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12-24-63

January 7 1964

Honorable J. Lee Rankin
Counsel to the Special Commission
Veterans of Foreign Wars' Building
200 Maryland Avenue, North East
Washington, D. C.

Dear Mr. Rankin:

The enclosed letter which was forwarded to me by the Senate Committee on Foreign Relations is transmitted herewith for any action deemed appropriate.

Sincerely,

HERBERT J. MILLER, Jr.
Assistant Attorney General

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Enclosures

Records
Chrono

SENT BY MESSENGER
COMMUNICATIONS SECTION
JAN 7 1964 R.R.R.

J. W. PULBRIGHT
CHAIRMAN

United States Senate

COMMITTEE ON FOREIGN RELATIONS

December 24, 1963

Referred to the Department of Justice:

The attached communication referring to the assassination of President Kennedy has been received by the Foreign Relations Committee.

It is forwarded to you for such consideration as in your opinion it deserves.

Sam Holt

129-11

DEPARTMENT OF JUSTICE

25 DEC 27 1963

R. S. M.

RECORDS BRANCH

RECEIVED

DEC 27 1963

CRIMINAL-GEN. CRIME SEC.

Mr Foley

CRIMINAL DIVISION

(República Argentina) Santa Fe, 9 de Diciembre de 1963.-

RECEIVED

DEC 19 1963

Congreso Nacional.
WASHINGTON, E.U.A.

FOREIGN RELATIONS

De mi consideración y respeto.-

Con el ánimo y propósito de mejor proveer en la investigación que procura formalizar ese Congreso para establecer las causales del asesinato del Presidente Kennedy, y ante las referencias de que el arma usada lo fué un Fusil Mauser Modelo 1891, me interesaría conocer fehacientemente si en verdad esa arma pertenecé al mencionado Modelo y si es así es de origen Aleman-Acero Krupp y teniendo la numeración se podría establecer asimismo en que forma lo fué en poder del supuesto matador. Dígoles esto con toda reserva y en base al conocimiento que poseo de esas armas. Entiendo que esas armas no lo fueron nunca de Empresas particulares y ese Modelo fué reemplado por el de 1908.-

De tener la certeza que fué esa el arma homicida se aclararía un tanto el misterio.-

Sin otro particular quedo a v/órdenes y formulado votos para que haga luz en este desgraciado proceso.-


Manuel D.T. Muñoz.

San Jerónimo 1469.
SANTA FE.-R.A.

Lane's defense brief for Oswald

12-19-63

In an analysis of the civil liberties aspects of the assassination of Lee Harvey Oswald, the American Civil Liberties Union said the "public interest" would be served if the commission named by President Johnson were to make "a thorough examination of the treatment accorded Oswald, including his right to counsel, the nature of the interrogation, his physical security while under arrest, and the effect of pretrial publicity on Oswald's right to a fair trial."

In the public interest the GUARDIAN is devoting one-half of its issue this week to a lawyer's brief in the Oswald case which has been sent by the author to Justice Earl Warren as head of the fact-finding commission inquiring into the circumstances of the assassination of President Kennedy. The author is Mark Lane, a well known New York defense attorney, who has represented almost all the civil rights demonstrators arrested in New York. He has also served as defense counsel in a number of murder cases involving young persons.

In 1959, he helped organize the Reform Democrats in New York, an insurgent movement within the Democratic Party, was the first candidate of the movement to be nominated to the New York State Legislature and was elected in 1960.

In his letter to Justice Warren accompanying the brief, Lane urged that defense counsel be named for Oswald so that all aspects of the case might be vigorously pursued, particularly since Oswald was denied a trial during his lifetime. It is an ironic note, as the ACLU statement said, that "if Oswald had lived to stand trial and were convicted, the courts would very likely have reversed the conviction because of the prejudicial pretrial publicity."

The GUARDIAN's publication of Lane's brief presumes only one thing: a man's innocence, under U.S. law, unless or until proved guilty. It is the right of any accused, whether his name is Oswald, Ruby or Byron de la Beckwith, the man charged with the murder of Medgar Evers in Mississippi. A presumption of innocence is the rock upon which American jurisprudence rests. Surely it ought to apply in the "crime of the century" as in the meanest back-alley felony.

We ask all our readers to study this document, show it to as many persons as you can (extra copies are available on request) and send us your comment. Any information or analysis based on fact that can assist the Warren Commission is in the public interest—an interest which demands that everything possible be done to establish the facts in this case.

—THE GUARDIAN

- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____

Date 12/19/63
"NATIONAL GUARDIAN"
PAGES 5-9

By Ma. ne

IN ALL LIKELIHOOD there does not exist a single American community where reside 12 men or women, good and true, who presume that Lee Harvey Oswald did not assassinate President Kennedy. No more savage comment can be made in reference to the breakdown of the Anglo-Saxon system of jurisprudence. At the very foundation of our judicial operation lies a cornerstone which shelters the innocent and guilty alike against group hysteria, manufactured evidence, over-zealous law enforcement officials, in short, against those factors which militate for an automated, prejudged, neatly packaged verdict of guilty. It is the sacred right of every citizen accused of committing a crime to the presumption of innocence.

This presumption, it has been written, is a cloak donned by the accused when the initial charge is made, and worn by him continuously. It is worn throughout the entire case presented against him, and not taken from the defendant until after he has had an opportunity to cross-examine hostile witnesses, present his own witnesses, and to testify himself.

Oswald did not testify. Indeed, there will be no case, no trial, and Oswald, murdered while in police custody, still has no lawyer. Under such circumstances the development of a possible defense is difficult, almost impossible. Under such circumstances, the development of such a defense is obligatory.

There will be an investigation. No investigation, however soundly motivated, can serve as an adequate substitute for trial. Law enforcement officials investigate every criminal case before it is presented to a jury. The investigation in almost all such cases results in the firm conviction by the investigator that the accused is guilty. A jury often finds the defendant innocent, notwithstanding.

That which intervenes between the zealous investigator and the jury is due process of law, developed at great cost in human life and liberty over the years. It is the right to have irrelevant testimony barred. It is the right to have facts, not hopes or thoughts or wishes or prejudicial opinions, presented. It is the right to test by cross-examination the veracity of every witness and the value of his testimony. It is, perhaps above all, the right to counsel of one's own choice, so that all the other rights may be protected. In this defense, Oswald has forfeited all rights along with his life.

The reader, inundated at the outset with 48 solid television, radio and newspaper hours devoted to proving the guilt of the accused and much additional "evidence" since then, cannot now examine this case without bringing to it certain preconceived ideas. We ask, instead, only for a temporary suspension of certainty.

The case against Oswald

LONG BEFORE OSWALD was shot to death in the basement of the Dallas courthouse, the Dallas officials had concluded that Oswald was "without any doubt the killer." On Saturday, the press was informed that "absolute confirmation as to Oswald's guilt" had just arrived but that the "startling evidence" could not then be released to the press.

Immediately after Oswald was slain, the Dallas district attorney, Henry Wade, announced that the "Oswald case was closed." Despite the deep belief that prevailed throughout the U.S. as to Oswald's guilt, doubts raised throughout Europe escalated with Oswald's murder into almost absolute rejection of the prosecution case.

The Justice Department then announced that the case was not closed. Wade called a press conference to "reopen" the case. In a radio and television statement, publicized throughout the world, Wade presented, "the evidence, piece by piece, for you."

Wade is not new to the ways of law enforcement and prosecution. He has held the post of district attorney in Dallas 13 years. He has a staff of 80, and an



LEE HARVEY OSWALD AND THE DALLAS POLICE
He was questioned, without counsel, for 48 hours

annual budget of almost \$500,000. For more than four years he was an FBI agent before becoming district attorney.

He boasts of obtaining the death sentence in 23 of the 24 capital cases he has prosecuted. It can be assumed that the Oswald case was by far the most important matter that he ever handled, and that his appearance on Sunday to present the evidence was the high point of his career. This was an appearance for which he had abundantly prepared himself.

In that light, we now examine the "airtight case," the "absolute confirmation of Oswald's guilt." Wade presented 15 assertions, some mere conclusions, some with a source not revealed, some documented.

Here are the 15 assertions:

- 1—A number of witnesses saw Oswald at the window of the sixth floor of the Texas School Book Depository.
- 2—Oswald's palm print appeared on the rifle.
- 3—Oswald's palm print appeared on a cardboard box found at the window.
- 4—Paraffin tests on both hands showed that Oswald had fired a gun recently.
- 5—The rifle, an Italian carbine, had been purchased by Oswald, through the mail, under an assumed name.
- 6—Oswald had in his possession an identification card with the name Hidell.
- 7—Oswald was seen in the building by a police officer just after the President had been shot.
- 8—Oswald's wife said that his rifle was missing Friday morning.
- 9—Oswald had a package under his arm Friday.
- 10—Oswald, while taking a bus from the scene, laughed loudly as he told a woman passenger that the President had been shot.
- 11—A taxi driver, Darryl Click, took Oswald home, where he changed his clothes.

- 12—Oswald shot and killed a police officer.
 13—A witness saw Oswald enter the Texas theater.
 14—Oswald drew a pistol and attempted to kill the arresting officer.
 15—A map was found in Oswald's possession showing the scene of the assassination and the bullet's proposed trajectory.

Perused lightly, the list seems impressive. But in capital cases evidence is not perused lightly. It is subject to probing cross-examination, study and analysis. The most effective tool available to any defendant, cross-examination, is not available in this case. We rely instead solely upon press reports of statements made, not by witnesses for the defense, not by the defendant, but by the district attorney, police officers or FBI agents. With this oppressive restriction in mind, we move on to an analysis of the evidence.

Point One

A number of witnesses saw Oswald at the window of the sixth floor of the Texas School Book Depository.

SINCE IT IS ALLEGED that Oswald fired through that window, that assertion is important. Wade was unequivocal, stating, "First, there was a number of witnesses that saw the person with the gun on the sixth floor of the bookstore building, in the window—detailing the window—where he was looking out." Subsequently, it developed that the "number of witnesses" was in reality one witness, who was quoted as follows: "I can't identify him, but if I see a man who looks like him, I'll point him out." (Newsweek—Dec. 9) Such "identification" is at best speculative and would not be permitted in that form at trial.

Point Two

Oswald's palm print appeared on the rifle.

A PALM PRINT, unlike a fingerprint, is not always uniquely identifiable. Nevertheless, palm prints possibly belonging to the suspect and present on a murder weapon must be considered important evidence. If the rifle did belong to Oswald, the presence of palm prints here might be normal and need not lead to the inevitable conclusion that Oswald fired the fatal shots. However, speculation in this area is not now required to rebut Wade's second point. The FBI now states that "no palm prints were found on the rifle."

This conclusion, first carried in the Fort Worth press, was later leaked to reporters by the FBI in off-the-record briefing sessions. The FBI at that time took the position that "we don't have to worry about prints in this case." The FBI indicated anger with Wade for stating that a palm print was present when in fact it was not.

Point Three

Oswald's palm print appeared on a cardboard box found at the window.

