

# Dallas Prosecutor Favors One Forum and State Official the Other

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DALLAS, Nov. 26—Texas officials prepared today to spread the evidence against Lee Harvey Oswald on the public record and make the American people the jury in the case.

What forum will be used for this virtual trial after the execution remained in doubt, however.

Texas Attorney General Waggoner Carr announced in Washington last night that his top aids, prominent jurists and enforcement organizations would conduct a court of inquiry to examine in detail the assassination of the President and the killing of his accused murderer.

## Urges Congress Inquiry

Dallas county District Attorney Henry Wade made a counterproposal that a congressional committee conduct the inquiry.

Wade said that he was ready to co-operate with Carr. The district attorney said, however, he thought that a congressional committee would provide "a far better method" of making evidence public.

Wade noted that a court of inquiry is conducted before a justice of the peace, whose jurisdiction is limited.

"He could not conduct hearings in another state or compel witnesses to come here from another state," Wade said.

"A congressional committee could conduct hearings here, then have others in Washington, D.C., or in another state if the need arises.

## Objections to Carr's Plan

Officials here pointed out privately that the Texas attorney general has no criminal jurisdiction and legally can do no more than request a justice of the peace to call a court of inquiry, the same as any ordinary citizen could do.

The officials objected also that a finding of Oswald's guilt by a Texas justice of the peace would carry little weight in dispelling doubts in the rest of the country that he was the assassin and that the case had been handled properly here.

Carr refused to answer questions after announcing in a Wash-

ington press conference that he was calling for a court of inquiry.

Officials here accused him privately of making a "grandstand play" and seeking personal publicity.

Wade told reporters he agreed that evidence against Oswald should be made public.

"The question is what forum we should use," Wade said. "I like the idea of a congressional committee that is nonpartisan and is interested only in getting the facts, not in politics or publicity."

## Statement by Carr

In a statement, Carr declared that "all Texans join with all other Americans in mourning the loss of our President."

"Because the shocking assassination of President Kennedy, the attempted assassination of Gov. Connally and the subsequent murder of the suspected assassin occurred in Texas, it is my feeling that all facts surrounding these matters should be made public for the knowledge of all people everywhere," the statement continued.

"I will, therefore, upon my return to Texas, call for a court of inquiry, which is authorized under existing Texas law. Those conducting the inquiry will be the top staff of my office, including the attorney general, working in co-operation with one or more outstanding jurists and lawyers.

"Also, top-level local and state authorities will be invited to participate actively, and federal authorities will be asked to co-operate.

"A full and complete report of the findings of this hearing will be sent to the United States Department of Justice, and I want to emphasize that this will be a thorough, complete and impartial investigation, and that the full results will be made public."

Asked whether his decision to convene a court of inquiry indicated dissatisfaction with the performance of local law enforcement officers in the as-

assassination investigation, Carr replied: "I don't accuse anyone of anything."

He said, however, that "I don't know that all questions have been answered."

Earlier in the day, a leading defense attorney in Dallas had urged the calling of a court of inquiry to allay widely expressed doubts about the case that arose when the suspected assassin was killed.

## How Court Works

Charles W. Tessmer, the attorney, explained the working of a court of inquiry, a proceeding provided for in the laws of a number of states but used more in Texas than elsewhere.

Tessmer said that any justice

of the peace has a right to conduct a court of inquiry. It may be instituted if any crime is suspected. Witnesses are subpoenaed and testify under oath. Evidence is produced in open court.

"A court of inquiry would fix the testimony of all witnesses under oath," Tessmer said. "The world at large could judge the strength of the case."

For example, he said, three persons are said by police to have reported they saw the shooting of Police Patrolman J. D. Tippit. They would be called to testify on this point and say whether they recognized Oswald as the man they saw shoot Tippit.

## Palm Print Ambiguities

Tessmer said that sworn testimony would clear up uncertainties about a palm print that authorities say was found on a box at the sixth-floor window of the Texas textbook depository building, where the assassin is said to have hidden and fired the fatal shot at Mr. Kennedy. There also was a report that a palm print was found on a rifle discovered in another corner of the same floor.

"Was it Oswald's palm print?" Tessmer asked. "We know that fingerprints provide means of identification, but this is the first I've heard that palm prints can be used."

Tessmer suggested that witnesses include all persons known to have been in the textbook warehouse the day of the assassination. He said that each should be required to account for his actions that day.

If any of the witnesses at a court of inquiry later should be accused of a part in the crime, his testimony could be used against him as a "judicial confession." A possible exception is that a witness who is under arrest must be warned according to an explicit formula that his testimony may be used against him.

## FBI to Receive Evidence

Dallas police, meanwhile, prepared to turn over all physical evidence in the Oswald case to the Federal Bureau of Investigation.

Chief of Police Jesse E. Curry announced unexpectedly that the transfer would be made today, at the request of Wade.

Curry had planned earlier to turn the evidence over to Wade, probably today, with the understanding that Wade would make it public in some manner.

Wade asked Curry this morning, however, to give it to the FBI instead.

Curry said he assumed that

