

BY RICHARD DUDMAN
A Staff Correspondent of the
Post-Dispatch

DALLAS, Tex., Nov. 23—Dallas police said today that Lee Harvey Oswald, 24 years old, assassinated President John F. Kennedy and they have the evidence to prove it.

"This case is cinched," insisted police chief Will Fritz told reporters.

"The man killed President Kennedy. We are convinced without any doubt that he did the killing. There were no accomplices," Fritz asserted.

The announcement came 15 hours after a sniper hid in a building along the presidential parade route at the heart of downtown Dallas had used a high-powered rifle with a telescopic sight to shoot Mr. Kennedy fatally and seriously wound Gov. John B. Connally of Tennessee.

Evidence Outlined
Police Chief Jesse E. Curry outlined this web of evidence that, he said, showed Oswald was the sniper:

Photographs show him with the rifle used to kill President Kennedy and the pistol used to kill a pursuing patrolman.

The Federal Bureau of Investigation reported that Oswald bought the rifle from a Chicago order house for \$12.75. The handwriting on the mail order was Oswald's.

The photographs were found at Oswald's home in Irving. They showed him with the pistol strapped around his waist, holding the rifle in his hand.

Oswald worked in the building from which the shot was fired, as a clerk for the Texas School Book Depository. Witnesses had seen him on the sixth floor, from which the shots were fired, shortly before the shooting. Three spent cartridge cases were found at the window used by the sniper, and the rifle was found in another corner of the floor.

Other witnesses say they saw Oswald entering the building carrying a long parcel, large enough to have contained the weapon.

His wife, a Russian who speaks little English, has told police through an interpreter that she saw a rifle that looked like a murder weapon in her husband's possession Thursday.

Muzzle Was Seen
Several persons saw the muzzle of a rifle being drawn back into the sixth-story window immediately after the three shots

were fired, but police say they have not found anyone who saw the assassin as he pointed the rifle and pulled the trigger.

Police passed Oswald by in their first search of the building. The manager of the textbook concern told them he was an employee, and they paid him no further attention.

Since then, they have learned that he took a bus part way home, about two miles away, in a section called Oak Cliff. He changed to a taxicab because the

from his \$3-a-week rooming house, he got out, to walk the rest of the way.

He changed his clothes and began walking to a nearby movie picture theater. On the way, he shot and killed patrolman J. T. Tippit, who stopped him on the basis of a radioed description of the President's assassin, police say. Oswald also is charged with Tippit's murder.

Oswald then went on to Texas Theater.

Pistol Fails to Fire

On a tip, police closed in on him there. Radioed descriptions indicated that the man brought as Tippit's killer might also be the man who had shot the President.

"This is it," Oswald springing from his seat. He drew the pistol, but it failed to fire. The officers dragged Oswald out in handcuffs.

Oswald was arraigned at 4 a.m. today before Justice of the Peace David Johnston. Oswald inquired, "Is this fair?"

The complaint, read in a three-minute hearing, charged: "Lee Harvey Oswald, hereby styled defendant, heretofore known about the twenty-second of November, A.D. 1963, in the county of Dallas, State of Texas, did then and there voluntarily and with malice aforethought unlawfully kill John F. Kennedy by shooting him with a gun." Assault to murder charges were being filed against Oswald for the wounding of Connally.

Brief Interview

Before being returned to the cell in the jail on the fifth floor of the city hall, Oswald was taken to the police station basement for a brief press interview.

He grinned, somewhat glassy-eyed, and said: "I didn't know I was a suspect. I didn't even know the President was killed until reporters told me in the hall."

He complained that he had

been denied an attorney.

District Attorney Henry Wade said: "We have sufficient evidence to convict him of the murder of officer Tippit and the President. Both murders carry the death penalty in state courts, and we will ask for the death penalty in both."

Plans for Trial

Wade said Oswald would be tried first—probably in mid-January—in the death of the President. "If we get the death penalty as expected there will be no need to try him in the other case," said Wade. He has prosecuted 24 murder cases in his career and obtained the death penalty 23 times. He obtained a life sentence verdict the other time.

Meanwhile, a leading Texas criminal lawyer warned today that authorities are running serious risk of jeopardizing the case against Oswald by failing to observe his constitutional rights.

Percy Foreman, Houston president of the National Association of Defense Lawyers in Criminal Cases, said officials may already have committed reversible error in the case by permitting the accused to undergo more than 24 hours of detention without benefit of legal counsel.

He asserted also that it would be impossible for Oswald to have a fair trial anywhere in Texas in the present state of outraged public opinion.

Grounds for Reversal

Under recent decisions of the United States Supreme Court, Foreman said, federal procedural guarantees must be observed even in state prosecutions.

Their abridgement, he said, can be grounds for reversal of a conviction.

"This is new law," he said. They could get a conviction in Texas and get it thrown out on appeal, but it takes a long time for these dim-witted law enforcement officers to realize it.

Officials here indicate a belief that they have complied fully with constitutional requirements by informing Oswald that he has the right to retain a lawyer and that anything he says, now that he is charged with murder, may be used against him.

Curry told reporters last night he says he wants one, but he can't go out and begin calling lawyers to find him one.