WADE STATED, "On this box that the defendant was sitting on, his palm print was found and was identified as his." Inasmuch as a palm print is not always uniquely identifiable, depending on the number of characteristics that are readable, the palm print very likely was not definitely "identified as his."

It had been alleged earlier that the defendant ate greasy, fried chicken at the window. The presence of a palm print indicates that he wore no gloves and took no precautions to prevent a trail of fingerprints and palm prints. Nevertheless, no prints of the defendant were found on the floors, walls, window ledge, window frame or window. Only a movable cardboard carton, subsequently present at the police station while the defendant was also there, is now alleged to have his print.

An over-zealous investigatory staff might arrange to secure such a print after the fact. Certainly the handling of this case by the Dallas authorities was marred by over-zealous desire to convict the defendant. A dis-

trict attorney who states falsely that a palm print is present on the murder weapon might make a similar statement in reference to a cardboard carton.

Point Four

Paraffin tests on both hands showed that Oswald had fired a gun recently.

PARAFFIN IS APPLIED to that portion of the human body which might come in close contact with the gas (released by a weapon's firing) containing solid particles of burned nitrates in suspension. To determine whether a pistol (i.e., a gun) has been fired, tests are made of both hands. To determine whether a rifle has been fired, tests are made of both hands and the area on both sides of the face near the cheekbone, the cheek remaining in immediate contact with a rifle when the trigger is pulled.

In the service, as any veteran, including Wade, well knows, a rifle is always referred to as a rifle. It is never, under fear of company punishment, called a gun (pistol). At Wade's press conference, this dialogue took place:

Reporter: What about the paraffin tests?

Wade: Yes, I've got paraffin tests that showed he



DALLAS DISTRICT ATTORNEY HENRY WADE

He presents the 'evidence'—to the press

had recently fired a gun—it was on both hands.

Wade: Both hands.

Reporter: Recently fired a rifle?

Wade: A gun.

Wade: A gun.

Wade's answers, while truthful, were a study in understatement. The district attorney neglected to state the additional facts that tests had been conducted on Oswald's face and that the tests revealed that there were no traces of gunpowder on Oswald's face (Washington Star, Nov. 24). One fact emerges here with clarity. The paraffin test did not prove Oswald fired a rifle recently. The test tended to prove Oswald had not fired a rifle recently. This fact alone raises that reasonable doubt that a jury might utilize in finding the defendant not guilty.

Point Five

The rifle, an Italian carbine, had been purchased by Oswald through the mail and under an assumed name.

WADE SAID, "It (the rifle), as I think you know, has been identified as having been purchased last March by Oswald, from a mail-order house, through an assumed name named Hidell, mailed to a post office box here in Dallas." Wade said this was the weapon that killed the President.

Wade had made a very different statement in reference to the murder weapon just a short while before.

Just after the arrest of Oswald, Dallas law enforcement officials announced that they had found the murder weapon. Wade and his associates studied the rifle. It was shown to the television audience repeatedly as some enforcement official carried it high in the air, with his bare hands on the rifle. After hours of

examination Wade said without hesitation, that "the murder weapon was a German Mauser."

The next day it was reported that FBI files showed that Oswald purchased an Italian carbine through the mail. It was sent to a post-office box maintained by Oswald in his own name and also A. Hidell. (Clearly no serious effort to escape detection as the purchaser of the rifle was made by Oswald, if he did purchase it.)

Armed with the knowledge that Oswald could be connected with an Italian carbine (it then not being known that the Italian rifle in question might not be able to fire three times in five seconds), Wade made a new announcement. The murder weapon was not a German Mauser, it was an Italian carbine. This prosecution reversal established a high point in vulnerability for the trial—the trial that was never to take place.

Point Six

Oswald had in his possession an identification card with the name Hidell.

WADE SAID, "On his (Oswald's) person was a pocketbook. In his pocketbook was an identification card with the same name (Hidell) as the post-office box on it."

Almost immediately after Oswald was arrested the police asserted that he was guilty of assassination, was a Communist, was the head of the New Orleans Fair Play for Cuba Committee, and had used an alias, "Lee," the name under which he had rented his \$8-a-week room. The following day, after the FBI had revealed that Oswald had purchased a rifle under the assumed name Hidell, the Dallas DA announced for the first time that Oswald had carried an identification card under the assumed name Hidell on his person when he was arrested the previous day.

One wonders why the police and the DA, in announcing Oswald's political background, failed to mention another alias readily available to them. Clearly, the suspect was immediately searched when arrested. Clearly, an identification card made out to another person fitting Oswald's description exactly was proof of another assumed name. Why did the Dallas authorities publicly "discover" the ID card for Hidell after the FBI said that Oswald purchased a rifle under the name Hidell?

Point Seven

Oswald was seen in the building by a police officer just after the President had been shot.

WADE SAID, "A police officer, immediately after the assassination, ran in the building and saw this man in a corner and tried to arrest him; but the manager of the building said he was an employe and it was all right. Every other employe was located but this defendant of the company. A description and name of him went out by police to look for him." (At this point it might be in order to state that all of the Wade quotations are reproduced unedited, and in their entirety. The text of the Wade remarks appeared in the New York Times, Nov. 26.)

Unexplained by Wade is why the officer was going to arrest Oswald, who was sipping a soft drink in the lunchroom along with others. If the officer had reason to single out Oswald for arrest for the assassination at that time, it seems unlikely that the mere statement that Oswald was an employe might result in immunity from arrest.

Wade does explain, however, how the almost immediate description of Oswald was radioed to the police and to the citizens of Dallas. The explanation: "Every other employe was located but this defendant of the company." The New York Times (Nov. 23) reported: "About 90 persons were employed in the Texas School Book Depository and most of them were out watching the President's motorcade when the shots were fired." Police Chief Curry, who was riding in a car just 40 feet ahead of the limousine carrying the President, said he could tell from the sound of the three shots that they had come from the book company's building. Moments after the shots were fired, Curry said, he radioed instructions that the building be surrounded and searched

(New York Times, Nov. 24). The deployment of 500 officers from his 1,100-man force made fast action possible in the manhunt, he said.

The scene painted for us by Wade and Curry finds officers immediately rushing to the building to seal it off and search it. This is the building from which the fatal shots allegedly were fired.

In these circumstances, is it likely that Oswald was permitted to leave the premises after the police had arrived? Is it likely that Oswald, after killing the President, and deciding to leave the premises, decided first to stop off for a soda, and had then—only after the building was surrounded, sealed off and the search begun—made an effort to leave? Is it likely that each of the almost 90 employes, most of whom were outside of the building, engulfed in the panic and confusion attendant upon the assassination, could easily and quickly return to his place of employment through the police line, while still on his lunch hour, so that "every other employe was located but this defendant" and the description of the one missing employe radioed at once?

Point Eight

Oswald's wife said that the rifle was missing Friday morning.

WADE SAID. "The wife had said he had the gun the night before, and it was missing that morning after he left." All indications are from statements made by other law officials and from FBI private briefings that Mrs. Oswald had never been quoted as saying anything remotely similar to Wade's assertion.

Mrs. Oswald was alleged to have said, at the very most, that she saw something in a blanket that could have been a rifle. However, it soon became plain that the Secret Service "leak" was itself absolutely inaccurate. Later we discovered that Mrs. Oswald stated that she never knew that her husband owned a rifle nor did she know he owned a pistol (New York Times, Dec. 8).

Perhaps Wade and the Secret Service felt confident that, just as Oswald never got the opportunity to tell his side of the story, Mrs. Oswald might also have difficulty in being heard. Immediately after the assassination Marina Oswald, Oswald's wife, was incarcerated by the Secret Service. "The widow and relatives of Lee Harvey Oswald are being sequestered here (Dallas) by the Secret Service. A spokesman for the Secret Service said the family was being kept in a secret place for its own protection . . . A Secret Service spokesman said he did not know when they would be released." (New York Times, Nov. 27.)

Inasmuch as there will be no trial, Marina Oswald clearly is not being held as a material witness. Since the federal government has no jurisdiction in any event, there seems to be no legal basis for her incarceration. Lee Oswald's mother, jeopardized by the existing hysteria as much as his widow, after being released from Secret Service "protective custody," requested that a guard be stationed at the door of her home. The Secret Service rejected that request, stating that she was not in danger. One wonders then why Marina Oswald, widely and inaccurately quoted by the Secret Service and FBI, has remained in custody and practically incommunicado as well. The same issue of the New York Times that correctly stated Marina Oswald's view of the rifle said, "Mrs. Oswald has been moved from the motel where she was taken with Mrs. Marguerite Oswald, her brother-in-law and his wife, after her husband was killed. She is now excluded from Oswald's relatives as well as from the public." Several days after the "protective custody" began a reporter sought an interview with Marina Oswald. She indicated a desire to meet the reporter. The FBI then intervened and prevented the interview.

It would seem that the Secret Service move was dictated by a desire to prevent any truthful leaks from Mrs. Oswald's family or friends or through the press in reference to her views. At about the same time more Secret Service and FBI "leaks" regarding Marina Oswald's recollection of her late husband's "attempt to shoot Gen. Walker with the same assassination rifle" flooded the front pages of every daily in America. Marina Oswald's assertion that she never even knew



A SAMPLE HEADLINE—THIS ONE IN THE N.Y. HERALD TRIBUNE NOV. 24
The question mark hardly erases the sensationalism of treatment

"All the News
That's Fit to Print"

The New York Times.

LATE CITY EDITION

A. A. Brown Street News Room 40 Avenue
Crosby and East 42nd Street, New York
Telephone: GRAM 4-6300, WILSON 4-6300
Times Bldg. 40-42nd Street, New York

VOL. CXXI, No. 54,841

NEW YORK, MONDAY, NOVEMBER 25, 1963

TEN CENTS

PRESIDENT'S ASSASSIN SHOT TO DEATH IN JAIL CORRIDOR BY A DALLAS CITIZEN; GRIEVING THROUGHS VIEW KENNEDY BIER

A SWIFT VERDICT OF GUILTY — N.Y. TIMES HEADLINE NOV. 25
The Times later 'regretted' its failure to qualify the word assassin

that her husband owned a rifle, buried in the 14th paragraph of a story appearing on page 63 of the New York Times, is a total repudiation of that fabrication.

It may be said that when Marina Oswald is released from "protective custody" she will be able to discuss the truth of the statements attributed to her by the FBI, the Secret Service and Wade. The Secret Service has "suggested to her (Marina Oswald) that it might be safer and easier for her to return to the Soviet Union than to try to live in the United States (Times, Dec. 8)." Perhaps the Secret Service intended to indicate that it would be safer and easier for the Secret Service, the FBI and Wade and the case against Oswald if Mrs. Oswald quietly left the country.

Meanwhile, back to Wade's "clinched case." Even if Mrs. Oswald did state that her husband owned a rifle and that it was missing Friday morning, such "evidence" would not be admissible under the laws of Texas. The Dallas law enforcement officials, nevertheless, released that "evidence" to the public and, therefore, to all potential jurors in Dallas, while Oswald was alive and facing the possibility of trial. Such conduct did violence both to the spirit and letter of law and ethics and to the rights of the defendant.

