

# Oswald case: A new angle

ATTORNEY MARK LANE, in a statement to the GUARDIAN May 4, charged the Secret Service with deliberately planting a false story in the press in order to cast further guilt on Lee Oswald, the man accused of assassinating President Kennedy in Dallas, Texas, last Nov. 22.

Lane, initiator of the Citizens Committee of Inquiry which is conducting a private investigation into the murder of Kennedy and the subsequent killing of Oswald by nightclub operator Jack Ruby, has just returned after a trip to Dallas, where, he said, he uncovered evidence of Secret Service duplicity. The former New York State legislator stated that he has written to the President's Commission on the Assassination of President Kennedy informing them of his evidence and offering to testify.

The noted civil liberties attorney also said he has learned that a second rifle, not the one attributed to Oswald, was found on the roof of the Texas Schoolbook Depository building the day the President was murdered as he traveled in a motorcade just past the building.

According to Lane, the deliberate falsification concerned an article appearing in the Feb. 10 issue of the Fort Worth Star-Telegram and immediately reprinted in most of the world's newspapers. The story revealed the existence of a Negro janitor who allegedly was a witness to the shooting and could identify Oswald as the killer. The janitor, according to the Fort Worth newspaper, was being held in protective custody until he could appear before the Warren Commission.

**STORY DENIED:** One day later, the Justice Department, the FBI and Dallas police all denied the story. That was the last ever heard about the janitor until Lane charged the following:

"The janitor was the invention of the Secret Service. The story broke the same

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day Oswald's mother was to appear as the first witness on behalf of Lee Oswald. It was obviously calculated to prevent press coverage of any witness who was going to raise doubts about Oswald's guilt. It was a phony story."

Here is Lane's story as he told it to the GUARDIAN:

"I was in San Francisco Feb. 9 when I received a call from Mrs. Oswald in Fort Worth. She was about to ride to Dallas to catch a plane for Washington, where she was to appear the next day as a witness before the Warren commission. Mrs. Oswald asked me if I knew anyone who would ride with her and her constant companion, a Secret Service agent, to the Dallas airport, Love Field. She told me: 'The last person in my family who was held in total police custody was killed.' I called Theyer Waldo, a reporter for the Fort Worth Star-Telegram whom I had met on a previous trip to Texas, and asked him to do me the favor of accompanying Mrs. Oswald to Love Field. He agreed and, with S.S. agent Mike Howard, the three drove to Dallas. At the field, they were met by Mr. Sorrell (I am not sure how to spell his name), who is in charge of the Secret Service in the Dallas-Fort Worth area.

"After Mrs. Oswald boarded the plane, the trio was joined by Pat Howard, deputy sheriff of Tarrant County and brother of agent Mike Howard. Sorrell offered to buy coffee, so the group adjourned to a nearby lunchroom. As Sorrell and Mike Howard conversed, Pat Howard reached over to Waldo, put his hand on his knee, and said: 'When the Ruby trial is over I'm going to give you a piece of news that will blow the top off everyone's head. If it hasn't come out from the Warren commission yet.' Waldo, naturally, pressed for more information, but Pat Howard said he could not tell him any more now, 'except that it has to do with a witness who actually saw the assassination and can identify Oswald.' He refused to give any more details.

"On the way back from Love Field by car to Fort Worth, Mike Howard was driving with Pat Howard next to him in the front seat. Waldo was in the back

sent. Mike turned around and said: 'Wait till that old black boy gets in front of the Warren commission and tells his story. That'll settle everything.' Waldo asked if this referred to the person who saw the assassination, Mike Howard replied: 'Yes sir. He was right there on the same floor looking out a window. After the first shot he looked and saw Oswald. I saw him in the Dallas police station. He was the scariest nigger I ever seen (sic). I heard him tell the officers, "Man, you don't know how fast fast is, cause you didn't see me run that day." He said he ran and hid behind boxes. He was afraid Oswald would shoot him too.' [Lane is now talking] Howard explained that the janitor, never named, had been arrested in the past for gambling and that Mike Howard saw him still in a cell under control of the Special Services (gambling) Division of the Dallas police.

