alleged assassin, and he attended (or rather, tried to attend, for there was great resentment against him, and he was pretty successfully obstructed) the meetings of the Warren Commission in order to guard the posthumous interests of her unhappy son. As Oswald was dead there was no regular trial for murder. The Warren Commission was supposed to find out who had done the murder: but in fact, as Mr. Lane clearly establishes in his book, they began their sessions with an unconscious (one could almost say conscious) assumption that the Dallas police and the FBI were quite right and that the arrested man was in fact the guilty man. Thus the evidence brought forward into the Commission's final summary of its report is nearly all what one would call "prosecution evidence." Other ("defence") evidence was heard by the Commission, and it appears in the supplementary volumes of the report (all 26 of them). Mr. Lane has collated this raw material with the Commission's own summing up and interpretation of it in the first volume; and he has come to the conclusion, from which it is difficult to dissent, that a jury at Oswald's trial (had he been alive to have faced one) might very well have brought in a verdict of "not guilty," if only because there was insufficient weight of proof presented.

The witnesses before the Warren Commission were not cross examined in the interests of the accused, and a great many inconsistencies, contradictions, evasions and downright lies were allowed to go unquestioned, the Commission being anxious to show that Oswald and nobody else killed Kennedy, that Oswald and nobody else killed Tippit, and that Ruby killed Oswald without assistance, encouragement, inducement, or even motive. Ruby, you see, like Oswald, was barmy; therefore the consistency of his acts need not be examined, he could not have been part of a conspiracy, and America (implies the Commission) can turn over and go to sleep again untroubled. Such, in brief, is Mark Lane's thesis.

And such is also the general tenor of Mr. Epstein's book. This work is not, in origin, a partisan piece of writing. It is based, indeed, upon an objective survey of the actual workings of the Commission itself, and those members who provided the author with his information must by now be feeling a little queasy. But Earl Warren, it has been argued, is an excellent famous Judge, whose services to the cause of right and liberal truth have been innumerable. His fellow commissioners were men of proven integrity; indeed, great care was taken to exclude "controversial" figures from the Commission, whatever that means, but we have Mr. Epstein's word that it was done.

Mysterious deaths

Can we then believe that such an honourable assembly could sit down to examine a notorious and outrageous crime and then calmly agree to hush it up and paper it over? At this point Mr. Epstein gets nervous. He points out, rightly, that in fact the Commission was not quite all it appeared to be. The senior members did not sit continuously; some of them hardly attended at all. But then they were busy public servants and had other responsibilities. So much of the detailed work of taking and evaluating evidence was left to their junior assistants. These, in turn, relied upon the FBI and other investigatory bodies for the greater part of their work, and if a group of young and ambitious lawyers should be a little embarrassed and more than a little deferential in the face of ex cathedra pronouncements from the mighty J. Edgar Hoover, FBI chief, then we should be neither surprised nor condemnatory. There may have been inefficiency, there was certainly undue haste, but there was no villainous collusion. Besides, anyone can make a mistake; and the interests of public order were well served. The Commission, it may be claimed, is vindicated by its results: Oswald was found to have done everything he was supposed to have done, and nothing else; and there were no race riots, insurrections or further assassinations.

No, that is not quite true. If we refer to Mr. Lane at this point, we discover that afterwards, in Dallas, there were one or two mysterious deaths and assaults and outbreaks of threat. Of course, Dallas is Dallas, where map compartments in a motor car are saddle holsters on a horse, and it might happen to anyone, down there. But why did it have to happen to Mr. Lane's particular list of people, who had all offered evidence that in some way might

have helped, had it been examined more 'closely, to clear Oswald of guilt, or at least to provide him with One or more confederates?

Awkward questions

So perhaps there was a conspiracy? My own view is that there certainly was. But it need not have been a very big one. We do not have to indulge ourselves with the seductive myths of international plots, which is a game leading rapidly to McCarthyite hysteria and theories about the "Protocols of Zion." But suppose there were a few men in, Dallas who hated Kennedy (John Birchers or petty racialists seem the most Plausible suggestions) who were also in a position to cover their tracks with the assistance of some of the local, police? For instance, when Oswald was brought out to the car that was to take him to the prison, there was a tremendous guard of lawmen to protect him in the fatal basement; but at the crucial Moment, there was no car in position. So they all had to stand and wait for the vehicle, with their prisoner well to the fore, not even covered by a blanket in the time honoured British way; and when Ruby came forward he found Oswald so liberally presented to his gun that he might have been put there on purpose. Perhaps he was. Anyway, the local police had some awkward questions to face. The FBI did not make them any more awkward than they had to. Why not? Well, there is a question that Oswald might have been an FBI agent. The mighty Hoover, beating as he swept as he cleaned, (flatly) said that this was not the case. The Commission took his word and thanked him fulsomely for his cooperation.