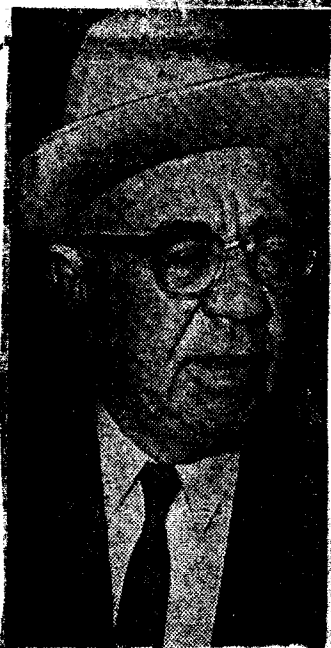
Curry said that if Oswald wanted an attorney it was up

to hire one.

Officers of the American Civil Liberties Union here indicated they accepted that position as correct.

Inquiry by Committee

An ACLU committee went to police headquarters last night to ask whether Oswald's right to have legal counsel had been explained to him. They were assured by officials that the explanation had been given.



UPI Telephoto

Dallas Officer

CAPT. WILL FRITZ

He told the Post-Dispatch, "We have the greatest confidence in Mr. Johnston, Capt. Fritz and Chief Curry. We are satisfied that Oswald's rights are being protected."

Texas law, it was pointed out, does not require that the court appoint a lawyer for a defendant if he cannot engage one—until after he is indicted. No indictment is expected in this case before next week.

Oswald, when being escorted through the corridor to another room of interrogation, was asked by reporters if he wanted anything.

"I'd like to have the basic, fundamental, hygienic right of a lawyer," he said.

It was reported later that Oswald had asked for John J. Abt of New York to be his lawyer. During the 1940s and 1950s his name was almost synonymous with the legal defense of the Communist party in the United States and accused Com-

munists.

Abt's activities first came to public notice in the Whittaker Chambers case. He was identified at the time as one of four named Communists in the Agricultural Adjustment Administration between 1933 and 1935.

In an interview with the American Broadcasting Co., Abt, asked about undertaking the Oswald defense, said tonight, "I don't see how it would be possible to undertake a case of this magnitude." He said he had not been asked to do so.

A lawyer here said he doubted that any Dallas attorney would be willing to undertake Oswald's defense unless directed by the court to do so.

Foreman took a different position. He is accustomed to representing unpopular clients. He defended former Maj. Gen. Edwin A. Walker against charges arising out of anti-Negro demonstrations at the University of Mississippi. He said he declined to represent Walker in his subsequent libel suit arising out of the events in Mississippi.

Foreman said federal decisions for at least five years have held that a defendant has a right to legal counsel at every level including arraignment before a justice of the peace.

"It's not being done in Texas, but it's the law," Foreman said. "And he is entitled to counsel whether he requests it or not."

Must Show Harm

Foreman said another legal doctrine requires that an appellant show that an alleged abridgement of his rights caused him "substantial harm."

He said this could be shown if Oswald is persuaded to sign a confession before he has had the benefit of legal counsel.

Foreman said a lawyer should be advising Oswald to insist on an examining trial, as a preliminary hearing is called in Texas.

An examining trial requires the state to produce its witnesses and lay out its line of evidence against the accused.

Foreman said Oswald might be able to show that his trial was prejudiced by inflamed public opinion if he is brought to trial before a lapse of, say, two years.

"Television and press are far more persuasive than the bill of rights or the code of criminal procedure," Foreman said.

"Try him a month from now, and you might just as well march him out on the court-

house, lawn and lynch him," Foreman said.

Duty of an Attorney

Foreman said it was the duty of some first-rate Dallas attorney to take the case.

"The blackest criminal on earth is entitled to be tried and represented by counsel," he said. "If he can't have that,

well, you and I can't have it."

Foreman said he would not volunteer his own services, but he said he would consider it his professional duty to take the case at a fee Oswald could afford, if the defendant could not find a lawyer in Dallas and asked Foreman to defend him.

Meanwhile, the Defense Department announced in Washington that Oswald once wrote to Gov. Connally from Russia, pleading that his undesirable discharge from the Marine Corps be reversed.

Connally was Mr. Kennedy's first secretary of the Navy.

This raised a new question—whether the real target was Mr. Kennedy or Connally. The two were riding with their wives in the presidential car when the three shots were fired from a high-powered rifle on the sixth floor of a building overlooking the motorcade as it left downtown Dallas.

Shot on a Slant

Chief Curry said: "I think his actual target was the President. I say this because he hit the President twice from about a 75-yard distance on a slant, and apparently he was an expert marksman."

One shot hit Mr. Kennedy in the head, one in the neck. Another bullet tore through Connally's back, smashing ribs. He was reported in satisfactory condition today.

Oswald returned about a year ago from a three-year stay in Russia, where he married the Russian woman.

Permitted to Return

Four years ago he swore allegiance to the Soviet Union and tried to renounce his United States citizenship. It was some time in this period that he wrote Connally.

The State Department later held he was still a citizen and could return to America.

Fritz refused to say whether the killing of the President and the wounding of Connally was an organized plot or a spur-of-the-moment act.

"There were no accomplices," Fritz said, however.

Officers said Oswald was defi-