In view of Marina Oswald's lack of knowledge regarding the rifle, and in view of the statement made by Mrs. Paine, at whose home the rifle was alleged to have been stored, one questions whether Oswald ever actually possessed the rifle. "Mrs. Paine, a Quaker, said she had no idea what was in the blanket. She said that because of her personal beliefs she would not allow a weapon of any sort in her home." (New York World Telegram and Sun, Nov. 25).

Point Nine

Oswald had a package under his arm Friday.

THE PROSECUTOR said, "This day he went home one day earlier on Thursday night, and came back to—with this fellow—and when he came back he had a package under his arm that he said was window curtains, I believe, or window shades."

If Oswald were alive, we would proceed to ask him whether he carried a package to work Friday morning, and if so, what was in the package and what happened to the contents. If Mrs. Oswald were not locked up in a secret location we might ask her about the package. Wade has not indicated what evidence regarding the package led him to the conclusion that he offered (that it contained the murder weapon).

Point Ten

Oswald, while taking a bus from the scene, laughed loudly as he told a woman passenger that the President had been shot.

WADE SAID, "The next we hear of him is on a bus where he got on at Lamar Street, told the bus driver the President had been shot, the President. (He) told the lady—all this was verified by statements—told the lady on the bus that the President had been shot. He said, 'How did he know?' He said a man back there told him. The defendant said, 'Yes, he's been shot' and laughed very loud."

Wade, in telling his story, made no attempt to explain how Oswald escaped from the building sealed off by scores of Dallas police. We leave that mystery to enter a new one. Why did Oswald, fleeing the scene of a murder, joke publicly about the murder? Why did he "laugh very loud"? Such behavior is hardly consistent with 48 hours of consistent denial of guilt when in custody of the Dallas authorities. The laughter on the bus story seemed so unlikely that the FBI, in off-the-record briefing sessions for the press, conceded that it was untrue. In considering that the bus laughter story is false, we consider also the statement by Wade in the telling of that story, "... all this was verified by statements."

Point Eleven

A taxi driver Darryl Click, took Oswald home, where he changed his clothes.

WADE SAID, "He then—the bus, he asked the bus driver to stop, got off at a stop, caught a taxicab driver, Darryl Click—I don't have his exact place—and

went to his home in Oak C changed his clothes hurriedly and left."

On Nov. 27, it was conceded that "Darryl Click" did not drive a taxicab in which Oswald was a passenger. When "Darryl Click" disappeared from the case, "William Whaley" appeared as the man who drove Oswald, not home, but at least in that general direction.

Oswald, it is alleged, fired the shots that killed Kennedy from the sixth floor of the building. Oswald, it is alleged, then walked down four flights of stairs, purchased a soft drink and was sipping it while a police officer approached him on the second floor.

Oswald, it is alleged, later left the building, slipping through the police cordon and proceeded through the panicked street crowds until he found a bus. Oswald, it is alleged, then boarded the bus, paid his fare, got a transfer (that he never used) and spoke to the driver about the assassination.

The driver referred a woman to Oswald, it is alleged, and Oswald spoke with her about the shooting. Oswald, it is alleged, eventually left the bus after riding about six blocks and was walking "from Commerce Street" when the taxicab driver, now named "William Whaley" saw him. Oswald, it is alleged, hailed the taxi, and entered it. "William Whaley's" log shows that Oswald entered the taxi, after having completed this entire trip, at exactly 12:30 p.m. The shots that killed Kennedy were fired at 12:31 p.m.

Point Twelve

Oswald shot and killed a police officer.

WADE SAID. "He walked up to the car. Officer Tippit stepped out of the car and started around it. He shot him three times and killed him."

This allegation isn't directly related to the murder of the President but it raised interesting points.

The Dallas authorities first said Tippit was shot in a movie theater. Later, it was reported that he was shot on one street and, still later, on another street. The first charge against Oswald was not for the murder of the President but for the murder of Tippit. That charge was made while the investigation of the Kennedy shooting was still going on. Wade announced that the Tippit case was absolutely set and that all the evidence proved Oswald shot the officer.

In view of the certainty of the prosecutor as to a case that had been entirely locked up two days before, the following dialogue (at the press conference) is rather curious.

Reporter. Was this (where Oswald shot Tippit) in front of the boarding house?

Wade: No, it's not in front of the boarding house.

Reporter: Where was it?

Wade: I don't have it exact.

Point Thirteen

A witness saw Oswald enter the Texas Theater.

WADE SAID. "Someone saw him go in the Texas Theater."

There has been little conflict about that assertion. The first statement by Dallas authorities indicated that the theater cashier was so suspicious when she saw Oswald change from seat to seat nervously that she telephoned the police.

It soon became obvious that a cashier at a post outside of the theater might have difficulty watching the customers once they entered. So the authorities then indicated that an usher saw Oswald changing seats. The last version has a person outside the theater noticing Oswald's suspicious action, following him into the theater, sealing off the doors with the assistance of the usher, and then notifying the police through a telephone call made by the cashier.

Some questions peripheral to the arrest in the theater persist. What did Oswald do before entering the theater to attract attention? In what manner were his actions "suspicious?" We have been told by the newly emerging firearm-psychologist experts that although Oswald was not particularly talented with a rifle, his "psychotic condition" may have given him "nerveless coordination" so that he might fire accurately.

Evidently that "nerveless coordination" was not present outside the theater, although it could have appeared

to Oswald that he had committed the perfect crime, had escaped the police at the Texas Book Depository and was now far removed from the scene. Frantic actions by Oswald, so obvious as to attract the attention of a passerby, in these circumstances, also seem inconsistent with Oswald's reported demeanor moments after the President had been shot. At this time a policeman charged up the stairs of the book depository, pointed a gun at him and sought to arrest him for shooting the President.

Oswald's employer described Oswald's condition at that time as "cool as a cucumber—although he seemed a little bothered by the gun." (Washington Post, Dec. 1)

Point Fourteen

Oswald drew a pistol and attempted to kill the arresting officer. The firing pin struck and marked the bullet but it did not explode.

WADE SAID. "He (Oswald) struck at the officer, put the gun against his head and snapped it, but did not—the bullet did not—go off. We have the snapped bullet there. Officers apprehended him at that time . . . It misfired being on the—the shell didn't explode. We have where it hit it, but it didn't explode."

Wade was attempting to indicate that when Oswald was arrested in the theater he tried to shoot the arresting officer and did in fact pull the trigger of the pistol. There can be no question that the trigger was pulled since Wade assured us, in his fashion, that the firing pin struck the bullet and marked the bullet. He further assured us his office has the "snapped bullet" in its possession. The arresting officer, however, policeman MacDonald, told the story differently: "I got my hand on the butt of his gun," said MacDonald. "I could feel Oswald's hand on the trigger. I jerked my hand and was able to slow down the trigger movement. He didn't have enough force to fire it." (Washington Post, Dec. 1.)

Confronted with a resume of that report, Wade quickly adjusted to it:

Reporter: There was one officer who said that he pulled the trigger, but he managed to put his thumb in the part before the firing pin. It didn't strike the—the bullet didn't explode. Is that . . . ?

Wade: I don't know whether it's that or not. I know he didn't snap the gun is all I know about it. (New York Times, Nov. 26.)

We leave this incident bearing in mind one remarkable fact. Physical evidence, introduced by Wade—a bullet marked by a firing pin in an attempt to kill a police officer—now was repudiated by the officer who was an eyewitness and by Wade himself.

Point Fifteen

A map was found in Oswald's possession showing the scene of the assassination and the bullet's trajectory.

Oswald the Man, Dallas Cops Sure

By HENRY MACHIRELLA

THE DALLAS COPS CERTAINLY MADE THE NEWS
This appeared in the N.Y. News, Nov. 24

THE DAY AFTER Wade's historic press conference, and three days after the Oswald arrest, a new discovery was made.

"Today Mr. Wade announced that authorities had also found a marked map, showing the course of the President's motorcade, in Oswald's rented room. It was a map tracing the location of the parade route," the district attorney said, "and this place [the Texas School Book Depository, a warehouse from which the fatal shots were fired] was marked with a straight line." Mr. Wade said Oswald had marked the map at two other places, "apparently places which he considered a possibility for an assassination." (New York Times, Nov. 25.)

A document written by the defendant showing his intention to commit a crime is important evidence. It seems incredible, were such a map in the hands of the Dallas authorities on the previous day when Wade presented the evidence, "piece by piece," that he would have neglected to mention it.

Oswald was arrested three days prior to the map announcement. On the day of his arrest police removed all of his belongings from his room, telling the landlady that Oswald "would not return." One wonders where the map came from three days later. The same newspapers that hailed the discovery of the map Nov. 25, without a single question as to its legitimacy, origin, or previous whereabouts, totally ignored or buried the last comment regarding this important document. "Dallas officials yesterday denied that such a map exists." (Washington Post, Nov. 27.)

The people vs. Oswald

WHEN A CRIMINAL CASE is brought in federal court against an individual, it is entitled, "The People of the United States against" the named defendant. No federal charge was lodged against Oswald;

however, in the most significant sense the case became the entire country's and its institutions against one man. Very likely no prospective defendant in the history of civilization has been tried and condemned through the utilization of the media as thoroughly as was Oswald.

The American Civil Liberties Union commented on Dec. 6:

"It is our opinion that Lee Harvey Oswald, had he lived, would have been deprived of all opportunity to receive a fair trial by the conduct of the police and prosecuting officials in Dallas, under pressure from the public and the news media.

"From the moment of his arrest until his murder two days later, Oswald was tried and convicted many times over in the newspapers, on the radio, and over television by the public statements of the Dallas law enforcement officials. Time and again high-ranking police and prosecution officials state their complete satisfaction that Oswald was the assassin. As their investigation uncovered one piece of evidence after another, the results were broadcast to the public.

"... Oswald's trial would ... have been nothing but a hollow formality."

In a section headed "Police Responsibility for Oswald's killing" the ACLU stated that the concessions to the media "resulted in Oswald being deprived not only of his day in court, but of his life as well."

On Dec. 4 the chancellor-elect of the Philadelphia Bar Association stated that Lee Oswald had been "lynched" and that this was an "indictment" of the legal profession for its failure to protect Oswald (New York Times, Dec. 5). These two comments, made after the death of Oswald and buried by the news media under the avalanche of news attacks against Oswald (including the FBI leaks of other crimes alleged to have been committed by him), constitute to date almost the only indication of sanity in the country.

After Oswald's death, the FBI acted to prevent certain information from reaching the public. "Most private citizens who had cooperated with newsmen reporting the crime have refused to give further help after being interviewed by agents of the Federal Bureau of Investigation." (New York Times, Dec. 6). The FBI acted, not to protect the rights of a defendant, but, after he was murdered, to protect the inconsistent evidence from further scrutiny. Mrs. Oswald, still in Secret Service custody, hidden in an unknown location, was quoted on the front pages of papers throughout the country Dec. 6 and 7 as implicating Oswald in another crime. Such a quotation could have come only from a Secret Service or FBI leak. No one else had access to her. And so the insanity accelerates until the few remaining vestiges of doubt as to Oswald's guilt are obliterated from the American scene.

