

All facts still point to Oswald

NOVEMBER 22, 1963: YOU ARE THE JURY. By David W. Belin. Quadrangle/New York Times Book Co. \$10. After Dec. 31, \$12.50.

By Elmer Gertz

This long and detailed book, published 10 years after the events it analyses, is probably the most persuasive account of the murders of President Kennedy and Officer Tippit in Dallas that dreadful day that seems so distant. It is not likely to have many readers, because the excitement that it projects is intellectual, rather than popular.

It consists in large part of lengthy verbatim transcripts from the 26 volumes of the Warren Commission testimony, and it does not have the glibness of the unconscionable players with the record, such as Mark Lane, who compress falsehoods and distortions and thereby impress the uninformed.

David W. Belin, a former counsel for the Warren Commission, demolishes the mischievous pretensions of Lane and company and establishes beyond a reasonable doubt that Lee Harvey Oswald, a lonely, rejected man, killed the President and then, in the course of his flight from the assassination scene, killed Officer Tippit, who seemed on the verge of discovering who he was and what he had done. There were six impressive eyewitnesses to the slaying of the luckless police officer and its immediate aftermath. The ballistics evidence proves that the shots that killed Tippit were fired from Oswald's pistol. Shortly after the second slaying, in a motion picture theater, Oswald attempted to use the same gun against the policemen who were attempting to take him in custody.

Belin demonstrates that the shooting of Tippit makes no sense unless it was the hapless aftermath of the assassination of Kennedy. Oswald had purchased the rifle under a false name and transported it the very morning of the killings to the Texas School Book Depository, where he was employed. The death-dealing cartridges came from his gun, and his prints were found on the gun, on the package in which it had been carried and in various spots in the space from which he fired at the President. The cartridge shells were heard to drop on the floor by persons on the floor below. He was seen with the rifle at the very window from which the shots were fired. The bullets which killed Kennedy and gravely wounded Gov. Connally were consistent only with those fired from Oswald's rifle, to the exclusion of all other weapons. He was the only one who fled from the premises. When captured, he lied repeatedly to the police on material points.

All of the evidence points to him, and to him alone, as the guilty party.

But was there a conspiracy? It depends what one means by that ambiguous word. There is no question that no one other than Oswald shot Kennedy or Tippit, for the evidence excludes

Distinguished Chicago attorney Elmer Gertz is author of "Moment of Madness: The People Vs. Jack Ruby" and was one of a small group of lawyers who succeeded in setting aside Ruby's death sentence. His new book, "To Life," will be published in April.



Posing for a snapshot in his Dallas backyard in April, 1963, Lee Harvey Oswald holds the rifle believed to be the one used in President Kennedy's assassination.

any other sort of answer. If it is a question of whether or not anyone solicited, incited, encouraged or helped Oswald in any way, the answer is that we do not know to an absolute certainty. We do know that no credible evidence of any conspiracy has been forthcoming.

Yet a substantial number of people, here and abroad, feel strongly that there was a conspiracy. They will never be satisfied because they will never read books like this one. It is always easier to accept superficial answers than to endure the hard discipline of examining all of the evidence in depth, as if one were on a jury. Confident that there can be only one reasonable verdict, Belin asks the reader to put himself in such a position.

He points out that the FBI, the police and the Commission itself committed a number of errors, such as the classifying of the Kennedy death photographs and X-rays simply because of family sensitivity. These mistakes have given aid and comfort to the sensationalists who are glad to play with any diversion. But they do not impair the basic integrity of the Warren Report, as Belin adequately affirms by this guide through millions of words and thousands of facts.