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Tet. Observer 12/27/63

Oswald in Austin

Austin
The Observer learned that Lee Oswald probably was in Austin this fall and tried to get his Marine discharge changed to an honorable one during his visit here.

The Oswalds had been in New Orleans last summer; on Sept. 23 Mrs. Oswald and Mrs. Ruth Paine of Irving drove to Irving, and Oswald left shortly thereafter. He turned up in Mexico City, applying for travel papers to Russia via Cuba Sept. 27. He could have stopped in Austin on his way to Mexico through Laredo.

Mrs. Mary Lee Dannelly, assistant chief of the administrative division of the Selective Service system in Texas, says Oswald called on her about six weeks before the assassination in an attempt to get his discharge changed to honorable.

Mrs. Dannelly also remembered that Oswald's visit, which lasted about half an hour, occurred on one of her paydays. She is paid every other Wednesday; one of her paydays was Sept. 25, about eight weeks before the assassination.

"He had been to the governor's office to see how to get his discharge corrected," she said. "They sent him down here because they didn't have any of the information that he wanted."

The regular receptionist in the governor's office and Larry Temple, Gov. Connally's administrative assistant who usually handles military matters for the governor, agree that they do not recall or have a record of a visit from Oswald.

"He just mentioned that he'd gone up to the governor's office to see about getting his discharge changed," Mrs. Dannelly said. She also mentioned that they had not had the forms he needed at the governor's office.

"He said he had first gotten an honorable discharge, but it was later changed to 'other than honorable conditions,'" she said. "They told him at the time that if he lived an upright life, he could make

application after two years. He'd been waiting more than two years. He said it had caused him difficulty getting or keeping a job, and it was embarrassing his family."

Oswald was released from active duty in the Marine Corps on Sept. 11, 1959, according to the Associated Press. After he tried to defect to Russia, the Washington Post has reported, he was given an undesirable discharge; early in 1962 he wrote to Connally, then Secretary of the Navy, bitterly protesting this.

Mrs. Dannelly is "positive" the man who came to see her was Lee Oswald. She said he gave his name as "Oswald"; she recognized him on television. She thought he must have given her his first two names in some variation, because she could not find a card on him in her files at the time. She has since found a routine card under the name, Lee Harvey Oswald.

He told her he lived in Fort Worth, where his mother lives and he worked in 1962. He said he had registered for the draft in Florida; Oswald in fact registered in Fort Worth, but Lt. Col. Boyd Sinclair, chief of the administrative division, says registrants are frequently confused on such details.

Mrs. Dannelly said she thought, when she was talking with Oswald, "Well, that's the ugliest man I ever saw." He was just repulsive to me." He was not discourteous, however, and "he seemed very sincere," she said.

She searched in a book of Navy regulations for the provision which would be controlling as to Marine discharges, but did not find it, and finally suggested to him that the Fort Worth office of Selective Service might have the records he needed.

Two other Austin residents believe they saw Oswald in Trek's Cafe on South Congress, 30 blocks from the downtown area of Austin. Oswald could have stopped in there

while hitch-hiking to Laredo, or he might have had other business in the area.

Mrs. Stella Norman, who waited on the man "a good two months ago," but not on a Wednesday, which was her day off, said he was a person who looked just like Oswald. "It was either him or his twin brother," she said. He drank two or three cups of coffee and stayed 30 or 40 minutes.

"He came in by himself. He was worried about something. He left by himself," she said. "He looked like he was waitin' for somebody, or waitin' for some time to get there. He coulda been waitin' for someone—I'm not sayin' he was. . . . He was a

nervous kinda fellow. Didn't seem like he wanted to talk to anybody. I left him alone.

"He scribbled somethin' on two or three napkins. He didn't leave those—he took 'em with him," Mrs. Norman said.

A pressman at the local daily newspaper, L. B. Day, said that he was in the cafe the same day and also was convinced the man was Oswald.

"I just got to lookin' at him," Day said. "I wouldn't forget him. I thought he was one of these cedar choppers come in from

the country, you know, those boys out there who rough it.