However, let it not be said that the lawyers are not aroused by an attorney's giving statements to the public in relation to a pending case. "A Dallas Bar Association grievance committee met three hours last night on charges that Tom Howard, attorney for Jack Ruby, had violated legal ethics by discussing Ruby's case with the press ... No charges had been placed against District Attorney Henry Wade." (New York Post, Dec. 6)

When an entire society moves in for the kill, logic is a weapon of doubtful value. Were logic to prevail, a number of questions might be raised for rational deliberation. For example, one might inquire why the FBI, having questioned Oswald just a week before the assassination and having discovered that he worked in a building directly on the President's line of march, and knowing that Oswald had purchased a rifle, did not watch him on the day of assassination. Certainly, a small portion of the millions of dollars bestowed upon the FBI each year and utilized for following persons of unorthodox political views and tapping their telephones might have been made available under these circumstances, as part of what the FBI and Secret Service referred to as the "greatest security provisions ever taken to protect an American President."

The question of motive

WHETHER THE DALLAS POLICE through complicity or complacency permitted the murder of the defendant by a police department friend after two warnings through the FBI that such an attempt would be made should be a matter for press discussion. Whether or not the FBI showed Mrs. Oswald, the defendant's mother, a picture of Ruby before Ruby murdered Oswald would ordinarily demand media debate.

There are two matters not even commented upon by the press to date—Oswald's motive and Oswald's plan for escape. Oswald seemed to respect President Kennedy. If Oswald were a leftist, pro-Soviet and pro-Cuban, did he not know that during the last year, with the assistance of President Kennedy, a better relationship was in the process of developing between the U.S. and the Soviet Union? Even the relations between the U.S. and Cuba, while still extremely unfriendly, have progressed past the stage of military intervention. Fidel Castro himself stated, just before the President's death, "He (Kennedy) has the possibility of becoming the greatest President of the United States . . . He has

come to understand many things over the last few months . . . I'm convinced that anyone else would be worse." (New York Times, Dec. 11)

The press made much of the fact that Oswald had been seen with a copy of the Worker, a Communist publication, and that he had received at least two letters from the Communist Party. A New York newspaper referred to him editorially as a "Communist murderer." Did Oswald know that the U.S. Communist Party supported Kennedy when he ran for the presidency in 1960 and that within the last six months Gus Hall urged the Communist Party, which he leads, to endorse and support Kennedy again?

Why should Oswald wish to assassinate the President; and after firing at the President, how did he plan to escape? Did he wish to flee from the building? If so, why did he remain in the lunchroom sipping a soda? Was he in a hurry? If so, why did he take a ride on a bus? It was a very warm day in Dallas. Mrs. Kennedy, sweltering in the open moving car, later said that she was looking forward to the cool relief of riding through the underpass just ahead. Why then, did Oswald, seeking to escape the police, go home to pick up his jacket? If he was planning to leave the city, why did he then go to a movie just as the city-wide search was gaining intensity?

These are genuine areas for speculation by the press now that the defendant is dead. These are, nevertheless almost the only areas left unexamined by the media.

Perhaps some day, when America is ready for the sunlight of reason to penetrate the national mind, now frozen to a false and unfair conclusion, this article and others far more comprehensive may be read.

An affirmative case

UNDER OUR SYSTEM of justice a defendant need not prove he is innocent. It is the obligation of the prosecutor to attempt to prove the defendant guilty beyond a reasonable doubt. Should the prosecutor fail to sustain that burden, the defendant must be declared not guilty.

In the case of Oswald, hysteria and intolerance have so swept our country that the protections guaranteed by our Constitution and by our traditions have failed to operate. Since irrationality is the implacable foe of justice and due process, we are compelled to depart from ordinary legal procedure. At this point we shall submit an affirmative case. We shall attempt to present facts that tend to prove that Oswald did not shoot President Kennedy.

A denial by a defendant that he committed a crime when supported by testimony as to his good character is sufficient in and of itself to cause a reasonable doubt which, even in the face of evidence to the contrary, may result in acquittal.

Oswald denied he shot anyone. He stated that the charges against him were "ridiculous." He persisted in his denial despite the fact that he was questioned for 48 hours without the benefit of counsel.

Denial of counsel, when coupled with extensive questioning, is improper and contrary to long-established principles of law. This principle was developed out of

revulsion against the ancient trial by ordeal or trial by fire which forced a person accused of a crime to cooperate in the prosecution of his own case. Great constitutional protections, including the Fifth Amendment to the U.S. Constitution, were developed. It was found that not only would guilty persons confess when sufficient pressure was placed against them, but innocent persons also were likely to succumb.

Great pressure was placed against Oswald. He stood all alone condemned as the slayer of a popular leader. "Oswald was pummeled by the arresting officers until his face was puffed and battered. 'Kill the President will you?' one officer shouted in a choked voice." (Washington Post, Dec. 1.)

In addition "Oswald received a black eye and a cut on his forehead." (New York Times, Nov. 24.)

When a reporter asked Oswald in a televised interview how he received the bruises and cuts on his face, he answered calmly, "A policeman hit me."

For 48 hours, Oswald was denied the elementary right to counsel of his choice. The Dallas police falsely told the attorneys for the ACLU that Oswald "did not want counsel." Despite physical abuse and absolute isolation, Oswald continued to state that he was innocent. Each previous assassin of an American president immediately and boastfully declared that the act was his.

Character witness

The press has been glutted with attacks upon Oswald since his death, with each informant issuing self-serving declarations as to his own ability to detect incipient mental problems or character weaknesses, when Oswald was much younger.

A former probation officer in New York City permitted an interview which violated principles of a privileged and protected relationship between himself and a young boy. A justice of the Family Court released records to the FBI, and the information was carried in the press.

Nevertheless, those who knew Oswald a little better had some rather kind things to say about him. At a trial, their testimony could have been decisive. The associate pastor of First Unitarian Church, Dallas, Rev. Byrd Helligas, described Lee Oswald as "erudite." "He had a good vocabulary. No dangling participles or split infinitives. In the dictionary definition of the word 'intellectual' he was an intellectual." Helligas added that he sensed "no frustration through erudition. He was calm." (Washington Post, Dec. 1.)

Samuel Ballen, described in the press as a "Republican petroleum economist in Dallas," said he found Lee Oswald to be "an independent, thinking, inquiring young man . . . He was a rather frail person physically. At least to me, he was the kind of person I could like. I kind of took a liking to him, I wanted to help him a little bit. . . . He had a kind of Ghandi, far-off look about him." (Washington Post, Dec. 1.)

Roy Truly, the director of the depository where Oswald was employed, said of Oswald, "He seemed just a normal, quiet young fellow."

Mrs. Paine, with whom his wife and children lived and where he stayed on weekends, said, "Marina (Lee Oswald's wife) felt very favorably toward the President and his family. Most of what she learned of American news was provided by Lee, who translated from newspapers and news magazines. Marina said he never transferred any negative feelings toward President Kennedy." (Washington Post, Nov. 28.)

Mrs. Paine also stated that, "As far as I know Oswald had never been critical of Kennedy. He had been critical of General [Edwin] Walker, but I never heard him say anything against the President. In fact, it was my impression that he respected him." (New York World Telegram and Sun, Nov. 25.)

In 1959, Oswald was interviewed by Priscilla Johnson, an American correspondent while in Moscow. She reported, "I found him rather likeable. He was quiet and didn't have a vehement manner. He was so very young. He was someone you would try to help."

Mrs. Luella Merrett, principal of West Ridglea Elementary School which Oswald attended, said, "If he had problems, we did not recognize them . . . He was interested in things."

Were the case to be tried, persons ordinarily selected as character witnesses would include his employer, a minister, his landlady, a respected businessman, a correspondent who knew him abroad, the Quaker family with whom his wife resided and his school teachers. Judging by the initial response, one could conclude that character testimony for Lee Oswald would be compelling.

Time, place and Oswald

IN ADDITION to consistent denial of guilt by the defendant and statements of character witnesses that seem to indicate a person different from the disturbed, hostile character usually associated with the particular crime, a defendant may offer testimony indicating that he was somewhere other than at the scene of the crime when it was committed. We, of course, can't get such information from this defendant.

However, a valid defense could result in showing that even if the defendant were at the scene he could not have committed the crime. Such a defense is available. If Oswald was on the sixth floor of the book depository armed with the alleged murder weapon, a 6.5mm Italian

carbine, he could not have fired three shots that struck President Kennedy and Gov. Connally.

The official homicide report filed by the Dallas Police Department, attested to by two police officers, states under the section "Place of Occurrence": "Elm Street (approximately 150 feet west of Houston)." The report also states under the section "Pronounced dead by Physician," the name "Dr. Kemp Clark, 1 p.m., Parkland Hospital."

A motion picture taken of the President just before, during and after the shooting, and demonstrated on television showed that the President was looking directly ahead when the first shot, which entered his throat, was fired. A series of still pictures taken from the motion picture and published in Life magazine on Nov. 29 show exactly the same situation. The Life pictures also reveal that the car carrying the President was well past the turn from Houston St. and a considerable distance past the depository building. The Life estimate in an accompanying caption states that the car with the President was 75 yards past the sixth-floor window when the first shot was fired.

The New York Times (Nov. 27) reported: "Dr. Kemp Clark, who pronounced Mr. Kennedy dead, said one [bullet] struck him at about the necktie knot. It ranged downward in his chest and did not exit," the surgeon said. The second he called a 'tangential wound', caused by a bullet that struck the 'right back of his head'."

The New York Herald Tribune (Nov. 27) said: "On the basis of accumulated data, investigators have concluded that the first shot, fired as the Presidential car was approaching, struck the President in the neck just above the knot of his necktie, then ranged downward into his body."

Surgeons who attended the President at the Parkland Memorial Hospital described the throat wound as "an entrance wound." (St. Louis Post-Dispatch, Dec. 1.) "They said it was in the center of the front, just below the Adam's apple, at about the necktie knot." (Ibid.) Dr. Malcolm Perry began to cut an air passage in the President's throat in an effort to restore an air passage and start his breathing. The incision was made through the bullet wound, since it was in the normal place for the operation. "Dr. Perry described the bullet hole as an entrance wound." (Ibid.) Dr. Robert N. McClelland, one of three surgeons who participated in the operation, said "It certainly did look like an entrance wound." (Ibid.) Dr. McClelland said he saw bullet wounds every day, "sometimes several a day. This did appear to be an entrance wound." (Ibid.)

On Nov. 27, the Secret Service re-enacted the assassination of the President. "The purpose was 'to test whether it could be done the way we believe it was done' an official source said." (New York Times, Nov. 28.) The consensus was "that the shooting began after the President's car had made the turn from Houston Street into Elm Street." (New York Times, Nov. 28.)

In an interview broadcast from Dallas Nov. 27, Gov. Connally told Martin Agronsky that the shooting began after the car had turned the corner. (New York Times, Nov. 28.)

