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On The Line

Was Oswald Convictable?

By **BOB CONSIDINE**

Lee Harvey Oswald was arrested Friday afternoon, Nov. 22, 1963, and was killed at midday Nov. 24. During much of the intervening time he was questioned by Dallas police, the FBI and probably by the Secret Service. Aside from a now almost forgotten announcement that he denied shooting President Kennedy, there has never been any detailed account of what he was asked and what he answered.



Bob Considerine

Had Oswald lived and gone to trial it is questionable if even a Dallas court could have found him guilty on the same evidence that was employed to indict him as the murderer in the Warren Report. As Warren Commission Attorney Alfreda Scobey pointed out in her article, "A Lawyer's Notes On The Warren Commission's Report," printed in the American Bar Association Journal, the damaging testimony made to the commission by Oswald's widow would not have been admissible in a criminal case.

These troubling thoughts stir each time another book on the assassination appears. Today we have "Rush To Judgment," by Mark Lane, "a critique of the Warren Commission's Inquiry into the Murders of President John F. Kennedy, Officer J. D. Tippit and Lee Harvey Oswald." It is published by Holt, Rinehart and Winston and carries a foreword by the distinguished British historian Hugh Trevor-Roper.

LIKE TWO preceding books, "White Wash" by Harold Weisberg, privately printed, and Edward Jay Epstein's better known "Inquest" (Viking Press) Lane's thesis leans heavily on the contradiction between FBI and official Bethesda (Md.) Naval Hospital accounts of the autopsy, and on the all but incredible rapidity with which the assassin got off three shots at moving targets.

Lane is a New York lawyer who was elected to the State Legislature in 1960 with the support of JFK, Sen. Hubert Humphrey

and Mrs. Eleanor Roosevelt. He was best known at Albany for sponsoring what later became the bill abolishing capital punishment in the state. After Dallas, Lane formed what he called the Citizens Committee of Inquiry, a private investigation of the assassination which took him to Dallas on seven occasions.

He lectured here and abroad. His dark misgivings about official versions of the assassination won him ready audiences among those who suspected and still suspect that undisclosed foul play was afoot. He testified twice before the Warren Commission and volunteered to serve as attorney for Oswald's mother.

Louis Nizer, in his salute to the competence of the Warren Report, suggested that anyone who contested the facts contained therein must be classified as "neurotic" or motivated by "sordid interests." In regard to Mother Oswald's credibility, J. Edgar Hoover told the commission that a good indication of the lack of same "was the retaining of a lawyer that anyone would not have retained if they were serious in trying to get down to the facts."

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UNDISMAYED, Lane has come forth with 460 pages of text, diagrams and documents to beef up his contention that there is something wrong with the commission's report that one man, Oswald, did it, with one old gun and three bullets — one of which missed — fired in two-point-three seconds.

Trevor-Roper's prose is more sedate and more perturbing. Why did officer Tippit attempt to arrest Oswald—of all the men in Dallas—before he was identified as the man who may have shot JFK? Why did the chief "fingerman" on Oswald fail to recognize him several hours later in a police lineup even after having seen him on television?

"The Dallas police had undisclosed reasons for arresting Oswald even before they had avowable evidence pointing towards him," concludes Trevor-Roper.

There will be even more doubts cast before JFK is finally allowed to rest in peace.