"Seem' like he had a napkin in his left hand, with a pencil, dottin' around on it, kinda scramblin' around on it, not payin' much attention to what he was doin'," Day said.

The cafe was almost empty, and the afternoon half gone; passing the time, Day recalled, he told Mrs. Norman to joke with the man they think was Oswald, and try to draw him out; but when she did, he didn't respond to her.

"I said things in the way he coulda answered me. I got no answers," Day said.

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Questions On Oswald's Civil Liberties

Was Oswald deprived of his constitutional rights? Obviously, when he was shot dead, he was deprived of them and his life. But questions have since been raised by John Pemberton, the national chairman of the American Civil Liberties Union, that go to the issue, did the Dallas police deal with him unfairly?

Four representatives of the Dallas chapter of A.C.L.U. went down to city hall to look into the question the night of the assassination. They were Greg Olds, the chairman of the chapter, and three Dallas lawyers, Otto Mullinax, L. N. D. Wells, and Grier Raggio. They had been moved to inquire after having received a call from Rev. Branch Lovely, chairman of the Austin A.C.L.U. chapter, that he had heard Oswald say on TV that he was being denied legal representation.

It was a test of their belief in civil liberties, Wells said; they went on down.

They were assured, by Dallas Police Chief Jesse Curry, Justice of the Peace David Johnston, and other officials, that Oswald had been arraigned before J. P. Johnston at 7:30 that evening, and that he had been advised of his right to have a lawyer and had said he did not want one.

Charles Webster, a professor of law at S.M.U., had been in city hall making related inquiries before the committee of the local chapter arrived, and information he had corroborated that the committee gathered.

However, the A.C.L.U. representatives did not insist on seeing Oswald, himself. They took the word of the Dallas officials. Wells says that Curry has been most cooperative with the requests of the local chapter on behalf of the rights of prisoners. For instance, Wells says, Curry has had posted, where prisoners can see it, the telephone number from which they can obtain a lawyer if they wish—that of the Dallas Criminal Bar Assn. He distributes among prisoners a pamphlet telling them what their rights are.

Olds regrets now that he did not ask to be let see Oswald. "There will always be a question, because he's dead, and no one [from the committee] talked to him," Wells says. That is, Wells meant, there will always be a question whether Oswald was notified of his right to counsel within a proper time after his arrest, whatever such a time may be—a point lawyers argue about.

Oswald's mother, Mrs. Marguerite Oswald, and his wife and brother Robert were present at the jail from the first day, and they made no apparent attempt to get him a lawyer.

When, at her press conference recently, his mother was asked what he had told her in the jail, she said she had started out by expressing concern about the bruise on his face, which officers had said he got when he resisted arrest in the Texas Theater and apparently tried to shoot the first officer who grabbed him.

"No, no," Mrs. Oswald told the press her son had said about the bruise. "I got that in a scuffle."

With a smile, his mother said, he told her then:

"I am just fine. I know my rights. I'm going to be all right. I'm going to have a good lawyer. So don't you worry about a thing. That was my conversation with my son," she said.

(The president of the Dallas Bar was quoted widely that Oswald had told him that he wanted John Abt, a New York lawyer who has handled the legal defense of communists, and that if he could not get Abt, he wanted an A.C.L.U. lawyer. Finally, bar president Louis Nichols said Oswald told him, if it was his only recourse, he would accept a local lawyer, if one could be found who believed him innocent.)

Mrs. Ruth Paine, at whose home Oswald's wife Marina and the Oswalds' two children were staying at the time of the assassination, said that Oswald telephoned her three times Saturday, first in the afternoon to

give her the work and home phone numbers of John Abt—she did not know where he had gotten them—and second in the afternoon to make sure he had asked her to place the call to Abt; then a third time about 9:30 Saturday evening, on which occasion he expressed surprise that his wife Marina was not there and wanted Mrs. Paine to convey to her that she should be. Mrs. Paine said she made the call to Abt for Oswald.