If the throat wound resulted from a shot fired from the book depository the President would have had to turn around with his throat facing almost directly to the rear. Dr. McClelland stated that the doctors postulated that "he (the President) would have had to be looking almost completely to the rear." (St. Louis Post-Dispatch, Dec. 1.) The Washington correspondent for the Post-Dispatch stated that, "The motion pictures, however, showed the President looking forward." (Dec. 1.) "Mrs. John Connally, the wife of the Texas Governor, has said that she had just told Mr. Kennedy, 'You can't say Dallas isn't friendly to you today.' Presumably he was about to reply when he was hit." (Ibid.) Mrs. Connally was seated in front of the President.

Relying, therefore, upon the Holmes Report filed with the Dallas Police by two officers who were eye-witnesses, the motion pictures taken of the shooting, still shots taken from the motion pictures, the statement of Gov. Connally, the consensus of those who re-enacted the scene under supervision of the Secret Service, and the report of the attending physicians, we may conclude that the shot was fired while the back of the President was to the sixth-floor window and many yards removed from that window and that the bullet entered the front of the President's throat.

If Oswald was at the sixth-floor window, as alleged, when the President was shot it would have been physically impossible for him to have fired the first shot that struck the President. In the words of Richard Dudman, the correspondent for the Post-Dispatch (Dec. 1), "The question that suggests itself is: How could the President have been shot in the front from the back?"

The gun and the experts

THE QUESTION now arises as to whether any one man, even a skilled expert, could have fired the three shots within a period of five seconds. An Olympic rifle champion, Hubert Hammerer, said he doubted it

could be done with the weapon allegedly used. The Dallas-sheriff, Bill Decker, said he believed three shots "could be fired in less than 20 seconds." (Washington Post, Nov. 27.) The FBI and the witnesses agree the elapsed period was five seconds, possibly five and one-half seconds.

Life magazine (Dec. 6) hired a skilled marksman, the director of the National Rifle Association, to fire a similar rifle. The best he could do was "three hits in 6.2 seconds." The New York Times, Nov. 23 reported: "As marines go, Lee Harvey Oswald was not highly regarded as a rifleman."

Debate will continue whether the rifle in question was capable, in the hands of an expert, of the performance the prosecution insists it gave. All agree, however, that such a remarkable display of shooting would be

New York Post WEDNESDAY
NEW YORK, SUNDAY, NOVEMBER 24, 1963 10 CENTS
WEEKEND EDITION

ASSASSIN NAMED

A PRESUMPTION OF GUILT IN THE PUBLIC PRESS
The way the N.Y. Post expressed it Nov. 24

beyond the ability of any person less qualified. To maintain the ability to fire a rifle accurately, one must practice continually. Oswald's wife and the Paine family, all of whom lived in the house where the rifle was allegedly stored, did not even know Oswald owned a rifle. This would seem to indicate an extremely limited usage of the rifle at the very most. Oswald did not have the requisite skill to fire three accurate shots within 5½ seconds at a moving target.

Other uncertainties

IF OSWALD WAS WHERE the FBI and the Dallas District Attorney said he was when the shots were fired and if the President was assassinated by one person as charged—Lee Harvey Oswald is demonstrably not guilty. Oswald was in the wrong place and did not have sufficient time to shoot President Kennedy as charged.

The facts as presented to date by the FBI and the Dallas district attorney (soon to be rewritten no doubt) have overcome the presumption of guilt manufactured when the case was initiated.

Dudman wrote in the St. Louis Post-Dispatch (Dec. 1): "Another unexplained circumstance is a small hole in the windshield of the presidential limousine. This correspondent and one other man saw the hole, which resembled a bullet hole, as the automobile stood at the hospital emergency entrance while the President was being treated inside the building.

"The Secret Service kept possession of the automobile and flew it back to Washington. A spokesman for the agency rejected a request to inspect the vehicle here [Washington]. He declined to discuss any hole there might be in the windshield."

Undoubtedly the Secret Service has placed the auto in protective custody, "in a secret place for its own protection."

Dudman continued to present startling information. "Uncertainty surrounds the number of shots fired." (Ibid.) Although most witnesses heard three shots fired within a period of five seconds it seems that five bullets have been discovered.

"The first bullet is said by the doctors to have entered the throat, coursed downward and remained in the President's body. The second was extracted from Gov. Connally's thigh. It had lodged there after entering the right side of his back, passing through his body and through his wrist. A third, which may be the one that struck the back of Mr. Kennedy's head, was recovered from the stretcher on which he was carried into the hospital. A fourth was found in fragments in the car. Still another bullet was found by Dallas police officers after the shooting. It was in the grass opposite the point where the President was hit. They did not know whether it had anything to do with the shooting of the President and the Governor." (Ibid.)

One point does emerge with absolute clarity. The theory held by the Dallas police and supported repeatedly by the FBI that "there is an airtight case against Oswald as the sole killer" is based upon an investigation so poor as to be incredible or an investigation de-

voted to a particular conclusion at the outset.

The investigation

The FBI, having completed its investigation, has submitted what amounts to its findings and conclusions as well. The verdict, deftly and covertly divulged to the press, and then blared forth throughout the world, is impressively simple: "Oswald is the assassin. He acted alone." This remarkable law enforcement and investigatory agency, unable to solve a single one of the more than 40 Birmingham bombings, is now able to function as investigator, prosecutor, judge and jury. No other American agency has presumed to occupy so many positions of trust at one time.

The essential problem is that no investigating agency can fairly evaluate the fruits of its own work. Were the FBI certain of its conclusions it seems likely it would not be so reluctant to permit witnesses to talk with the press. It might not feel the need continually to leak information favorable to its verdict to the press. Most disquieting of all, however, is that the FBI, once wedded to a conclusion conceived before investigation, might be motivated to discover evidence which supports that conclusion. Within a few hours after Oswald was arrested the Dallas police, with the FBI at its side, announced the very same verdict now reinforced by the latest FBI discoveries. Under such circumstances, we fear that evidence tending to prove Oswald innocent might be discarded and evidence proving him guilty might be developed out of proportion or even created.

The Justice Department has already privately expressed "disappointment" with the FBI report, fearing that it "has left too many questions unanswered."

The stakes are big

The FBI investment in a Warren Commission finding identical with its own cannot be emphasized too boldly. Should the Warren Commission reach and publish a conclusion substantially different from the one submitted so publicly by the FBI, public confidence in the FBI would be so shaken as, in all likelihood, to render the FBI as it is now constituted, almost absolutely useless. One can assume that the FBI wishes to avoid that result.

It may be argued on many different levels of governmental life that a finding by the commission that an American lynched in a Dallas courthouse might be innocent, would result in the further destruction of the American image abroad.

It will be extremely difficult for any commission, in these circumstances, to bear the responsibility imposed upon it. For the sake of our country let us hope that Justice Earl Warren, a fair and great American, may successfully guide his commission through the sea of hatred and malice surrounding this case in its search for the truth.

An era of understanding

There are those who have said much good may come from this assassination, that a new era of understanding and unity may result. I doubt this. From hate comes hate. From murder—as we have already seen—murder. And from hysteria—rejection of the great Anglo-Saxon tradition of justice. But if it is possible to leave behind us the America of violence and malice, our national renaissance must begin with a respect for law and disdain for the hysteria that has thus far made fair consideration of this case impossible.

Our national conscience must reject the massive media conviction of Oswald—presumed to be innocent—and begin to examine and to analyze the evidence. We must recognize that the same reckless disregard for human life and decency that resulted in the death of our President resulted also in the death of Oswald while in police custody. And, before that, it resulted in the destruction of every right belonging to an American accused of a crime. The press, the radio and the television stations share that guilt.

The law enforcement officials, however, beginning with District Attorney Wade, who falsely stated evidence to the entire world repeatedly and who gave leadership to the development of a carnival atmosphere, must bear history's harshest judgment.

You are the jury. You are the only jury that Lee Harvey Oswald will ever have.

A terrible crime has been committed. A young, vital and energetic leader of perhaps the world's most powerful nation has been killed by the cowardly act of a hidden assassin. The murderer or murderers were motivated by diseased minds or by such depths of malice as to approach that state. We will perhaps never know their motives. We must, however, know and approve of our own conduct and our own motives.

We begin with a return to an old American tradition—the presumption of innocence. We begin with you.

Let those who would deny a fair consideration of the evidence to Oswald because of a rage inspired, they say, by their devotion to the late President, ponder this thought: If Oswald is innocent—and that is a possibility that cannot now be denied—then the assassin of President Kennedy remains at large.

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO		
	NAME	BUILDING AND ROOM
1.	<i>Mr. Foley</i>	
2.		
3.		
4.		
5.		

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

Are all these being kept in one file in Horn's office where they can be reviewed at some point?

WWS

Foley
WT

FROM		
NAME	BUILDING, ROOM, EXT.	DATE
Howard P. Willens	2113	

EMPLOYEES OF THE FEDERAL GOVERNMENT
THE SIGNATURE OF

Enclosed you have the attached but
it should not be used for any
purpose other than that for which
it was prepared for your use.

CONFIDENTIAL *BU*

When the attachments are removed,

FROM

Memorandum

TO : Howard Willens
Executive Assistant
Criminal Division

DATE:
December 18, 1963

AS FROM : Gerald Shur

GS:ejb

SUBJECT: Jack Ruby

Pursuant to your conversation with Henry Petersen, I am forwarding to you various memoranda written in connection with our efforts to determine whether or not Jack Ruby had any racketeer connections.

Also enclosed are various income tax returns we secured. An income tax investigation of [REDACTED] has been requested, since no income tax returns filed by him in recent years were located.

In connection with Henry Petersen's memorandum concerning a caller named [REDACTED] it should be noted this information was given to the FBI and, in addition, approximately 50 motels and hotels in Washington were called in an unsuccessful effort to locate him.

All names of Ruby's associates known to us were checked in the Department indices as well as the files of the Organized Crime Section.

Toll call analysis of Earl Ruby, Jack's brother, who resides in Detroit, revealed he made a long distance call, in May, 1963, to the James O. Welch Company, Cambridge, Massachusetts. Since Robert O. Welch, founder of the John Birch Society was an officer of the company, we have reviewed substantially all of the Department files on the John Birch Society with negative results. A few files remain to be reviewed.

Enclosure ✓
SEE ENCLOSURE FILES

P. W. 129-11

22	DEPARTMENT OF JUSTICE
	FEB 5 1964
	RECORDS BRANCH
	CRIMINAL-GEN. CRIME SEC.

File
HPW.

NdeBK:amd

December 16, 1963

Honorable J. Lee Rankin
Veterans of Foreign Wars Building
2nd Street and Maryland Avenue, N. E.
Washington, D. C.

Dear Mr. Rankin:

I am enclosing a copy of the report prepared by the Department of State which goes into their dealings with Oswald in somewhat more detail than the FBI report. Mr. Abram Chayes is the State Department contact and he can provide the underlying documents for the Commission when and if you wish them. This report has been checked here in the Department of Justice against the underlying papers and, I am told by my staff that, it is a full and complete account.

