

WARREN COMMISSION FINDS THE FBI REPORT INADEQUATE

News 'leaks' don't end Oswald mystery

By Jack A. Smith

AFTER BEING ON the receiving end of several leaks to the press by the Federal Bureau of Investigation indicating that Lee Harvey Oswald was "beyond a doubt the lone assassin of President John F. Kennedy," the Warren Commission—in primary charge of the investigation—reversed roles and delivered a news leak of its own: the FBI report on the case was inadequate.

The commission, headed by Chief Justice Earl Warren, announced that it was dissatisfied with the FBI's five-volume version of the bizarre slaying and has ordered the agency to submit

background material and other data omitted from the official report. Warren and his colleagues were reported to be disturbed by the FBI leaks, motivated as they apparently were by a desire to grab publicity from the Presidential panel by being first to name the killer and secondarily to reduce the possibility that the actions of the FBI would come under committee perusal.

The seven-member panel is obviously not yet satisfied that the case against Oswald is conclusive, despite the FBI findings. During the month since Kennedy was shot to death in Dallas Nov. 22, few facts have emerged to strengthen

the highly circumstantial evidence implicating the 24-year-old ex-Marine as the killer. Many factors, indeed, have tended to weaken the case, not the least of which was lawyer Mark Lane's lengthy defense of the suspected assassin (NATIONAL GUARDIAN, Dec. 19) which has been forwarded to the panel. Confusing the situation—though it dealt with the most startling inconsistency in the assassination mystery so far—was the unofficial report of an autopsy performed on the President by pathologists at Bethesda Naval Hospital. The autopsy, contradicting reports

from doctors in Dallas that one of the two bullets which killed Kennedy entered from the front, upheld the FBI version that both bullets actually entered from behind the President.

OTHER DEVELOPMENTS: In other aspects of the case:

• The Secret Service has announced that Mrs. Marina Oswald, widow of the accused slayer, will probably be held incommunicado several more months. The young Russian-born mother has been sequestered since the assassination. She is considered to hold the key to several puzzling elements of her late husband's background, including his apparent hostility toward the Soviet Union which he once championed.

• Russell McLarry, 21-year-old Dallas machinist who admitted having threatened to kill Kennedy the day before the assassination, was released from county jail on \$2,500 bond. McLarry was arrested Dec. 19, three weeks after the two women to whom he allegedly made the threat reported it to the Secret Service. The agency said it did not track down McLarry immediately because "there had been more pressing things to do."

• Two defense psychiatrists have begun mental examinations of nightclub owner Jack Ruby, who murdered Oswald two days after Kennedy was shot. Chief defense lawyer Melvin Belli will attempt to prove that his client was temporarily insane when he shot Oswald at police headquarters. Trial is scheduled in Dallas Feb. 3.

SOME OMISSIONS: According to sources close to the Warren Commission, the FBI report—contained in two typewritten volumes of 127 pages and three booklets of documents and photographs—is deficient in what it omits rather than in the evidence it does include. The New York Times reports that even the FBI acknowledges that the "report did not answer all the questions . . . [or] demonstrate that various theories advanced are untrue."

Newsweek said the report contained

"some disappointments for Justice. Department officials who screened it before passing it on to the Commission—not in what it says but in what it leaves unsaid. It was 'very readable—remarkably well-written,' one insider said, solid on physical evidence and on Oswald's erratic psyche. But what about all the rumors that the assassination was a conspiracy? The report leaves too many questions unasked or unanswered beyond the recurring phrase, 'There is no evidence.' In light of widespread speculation that Oswald wasn't alone, those

Mark Lane to discuss Oswald case on WBAI

THE Defense Brief for Oswald," an interview with lawyer Mark Lane on his legal arguments printed exclusively in the NATIONAL GUARDIAN (Dec. 19), will be broadcast on N.Y. station WBAI, 4:30 p.m. Dec. 28, and on West Coast Pacifica stations later next week.

were precisely the questions that needed to be raised and explored."