In light of the additional fact that the night before, Olds and the three A.C.L.U. lawyers had been satisfied that Oswald was not being denied his right to a lawyer and had been arraigned, it would seem that whatever questions remain about Oswald's rights to an arraignment and a lawyer having been observed are not major ones.

I saw the A.C.L.U. group standing behind a row of policemen at the foot of a stairwell Friday night as the press coursed around a bend in the basement of city hall on the way to a "showing" of Oswald that raised obvious questions about publicity and justice.

A HUNDRED or 125 members of the press jumbled together in the lineup room. "Anybody got 100 feet of 16 millimeter for cash?" somebody asked. A man from Time at my left observed, "First time a presidential assassin ever went before a press conference." We were not lawyers, but we sensed that this was extraordinary procedure, questionable legally—to bring this accused man into this mob of journalists and submit him to questioning there.

After a fairly long wait, Police Chief Curry said that if there was any rush, he would be hustled out. Then officers filed in, Oswald in handcuffs between two of them.

Bill Alexander, first trial assistant to Wade, told me later that he had seen Jack Ruby in a hallway of the city hall after

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the assassination. (I heard, but did not as certain, that Ruby was among us in the line-up room, asking questions as though he was a reporter.)

Oswald was greeted by the visual pyrotechnics of flash bulbs. His left eye was still swollen. He didn't look like much, the sort of guy you'd pass on skid row and think nothing of.

Very few could hear what he said. I was about four rows back, and could not. There was no amplifying mike. It does not seem to me he was before us for more than a couple minutes. When Bo Byers of the Houston Chronicle shouted, "Louder," the officers hustled him out. There had been no audible questions as far as most of us were concerned.

This had been our chance: there he stood before us, the assassin, so we all did feel; yet no one got from him an answer to the question, "Why?" He wouldn't have said anyway, but it seemed, especially later, it seemed to be a terrible miss that none of us got to try.

A radio or TV man had put a mike under Oswald's jaw and told me, in the crush at the front of the room after Oswald had left, that he had said he didn't know what it was all about. He wanted some sort of representation, and didn't have any. As far as he knew, all he was charged with was murdering a policeman.

The young newsman, who was not referring to notes as he recounted this, said he had replied (melodramatically, judging from his re-creation of his own question): "You're charged with murdering the President." Oswald was represented as replying that he didn't know anything about that all he knew was, a reporter asked him a question about it in the hall.

In retrospect it was even a stranger scene than in prospect: bringing this man before us, letting him have a private conversation with the few people adjacent to him, hustling him away before we could ask him the hundred questions we needed to, the thousand.

During the ensuing questioning of D.A. Wade by the press, I asked if Oswald had a lawyer. "I don't know . . . his mother has been here, and his brother has been here," Wade replied.

Where had he gotten the bruises? someone asked. "There was a struggle at the time of the arrest in the Texas Theater," Wade said. Oswald had snapped his gun, but it didn't fire. (The arresting officer, McDonald, said Oswald slapped the gun against the side of his head, leaving a four-inch gash, before he was subdued.)

At some point, the four representatives of the local A.C.L.U. went on home that night. "We felt at that time there was no real desire on behalf of the police department to deny him counsel if he wanted it," Mullinax said. His wife, mother, and brother had been with him all evening and had not tried to get him a lawyer, Mullinax said.

The Texas Observer

ONLY WEEKS LATER, on Dec. 5, after consultations with the Dallas chapter, did the national A.C.L.U. come forward with Pemberton's statement on the matter. In sum, it said that Oswald had been tried by radio, TV, and newspapers and could not have gotten a fair trial, and that the Dallas police were derelict in letting Ruby shoot Oswald.

The statement tossed off, in a muddily worded sentence inside a paragraph muted

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Oswald and Others: Persisting Suspicions

Observer readers will please take this as an advisory merely, on the question of Oswald's associates, which opens into the question of whether he had accomplices, which bears on the question of conspiracy, unnerving to everyone, but necessary to pursue relentlessly.

