

(Broder is introduced as President of the NY State Association of Trial Lawyers.)

LS WC has not proved LHO guilty.

AB WC composed of some of the most distinguished men and distinguished jurists in the USA. I have always defended the jury system and against having experts selected to sit in judgment; but in this particular instance we had some of the finest experts in the country sitting in judgment of the guilt or innocence of LHO and this jury of distinguished people spent one year in studying the facts, and produced 26 volumes of testimony, amounting to millions and millions of words, and they concluded that **LHO** was guilty. I am rather shocked to find that LS's book finds that the intention of the WC was to find LHO guilty, that this was their intention from the very beginning., and the question has been posed by **LS** concerning the integrity of this Commission, which I think is more shocking than anything else.

LS His book does not deal with the integrity of the WC. Eminent authorities have to sit in judgment under certain rules--rules of cross-ex which make it possible not only to be fair to the accused but also to get to the proof. If you can give me a good and honest reason why the WC has refused cross ex. then you can go on along the same line.

AB You say there is nothing in your book which raises an issue concerning the integrity of this Commission...on p 332 you say that what all these mysteries have in common is that they prove there never was a serious investigation of the assassination. If this WC never seriously investigated the assassination, they didn't do so certainly not because of their inability to do so and not because of their general incapacity to examine into the matter because they had every facility of the US available to them. The only basis for such a conclusion would be their integrity. You say there never was a serious investigation...

LS Do you think there is a serious investigation of any case without cross-examination?

AB Certainly I do. Cross ex. has its place in a regular trial. This was an investigation--it was conducted it wasn't intended to be a trial. It was an investigation. The WC was charged with determining the guilt or innocence of LHO and they certainly--well, cross ex in the sense that we didn't have Mr. Lane...

LS Mr Lane or anybody else--that's the problem.

AB There was somebody else there--Mr Craig of the ABA...he was commissioned and assigned to defend the interests of the widow...he was present at the hearings and he had observers present at the hearings and apparently he observed that all the questions that were posed to the witnesses were being posed properly. From what I could see there was cross-ex of the witnesses that were there.

AB They were most interested in determining the facts and they went into these facts in great detail.

LS Could you give me some examples--of interventions of Mr Craig defending LHO?

AB Mr. Craig? You don't need Mr. Craig, as I pointed out...He was present--he was present as an observer and as a participant on several occasions.

BARRY GRAY If LHO didnt perform the shooting, who did it?...I would suggest one of the greatest games played in Europe is that WC found LHO guilty but there were 32 other people. It makes for great copy but everybody who's written a book about this says LHO didn't do it but I don't know who did.

LS If you are accused of killing your wife, all your lawyer has to do is ask the district attorney to give his proof. If he cannot give proof, you are free. No one ever asks your lawyer to find someone else. Is it duty of the defense to say this one or that one did it?

AB It is essential to go beyond that...Because certainly USA most concerned about this--the President and the persons responsible for security are most concerned about this, and the only implication of your book is that there was no proof that LHO did it...If that was the case then certainly the responsible authorities would make an investigation to find out who did it.

BARRY GRAY Mr Broder you are not up on the latest European gossip--First it was the extreme right, then extreme left, then some rich Texans did it so LBJ could be president...Because Europeans bless 'em are so thrilled with a kind of political chicanery...which developed over thousands of years that they just can't accept the fact that this was an assassination by a lunatic. Some of the most distinguished people in the Western world sat in on this investigation and put together volumes, chapter and verse, with some of the most skilled investigators. Thousands of books will be written.

LS That is really much too simple...There were rumors some ridiculous I have destroyed some of them, like Buchanans, etc...But you shouldn't forget that there would not have been any rumors if you had had a real investigation instead of Cpt Fritz in Dallas who lies and contradicts himself--if later on the FBI had done a serious job--and if the WC had done a serious job. So there is one major excuse for the European sceptics--but all the rumors are excused by the poor investigation made of the assn of your President.

