

IPS

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✓
cc: Mr. William P. Steven, Editor, Houston Chronicle

*Bill didn't miss anything?
Bill*

John
March 11, 1964

Mr. Mark Lane
156 Fifth Avenue
New York City

Dear Mr. Lane:

I am enclosing a memorandum indicating the footnotes which, in my judgment, need preparation in order to substantiate the various points made in your draft article.

Some of these footnotes—can be considered as candidates for inclusion in the second draft - and particularly those which indicate a need for amplification or revision.

I am sending a similarly annotated copy to William P. Steven, Editor of the Houston Chronicle, and I'll be in touch with you.

Sincerely,

JGM:clr
encl.

John G. Morris
Editor

Editor: JOHN G. MORRIS

Publisher: MALCOLM MUIR, Jr.

FOOT NOTES TO THE TEXT OF MARK LANE
ON LEE HARVEY OSWALD

- (2) 1. Published in NY Times Nov. 26, 1963 - need page number.
- (2) 2. Source.
- (2) 2. Source.
- (3) 4. Source.
- (3) 5. How do we know? i.e. that the entire case was presented to the public and press.
- (3) 6. How often and on what dates did they state this?
- (4) 7. Is this document available for photostating?
- (4) 8. Page no. New York Times, Nov. 27, 1963
- (4) 9. Page no. New York Herald Tribune, Nov. 27, 1963
- (4) 10. St. Louis Post Dispatch, Dec. 1, 1963, p. 1
- (5) 11. The word 'irrefutable' is a questionable adjective. Has this evidence not been refuted by the autopsy?
- (5) 12. 'Concluded' of 'at first assumed?'
- (5) 13. Page no. New York Times, Nov 26, 1963
- (5) 14. 'Quickly?' can you be more specific?
- (5) 15. Date and source of wirephoto.

- (5) 16. Did anyone specify "first" bullet?
- (5) 17. Did anyone say 'toward'?
- ~~(5)~~18. At what date?
- (5) 19. 'Every' is a little too broad.
- (5) 20. The Dec. 6 issue would have ordinarily closed Nov. 27, but this one probably closed Nov. 29.
- (6) 21. 'None' is too broad a term?
- (6) 22. Date and source.
- (6) 23. Which reporters?
- (6) 24. Reporters or employees, names?
- (6) 25. Autopsy performed by whom?
- (6) 26. Source - Dudman?
- (7) 27. Source - Dudman?
- (7) 28. Which Doctors?
- (7) 29. Is this generally agreed by doctors?

- (7) 30. Would all doctors agree on this?
- (7) 31. 'Every' should be changed to "the three"!
- (7) 32. You have not proven this!
- (8) 33. We need a digram of the area. Do you have one ?
- (8) 34. If you believe she is the woman in the pink coat in the foreground of picture on page 13 of UPI "First Four Days", then she was not closest when the first shot was fired.
- (8) 35. Her first name and address?
- (8) 36. Establish that she is the woman in the dark coat in the fore ground of picture on page 17 (UPI- "Four Days"). Need her address. Can she get her pictures back from the FBI? (She should have right to them - as others have profited from such pictures.)
- (8) 37. Wasn't Jack Longuth there also? (Dallas NY Times man)
- (8) 38. Check quote (SR, Jan. 11.) Does Wicker now have any comment?
- (8) 39. Page no. Texas Observer, Nov. 29, 1963
- (8) 40. Is this the same policeman Wicker observed?
- (9) 41. When was this statement published? Does he still stand by it? Where was he standing when the shots were fired?
- (9) 42. Are they shown in pictures?

- (9) 43. Names? Did you talk with them personally?
- (9) 44. Check quote.
- (10) 45. When, Who?
- (10) 46. Check this paragraph with Life (Feb. 21, p. 80) - on Oswald) which gives Campbell's story.
- (10) 47. Date, page.?
- (10) 48. Campbell omitted this in his account to Life (Feb. 21, P. 80)
- (10) 49 Is this affidavit available for photostat?
- (10) 50. 'he' or 'we'. Does 'he' refer to a man suspected of firing the shots or officer Weitzman?
- (10) 51. Does Truly now have any doubts?
- (11) 52. What about the people who thought they saw a gun in in or protruding from the sixth floor window?
- (11) 53. Where was he at the time?
- (11) 54. Is this Waldo's published account? If it is what is the date and page?
- (11) 55. Was this on the police teletype?
- (11) 56. Has this agent testified?