I am also attaching for your information a memorandum on the conflict of interest laws which I think you may find of interest and assistance.

I have arranged for a court reporter to transcribe today's proceedings, and I believe he will be available to you in the future if you wish him. Should you wish to enter into a contract in this connection, I am told that the Alderson firm is the most reliable.

Please let me know if I can be of any further assistance to you.

Sincerely,

Nicholas deB. Katzenbach

Nicholas deB. Katzenbach
Deputy Attorney General

SEE ENCLOSURE FILES

44-51

12/10/63

*To Mr. Rankin
by messenger*

File
HPW

129-11	
DEPT. OF JUSTICE	3
APR 20 1964	1
<i>NdeBK</i>	

OFFICE OF THE
DEPUTY ATTORNEY GENERAL



12/9/63

Mr. Howard Willens
Executive Assistant
Criminal Division
Room 2111

Sent to you for your review as
to consistency with FBI's report on
Lee Harvey Oswald. Please return
to me.

NdeBK

*12/9 - Mr. Willens reviewed
attached & finds it
consistent w/ FBI report
portions dealing w/ State Dept.
12/16 - orig to J. Lee
Rankin
See ltr of 12/16*

File
HPV



WAGGONER CARR
ATTORNEY GENERAL

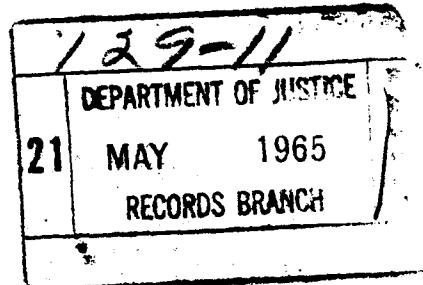
THE ATTORNEY GENERAL
OF TEXAS

AUSTIN 11, TEXAS

December 16, 1963

Assassination ✓
File

Honorable Earl Warren
Chairman
The President's Commission
The National Archives
Washington, D. C.



Dear Chief Justice Warren:

I gratefully acknowledge receipt of your letter of December 6, 1963, following the visit Mr. Leon Jaworski and I had with you.

Although I have previously accepted orally your invitation extended in behalf of the Commission to participate in its work, I want again to accept such responsibility in behalf of Texas. Because of such participation in the work of the Commission, Texas will postpone its Court of Inquiry pending a decision that it would serve a useful purpose in addition to the Commission's investigation.

I appreciate that the Commission is aware of the deep interest of Texas in a full determination of all the facts surrounding the tragic events which occurred within its borders. I cannot overemphasize the eagerness of the people of Texas to assume their responsibility in this regard in the most effective way. We have postponed our state inquiry on the basis of your invitation to participate in the Commission work. We now stand ready.

I have appointed Mr. Leon Jaworski of Houston and Dean Robert G. Storey of Dallas to serve with me in our mutual search for the truth. Dean Storey was appointed subsequent to the visit Mr. Jaworski and I had with you. I know you are acquainted with Dean Storey but I am enclosing some information on his many accomplishments.

File
HPR

ASSASSINATION

Honorable Earl Warren
December 16, 1963

Page 2

It is our sincere desire to work most closely with the Commission so that, as you state in your letter "we can responsibly meet our independent obligations."

Yours very truly,

Waggoner Carr

WC:cr

Enclosure

bcc: Honorable Nicholas deB. Katzenbach

Thanks, Nick!

ATTORNEY GENERAL
DEBRA

DEC 16 10 13 AM '63

RECEIVED
DECEMBER 16 1963

Free's Commission
OSCAR H. DAVIS
JUDGE

United States Court of Claims
Washington, D. C.

129-11
OCT 7 1964
M. M.
file

Dear Nick:

Forgive me for understanding where I do not belong, but also let me suggest for Lee Rankin's staff Section Rosenberg of the Appeals and Research Section of the Civil Division — unless members of the D. of J. are to be excluded from the staff of the Screen Commission. She would bring to the job extraordinary perspicacity and judgment, as well as the will and ability to work hard and do a first-rate job.

This is just to bring her to mind, if D. of J. people are being considered.

Yours,

Oscar Davis

Hon. Nicholas de B. Fitzpatrick

file
HPT
11

Mr. Katzenbach

NdeBK:bjm

December 27, 1963

129-11

12-10-63

Dear Mr. Rankin:

Does the Commission have any thoughts with respect to the attached letter?

Sincerely,

Nicholas deB. Katzenbach

Enclosure

Mr. J. Lee Rankin
President's Commission
4th Floor
200 Maryland Avenue, N.E.
Washington, D. C.

1216

ASSASSINATION

129-11

12/9/63

Mr. Howard Willens
Executive Assistant
Criminal Division
Room 2111

Sent to you for your review
for consistency with FBI's report on
Lee Harvey Oswald. Please return
to me.

Desk

Aug. 75
Mr. Willens
When referred to
the FBI
by
me
on
8/2/63

Title
HPW

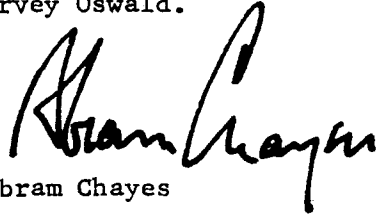
THE LEGAL ADVISER
DEPARTMENT OF STATE
WASHINGTON

December 9, 1963

MEMORANDUM

TO: Mr. Katzenbach
SUBJECT: Lee Harvey Oswald

Enclosed are two copies of the Report of the
Department of State on Lee Harvey Oswald.


Abram Chayes

File
7127

Delivered by messenger 12/9/63.

129-11

DEPARTMENT OF JUSTICE	
21	MAY 1965
RECORDS BRANCH	

129-11

12/20/63

Honorable J. Lee Rankin
Veterans of Foreign Wars
Building
2nd and Maryland Avenue,
N.E.
Washington, D. C.

The attached memo of December 9,
1963, from Philip W. Lowry and letter
of December 11, 1963, from Leonard
N. Bebchick were sent to me.

Nicholas deB. Katzenbach

File
HPW

Nicholas de B. Katzenbach
Deputy Attorney General

December 9, 1963

PWL
Philip W. Lowry
Attorney, Civil Division
(Room No. 601, Office of Alien Property, HOLC Building
President's Special Commission to Investigate
Assassination of President Kennedy - Staff.

Deriving from experience as assistant to the late former Judge Samuel Seabury assigned to investigate the Police Department in the course of the New York Joint Legislative Committee's Investigation of the Affairs of the City of New York, 1931-32, I should like to be of service to the President's Commission in the organization and performance of the essential staff work involved.

My particular experience included the planning of the police investigation and its execution with especial ^{reference} to the issuance and service of subpoenas duces tecum proceeding without pause to documentary examination and, where possible, to personnel interrogation. This got results, we learned the hard way, not productive where hiatus of a day's, or even a few hours' length occurred between issuance and service of the subpoena and between its service and examination and interrogation. Success in exposing the facts was accomplished by placing the entire process, immediately upon issuance of the subpoena by the Chairman, upon the investigating lawyer. In this way there was no interference by unauthorized persons or the press.

The involvement of the Dallas Police Department in the Special Commission's current investigation would appear primary.

My office telephone is 3648. My home address is [REDACTED]
[REDACTED]

This is typed and will be hand delivered by the writer. As much anonymity of the investigating lawyer as possible is another key to success in such investigation work.

Philip W. Lowry

12/9/63

129-11

Mr. DeLoach
FBI
Room 5525

Per our phone conversation, the attached
are for packaging & return to me.

Thank you.

NdeBK

File
HPW

12/9/63

Original to go to Chief Justice by hand - *Ind. K. hand delivered*
#6 of #13 Ford. Lee
cc: ✓ Mr. Allen W. Dulles - *#7 - 2723 2nd St, N.W. Washington*
✓ Mr. John McCloy - NYC (MR. DeLOACH
will send directly)
✓ Sen. Richard B. Russell - *#9 - 2900 N. St. N.W.*
Sen. John Sherman Cooper - *#10 - 5215 Brady Blvd,*
✓ Cong. Hale Boggs - *#11 - 5215 Brady Blvd,*
Cong. Gerald R. Ford, Jr. - *#12 - DeLoach, Wash*
Director, FBI
#14 - James Rowley or his Deputy - Room 2438 - main
#15 - Dept. - 15th St Pa.

Mr. DeLoach will package reports with ccs
ltr to Chief Justice & return to us for
delivery by messenger to each of above
listed, with exception of John McCloy.
Call each office before delivery to insure
personal receipt.

December 8, 1963

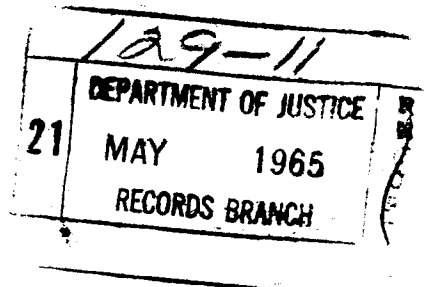
The Chief Justice
The Supreme Court
Washington, D. C.

Dear Mr. Chief Justice:

At the direction of President Johnson, I am transmitting herewith to you and to the other members of the Commission copies of the report of the Federal Bureau of Investigation on the assassination of President Kennedy and on the subsequent shooting of Lee Harvey Oswald. You will note that in some aspects the investigation is continuing and further information will be made available to the Commission as it develops. The Secret Service and the Department of State have also prepared reports with respect to the preparations made to guard the President and certain background information in the hands of the State Department with respect to Oswald. You will have these promptly.

This report is not a classified document since it does not contain defense information. However, we have been treating it as a highly classified document and I trust that you and the other members of the Commission will do likewise until such time as you determine to release matters contained within it. Within the Government it is being read by a very limited number of people on a "need to know" basis.

You will recall that at the time of announcing the Federal Bureau of Investigation investigation, and prior to the appointment of the Commission, President Johnson announced that the FBI report would be made public. I have,



however, informed him of your request that this report not be released until the Commission has had time to review all of the facts and evaluate them. At the same time I am sure you are aware that there is such public speculation and rumor in this connection which would be desirable to allay as quickly as possible. For example, the latest Gallup poll shows that over half the American people believe that Oswald acted as part of a conspiracy in shooting President Kennedy, and there is considerable rumor in this country and abroad to the effect that Ruby acted as part of the same or a related conspiracy.

I think, therefore, the Commission should consider releasing—or allowing the Department of Justice to release—a short press statement which would briefly make the following points:

(1) The FBI report through scientific examination of evidence, testimony and intensive investigation, establishes beyond a reasonable doubt that Lee Harvey Oswald shot President Kennedy on November 22, 1963. The evidence includes ballistic tests, fingerprints and palm prints, clothing fibers and other technical data which places Oswald at the scene of the crime and establishes that he fired the shots which killed President Kennedy and wounded Governor Connally of Texas.

(2) The FBI has made an exhaustive investigation into whether Oswald may have conspired with or been assisted by any organization, group or person, foreign or domestic, in carrying out this dastardly act. In this regard, the FBI has questioned hundreds of persons and checked out numerous rumors and reports. To date this aspect of the investigation has been negative. No evidence has been uncovered indicating that any organization, group or person, including Dallas night club owner, Jack Ruby, was involved with Oswald in the assassination of President Kennedy, or that the subsequent shooting of Oswald was part of a conspiracy.