Jack Ruby's alibi at the Dallas News is represented as air-tight, permitting no suggestion that he was present in Dealey Plaza during the assassination four blocks away. Although this would seem to preclude the possibility that Ruby in any way assisted Oswald if and as Oswald shot Kennedy, it of course does not bear on whether Ruby might have known Oswald, in some way, in advance.

I have not been able to rub from my mind my memory of seeing Oswald gaze directly at Ruby in the city hall basement, and then turn his gaze forward again, whereupon Ruby stepped forward and shot him. Was Oswald's gaze caused by an animal sense of danger? Or was it, as seems plausible, from my reactions as I watched it on TV, a surprised gaze of recognition, followed by a recovery designed to protect a pal or an accomplice?

I was able to report first to a daily newspaper, for which I have written some special articles, that Oswald was overheard to say that he had attended the Walker rally Oct. 23 and the Stevenson rally Oct. 24 in Dallas, and that two Dallas women say they saw him leading a group of five or six or so pickets before the Stevenson meeting opened, although they do not remember what these picketers' signs said. If the two ladies saw what they think they saw, who were the other picketers?

In Irving, a lady in a furniture store recalled that Oswald had come in, asking about something pertaining to a gun, and that his wife and new baby came in subsequently, and that then they left in a blue

in brackets, the fact that local A.C.L.U. people had satisfied themselves that Friday that Oswald had been arraigned and given the chance to have counsel. Pemberton said Oswald should have had counsel from the time of his arrest. In resentment that their key report to their national office had not been stressed, the local A.C.L.U. met and resolved to ask A.C.L.U. to issue a supplementary statement commending the Dallas police for having been cooperative in protecting prisoners' rights.

and white 1957 or 1958 Ford. They had driven a little way the wrong way on a one-way street toward a sports shop where an "Oswald" had a scope mounted on a gun. Where did they get this car, since Oswald did not have one of his own?

The gunsmith at the sports shop, Dial Ryder, says that his records indicate the "Oswald" for whom he did work had the scope mounted on a rifle that had to be a .303 British Enfield of an O3A3 Springfield, Army Surplus. The rifle with which the President was killed was an Italian gun. Was there a second rifle in Oswald's life, and if so, why, and where is it now?

That Oswald was a Marxist seems well established. That he was a pro-Russian Marxist on Nov. 22 is not clearly established. Ten months or so before that he told Sam Ballen, a Republican petroleum geologist in Dallas, that Russia was "incredibly boring"; the well known facts reflect that he had not been in Russia a year when he started trying to get out. He allowed in his argument with our informant at the A.C.L.U. meeting Sept. 25, that a man is freer in the U.S. than in Russia, and he told the Paines he had resented being ordered around there. Why, then, did he go to Mexico to try to get a travel permit to Russia? Because he expected sanctuary in Russia, after he killed the President? Or because he wanted the finger of blame pointed there? Yet, if he was a double agent, why would he take a pot-shot at Gen. Walker, if he did?

These are but questions, and there are many more. The FBI, it now appears, does not assert there were no accomplices, but only said they had no evidence of any, and continue to investigate. So do responsible colleagues or ours in the press: so does your faithful servant.

Anyone who knows anything about this has a duty to history to come forward.

R.D.

New Orleans

Articles have appeared recently in the New Republic, Reporter, National Guardian, and the Texas Observer pointing out certain contradictions in the evidence associating Lee Harvey Oswald with President Kennedy's death. None of these articles, or anything else I have read, have noted that Oswald's actions, before and after the crime, do not easily fit into the pattern of either of the two traditional forms of political assassination.

One type of assassination arises out of a comparatively well-ordered conspiracy. The assassins, or assassin, are associated with an organization, often a sizable organization, and the assassination is planned with care and in collaboration with others. The method may vary from a group slaying to a single act of violence, but invariably the assassins attempt to disguise themselves and seek a means of escape. The French OAS, the communists (e.g. the assassination of Trotsky), and the Black Dragon Society in Japan have all engaged in political assassinations in this manner.