- (12) 57. Are photography available to ~~substantiate~~ confirm this?
- (12) 58. Give name of a ballistics expert who can check this entire section. I have one in mind.
- (12) 59. When, where?
- (12) 60. Do you have the affidavit? What do experts say about UPI pictures of Weitzman holding the rifle?
- (12) 61. The 23rd. ?
- (12) 62. Figures on Dallas murder rate.
- (13) 63. Can anyone ask him this question ?
- (13) 64. Source?
- (13) 65. Page No. ?
- (13) 66. Date of FBI report.?
- (13) 67. Milan source.
- (13) 68. Page no. NY Times, Nov. 23, 1963
- (13) 69. When, where, to whom?
- (14) 70. When, where to whom?

- (14) 71. Published in "L'Europeo".
- (14) 72. When and where?
- (14) 73. Do you have clips? Dallas Times Herald, Nov. 25, 1963
- (14) 74. Do you have clips. New York World Telegram and Sun, Nov. 25, 1963
- (15) 75. Have not seen any statement printed on this. Do you have source and clips.
- (15) 76. Is Whaley's log available for inspection and photostat?
- (15) 77. Need ~~zips~~ clips. Do you have an expert on the paraffin test section?
- (16) 78. Is this report available for photostats and inspection?
- (16) 79. Where did Life obtain its account of the murder (Feb. 21, 1964)
- (16) 80. Clips from newspapers if you have.
- (16) 81. Clips on the first account of Tippett's death. New York Times Nov. 23., 1963.
- (17) 82. Who, is affidavit available?
- (17) 83. Life (Feb. 21) quotes eye-witness Helen Markham as identifying Oswald.
- (17) 84. Date, page etc. (Feb. 23d., JA ?)
- (17) 85. Are you sure the press totally ignored these events?

- (18) 86. Suggest cutting this sentence.
- (18) 87. Since this section is speculative, it does not have the name checking requirements as the previous sections, but in my opinion it needs some revisions - e.g. overemphasis on ease of purchase of rifle.
- (19) 88. 'forced' ?
- (19) 89. 'Sharp angle' ?
- (19) 90. Can you verify this?
- (19) 91. If so this escaped me.
- (20) 92. Do they claim this the first bullet fired, and did the first fired strike Kennedy in the front of the throat?
- (20) 93. I don't believe Dudman still claims this.
- (20) 94. I haven't seen this, can you find some clips etc?
- (20) 95. Is this affidavit available.
- (21) 96. Source.
- (21) 97. Was the police car parked or had it come to a stop at an intersection or for some other reason. (See Life, Feb 21, p 80.)
- (21) 98. Perhaps unusual in Dallas, but not in other cities. (In most of the cities of Texas I have visited, I found it more unusual to find two policemen in a patrol car.)
- (21) 99. 'decided' is unfair - a prejudicial word.

(21) 100. Who charged this? Do you have clips?

(21) 101. As I told you, I feel that this important section needs a complete rewrite. Since I am no ballistic expert, I am not positive just what gun or guns these various versions of the Oswald picture show, but they do indicate to my layman's eyes that the gun shown with Oswald is NOT the gun held up by detectives in Dallas, as shown on pages 29 and 63 of the UPI book and in the even clearer UPI picture in your possession. The stock seems to be differently shaped.

As for the retouching business: my guess is that probably both LIFE and the Detroit Free Press versions were retouched, but it would be hard to prove that this was not for purposes of better reproduction. The AP picture as reproduced in the New York Times certainly does seem to lack the telescopic sight, but it is nevertheless the same picture, basically, as the one in LIFE.

As for the contradictory shadows. The shadow on the face does indeed seem to conflict in angle with that of his body. But it is hard for me to believe, knowing how they work at LIFE, that they would have accepted a phony picture to the extent that a head would have been pasted onto a body, and I think this needs thorough investigation, part of which I can undertake.

In short: more experts are needed on this section. I think I have at least one.

(24) 102. I know you want to revise this section after your appearance before the commission, so I will make little specific comment. I do think it would be wise to use the exact language of the commission in naming the six panels. Also, is it still true that the commission is not conducting independent investigations? Egan told me that he had made a (favorably received) suggestion that they check the transcript of autopsy proceedings rather than rely on the final report.

(25) 103. Suggest omitting this sentence, tempting as it may be.

(26) 104. Does quote end here?

(26) 105. You will doubtless be asked why you did not send this brief to Warren in advance of its publication?

(27) 106. I question this as a serious overstatement. You have not established Oswald's innocence. You have raised serious doubts about his guilt.

(27) 107. The word "totally" seems, to me, totally uncalled for.