The first volume of the report con-

tains an account of the assassination and of Oswald's capture one hour later in a movie theater. It does not, according to sources, prove him guilty beyond a doubt, as has previously been said in the press.

The report is said to state that only three bullets were fired at the Presidential auto, although other reports have put the number as high as five. In an article in the Dec. 21 New Republic, two writers argue that the actual number of bullets was four—one found on Kennedy's stretcher and another that did not exit from his body; one bullet found fragmented in the car and one removed from the leg of Texas Governor Connally, who was riding with the President. The reported fifth bullet was thought to be embedded in a traffic island near the spot where Kennedy was shot.

The report, according to Newsweek, did not mention the existence of a bullet hole in the windshield of Kennedy's limousine, as indicated by St. Louis

Post-Dispatch writer Richard Dudman, who said he saw the hole when he examined the auto outside the Parkland Memorial Hospital where the President was being treated. Dudman also mentions the possibility of a fourth or fifth bullet.

QUESTION OF TIME: If more than three bullets were fired it would have been impossible for Oswald, as alleged, to have been the "lone assassin" who fired at the President from the sixth floor of the Texas Book Depository, as the entire shooting sequence is said to have taken place in less than five and a half seconds. As it is, the accurate firing of three shots at a moving target 75 to 100 yards away, especially with the bolt-action rifle said to have been used, is a virtual impossibility in that time save for the most expert marksman.

The FBI official report disputed the original contention by the three attending doctors at the Parkland Hospital that the wound in Kennedy's throat was from the entry of a bullet. According to Dudman, one of the doctors, Dr. Robert McClelland, told Dudman after it had been reported that Kennedy was shot from behind "that they still believed it to be an entry wound . . ."

Twenty-five days after the original report of an entry wound in the throat, and almost simultaneous with the FBI leak that both bullets entered from the back, "a reliable source familiar with the autopsy findings" reported that "the first shot struck Mr. Kennedy in the back and did not hit any vital organ . . . and the second hit him in the back of the skull, proving fatal." The autopsy was conducted at the Naval Hospital the night Kennedy's body was brought back to Washington and is now in possession of the Secret Service.

According to the source, a fragment from the second bullet which tore into the President's skull may have emerged at the throat. The doctors at Parkland—who initially reported two wounds, one in the back of the head and the other in the throat—did not notice the hole in the President's upper back because, said the *Associated Press*, "Mr. Kennedy was lying on his back on an

emergency-room table during the entire time they were attending him."

DELAY OF MONTH: Considering the nature of the information leaked to the press so far, it seems incomprehensible that the proper authorities would wait almost one month to reveal that the original report of an entry wound in the throat—so relevant because it would demolish the theory that a murderer was acting alone—was incorrect.

The official report, according to Washington sources, is remiss in several other categories including: 1) whether there was, as has been alleged, a second rifleman (the point is not raised); 2) whether there is substance to the rumor that Oswald was in possession of several thousand dollars around the time he went to Mexico in an unsuccessful effort to obtain Soviet and Cuban visas (the FBI denied this but would not elaborate).

It also seems highly doubtful that the report comments on charges that the FBI attempted to recruit Oswald as a counter-agent or that it discloses the reason Oswald, who defected to the Soviet Union for two and a half years, was granted a new passport last June after less than a day of consideration.

Volume two of the official report, according to *Newsweek*, devotes 39 pages to Ruby's slaying of Oswald and "tells in exhaustive detail how he slipped past a guard at the west entrance—but doesn't name the guard."

PROBE OF FBI? In ordering the FBI to submit new data and in making it known that he was disturbed by the piecemeal revelations about the case leaked by the FBI, Commission chairman Warren was apparently attempting to establish the panel's independence from the agency whose conduct has increasingly come into question.

Columnist Drew Pearson charged that J. Edgar Hoover, FBI director, "wanted to publish the report immediately . . . to get the first jump on a commission which actually is investigating the FBI. It's also investigating the Secret Service, the reported failure of the two to cooperate at Dallas, and any inefficiency by either."