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12/19

## Lane's defense

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.

## brief for Oswald

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

## By Mark Lane

**I**N 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, pre-judged, 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

**L**ONG 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.

**S**INCE 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 there 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 marked 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.

**P**ARAFFIN 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

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

**Reporter:** On both hands?

**Wade:** Both hands.

**Reporter:** Recently fired a rifle?

**Reporter:** 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 to 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

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, neverthe-

less, 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.

**T**HE 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.

**W**ADE 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.

**W**ADE 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 Cliff, 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.

**W**ADE 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.