- (27) 108. See above - must be revised in light of commission's hearing you.
- (28) 109. What's an "official" leak?
- (28) 110. "Absolute" seems to me an over-statement.
- (28) 111. "Rejected" - recommend stating the actual Gallup question and the percentage replies.
- (28) 112. Date and results of Harris poll - again quote it accurately.
- (28) 113. "closed chamber" should be qualified because they did open your hearing at your request.
- (28) 114. Again suggest you restrain yourself on making this charge - certainly at this time, and ~~to quote~~ in this piece.
- (29) 115. Which witness have been held incommunicado?

Mark Lane

(1)

OSWALD COLLIER
222 MADISON AVENUE
NEW YORK 17, N. Y.

D R A F T

TEL. TN 7-2927

I - Introduction

On December 6, 1963, the American Civil Liberties Union stated that, "It is our opinion that Lee Harvey Oswald, had he lived, would have been deprived of all opportunity to receive a fair trial, by the conduct of the police and prosecuting officials in Dallas, under pressure from the public and news media.

"From the moment of his arrest, until his murder two days later, Oswald was tried and convicted many times over in the newspapers, on the radio, and over television by the public statements of the Dallas law enforcement officials. Time and again, high-ranking police and prosecution officials stated their complete satisfaction that Oswald was the assassin. As their investigation uncovered one piece of evidence after another, the results were broadcast to the public.

"...Oswald's trial would ... have been nothing but a hollow formality."

The rapidly developing public relations campaign to convict Lee Harvey Oswald without the formality of a trial, began at the moment of his arrest and continues to the present day. At the very foundation of our judicial operation stands a cornerstone which provides protection and fair treatment for the innocent and guilty alike. It protects the accused against manufactured evidence, against mass hysteria, against over-zealous law enforcement officials. In essence, the cornerstone of our judicial system protects the accused against those factors which militate for an automated pre-judged, neatly packaged verdict of guilty, more common to totalitarian regimes. That cornerstone is the sacred right of every citizen accused of committing a crime in this country, to the presumption of innocence.

The presumption of innocence, it has been said by American legal

scholars, is the thirteenth juror who sits in the jury box throughout the entire trial and does not leave until the defendant has had an opportunity to cross-examine witnesses who have testified against him, to present witnesses of his own, and to testify himself, should he so desire

No lawyer who had ever tried a criminal case in an American courtroom, could react with any feeling less than horror as Oswald was tried without trial and convicted without a defense. I had long been concerned with the destruction of the concept of the presumption of innocence in ordinary criminal cases, and the substitution of an almost insurmountable presumption of guilt in those cases securing vast amounts of public comment. Perhaps never in the history of our country had a defendant so totally been stripped of every right in terms of an opportunity for the development of a defense, as in the case of The People of the State of Texas against Lee Harvey Oswald. Accordingly, shortly after Oswald's death, I began to assemble data in preparation for a Law Review article dealing with the difficulty of securing a fair hearing in matters which have received wide and biased comment by the media.

I began with an examination of the statement made by the Dallas District Attorney, Henry Wade, on November 24, 1963, hours after Oswald's death. On that occasion, Mr. Wade stated that he would present the case against Oswald "piece by piece". Mr. Wade stated that he had sent many persons to their deaths in the electric chair with less evidence than he had already secured against Oswald. It should be remembered that almost immediately after Oswald's death, which occurred in the basement of the Dallas Courthouse while he was handcuffed to two law enforcement officials, the Dallas officials announced that the case was closed and that there would be no further comment from them in reference to the assassination. Hours later, under prodding by the United States Justice Department, Mr. Wade assembled all of the evidence

104 Contention
the city
X 10/21/63

and reopened the case for the purpose of proving to the entire world that Oswald was the assassin. In preparing an article dealing with the total destruction of the presumption of innocence in this matter, I was compelled to examine the case presented by Mr. Wade on November 24th, in order to determine what portion of that case was leaked or publicly presented by Mr. Wade and by other Dallas law enforcement officials. A cursory examination indicated that that which we suspected was unfortunately true --- the entire case had been publicly presented while Oswald was still alive. This practice is generally considered by prosecuting attorneys to be an unsound one, if one contemplates the necessity of an eventual trial.

22? An examination of the "evidence" presented by Mr. Wade, however, revealed something in addition. The case against Lee Harvey Oswald was a weak, circumstantial case at that time, and one based in part upon misstatements, inaccuracies and falsehoods. I then abandoned the Law Review article, which, hopefully, will be considered again in the near future, for the purpose of making a detailed analysis of the case against Oswald. My investigation into the facts led me to Dallas on three separate occasions and to Fort Worth twice, as well as to Washington. I think that one may now objectively conclude that, were Lee Harvey Oswald today tried in the State of Texas for the assassination of President Kennedy or the murder of Officer Tippit, even in the hysterical atmosphere induced there by the acts of the law enforcement officials, he would, by the force of the application of the laws of our land, be acquitted on both charges.