"After Waldo went back to the Star Telegram he had his story copyrighted. AP, other newspapers, radio and TV immediately picked up the story. After it broke, Pat Howard called Waldo and said: 'Great story. Good boy. But you're not

going to mention Mike's name are you?' Waldo replied that he would protect his source. Soon, Mike Howard also called and urged that his name never be divulged. The following day the story was denied by every agency with an interest in the case except the Secret Service, which didn't mention it.

"At one point during their meeting, Waldo asked Mike Howard whether there was any truth to the story that another rifle was found on the roof of the schoolbook building, a story that had previously been denied. Mike Howard replied: "Yes, we found a rifle on the roof, but it was dropped by a Dallas police officer earlier in the day and he forgot to pick it up."

**WILLING TO TESTIFY:** Lane, who would not reveal the source of this dialogue, said he is willing to testify under oath in Washington as to its veracity.

On April 29, after returning to New York, Lane said, he was accosted outside his apartment building by two FBI agents and was "surrounded, to the degree that one man can be surrounded by two other men."

Standing in pouring rain, one of the agents, according to Lane, turned to him and demanded: "Do you have information in your possession which you have secured illegally from the files of the FBI?" To which Lane responded: "Who are you?"

The agents identified themselves as William E. Folkner, 5954, and John Di Marchi, 4256, and repeated the question, resulting in the following conversation:

Lane: What leads you to ask me that question?

Agent: We have confidential information that you have such information.

Lane: I'm surprised it is so easy to acquire such information. I do not ever again expect to be questioned in this fashion by an agent of the FBI. If the FBI wants answers from me, then I suggest that J. Edgar Hoover or someone write to me. In no case will I answer after being stopped in front of my own house by police agents, particularly in the rain. These are tactics of a police state."

Agent: Then I take it that you admit you have documents in your possession taken from the files of the FBI and raising voice I now demand that you

turn over to me all such documents in your possession at this time.

Lane: Excuse me. Taxi!

**DOESN'T HAVE DATA:** This was the last that Lane had been in direct contact with the FBI, but he has been informed that an FBI agent has been following him across the country and attending all his lectures on the Oswald case.

Lane, incidentally, says he does not have the missing FBI documents.

— In another development—

The May 17 issue of the National Enquirer, a weekly with sensationalist leanings, has published a story alleging that Oswald and Ruby not only were acquainted before the assassination but "were suspected of being partners in crime seven months before the President's death."

According to the newspaper's Washington correspondent, "the Justice Department deliberately kept Oswald and Ruby out of jail before the assassination" and "Dallas cops suspected Oswald of being the gunman and Ruby the paymaster in a plot to murder former Maj. Gen. Edwin A. Walker—seven months before the President was assassinated."

The Enquirer based its information on a "top-secret document" that it apparently has not seen, since it concludes: "If the document exists . . ." According to the newspaper the document is a letter signed by a Justice Department official sent in April, 1963, to Dallas Police Chief Jesse Curry requesting that Oswald and Ruby—said to be suspects at the time in the attempt on Walker's life—not be arrested. The newspaper continued:

"The department explained that it didn't want Oswald and Ruby arrested because of 'reasons of state.' The Justice Dept. was making the request on behalf of the CIA. Because the CIA was deeply involved with Ruby—and probably Oswald, too. CIA agents had been using Ruby to recruit men in the Dallas area to serve as commandoes against Castro's government in Cuba. And they didn't dare let Ruby be arrested and chance such information getting out. There were also indications that Oswald himself might have been working both sides of the fence, as a double agent for both the Communists and the CIA."

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RUBY AND OSWALD LINKED?  
 The Enquirer's front page