- 1 -

I would be happy to discuss any of the matters contained in this letter or in the report with you or other members of the Commission at any time you should desire. I am, of course, always at your service.

Sincerely yours,

Nicholas deB. Katzenbach
Nicholas deB. Katzenbach
Deputy Attorney General

DEPARTMENT OF JUSTICE
ROUTING SLIP

File

TO	
NAME	BUILDING AND ROOM
<i>Mr. Filvaroff</i>	

SIGNATURE

APPROVAL

SEE ME

RECOMMENDATION

ANSWER OR ACKNOWLEDGE ON OR BEFORE

PREPARE REPLY FOR THE SIGNATURE OF

COMMENT

NECESSARY ACTION

NOTE AND RETURN

CALL ME

PER CONVERSATION AS REQUESTED

NOTE AND FILE

YOUR INFORMATION

HPW

Handwritten:

1) Any recommendations could be made to Mr. Rankin if I would like to talk to you candidate for the Commission on Monday if possible. I could reach at [redacted]

HPW

FROM

NAME	BUILDING ROOM EXT.	DATE
<i>Howard P. Willens</i>	<i>2113</i>	<i>12/22/61</i>

See copy to Willens for [redacted]

XX

PER CONTAINER
AS REQUESTED
NOTE AND BILL
YOUR REQUEST

COMPL. NEEDLING ACTION
LITIGATION

Handwritten notes

Handwritten notes

Handwritten notes

Handwritten notes

FROM

Handwritten name

DATE



OFFICE OF THE SECRETARY OF DEFENSE

WASHINGTON 25, D.C.

13 December 1963

12-7-63



Dear [Redacted]

Thank you for your letter, a copy of which I am passing along to the responsible people. When all the evidence is in, even the most skeptical will, I'm sure, be satisfied.

I'm glad to hear that you are doing what seems like interesting work, and I hope your personal situation will be improved very soon.

Sincerely,

Adam Yarmolinsky

cc: Mr. N. Katzenbach (w/cy incoming)

129-11	
DEPARTMENT OF JUSTICE	
21	MAY 1965
RECORDS BRANCH	

VILOUHEX CEHEBYT
DEBRIA

DEC 13 8 54 AM '63

OFFICE OF THE
RECEIVED

File
HPW

ASSASSINATION

December 7, 1963

Mr. Adam Yarmolinsky
Office of the Secretary of Defense
Washington 25, D.C.

Dear Adam:

This letter is addressed to you because (1) I think you may be more likely to find some of my ideas plausible than most others to whom I might write, and (2) if you do find them plausible, you will know how and to whom to communicate them.

I have certain unorthodox ideas about the assassination of the President. These seem to me no more than the most obvious common sense hypotheses, and I suspect that the reason they have received so little consideration in newspapers and news magazines is that it is commonly assumed that Oswald must have been "insane," and there is a naive belief that an "insane" person may do anything at all, with neither motivation nor pattern to his behavior.

(Before continuing, I should mention that my reading on the case has been thoroughly inadequate. Because of extreme pressure of work, there have even been some days when I entirely missed seeing any newspaper. Furthermore, reporting of important details seems to me to have been extraordinarily inadequate. For example, I have at hand copies of the Times (Nov. 24, Sect. 1, p. 2) and Newsweek (Dec. 2, p. 21) with statements that the bullet that struck Governor Connally "lodged" in his thigh, but I read in Life (this past week's issue—not at hand) that one bullet was found in the President's body, one on the floor of the car, and one on the President's stretcher (on to which it had no doubt crawled). One thing that I certainly learned while working on my ill-fated book is that casual reading in newspapers is not sufficient for correct reasoning on complex questions. But since those who are comparatively well informed about the case seem to be reasoning very inadequately, maybe I can do better despite knowing less.)

First consider motivation. Oswald clearly does not fit the pattern of John Wilkes Booth, performing for the audience of history. Nor does he match the classic pattern of the paranoiac with his fantasies of threats and accusations. Obviously he was neurotically violent and resentful, but there was some degree of rationality in his resentment, as is clearly evident in the letter he wrote to complain about his dishonorable discharge. It is conceivable that if he had been given notice of dismissal at such a time right after his second child was born, he might have reacted violently and killed as a protest against the injustices of capitalism. However, the news reports I have seen have stated that his work at the book depository was considered adequate, and have made no mention of dismissal. Furthermore, if he killed as an act of protest, then he probably would have protested in words as well.

The natural, obvious, common-sense motivation in a man who was apparently

quite devoted to his quite attractive wife, who had just had a second baby born, who had a sorry record of employment and who could not even afford to live with his family, and who had a little while before shouted over the telephone, "Hooray! I've got a job!" is money and/or job security. Therefore, my first assumption is that he was promised one or both as payment for whatever part it was that he played in the crime. Furthermore, it follows from this argument about motivation that he wanted to live and expected to remain free. ~~Therefore~~ His panicky flight and struggle against capture also indicate a desire to live. Therefore a second assumption is that he was promised not only financial ~~xxx~~ reward but also an air-tight alibi and other protection.

If these first hypotheses are plausible, we next have the problem of motivation among his hypothetical employers. As far as I can see, the only significant way in which anyone might plausibly (even though mistakenly) have expected Johnson to differ from Kennedy is in regard to integration.

Now consider whether it is plausible that a man who would coolly plan to bring his lunch so that he would not get hungry during a few minutes' wait to kill the President of the United States would make no plan whatsoever for an alibi, disposal of the rifle, or for a getaway. It is far more plausible that the fried chicken and soda pop were consumed by someone who had been hiding in the room since early morning. And it seems to me virtually certain that that incriminating flight, by bus and taxi to his rooming house and then to the theatre means that something had happened that he had not expected. No doubt he went to his rooming house to get his revolver; it is difficult to imagine any other need so great as to make him go to that most dangerous place. And apparently he was in such terror that he did not even think to pick up the mysterious \$150 later found there. And his hiding in the theatre fits exactly the picture of a man confronted by the totally unexpected who is desperately trying to get a chance to think. Obviously something unexpected had happened.

If the foregoing reasoning is correct, the most plausible hypothesis is that he had suddenly become aware that he was not going to be given the promised protection but instead would be framed for the total crime. It was obvious to him that with his background he would be suspected. Furthermore, there was absolutely no way for him to remove the rifle from the building with the police already there. Therefore his only possible means of escape was to flee, leaving all the evidence behind him. (The December 9 issue of Newsweek comments: "But, almost as though he were courting capture, he left a litter of evidence behind in the sixth-floor sniper's nest.")

I feel some moderate degree of conviction about the correctness of my arguments up to this point. But on the next question, of precisely what role Oswald played, I am uncertain. I see three possibilities: (1) His part was only to supply the rifle. (2) He shot only Governor Connally and expected that the postulated accomplice would be shooting at Governor Connally also. (3) He shot both men. An argument against this third hypothesis is that if he had known the President would be killed he would perhaps have been afraid that no alibi, however strong, could protect someone with his record. The second ~~xxxx~~ hypothesis is untenable if all






December 7, 1963

three bullets really did come from Oswald's rifle. I have already indicated that the inconsistent reports ~~regarding~~ about where the bullets were found have raised some doubts in my mind. I would like to know through what sequence of hands they passed before they reached the FBI. Of course this second hypothesis, if at all tenable, requires that some members of the police were in the plot. If this was the case, then it could have seemed completely plausible to Oswald that the rifle would not be found. On the other hand, with either the first or third hypothesis, it is not essential to assume the police were involved. Some of the more respected citizens in supervisory positions in the building could have promised they would find a way to remove the rifle, and that they would swear to have seen some strange person making a getaway from the building with a package of rifle size, in addition to swearing that Oswald had been with them all the time. In any event, my theory, in every possible variation, requires confederates in the building, on the police force, or both.

This completes the principal part of my theory. Of course I have ideas about other matters such as why Oswald sought permission for travel to Russia via Cuba, and about his own murder, but there is no problem in rounding out a total picture in one way or another once one has assumed the main portion of it. And hence (word learned from Editor Yarmolinsky) I think I've said enough for the present.

With best regards,



P.S. Perhaps I ought to add a little news about myself, plus a couple of other remarks. No Easy Way has of course been abandoned as impossible. I expect to do something else for Doubleday, and perhaps even soon. Currently I am thinking of doing something on what I believe to be fundamental philosophical errors made by most psychologists (e.g., in their attitudes toward parsimony, introspection, and anthropomorphic reasoning). I have been working for IBM since June 1962, and during the past six months I have had permission to work on whatever I think best, and have also worked when (usually 80 hours a week or more) and where (usually at home) I wanted. My two projects have been and are a new type of mathematical optimization procedure (somewhat similar to linear programming, but handling a quite different category of problems) and a neurophysiological coding theory covering transmission and storage of space-time patterns of neuron activity. How much, if anything, will come of either I don't yet know. In every other way, except for this wonderful freedom (plus, I guess, a regular income), I intensely dislike my situation in . Among other things, I have had exactly zero dates in  with local girls, and only a very few with girls who dropped in from elsewhere or whom I saw in  (since I gave up my apartment there last January). All my life I have had a tendency to sacrifice the present for the future, but now it has reached an almost intolerable extreme and I am determined to get out of  as soon as my work has progressed a little further. — A year or so ago I read a report in Science about a debate you had with someone on civil defense, with lengthy quotations from your remarks. I thoroughly enjoyed what you said, and would like a copy if you have any. (This was not the debate with Norman Thomas, but with some sociologist, I believe. In connection with the former, when I said I had no TV set and hence of course had missed it,  bawled me out for my snobbishness.) I hope you received the book on China that I mailed back to you several months ago, and also hope — and assume — that

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

*file
here*

TO : Herbert J. Miller, Jr.
Assistant Attorney General, Criminal Division

DATE: December 6, 1963

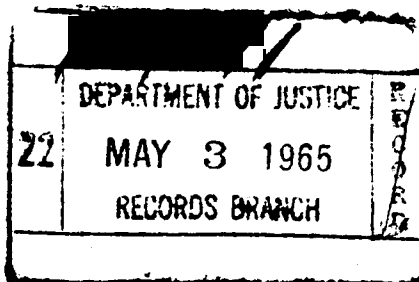
df FROM : John J. Cassidy

SUBJECT: MEMORANDUM OF CONVERSATION

Last night I received a phone call from [REDACTED] in Chicago followed by a phone call which I made to him this morning. He reported to me the following information:

[REDACTED] been alert to any information linking Ruby and Dorfman in order that [REDACTED] might pass this information to us.

[REDACTED] and during this investigation his leads lead him to a UPI reporter who was investigating not only the murder in question but a suspected relationship between Ruby, Dorfman and the President's assassination. Upon careful interrogation the UPI reporter told [REDACTED] that there were 5 UPI reporters that had been brought into Chicago to investigate a suspected link between Ruby, Dorfman and the assassination. [REDACTED] will contact [REDACTED] who will call me at approximately 4 p.m. this afternoon.