2. II - The Changing Evidence

6 It has been consistently stated by Mr. Wade and by the Dallas Chief of Police, Jesse Curry, that Oswald was present on the sixth

floor of the Texas Book Depository, and that from that window, he fired three shots, striking the president twice and Governor Connally once. The first bullet to strike the president entered his throat at about the necktie knot and ranged downward into his chest. The physician who signed the death certificate pronouncing the president dead, was Dr. Kemp Clark, whose name appears on the official homicide report⁷ filed by the Dallas Police Department, and attested to by two police officers.

On November 27th, the New York Times reported,⁸ "Dr. Kemp Clark, who pronounced Mr. Kennedy dead, said one (bullet) struck him at about the necktie knot. 'It ranged downward in his chest and did not exit', the surgeon said". On the same day, the New York Herald Tribune⁹ stated that, "On the basis of accumulated data, investigators have concluded that the first shot, fired as the presidential car was approaching, struck the president in the neck just above the knot of his necktie, then ranged downward into his body".

Surgeons who attended the president at the Parkland Memorial Hospital described the throat wound as "an entrance wound". (St. Louis Post Dispatch, December 1.)¹⁰ Dr. Malcolm Perry explained to Richard Dudgeon, Washington correspondent for the St. Louis Post Dispatch, that he began to open an air passage in the president's throat in an effort to restore his breathing. He explained that the incision was made through the bullet wound, since it was in the normal place for the operation. "Dr. Perry described the bullet hole as an entrance wound." (St. Louis Post Dispatch, December 1.) Dr. Robert N. McClelland, one of the three surgeons participating in the operation, later stated that, "It certainly did look like an entrance wound". He explained that he saw bullet wounds every day, "sometimes several a day. This did appear to be an entrance wound". One doctor noticed a frothing of

the blood in the neck wound. "He's bubbling air", the doctor said. Two of the doctors, Drs. Peters and Baxter, inserted a tube into the right upper part of the chest, just below the shoulder, to re-expand the lungs and keep them from collapsing. Drs. Perry and Jones inserted a similar tube on the left. This activity was necessary because the bubbling air indicated a hole in the president's lung.

The prosecuting authorities confronted with the irrefutable evidence that the president had been shot from the front in the throat, concluded that the presidential limousine must have been approaching the Book Depository building when the first shot was fired. Indeed, the New York Times stated on November 26, 1963, "The known facts about the bullets, and the position of the assassin, suggested that he started shooting as the president's car was coming toward him, swung his rifle in an arc of almost 180°, and fired at least twice more."

The prosecution case quickly took form. Oswald was the assassin and he acted alone. In fact, almost the only consistent position taken by the prosecution from the outset to the present time is in its utter devotion to that theory. Newspapers throughout the country carried pictures of the assassination scene, superimposing upon those pictures dotted lines indicating the trajectory of the three bullets, with the first bullet striking the president as his limousine was moving toward the Book Depository building. However, it soon became essential for the prosecution to totally abandon that theory. Every witness present agreed that the presidential limousine approached the Book Depository building, made a sharp left turn, and was some 75 yards past the building before the first shot was fired. In essence, the prosecution was left with the theory that Oswald, while acting alone, shot the president from the front from the back. Quickly, Life Magazine moved to the rescue. In its December 6th issue, in a full page article entitled, "The

to Nagging Rumors: The Six Critical Seconds", Life conceded, "Since by this time the limousine was 50 yards past Oswald and the president's back was turned almost directly to the sniper, it has been hard to understand how the bullet could enter the front of his throat. Hence the recurring guess that there was a second sniper somewhere else. But, the 8 mm. film shows the president turning his body far around to the right as he waves to someone in the crowd. His throat is exposed --- toward the sniper's nest --- just before he clutches it."

Who are these witnesses? + further details to the president's head

Unfortunately for Life magazine and the theory which they enun-
ciated, none of the witnesses present at the assassination scene agreed
that the president had turned around and was facing the Book Depository
when the first shot was fired. Mrs. Connally, the wife of the ²² ~~Gov~~
Governor of Texas, disagreed. Reporters present on the scene, includ-
ing four employees of the Dallas Morning News, disagreed. Eventually,
the Dallas police and the Dallas prosecuting authorities disagreed.
Perhaps most unfortunate of all, Life itself, in its November 29th is-
sue, the issue preceding by one week the development of that theory,
contained pictures which, with Life's own captions, showed conclusively
that the president was facing almost directly to the front when the
first bullet was fired, and so Version No. Two, explaining how Oswald
shot the president in the front of the throat while many yards behind
him, was disposed of.

