

MYTHS OF CASE DENIED IN DETAIL

Panel Says Misinformation on the Assassination Led to "Distorted" Views

NY-9-28-64
By PETER KHSS

The Warren Commission offered a series of detailed refutations yesterday to challenges to the charge that Lee Harvey Oswald had been the lone killer of President Kennedy.

The commission said that "publicizing of charges in connection" had led to "distorted" interpretations. While each inaccuracy could be explained, it went on, "the number and variety of misstatements issued by the police" in Dallas would have "greatly assisted a skillful defense attorney."

On the other hand, Mark Lane, chairman of a Citizens Committee of Inquiry here, contended that if the report contained all the available evidence, "Oswald would have been acquitted" of both the President's assassination and the murder of the Dallas patrolman J. D. Tippit.

In a news conference, Mr. Lane, a former Assemblyman, said his group would continue its efforts to "answer the unanswered questions." He said it had more than 250 workers here, with other committees in England, France and Denmark, and interested groups on 20 college campuses. His group estimated that it had raised and spent \$20,000 to \$25,000 in seven months.

For three months, Mr. Lane served Oswald's mother as attorney without fee for her dead son's interests. Yesterday, he insisted that the Oswald defense had been denied representation and cross-examination rights before Chief Justice Earl Warren's investigation.

The commission took up 127 "speculations" and its contrary "findings" in a 32-page appendix, and dealt with other challenges throughout its 88-page report, although without identifying the critics.

One set of criticisms is in a book, "Who Killed Kennedy?" by Thomas G. Buchanan, who was dismissed from a Washington newspaper job in 1948 as a

Communist; this has sold more than 80,000 copies in Europe. Another book, "Oswald: Assassin or Fall Guy?" by Joachim Joesten, German-born author of 26 books, has sold 5,000 copies in this country.

Among the issues dealt with by the commission were these:

ROUTE

Mr. Joesten contends that there was a last-minute detour in Dallas Nov. 22, bringing the President's car just past the Texas School Depository Building after turns from Main into Houston and then Elm Streets.

The commission said the route was decided upon Nov. 18 and described in both Dallas newspapers Nov. 19. It held the route "entirely appropriate."

The commission contended that people near the Depository believed shots had come from a railroad bridge or an adjacent area ahead of the President's car. But the overpass, the commission said, was guarded by two Dallas policemen, and they and 13 railroad employees with them denied any shots from there. Windshield cracks, the report said, were caused from behind.

DOCTORS

Dr. William Kemp Clark, who signed the death certificate, had said that the President was struck in the throat by a bullet that ranged downward in his chest and did not exit.

The commission said Parkland Memorial Hospital physicians were so absorbed in

... an "exit wound."

SHOTS

There had been reports of four to six shots, and Mr. Buchanan argues that it would take "two assassins" to shoot more than three.

The commission reported fragments recovered "from at least two separate bullets and possibly from three." Bullet fragmentation, it said, causes noise from muzzle blast, shock wave and impact, each of which "may be perceived as a separate shot."

RIFLE

Mr. Lane stresses that an affidavit by Dallas Deputy District Attorney Seymour Weitzman reported it was "a 7.65 Mannlicher-Carcano equipped with a scope that he found on the Depository Building's sixth floor at 1:22 P. M."

The commission said that Mr. Weitzman "did not handle the rifle" and that he had had "more than a glimpse" of it. The only rifle found, it said,

was an Italian-made Mannlicher-Carcano, whose serial number showed that it had been shipped to an Oswald alias from a Chicago seller.

Tests demonstrated, the commission went on, that this 22-year-old 6.5-millimeter rifle could fire three shots in five and a half seconds. With currently made ammunition, experts fired it "more than 100 times without any misfires," the commission said.

OSWALD

Although the Federal Bureau of Investigation interviewed Oswald three times after his return from would-be defection in the Soviet Union and knew he worked in the depository, the commission confirmed that the Secret Service had had no word on him. The Dallas police, it said, did not know he was in the city; he was not being watched that day.

But the commission added that directors of both the F. B. I. and the Central Intelligence Agency testified that he had never been "used by either agency in any capacity." While he got a passport in 24 hours in June, 1963, the commission said that this had been routinely processed and that "the passports of 24 other persons, on the same list sent from New Orleans to Washington, were authorized at the same time."

PACKAGE

Mr. Lane emphasizes an affidavit by Euen Westlew, a 19-year-old co-worker, that he saw Oswald put in the

... of the way to work that morning, measured "about two feet long." Oswald had made it contained "certain rods." Mr. Frazier's sister estimated that the package was 28 inches long.