Oswald, if we presume he was guilty, did attempt to escape; he had a tenuous connection with communism, and from certain evidence he appears to have planned the assassination, though not with much care. On the other hand Oswald, from all evidence turned up and from what we know of his personality and career, was never part of any conspiracy. He was, quite simply, a loner.

The second type of political assassination, and the one most common, is an *attentat*. There is no exact translation for this German word, but roughly speaking it means to call attention to an injustice by an act of violence, frequently political assassination. It is, as the anarchists put it, "propaganda of the deed."

The classic statement of *attentat* in English is found in Alexander Berkman's *Prison Memoirs of an Anarchist*. Berkman, who attempted to shoot Henry Clay Frick during the Homestead strike, contended that "murder and *attentat* are . . . opposite terms. To remove a tyrant is an act of lib-

eration, the giving of life an opportunity to an oppressed people."

The individual who commits *attentat* makes no effort to escape; if he is killed at the scene he has died "for a grand, a sublime Cause"; if he survives then his public prosecution allows him to proclaim the nature of his act and the principles of his ideology. Though none of the men who assassinated or attempted to assassinate American presidents were as articulate, or probably as sane, as Berkman, all of them were engaged in *attentat*. They acted individually (Booth's wild associates could hardly be considered part of a well-oiled conspiracy, and they had no connection with any large organization) and openly; they all announced that they were acting as agents for a higher Cause—God (true even of Guitea) or the People. They had, again to quote Berkman, "the conviction which excludes all doubt, all regret. . . ."

Oswald apparently acted alone. Though not insane, as were the men who attempted to assassinate Jackson and the two Roosevelts, he appears to have been an anomic individual, undoubtedly compulsive, which fits the usual personality type associated with other assassins guilty of *attentat*. Oswald's "cause" might be considered his murky form of Marxism, though there is no evidence that he ever viewed himself as an agent of that cause other than his abortive attempt to hand out Fair Play for Cuba Committee leaflets in New Orleans. His attempt to escape and his insistence that he was innocent, that he did not shoot President Kennedy, is not at all typical of the *attentat* type of assassin. If he had been interested in publicly calling attention to an injustice—symbolized by the President—and in propagating his cause, he would have had an opportunity greater than any assassin in world history. His every word would have found its way into millions of homes; instead he pleaded not guilty.

The fact that Oswald was not in the tradition of the typical conspirator-assassin or *attentat*-assassin does not of course mean that he was necessarily innocent of killing John F. Kennedy. It does seem to imply, however, that if he was guilty his motivation stemmed from a personal, deep-

rooted, psychological state, rather than from a public stance—perhaps like Dr. Weiss, who shot Huey P. Long. Oswald read an account of Long's assassination while in New Orleans in the summer of 1963.

Unfortunately Ruby's bullet prevented

the thorough examination by psychiatrists and psychologists that would have accompanied Oswald's trial, and Oswald as a man, as an accused assassin, will always remain partly an enigma.

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END

TET OPS
2/2/64

Oswald Not Known, Two Say

Immediately after the assassination of President Kennedy, the Observer asked William Lowery, the Dallas man who testified on the preceding Sept. 23 as an informant for the FBI in the Communist Party in Dallas, whether he knew Oswald. He said he did not know him and had never heard of him. Lowery was in the party in Dallas from 1945 through Sept., 1963; Oswald was in the Dallas-Fort Worth area after his return to Russia on and off from the summer of 1962 until the assassination.

In San Antonio, during its interview with John Stanford, Jr., whom the U.S. Justice Department says is the executive secretary of the Texas Communist Party; the Observer asked Stanford if he knew Oswald or anything about him, and he replied that he did not. Stanford advanced the theory that Oswald might have been acting in league with right-wing groups, but did not have any new facts to offer on this theme.

Stanford said that after the assassination, a threat that he would be killed was phoned to a San Antonio paper, and a police guard was placed around his house.