There could be but one explanation at this point in order to maintain that Oswald was the assassin and that he acted alone. The entrance wound in the front of the throat would have to be changed. The president's body was sent to a Naval Hospital maintained by the government at Bethesda, Maryland. An autopsy was performed there. The Dallas authorities, the FBI and the Secret Service had until that time shown no interest in meeting with or talking to the doctors who

had sought to save President Kennedy's life at the Parkland Memorial Hospital, although it seemed clear that the evidence they had to offer in reference to the nature of the wounds was of the greatest importance. It was not until after ²⁷ the autopsy was performed that two Secret Service agents, armed with the autopsy report, journeyed to Dallas to explain to the doctors there that they had been mistaken and ²⁸ the entrance wound in the throat was, in reality, an exit wound caused by a bullet fragment or bone fragment exiting through the throat from an entrance wound high in the back of the head.

Setting aside for the moment those medical considerations which would lead one to believe that an examination conducted many hours after death is less valuable due to the immediate deterioration of ²⁹ tissue than an examination conducted during the closing moments of life, one wonders how the autopsy examination could so accurately assess the wound in the throat after the tracheotomy had been performed by Dr. Perry. Assuming the validity of the report transported by ³⁰ the two Secret Service agents, one has no explanation for the frothing at the throat and the collapse of the president's lungs, since such results would not be ~~expected~~ attendant upon a head injury. Assuming ³¹ that every skilled physician in the Parkland Memorial Hospital was wrong in stating with almost absolute certainty that the wound in the throat was an entrance wound with the bullet ranging downward into the chest and puncturing a lung, one is at a total loss to explain the collapse of the president's lung.

Consistent with the original medical evidence is the fact that ³² the president was indeed shot from the front. An open-minded prosecuting or investigatory body would be compelled to give consideration to the possibility that no one present in the Book Depository building could have inflicted the first wound upon the president. An examina-

tion of the statements made by the eye-witnesses to the assassination would lead one to conclude that the shots were fired not from the Book Depository building directly behind the presidential limousine, but from the general area of a grassy knoll and triple overpass directly in front of the presidential limousine.

Perhaps the spectator closest to President Kennedy when the first shot struck him was Mrs. ³³ Hill, a teacher in the Dallas public school system. Mrs. Hill told me that she was standing across the street from the Texas Book Depository building as the presidential car approached her. She heard from four to six shots fired. They all came, in her opinion, from the grassy knoll near the triple overpass in front of the presidential limousine. She saw a man run from that area from behind a concrete facade onto the triple overpass. Standing alongside of her was Mary ³⁴ Moorman, who took a picture of the president just before the first shot was fired. Agents of the Federal Bureau of Investigation took the film from Miss Moorman and gave her a receipt, which she still has in her possession.

Tom Wicker, a member of the New York Times White House staff, who was the only Times' reporter in Dallas when President Kennedy was ³⁵ assassinated, in an article appearing in SR, ³⁶ January 11, 1964, stated that, "As we came out of the overpass, I saw a motorcycle policeman drive over the curb, across an open area, a few feet up a railroad bank, dismount, and start scrambling up the bank."

What is this intended to prove

Ronnie Dugger, Editor of the Texas Observer, stated in that ³⁷ publication on November 29, 1963 that, "On the other side of the ³⁸ overpass, a motorcycle policeman was roughriding across sere grass to the trestle for the railroad tracks that crossed the overpass. He brought his cycle to a halt and left from it and was running up the base of the trestle when I lost sight of him". ⁴⁰

James Vachule⁴¹, a reporter for the Fort Worth Star-Telegram, said, "I heard the shots, several. At the triple overpass." Jerry Flemmons⁴², reporting in the Fort Worth Star-Telegram on November 22, 1963, stated that, "Kennedy was gunned down by an assassin apparently standing on the overpass above the Freeway". Mary Woodward, a Dallas Morning News staff writer, stated in the Dallas Morning News on November 23, 1963 that she and three co-workers waited for the president to pass "on the grassy slope just east of the triple overpass". As the president approached and acknowledged their cheers, "he faced forward again and suddenly there was a horrible ear-shattering noise coming from behind us and a little to the right". Miss Woodward said that "instead of speeding up the car came almost to a halt.

"Things are a little bit hazy from this point but I don't believe anyone was hit with the first bullet. The president and Mrs. Kennedy turned and looked around as if they too didn't believe the noise was really coming from a gun.

"Then after a moment's pause, there was another shot and I saw the president start slumping in the car."