FILE - 11-134

Form No. 51-96a
(Rev. 4-15-64)

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO: D.A.G. BUILDING AND ROOM

Re Dept. 1963 letter

- SIGNATURE
- APPROVAL
- SEE ME
- RECOMMENDATION
- ANSWER OR ACKNOWLEDGE ON OR BEFORE
- PREPARE REPLY FOR THE SIGNATURE OF
- COMMENT
- NECESSARY ACTION
- NOTE AND RETURN
- CALL ME
- PER CONVERSATION
- AS REQUESTED
- NOTE AND FILE
- YOUR INFORMATION

REMARKS

Check
Dr. Kurlansky has a thorough review of the Record Division - nothing that faintly resembles subject letter.
Willems in Criminal Dept. Murphy, & Dr. John Barrett state nothing faintly resembling from their Divisions.

Barryford handles Dallas 257 has no knowledge whatever

FROM: *[Signature]*
DATE: *2/21/67*
BUILDING, ROOM, EXT. *[Signature]*

Mr. Nicholas deB. Katzenbach
Deputy Attorney General

December 6, 1963

Herbert J. Miller, Jr.
Assistant Attorney General, Criminal Division

James Lee Rankin

*(to be Counsel for Pres. Commission
investigating assassination of Pres. Kennedy)*

I have reviewed the "B" file which contains FBI reports covering their investigations in 1953 when he became an Assistant Attorney General in the Department of Justice and again in 1955 when he was appointed Solicitor General. He was given a "Q" clearance in 1957. All persons interviewed spoke most highly of Mr. Rankin and no derogatory information was noted in the file.

Personnel files of Mr. Rankin are in Missouri and cannot be obtained until next Tuesday. I checked with the FBI and while they are sure they have no derogatory information on Mr. Rankin they have approximately 50 references to him and it will take approximately three to four hours to assemble these references and give a definitive answer.

The "B" file of Mr. Rankin is attached.

*- Rath, 12/10/63
To Mrs. Robinson*

File #	129-11
HPW	
DEC 10 1963	
MISSOURI BRANCH	

12/5/63

Mr. Katzenbach:

General Carr dictated the following message for you. He and Mr. Jaworski left for lunch about 12:45 and will stop in here on their return.

"We had a nice visit with Mr. Hoover. The only thing left that we know we must or should do is attend the Presidential Special Commission meeting this afternoon and follow that with the proposed TV and press conference which should be arranged by Mr. Guthman. Then, after this, the President has asked that we come by his office. Then we are ready to go to Texas. In all probability the President's visit will make us miss our commercial flight, and we will have to depend on you for your offered transportation."

Ann Marie

The following is a list of reporters who have tried to contact General Carr. Mr. Jaworski thought Mr. Guthman might want to contact them in the event a press conference was held.

Felton West	"Houston Post"
Carol Foley	"Houston Chronicle"
Sarah McClendon	
Seth Kantor	UPI
John Mashek (phonetic)	"Dallas News"
Tex Easley	AP

File
HPW

OFFICE OF THE
DEPUTY ATTORNEY GENERAL



12/6/63

12:45

Mr. Katzenbach:

Mr. DeLoach called to tell you Messrs. Carr & Jaworski had a very nice conversation with the Director for approximately fifteen (15) minutes duration. It was very friendly, and when they left the Director's office they went with Mr. DeLoach to his office.

Mr. DeLoach said "we approve the press release and so advised them insofar as the FBI is concerned."

Ann Marie

File
HPW

Supreme Court of the United States
Washington 25, D. C.

December 5, 1963

CHAMBERS OF
THE CHIEF JUSTICE

Honorable Nicholas deB. Katzenbach,
Deputy Attorney General,
Justice Department,
Washington 25, D. C.

My dear General:

In accordance with our telephone conversation, I am
enclosing herewith copy of the letter I received from the Attorney
General of Texas.

Sincerely,



129-11

	DEPARTMENT OF JUSTICE	RECORDED
21	MAY 1965	INDEXED
	RECORDS BRANCH	

File
HPW

ASSASSINATION

December 5, 1963

The Chief Justice of the United States
The Supreme Court of the United States
Washington 25, D. C.

Dear Mr. Chief Justice:

In view of the fact that the Special Commission appointed by the President to report upon all the facts and circumstances relating to the assassination of the late President Kennedy is meeting today, it may be helpful to you and other members of the Commission to explain the nature of the Texas Court of Inquiry to which the President's statement appointing the Commission specifically referred. While we feel a special responsibility to develop the facts, we are anxious to do everything in our power to facilitate the work of the Commission and give effect to the President's desire that it be the only body to report conclusions.

I

It may be helpful to explain first the circumstances leading to the creation of the Court of Inquiry; for they emphasize the extent to which it is the product of federal-State cooperation. My statement announcing that a Court of Inquiry would be convened was the product of a conference with the White House, and the White House staff joined the Governor's office and my office in preparing the actual form of statement. It was felt that since the tragic events took place in Texas, prompt measures should be taken by Texas authorities to assure the people of Texas that a thorough and responsible investigation of all the facts would be made by a body having power to administer oaths and issue subpoenas. Since then we have been working in close cooperation with the White House staff, the Department of Justice and the Federal Bureau of Investigation. Assistant Attorney General Miller came to Texas for the purpose of demonstrating our cooperation. The State of Texas placed all its files and evidence in the hands of the Federal Bureau of Investigation.

File
HPW

II

Under our Texas laws a Court of Inquiry may be called by any Justice of the Peace for the purpose of ascertaining facts which may establish the commission of a crime. The court has State-wide power to subpoena witnesses, and also full judicial power to punish contempts. Witnesses are questioned under oath and may be prosecuted for perjury in the event of false testimony. A full transcript is kept.

The original announcement gave assurance that the inquiry would be conducted in a careful and responsible fashion by stating that it would be conducted by the Attorney-General of Texas, in cooperation with the local authorities, with the aid of one or more eminent attorneys as special counsel. Leon Jaworski, Esq., immediate past president of the Texas State Bar and a former president of the American College of Trial Lawyers, has agreed to serve in that capacity. I am hopeful that Robert G. Storey, Esq., a past president of the American Bar Association, will also agree to serve. Their participation guarantees that the proceeding will be conducted competently and with no purpose except full development of the facts.

III

Three points concerning the Court of Inquiry may be of special interest to the Commission.

1. Its activities will not involve publication of the report of the Federal Bureau of Investigation. While we were assured, both privately and in public statements that the identity of material witnesses, evidence, laboratory findings, etc. would be made available to the State of Texas, the F.B.I. report itself would be neither published nor introduced in evidence. The Court of Inquiry will make its own record.

2. The Court of Inquiry will make no findings, conclusions or recommendations. Its sole purpose is to develop the facts through sworn testimony adduced through the careful examination by the best qualified attorneys. I speak for all of us, too, when I say that you need have no fear of individual statements about what the evidence shows.

3. The Court of Inquiry will be concerned only with the facts concerning the assassination of President Kennedy, the attempted assassination of Governor Connally, and the related killing of Lee Harvey Oswald. (On the latter score we shall have to take care not to prejudice in any way the trial of Jack Ruby; that is one reason the local district attorney will sit with us.) In order to satisfy the people of Texas we must pursue any factual leads to evidence concerning those events. There will be no witch-hunt.

IV

I am hopeful that the work of the Court of Inquiry, confined to making a record of sworn testimony, will be helpful to the Commission. That is our primary purpose, and we are anxious to shape the inquiry in whatever way will be most helpful to ascertain the full facts.

The evidence will be brought out and tested by the examination of witnesses under oath by able counsel. It will all be available to the Special Commission. The Court of Inquiry can be reconvened, if the Commission requests, to pursue any new leads. Perhaps it is unlikely, but there is at least the possibility that the Court of Inquiry's power of subpoena would prove of value to the Commission in obtaining testimony from witnesses who had not been willing to speak freely to the Federal Bureau of Investigation or who might otherwise decline to testify. Finally, the very fact that there was an inquiry with witnesses heard in public, the record of which was before the Commission, might lend strength to the Commission's report, even if it were only as an answer to the charge that the Commission was dependent upon the F.B.I. investigation alone.

9 3

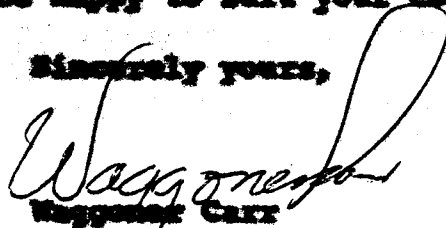
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▼

Finally, I must stress the great importance of the Court of Inquiry to the people of Texas. The assassination occurred in Texas. The people of Texas share with their fellow countrymen the loss of a great President. Their own Governor was badly wounded. The integrity of Texas justice is deeply involved. I am certain that the people of Texas share my feeling, which I expressed above, that the only conclusions that are drawn ought to be drawn by the Special Commission on behalf of the whole Nation, but they are also convinced that it is their local responsibility to have their State officials do everything possible to uncover all the facts.

As you know, both Mr. Jmorski and I are in Washington. If it would be of any assistance to meet with you with or without other members of the Commission as you might wish, we would be happy to suit your convenience.

Sincerely yours,



Waggoner Carr
Attorney General of Texas

Memorandum

TO : Mr. Miller

DATE: December 5, 1963

FROM : *JR* Mr. Foley

SUBJECT:

From a review of the large number of letters which have been referred to this Division on the subject of the assassination of President Kennedy, I believe a few generalizations are warranted: 1) There is almost complete agreement among the writers that Oswald was not acting alone and that Ruby killed him to prevent him from talking. In this connection many writers point to the obvious look of recognition on Oswald's face which was apparent in the TV shows prior to the instant that Oswald recognized what Ruby was about to do. 2) The writers vary in their estimate of who was Ruby's principal. Their guesses range from Castro, etc. on the left to H. L. Hunt and General Walker on the right, many point to the racketeering element, incensed by the recent exposure of Cosa Nostra, others to Hoffa and the Teamsters and a few to Madam Nhu. Most of our letters do not concern themselves with the left wing and I believe the Records Division is routing letters of that type to the Internal Security Division. 3) The letters are nearly universal in the condemnation of the Dallas Police Department -- at least for ineptness if not more. 4) A very few praise Ruby for eliminating Oswald. 5) Almost every letter expresses personal condolences to the Attorney General. Many urge him to remain in public office and some urge him to run for public office in 1964, either as President or Vice-Presidential candidate.

In view of the nature of these letters I believe of them probably should be answered and I would suggest that we answer them simply as follows:

The Attorney General has asked me to acknowledge receipt of your letter of _____ and to thank you for your thoughtfulness in writing.

If the foregoing is acceptable to you, I will undertake to have all the letters that require a response answered in accordance with the foregoing.

129-11
 DEPARTMENT OF JUSTICE
 25 DEC 18 1963
 RECORDS SECTION
 DEC 5 1963
 AAG Criminal

JR