

- Mr. DeLoach _____
- Mr. Mohr _____
- Mr. Wick _____
- Mr. Casper _____
- Mr. Callahan _____
- Mr. Conrad _____
- Mr. Felt _____
- Mr. Gale _____
- Mr. Rosen *[initials]*
- Mr. Sullivan _____
- Mr. Tavel _____
- Mr. Trotter _____
- Tele. Room _____
- Miss Holmes _____
- Miss Gandy _____

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KENNEDY'S ASSASSIN WOULD'VE GONE FREE

(Indicate page, name of newspaper, city and state.)

[Handwritten signatures and initials]

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By JUDY EDSALL
SUN Staff Writer

Lee Harvey Oswald would not have been convicted of the murder of John F. Kennedy, a former defense counsel for Oswald's killer, Jack Ruby, declared here yesterday.

Texas attorney Joe W. Tonahill argued that the evidence gathered by the Dallas police was tainted. It was, he said, gathered through illegal search and seizure and based solely on inadmissible information volunteered by the assassin's wife, Marina Oswald.

Tonahill, who remains convinced Oswald was the killer of Kennedy, also believes that the issue of a change of venue and prejudicial pre-trial publicity could have freed the assassin.

In Texas, Tonahill said, Marina Oswald would never have been allowed by the court to testify against her husband, or to waive his rights to the protection of the Constitution, including the use of a search warrant, and the right to remain silent.

"Hell, they couldn't connect up the rifle," he continued. "They couldn't prove he bought it because she gave them (the police) the name under which he bought it (Heikel)."

Other evidence that would have been inadmissible if Oswald had been brought to trial in Texas would have included:

—The blanket in which the rifle was wrapped.

—The shirt he was wearing which contained fibers matching those found on the rifle found in the Texas Book Depository.

—A blue jacket found at the depository.

—A white jacket Oswald pitched in a used car lot when he fled.

—A camera and pictures taken of Oswald holding the rifle which helped bring

a positive identification of the rifle as being owned by Oswald.

"I heard the district attorney is so upset about hearing I would say he couldn't get a conviction that he is sending a plane load of deputies out to Las Vegas today," laughed Tonahill.

"But I haven't seen any of them. Wade told me he had doubts about getting a conviction, but he said he could have convicted Oswald of killing Officer Tippett."

Reminded that Dallas Dist. Atty. Henry Wade had gone on television shortly after Oswald was picked up and declared just the opposite, Tonahill said the prosecution had one ace:

"The strongest thing the state had was when Oswald was arrested, was he said, 'This is the end.'"

"Sure, that's the way they try cases in Dallas," complained Tonahill. "The Dallas News convicts them by conditioning the city—that's the system in Dallas."

Oswald, the "nobody who wanted to be somebody," assassinated the President and he did it alone, the Jasper, Tex., attorney believes. But he would never have been convicted.

In a slashing attack on those who question the validity of the Warren Commission Report, Tonahill characterized the doubters as "fast buck artists, the scavengers of the writing world."

The doubters, he said, have not produced "one scintilla of evidence," but have concentrated on attack. Some of them are "subversive Communists," some of them are "fanaticists," and some are political opportunists.

Lee Harvey Oswald, insisted Jack Ruby's attorney, wanted to kill Richard Nixon, but Mrs. Oswald locked Lee Harvey in a bathroom. He wanted and attempted to kill Maj. Gen. Edwin A. Walker and missed. Lee Harvey Oswald, the "misfit," became somebody. He killed the President.

Would you, or would Joe W. Tonahill of Jasper, Tex., represent Oswald in his murder trial? he asked the National Trial Lawyers Association.

"The answer for me is easy," said the Texan. "I would not have done it for a fee. If I had been court appointed I would have been defending not only Oswald but American law as well and to the best of my talent. John F. Kennedy would not have had it any other way, would he?"