The other three employees of the Dallas Morning News present with Miss Woodward all agreed that the shots came from their right and behind them; in short, from the grassy knoll or the triple overpass, and not from the Book Depository building to their left. Miss Woodward's statement that the first shot did not strike anyone is consistent with Mrs. Hall's statement that there were from four to six shots fired, and both statements are totally inconsistent with the theory of the prosecution that three shots were fired. In addition, James A. Chaney⁴³, a Dallas motorcycle policeman, told the Houston Chronicle November 24, 1963, that the first shot missed entirely. He said he was six feet to the right and front of the president's car, moving at about 15 miles

an hour. "When the first shot was fired, I thought it was a backfire", Chaney said.

Miss Hill stated that instead of questioning her as to the number of shots fired, an agent for the United States Secret Service was so intent upon preserving the prosecution theory, that he told her ⁴⁵ that only three shots were fired. He explained to her that there were three wounds and that they had three shells, "so we are only saying three shots". Secret Service agents also raised with Miss Hill the possibility that after she heard the third shot, she heard firecrackers or echos. Despite the blandishments of the Secret Service, Miss Hill continues to maintain that she heard from four to six shots.

Standing directly in front of the Book Depository building ⁴⁶ when the shots were fired were O. V. Campbell, Vice President of the firm and Roy S. Truly, the Director of the Book Depository. Mr. Truly was quoted in the Detroit Free Press ⁴⁷ as having stated that he thought that the shots came not from the building but from the general direction of the overpass and the grassy knoll. Dallas Morning News on November 23, 1963 reported that, "Campbell said he ran toward a grassy knoll west of the building where he thought ⁴⁸ the sniper had hidden. Seymour Weitzman, a member of the Dallas Police Force, submitted an affidavit to the Dallas District Attorney's office, ⁴⁹ stating that ^{he} ran "in a northwest direction and scaled the fence towards where ^{we} ⁵⁰ thought the shots came from". Officer Weitzman ran in the general direction of the grassy knoll or overpass. Officer Weitzman's affidavit continues, "Then someone said they thought the shots came from old Texas building. I immediately ran to the Texas building and started looking inside." Mr. Weitzman is the officer who found the alleged murder weapon on the sixth floor of the Depository building. Mr. Truly later stated that although he believed the ⁵¹

shots came from the direction of the overpass, when he saw a police officer dash into the building of which he was the director, he decided to join the officer in order that he might be of assistance to him. And so we find that the only two persons on the scene who entered the Book Depository building immediately after the shots were fired did so although neither one believed that the shots were fired from that building. Only one witness⁵² has yet publicly stated that in his view the shots were fired from the Book Depository --- Dallas Police Chief, Jesse Curry is that sole witness.⁵³

Thayer Waldo, a reporter for the Fort Worth Star-Telegram,⁵⁴ was standing at the Dallas Trade Mart, awaiting the arrival of President Kennedy, who was to speak there. With him was a captain of the Dallas Police Force. Seated nearby in a police cruiser was a sergeant. Mr. Waldo heard the sergeant excitedly call the captain to the police cruiser to listen to an important police radio bulletin. Both the captain and Mr. Waldo arrived at the police cruiser in time to hear this bulletin, "Bulletin. The President has been shot. It is feared that others in his party have been wounded. The shots came from a triple overpass directly in front of the presidential automobile."⁵⁵

Patrolman Chaney stated that "the motorcade stopped momentarily after the shots rang out", a statement consistent with Miss Woodward's estimate. One must wonder why the Secret Service agent⁵⁶ driving the presidential limousine would bring the automobile almost to a complete stop if, in his judgment, the automobile was being fired at from behind. Under such circumstances, one would expect the driver to accelerate immediately. However, if the agent driving the limousine felt that the shots were coming from in front, he might bring the car to a halt in order to avoid getting closer to the sniper.

Roy Kellerman, the Secret Service agent in charge of the Dallas operation on the 22nd, the photographs reveal, ⁵⁷ looked backward at the president after the first shot was fired, but then turned around and looked forward toward the overpass during the firing of the remaining shots.

III - The Rifle ⁵⁸

Shortly after Oswald's arrest, District Attorney Wade stated ⁵⁹ that the murder weapon was a German mauser, 7.65 mm and that it had been recovered by the police. On the day following the assassination, Officer Weitzman swore in an affidavit that he discovered a rifle on the sixth floor of the Book Depository building. In his affidavit, Officer Weitzman stated, "This rifle was a 7.65 mauser..." ⁶⁰ Both the prosecuting attorney and the officer who discovered the weapon were in absolute agreement as to the calibre of the rifle and as to its nationality. The following day, ⁶¹ however, when the Federal Bureau of Investigation revealed publicly that Oswald had purchased an Italian carbine, 6.5 mm, under the assumed name of A. Hidell, which carbine had been mailed to a Post Office box maintained under his own name in Dallas, Mr. Wade quickly reversed himself. The murder weapon, perhaps the single most important item of physical evidence in this or any other crime, miraculously changed both its size and nationality, and became an Italian carbine, 6.5 mm. Almost all Italian carbines have engraved upon them various designations in Italian, and invariably, bear stamped upon the metal action portion of the rifle, ⁶² arabic numerals signifying their caliber. Almost every German mauser ever manufactured bears the same designation. How it was possible for Mr. Wade, who had served as Dallas district attorney, an important position since Dallas leads the nation in murders, and who had

