

FBI files reaffirm Oswald

Knight-Ridder Newspapers

WASHINGTON — Overwhelming evidence in 40,001 pages of documents released last week by the FBI leads once again to an almost inescapable conclusion: Lee Harvey Oswald, acting alone in Dallas on Nov. 22, 1963, shot and killed President John F. Kennedy.

The documents, including the private memos and orders of the late J. Edgar Hoover, the confidential tips of informants, the reports of agents and angry exchanges between the FBI and its critics, paint a picture of an exhaustive, detailed investigation.

The conclusion that a lone assassin named Oswald killed a president is not new. Neither is much of the evidence in the partially censored documents, which were studied over three days by a team of 17 reporters — including two from the Dallas Times Herald — in cooperation with Knight-Ridder Newspapers.

Indeed, on Sept. 27, 1964, a blue-ribbon commission under the late Chief Justice Earl Warren, reported after nine months of intense investigation, that "the shots which killed President Kennedy and wounded Gov. (John) Connal-

ly were fired by Lee Harvey Oswald."

But the newly disclosed documents from the FBI almost certainly will provide further fuel for the fires of the doubters. And next month, again under the force of the Freedom of Information Act, the FBI is scheduled to publish another 43,000 pages.

For 14 years, questions have persisted. Here is what the 40,001 pages of documents say about the three most persistent:

Who killed President Kennedy?

The FBI documents, along with the Warren Commission findings, disclose how the federal investigators, along with Dallas police, pathologists and even scientists from the then Atomic Energy Commission put together the case against Lee Harvey Oswald.

The FBI documents show that as early as Nov. 23, 1963, Dallas detectives and federal agents had already built a strong circumstantial case against Oswald.

What is important about this early report is that the statements of witnesses, having come so soon after the crime that

rocked the nation, held up through months of further questioning and the gathering of physical evidence. And lawyers familiar with the criminal justice process say that statements taken immediately after a crime are more credible than statements made later, when imagination and stories in newspapers affect — and often distort — memory.

Soon after Kennedy was shot, police and FBI agents found only one possible eyewitness to Oswald's guilt, Howard Leslie Brennan, then a 45-year-old steamfitter, who was watching Kennedy's caravan pass by the Texas Schoolbook Depository. Brennan was across the street from the building.

The Nov. 23 FBI report to Hoover said that Kennedy's car had just made the slow left turn into the street paralleling the depository building "when shooting occurred. Brennan looked up in time to see person at window on sixth floor ... take 'dead aim' and fire last shot with weapon pointed toward presidential car. Described rifleman as white male, early thirties, wearing light colored clothes. Brennan said he later

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alone assassinated JFK

picked Oswald out of police lineup as person who resembled individual he observed in window shooting rifle, but unable to make positive identification."

Brennan's description was used by Dallas police when they broadcast an all-points bulletin for Kennedy's killer. And throughout the months of investigation and questioning that followed, Brennan's story remained unshaken.

Brennan, of course, did not positively identify Oswald. But what is interesting and important is that the physical evidence, as well as the testimony of other witnesses, confirmed that the sixth-floor window he pointed out was the place from which shots were fired at Kennedy's car.

When police got to the sixth floor window, they found a rifle, three spent shells and a brown paper bag, large enough to wrap a rifle.

This was the beginning of the long chain of evidence that put Oswald at the scene of the crime, at the time of the crime, and behind the telescopic sight of the rifle.

During their exhaustive investigation, police and FBI agents discovered:

- Oswald's fingerprints on cartons of books near the sixth floor window from which the shots came.

- Oswald's palm print and fingerprints on the paper bag.

- Oswald's palm print on the stock of the rifle, also discovered near the window.

- The weapon, an Italian-made Mannlicher-Carcano, had been purchased from a Chicago sporting goods mail order house. Its records show that the gun was purchased by an "A. Hiddell," but the handwriting on the order was Oswald's — and Oswald was known to have used that name before.

- Oswald carried a long, brown paper package into the building, according to Oswald's fellow depository employe,

Buell W. Frazier. Oswald told Frazier the bag contained curtain rods for his apartment, but police and agents later found his apartment needed no curtains or rods.

- The blanket in which Oswald, according to his wife, Marina, kept his rifle hidden. Fibers from the blanket were on the paper sack.

Oswald, a book packer with access to every floor of the depository, was seen in the second floor company snack bar right after the shooting by Marion L. Baker, a Dallas motorcycle policeman and Roy Trully, the warehouse superintendent.

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Oswald, seen holding a full Coke bottle, later acknowledged he was the one Truly and Baker saw. Baker asked Truly if Oswald worked in the building. When Truly said he did, Baker went looking elsewhere. By the time he turned back to look for Oswald, who answered the description broadcast by the Dallas police, Oswald was gone.

The Warren Commission and its staff, in a re-enactment weeks later, found evidence to support that Oswald came down the stairs from the sixth floor, appeared in the snack bar on the second floor and left through an employees' exit.

At 1:13, when Dallas patrolman J.D. Tippit, who had heard the description of Kennedy's assailant on the police radio, stopped Oswald, the suspect pulled his pistol and fired.

Two witnesses saw the shooting in the street and seven others saw a man fleeing and carrying a gun. All later identified Oswald, who was captured in a theater a few blocks away. One of the most serious points of controversy in the Kennedy assassination is whether Oswald could have fired three shots in the five to seven seconds that Kennedy's car was in range of the sixth floor book depository window.

The FBI documents show that the bureau along with the commission staff had the rifle tested by someone with moderate rifle skills. Oswald had won a "marksman" medal in the Marine Corps, a sign of slightly above average skill.

With a bullet already in the chamber and the use of a sling for support, there was no problem firing the bolt-action rifle three times in the allotted time and hitting a target.

