

Earl Warren's 'lost cause'?

THE PRESIDENTIAL COMMISSION investigating the assassination of President Kennedy has labored nine months to produce an assortment of inspired stories, leaks to the press and glaring deficiencies in the pursuit of its mandate as set forth by President Johnson Nov. 29, 1963: "... to satisfy itself that the truth is known as far as it can be discovered, and to report its findings to [the President], the American people and the world."

Perhaps the most bizarre episode in its history occurred Aug. 18 when the New York Journal American (the Dallas Times Herald and other papers) began publication of the admittedly authentic testimony taken in Dallas June 7 by Chief Justice Warren and some of his colleagues from Jack Ruby, the man who killed Lee Harvey Oswald.

The testimony was obtained by Hearst reporter-columnist Dorothy Kilgallen "from [she said] sources close to the Warren Commission in Washington." The Commission was reported by the New York Times to have "expressed distress" at the "premature publication." Newspaper publishers wired Justice Warren angry requests for "equal treatment," and J. Lee Rankin, the Commission's chief counsel, said the disclosure was under federal investigation.

The Ruby testimony took three hours and five minutes and filled 102 typescript pages. In the Journal American it filled several pages over three days and was accompanied by revealing commentary by Miss Kilgallen who has reported on the assassination inquiry with a most unusual zeal. Her analysis of the testimony seemed accurate. "It is a fascinating document," she wrote, "fascinating for what it leaves unsaid, as well as for what it says." And, she might have added, fascinating for what was not asked of Ruby by the Chief Justice.

EVERYONE KNOWS that Jack Ruby murdered Oswald in a Dallas police station after having been allowed openly to wander in despite what had been announced as the strictest security precautions. But very few people have the answers to two key questions about Ruby:

- Did he know J. D. Tippit, the Dallas police officer murdered allegedly by Oswald?
- Did he know Lee Oswald before he shot him?

On the first point, Miss Kilgallen notes: "According to the Dallas police, Ruby knew every cop on the force. Didn't Dallas authorities explain that it was because Ruby was so well known that he was able to get so close to Oswald that Sunday morning?"

Lawyer Mark Lane, whose brief for Oswald was first printed in the GUARDIAN Dec. 19, 1963, and whose investigations have reinforced world-wide doubts about the assassination inquiry, informed the Warren panel months ago of the following: Reliable information given to him put Tippit and Bernard Weisman, who placed a vicious anti-Kennedy full-page ad in the Dallas Times Herald

on the morning of the assassination, at a table in Ruby's Carousel strip-tease joint with a third man three weeks before the assassination. The third man, according to Lane, was Jack Ruby.

YET THROUGHOUT the three hours of testimony, Justice Warren permitted Ruby to ramble, twist and dodge and never answer directly the questions whether he knew Tippit or had been with him at the Carousel that night. Even more bizarre, Justice Warren added a fourth man to the table, "a rich Texas oil man," whom Lane says he never mentioned. Significant was Ruby's reply to Warren's question, "Who was the rich oil man?" Ruby replied. He never admitted that the meeting took place; he never denied it.

On the second point, Ruby again dodged a direct answer as to whether he knew Oswald. In a "lie detector" test administered to him by the FBI July 18 (at his request to Justice Warren), Ruby did deny that he knew Oswald; but the questions put to Ruby, said the New York Post, which published a transcript of the test—without disclosing its source—were formulated on the answers he gave to the Warren Commission.

There have been persistent rumors in Dallas, as the GUARDIAN reported Feb. 27, even among police officers, that Ruby and Oswald knew each

other. Miss Kilgallen last winter also reported that Dallas District Attorney Wade was ready to confront Ruby on the stand with 10 witnesses who would say that he knew Oswald. Soon thereafter it was announced that Ruby would not take the stand.

On Feb. 27 too the GUARDIAN reported Miss Kilgallen's allegation that the FBI made a deal with lawyers defending Ruby which "provides Ruby's side with helpful information that they never would have been able to get without the help of the G-men—on condition that they do not ask anything at all about Ruby's alleged victim." The Warren Commission has brushed off the ten witnesses—each of whom is reported to have given a sworn deposition—as unreliable. If they did lie, in a case as crucial as this, why has no action been brought against them for perjury?

A MOST SIGNIFICANT portion of Ruby's testimony before Warren was his insistence that President Kennedy had been the victim of a right-wing plot, that he (Ruby) was a target of the plotters (although he insisted he had nothing to do with them), and that they were out to get Justice Warren too. He begged Justice Warren to bring him to Washington where, he said, he could



tell the truth as he could not in Dallas. Justice Warren took the whole agitated outburst in stride and consulted his watch to note that it would soon be time for lunch.

Ruby seemed far more terrified of ending up a victim of the alleged plotters than of the electric chair. Repeatedly he said he was "through," that he would be done in by the plotters as would his family. He said: "You have a lost cause, Earl Warren. You don't stand a chance. They feel about you just like they do about me, Chief Justice Warren." And at the end, he said:

"I have been used for a purpose and there will be a certain tragic occurrence happening . . . When you leave here, I am finished, my family is finished. You won't ever see me again. I tell you that."

ON APRIL 4 THE GUARDIAN, reporting on a series of articles by Tom Buchanan which has since appeared in book form (GUARDIAN, Aug. 15), recorded Buchanan's prediction that Ruby would not die in the electric chair, that he would not live long enough for that. "The ground has been perfectly prepared," Buchanan wrote. "Ruby's purported insanity plea will give plausibility to his attempt at suicide. And the attempt, I am convinced, will succeed." Buchanan called on President Johnson and the Warren Commission to take Ruby out of the hands of the Dallas authorities and into federal custody.

It should be noted that Dallas police officials were present throughout Ruby's testimony before the Warren Commission. It seemed that he was desperately trying to get past them to make himself clear to Warren, but Warren let them remain. Insane or not, liar or not, Ruby has given substance to the reports of a plot to kill Kennedy that have currency throughout the world. And the Warren Commission's insistence—as it has let it be widely known—that the assassination was the work of a sole deranged person, thus takes on proportions which Kafka could never have imagined.

The syndicated newspaper column Allen-Scott Report of Aug. 14 said that some members of the Warren Commission, chiefly Sen. John Sherman Cooper (R-Ky.), are dissatisfied with the preliminary findings and are insisting on further inquiry before the final report is issued. (The expected date is now Oct. 1.) It is to be fervently hoped that the dissenters will persist. For if, as just about every competent and open-minded reporter and investigator seem to feel, the murderers of President Kennedy still walk among us, then the United States of America is in a graver danger than any of us can articulate.

—THE GUARDIAN