misleading

X

*What basis?
would hold on per capita*

served as an agent for the Federal Bureau of Investigation for some four years before then, to be so clearly in error in reference to the most important portion of physical evidence in the most important case that he has ever handled, is as yet totally unexplained. Why Officer Weitzman would swear to an affidavit which was totally in error also remains unexplained. ⁶³

*affidavit
never taken
the Court*

Assuming that the weapon found on the sixth floor was in fact an Italian rifle, one must question the allegation that Oswald was able to fire that weapon accurately three times within a period of five to five-and-one-half seconds. An Olympic rifle champion, Hubert Hammerer, ⁶⁴ said he doubted it could be done with the weapon allegedly used. The Dallas Sheriff, Bill Decker, said he believed three shots could be fired in less than twenty seconds. (Washington Post, November 27th.) ⁶⁵ The FBI and the witnesses agree ⁶⁶ that the elapsed period was between 5 and 5 1/2 seconds. ⁶⁷ In Milan, it was reported that the manufacturer of the weapon stated that the weapon could not fire three bullets as rapidly as the Dallas police stated that it did.

While debate may continue whether the rifle in question was capable in the hands of skilled expert of the performance, the prosecution insists it gave, all agree that such a remarkable display of shooting would be beyond the ability of any person less qualified. On November 23rd, the New York Times reported, ⁶⁸ "As marines go, Lee Harvey Oswald was not highly regarded as a rifleman."

The rifle mystery continues with a statement made by Dial M. ⁶⁹ Ryder, an Irving, Texas gunsmith, who stated that he mounted a telescopic sight on a rifle for a man named Oswald during October 1963. Mr. Ryder was certain that the rifle that was brought to him at that time was a .303 British Enfield or an 03A3 American Springfield army

14)

surplus. Mr. Ryder explains that his records show that three holes were bored in the rifle brought to him by a man using the name of Oswald. He stated that only the Enfield and the Springfield require three holes. Milton Klein, owner of Klein's Sporting Goods, the mail order house which sent an Italian carbine to Oswald in Dallas, stated that the Italian carbine came equipped with a telescopic sight and with the holes already bored. In a statement made to Augusto Marcelli, correspondent for the Italian publication "L'Europeo", Mr. Klein stated "The FBI has warned me to keep my trap shut." He said that "Either the Dallas weapon is not the one I sold and Oswald ordered, or the Dallas police persuaded the Fort Worth armorer to issue a false statement. And if that's the case, why?"

At one time ⁷² it was alleged by the prosecuting authorities that Oswald's fingerprint was found on the bolt of the rifle. In fact, on November 25, 1963, Mr. Wade was quoted in the Dallas ⁷³ Times Herald as stating that, "If I had to single out any one thing, it would be the fingerprints on the rifle and the book cartons which he used to prep the weapon on", when asked what the police had "in tying the crime of the century to Oswald". On the same day the New York World Telegram and Sun ⁷⁴ reported that "Federal authorities have concluded that no readable print was found on the murder weapon when it was flown to Washington for laboratory study". If indeed a print was discovered on the bolt of the rifle, it would not be surprising to learn that it belonged to Capt. Fritz, head of the Dallas Homicide Squad. In the affidavit signed by Officer Weitzman referred to above, is found the following statement, "The time the rifle was found was 1:22 PM. Capt. Fritz took charge of the rifle and ejected one live round from the chamber. I then went back to the office after this."

IV - The Taxi Driver

Mr. Wade stated that Oswald took a taxi after a bus took him from the scene of the assassination. According to the district attorney, the name of the taxi driver was Daryl Click. In my first trip to Dallas, I spoke with the Personnel Department of the City Transportation Company, the one company monopoly operating taxi cabs in Dallas. They assured me that there never had been a Daryl Click who had driven a taxi in Dallas. Subsequent to Wade's original statement, ⁷⁵ he stated that William Whaley was the taxi driver who took Oswald from the scene to his home. It was alleged that Oswald, after firing upon the presidential limousine, hid the rifle, after walking across the entire sixth floor of the Dallas warehouse, then walked down four flights of stairs, again crossing the entire warehouse floor, until arriving at a coca cola machine. Eventually, it was alleged, Oswald left the building, walked a considerable distance, took a bus, and eventually left the bus. William Whaley's ⁷⁶ log shows that Oswald entered the taxi after having performed the series of acts referred to above, at exactly 12:30 PM. The shots that killed the president were fired at 12:31 PM.