The FBI and Warren Commission acknowledge that one of Oswald's three shots missed the mark. Critics have challenged their assertion that Oswald, with the other two, was able to hit Kennedy twice and wound Connally once.

Some witnesses thought they saw a puff of smoke, as from a gun, on the "grassy knoll" leading to an overpass ahead of the Kennedy car. Critics of the Warren Commission and the FBI suggest that a killer fired at Kennedy from there and hit him in the throat. They argue that that makes more sense than suggesting that one bullet passed through both Kennedy and Connally. Connally himself has always disputed the single bullet theory, but he has no evidence for any other one. Connally also refuses to believe shots came from the front.

And no one has ever produced evidence of a gun or shells on the grassy knoll.

Did Oswald act alone?

The FBI reports, based on physical evidence, circumstantial evidence and eyewitness reports, concluded without qualification that in the actual commission of the murder, Oswald had no help.

But whether he had help or encouragement, witting or unwitting, in moving toward the assassination of John Kennedy is a question without a positive answer, and it probably will remain so, feeding endless speculation.

Even the Warren Commission, which said without qualification that Oswald was the assassin, could not be certain on the question of conspiracy. It said the commission "has found no evidence" of a conspiracy or that Oswald was employed, persuaded, aided or encouraged to kill President Kennedy. But prov-

ing, beyond doubt, that there was no conspiracy, was impossible, the commission said.

Almost every conceivable conspiracy theory has been raised since the assassination. The targets of such theories have included Fidel Castro and Cuba, the anti-Castro Cuban exiles, the Mafia, the Soviets, anti-Communists, Dallas-based oilmen, the CIA, the Dallas police and the FBI itself.

Hoover, partly because he made a hip-shot decision only hours after the crime that Oswald was guilty, resisted investigating many conspiracy tips at first. But eventually his agents in the field ran down even the most far-fetched possibilities, spending days, for example, scouring the gypsy tea rooms in New York because a tipster suggested gypsies were involved.

The FBI reports are impressive in providing information on the scope of its investigation. Neverthe-

less, many documents from the FBI are still to come. Dozens of those provided were blacked out. And many others, from the White House, the State Department, and the CIA remain secret.

It has been learned in recent years that the commission, itself, did not see all the pertinent documents. It was never told, for instance, about CIA attempts during the Kennedy Administration to kill Fidel Castro and overthrow his government.

This has added to speculation that a conspiracy may have been covered up.

In the last months of his life, Oswald seemed committed to the cause of Castro's Cuba.

A self-proclaimed Marxist who tried to renounce his American citizenship and take up residence in the Soviet Union, Oswald turned toward Cuba after the Soviets rejected him and forced him to come back to the United States.

Oswald tried without success to gain entry to Cuba. Twice, he visited the Cuban embassy in Mexico, once in September, 1963, and once in October.

The FBI, according to its files, checked out a tip that Oswald on one of his visits, had accepted \$6,500 from the Cuban embassy. The tipster, under questioning, admitted he had been lying. Agents also checked out tips from anti-Castro Cubans that Castro was involved. They all proved false.

Still, the most persistent conspiracy theory remains that Castro or one of his agents was somehow involved. Castro has vigorously denied this. And a hard-line anti-Communist like Hoover, who early described Oswald as a pro-Communist, apparently couldn't find any evidence for it.

Why did Jack Ruby kill Oswald?

The freshest material in the FBI documents deals with Jack Ruby, the small-time nightclub operator who concluded the drama in Dallas by shooting Oswald to death on national television.

In fact, the last investigative document is dated Aug. 8, 1976.

But if the material is fresh, its conclusions are pretty stale:

The FBI files show that Ruby, in his first statement to authorities after he killed Oswald on Nov. 24, said he acted almost spontaneously. His grief over Kennedy's death, he said, apparently drove him "to the point of insanity."

He said he had no accomplices. He had no complicated motives. Until his death from cancer on Jan. 3, 1967, he never changed his story.

And the files of the FBI, which followed tips from New York to California, indicate that the bureau never found any evidence to contradict that story.

In fact, it seems that questions persist in the Ruby case largely because it is so pat. How could a man shoot the suspected murderer of an American President on television with millions of people watching without someone having produced it all?

A surface reading of many of the FBI's files released last week amplifies some colorful theories, but uncovers no solid new evidence.

The files do flesh out some of the details of Ruby's rather hazy relationships with the FBI, Dallas police officers, the underworld and a Havana nightclub operator named Lewis J. McWillie.

The FBI had tried to recruit Ruby as an informant in 1959.

He was friendly with Dallas police officers, that's how he succeeded in getting close to Oswald despite FBI admonitions for tight security.

He did have some contacts with mobsters. He did go to Cuba, also in 1959. And upon his return to the states, he even arranged for a weapons shipment onto Castro's island.

Nevertheless, neither the Warren Commission in 1964, nor the FBI, according to its files, has been able to weave those threads into any kind of cohesive case for conspiracy.

His "gun-running" efforts on behalf of Cuba's dictatorship, for example, actually involved four pistols for his friend McWillie in 1959.

As for his relationship with the FBI, the Dallas police had cabled Washington with this message four years before the assassination, on Nov. 6, 1959:

"Efforts to contact this man have necessitated strained efforts and resulting contacts have been negative to date. It is felt that further attempts to develop this man (as an informant) would be fruitless and it is therefore suggested this file be marked closed."

FBI interviews turned up no hard evidence of any serious links between Ruby and organized crime.

The FBI, the files show, had a great deal of help from hundreds of strange sources in trying to find out about Ruby.

There was, for instance, the East Lansing woman who claimed to have seen Ruby and Oswald together at a Michigan State University dormitory.

There was no file to indicate that any new information was found.