FBI's heel

Does this mean that the whole thing was an FBI job? I do not think so. Even if a presumably sophisticated man like Hoover believed that Kennedy alone was responsible for the conception and working out of policies that might have been unsatisfactory by FBI standards (which would no doubt, to Hoover, have meant treasonable policies), it is not probable that such policies would be necessarily reversed by killing Kennedy. It is much more likely that the FBI is as the Church of Rome or the Communist Party and cannot bear to admit error. Therefore a rumour that his smallest of small fry informants was mixed up in the death of the President would appear to the mighty Hoover like an arrow in the heel to the godlike Achilles, and it would have to be prevented by whatever means came first to hand. If such a means was the murder of Oswald then it would have to be done. It would be organised by some dedicated servant of the public 'good, carried out by a convenient near-criminal (Ruby). and covered up by the blandest of Olympian denials. Such events take place daily in the world of the secret police, and the public enjoys them weekly in the world of the cinema, but it is rare that their repercussions interest quite so many people in quite so many places as happened on this particular occasion.

The apparently pusillanimous reaction of the Warren Commission need not upset us too much; unless, of course, we are the sort of people who really do believe that an honest man in public life has only to be honest and all falsehood will flee before him. Imagine yourself to be Earl Warren or one of his colleagues confronted with a piece of evidence that suggests that Oswald was in the FBI and that the FBI are covering this up, or that Oswald's hiding place in the Book Depository was not the only place from which shots were fired at the presidential motorcade, or that Ruby and Tippit and a well known rightist called Weissman had a meeting in Ruby's strip club a whole week before the murders. (All these suggestions were made, and were rejected by the Commission on not very adequate grounds.) Now, what are you going to do? You have three choices.

1. Hush the whole thing up, silence the inconvenient witnesses by trumped up charges of drug addiction and what not, and publish nothing at all of the truth.
2. Accept the "Oswald defence" evidence as at least as plausible as the rest (which it was, as Mr. Lane makes clear).
3. Publish all the evidence, but contrive to denigrate those parts of it that do not fit the preconceived theory.

The true dishonest conspirator would follow course number 1. This is what was apparently done by the Dallas police and perhaps by the FBI. But the Commissioners did not. Nor did they follow course number 2. If they had, they would really have been in trouble. They might have had to find that Oswald was innocent, in which case who was guilty? Or that he had associates, and then who would they be? Heaven knows what would turn up. Why, LBJ is a Texan. Suppose some friends of his were mixed up in it? Even if he cleared himself, to the satisfaction of the Commission, what would the public think? Let alone the Republicans. And who among that loyal Commission (appointed by the President) would dare to ask the President to clear himself? Lord Denning's little job was cushy compared with this. The nation, as they say, would be plunged into anarchy. The most liberal of judges would surely blench at such a prospect.

So we are left with course number 3. They did indeed publish nearly all of what they were told. But they did not enlarge upon it, when it posed too many questions, and they published it in no less than 26 volumes. You need stamina to read them all and separate wheat from chaff, and there was plenty of chaff. To assist the weary student and to prepare the newspapers of the world, the Commission's conclusions, tendentious and half-baked, were carefully listed in the first volume and only a man with a direct interest in the case, like Mark Lane, would trouble to read further, and make notes as he read.

Which brings us to a final point. Anyone, a year or two ago, who ventured to suggest that Mark Lane might have some pertinent things to say, and should be encouraged to say them, was subjected to an extraordinary campaign of vilification from quite unexpected directions: *The Guardian*, where a Mr. Grigg threw such words about as "renegade" (see my improvised film treatment above!), *The New Statesman*, and even *Peace News*, they all came swinging in about our heads, demanding resignations, retractions and general public breast beating. But now Mr. Lane has written his book. He may not be right; he is, after all, no more than an advocate. But as an advocate he presents the side of the case that no one wanted to hear. The Warren Commission desired above all to preserve public order and a quiet mind in time of trouble. Agreeable objects, but if we possess them at the expense of the truth, we are not likely to be able to enjoy them for very long.

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