BARRY GRAY Do you think the WC took all this time to clear the guilty people?

AB You must reach that conclusion and I haven't heard an answer to it. In other words, very simply stated, that the US Govt in order to cover up for the mistakes of the Establishment--the district attorney, the FBI, the police--in order to cover up these mistakes is the US Govt now consistently indifferent to this other alleged assassin that is still at liberty?...It would mean that there is a leftist movement or a rightist movement which is ready to take the country over.

LS The point is there was an investigation. What did it bring out? This investigation, if you will condescend to look into the book instead of making generalizations, or asking me questions about the American govt and other booby-traps, then I will tell you for each point-- p 195 of WR summary of 8 proofs. I have discussed each of the 8 proofs. If you find my discussion (erroneous?) please say so.

(Discussion of possession and ownership of the rifle—LS, no proof it was used or used by LHO--You have to prove 2 things ballistically--that the bullet has been fired by the rifle, and that it is the bullet that hit the victim. No proof whatever that the 399 bullet hit JFK. WC did not prove that LHO's rifle was used to kill JFK.)

AB (Quotes WR to defend WR) (re Single missile theory) You know, ~~the~~ probability is all that the law expects in any situation, and when you attach the law of probability to all of the circumstances and to the 8 points of the WC then you begin to see a picture which is most unusually high in the nature of proof vs LHO.

(Station break)

AB LS says foolish link Ruby and LHO...childish thing...and refers to fact that Ruby's apt only a few minutes away from Tippit scene...LS says that is nonsense and I agree with him. But isn't it likewise nonsense to say on p 229 that you question whether Washington ever intended to get to the truth re this assn. Isn't that equally childish on your part...?

LS (Discusses the NYU Law Review, Freese and Cushman, they agree with WC conclusions but they concede that the WC was in no situation to come to any other conclusion)

AB You said in your book that they did this in order to avoid shaking public confidence in the FBI.

LS The WC says the killer was at 6th floor; do you believe that in such case the room should be searched...?

AB They did examine it and they found LHO palm prints on some of the cartons.

LS You are implying 6th fl examined with fine tooth comb

GRAY Doubts it. Anything could have disappeared or been mishandled...

LS My question was to get AB to admit that the FBI 24 hrs after.

GRAY (Generalizations and cliches)

AB Isn't it true that they found LHO pp on carton?

LS LHO worked there every day--5 men supposedly carried the same cartons 50 lb each that morning--they found only LHO's prints, not those of the other men. And one id print not identified. DP lifted pp from underside of rifle without FBI noticing it.

GRAY If LHO not guilty then you are saying WC spent all this time in shielding guilty person or persons. I don't understand that kind of thinking. Are guilty still at large.

LS I am suggesting that in a modern society that if a case is settled by Barry Gray or even Earl Warren saying I believe the man is guilty then you are in a very poor situation.

GRAY I say that the man is guilty after putting my faith and confidence in an establishment of the U.S. Govt that is attempting with all of its power and ability to uncover the evidence--I am not qualified, nor are you Sauvage nor Lane--very few people...I either must accept the WR or I just don't live in a decent society. Why should US Govt ignore the facts?

LS I thought we were discussing facts. The fact is that you and me and everyone can judge certain things. If the WC says 3 master riflemen have tried to repeat the shots and done less well than LHO, and demonstrating how difficult it was, and then the WC says it was very easy and LHO was able to do it...

AB How do you say lousy shot? On p 58 in your book you say LHO tested Dec 1956 etc. 212...that was years before and after that according to WR, and Marina saw him practicing--

LS This is very simple point and sad Frenchman has to explain to an American how Marine Corps works...if you read my para to end you would have discovered 190 is minimum--LHO had one point above the min necessary for any member of Marines.

AB That is inaccurate and not right...you say in your book he attained 212

LS 4 yrs before if he had had 1 pt less he would have been booted out of the Marines.