The commission contended that it had contained Oswald's 1.7-inch rifle, disassembled. While the wooden stock would have measured 34.8 inches, the commission said that the recovered bag was 38 inches long and that both witnesses had been "mistaken" on its size.

TESTS

Mr. Lane contends that a paraffin test by the Dallas crime laboratory showed "no nitrate residues" on Oswald's hands.

The test showed positive responses for nitrates on both hands but none on the face. Mr. Lane argues that a rifle-firing simulation would have caused such responses on the right hand and the face but not on the left—control hand.

The commission said that the paraffin test was "unreliable" and that an F. B. I. agent had fired three rounds from the rifle with "both of his hands and his cheek tested negative."

LUNCHROOM

... could Oswald have faced

down four flights of stairs from a sixth-floor firing site to the second-floor lunchroom before Roy S. Truly, building superintendent, and Motorcycle Patrolman Marrion L. Baker raced up from outdoors to find him there?

The commission reported that Mr. Baker had repeated his run in a minute and 15 to 30 seconds. A Secret Service agent took one minute and 14 to 18 seconds to match the alleged Oswald descent.

ALARM

Mr. Buchanan asserts that the police alarm was not sounded until after 12:45 P.M.

mean some official "knew" Oswald's role in the conspiracy in advance.

The commission said that the first description had been broadcast at 12:45 P.M. that it was a man who was a policeman and he had seen "such a man" run from the sixth floor.

Mr. Lane questioned yesterday whether anyone could describe a man's height and weight from where Mr. Brennan was watching, 107 feet from the deposit and 120 feet from the window. The witness had said he saw the body only from the waist up.

The first time a police officer asked that Oswald, by name, be picked up was at headquarters "shortly after 2 P.M.," the commission said. This was based on an observation by Mr. Truly that Oswald was missing while policemen were trying to question the warehouse's 15 workers, the report said.

DEPARTURE

Mr. Buchanan suggests that an accomplice "let Oswald leave after the depository building had been sealed. But the commission said it was "no earlier than 12:37 P.M." that a police inspector ordered that no one be permitted to leave; the president was assassinated at 12:30 P.M.

TIMETABLE

Mr. Joesten contends that Oswald could not have remained

about 1:45 A.M. to about 3 A.M. one agent remaining from 2 A.M. until 5 A.M., according to the report, which said:

"There is no indication that any of the agents had any intoxicating drink at that establishment.

In addition to the off-duty agents, three others on night duty guarding the President

narrow at the time of the assassination," the commission declared. "While the Secret Service bears the principal responsibility for this failure, the F.B.I. instructions did not reflect fully

McCaman's own car radio by a witness, Domingo Benavides, "shortly after 1:16 P.M."

DESCRIPTON

Mr. Lane says one witness, Mrs. Helen Louise Markham, was first quoted in Dallas newspapers as saying the killer was "short, stocky and had bushy hair." He says another, an elderly Negro woman domestic worker called "short and heavy," but "was ordered by the Dallas police not to see anyone"; he said yesterday he hoped she would yet come to the open.

The commission said a description by Mrs. Markham and others had led to a police alarm at 1:22 P. M. for a slayer about 30, 5'8", black hair, "elderly." It said it knew of no other woman witness to the actual slaying.

TIPPIT

Mr. Buchanan questions why Patrolman Tippit was driving alone despite "standing orders" for his type of radio car to have two policemen. He says the officer was violating a day-old order against driving out of his assigned sector.

The commission said Mr. Tippit had been assigned to work alone that day, in line with department policy for 30 percent of day-shift patrolmen. He had been ordered to move into the "central Oak Cliff area."

RUBY

Mr. Lane contends that the commission should have called upon M. Belli, defense counsel in the murder trial of Lee Ruby, the night-club operator convicted of killing Oswald.

He notes that the current issue of Fact magazine says Mr. Belli has charged that a Dallas policeman and his girlfriend had tried to get Ruby to approve of the idea of having Oswald "killed."

They picked on Ruby because they knew what a weak-minded guy he was," Mr. Belli is quoted as saying.

The commission said Ruby

the FBI (Oswald) "put into ribbons." The commission said that Olsen, who left the force six weeks later, "did not recall the remarks," and his wife had denied them. Mr. Lane issued a 6,500-word statement charging that when the witnesses' testimony differed from the original F. B. I. Dallas version, the commission had held such witnesses "not taken." He contended that "its 'false finding' would rank in history with the first treason conviction of Alfred Dreyfus in France and with 'the trial of the Trotskyists in the Soviet Union."