V- Paraffin Test

The day after the assassination, Chief Curry told the assembled ⁷⁷ reporters that the paraffin test proved that Oswald was the assassin, that he had fired the murder weapon. A paraffin test is conducted by placing warm paraffin on the hands and face of the subject and then treating the paraffin casts with various chemicals. If the hands or face have come in close proximity to gas released by the weapon's firing containing solid particles of burned nitrates in suspension, the test will prove positive. However, microscopic amounts of footpaste

or urine will bring about a similar positive response. A negative response, on the other hand, may tend to prove that the subject has not fired a weapon. Exhibit No. 1 tested by the Dallas City Council Criminal Investigation Laboratory contained a paraffin cast of the right side of the face of Lee Oswald. Exhibit No. 2 contained a paraffin cast of the left hand of Oswald and Exhibit No. 3 contained a paraffin cast of the right hand of Oswald. While Exhibits 2 and 3 proved positive, indicating that Oswald might have fired a revolver, the result of the examination of Exhibit No. 1 stated, "No nitrates were found on Exhibit No. 1." This test tending to prove that Oswald did not fire a rifle on November 22nd was conducted by Louis L. Anderson on November 23, 1963 for the Dallas District Attorney's office. Mr. Anderson's report states that the specimens tested were "discarded".

VI - Tippit

It has been alleged that Lee Oswald, after assassinating the president and wounding the governor of Texas, killed Patrolman J. D. Tippit. The details of the allegations against Oswald for the murder of Tippit have never been publicly released although the Dallas police and district attorney officially charged Oswald with the murder of Tippit many hours before he was charged with the assassination of President Kennedy. In a story printed in the New York Times on November 23rd, bearing a Dallas dateline and the legend, "Special to the New York Times", it was stated that Officer Tippit ran into the rear of the theater to arrest Oswald. "When they spotted the man Patrolman Tippit fired a shot. It was returned by the suspect identified as Oswald. The patrolman (Tippit) was hit by the return fire and died instantly." Subsequently we were told that Officer Tippit was killed on the corner of East 10th and Patton Streets. An eye-

82
 witness to the Tippit killing stated in an affidavit submitted to the Dallas district attorney's office on the 22nd day of November, 1963, that, "I saw a young white man walk up to the squad car opposite the driver's side, lean over and put his arms on the door of the car for a few seconds, then straighten up and step back from the car two or three feet. At this point the officer got out of the squad car and started around in front of the car, and just as he got even with the left front wheel, this young white man shot the officer and the officer fell to the pavement." In the entire affidavit, the deponent, an alleged eye-witness to the murder of Officer Tippit, is ⁸³ unable to describe the assailant except as a young white man.

According to Bob Considine, writing in the ⁸⁴ issue of the New York Journal American, there was in addition a witness, Mr. Reynolds, who heard the shots fired at Officer Tippit and ran out into the street in time to see the assailant running away while reloading his pistol. On the day of Mr. Reynolds, while closing his store for the evening, saw someone come from behind a file cabinet with a rifle in his hand (?). This assailant shot Mr. Reynolds through the head and escaped. The police arrested a Dallas figure named Garner for questioning about the attempted murder of Reynolds. Mr. Garner was able to produce Miss MacDonald, formerly a stripper at the Carousel Club operated by Jack Ruby, who stated that Garner was with her at the time of the attack upon Reynolds. Because of her testimony, no charges were placed against Garner and he was released. Shortly thereafter, Miss MacDonald was arrested in an unrelated matter and placed in a Dallas jail. The next day, her body was discovered hanging her cell where she had allegedly committed suicide. Perhaps the most remarkable aspect of ⁸⁵ this bizarre story is the failure of the press, with the exception

of the Journal American, to report it. Surely noone can claim that there has been little press comment upon inconsequential and seemingly unrelated aspects of the case. ⁸⁶ Time magazine, on February 14, 1964, broadcast to the entire nation the fact that Marina "once confided to a friend that he (Lee Oswald) had intercourse with her only about once every two months".

VII - Narrative ⁸⁷

If all of the allegations made by the prosecuting authorities are accurate, one must believe that Oswald behaved in an most unusual manner. He decided on Thursday, November 21st that he was going to assassinate the president. He had on his person \$13.00, and in the top drawer of his dresser in the one room which he rented in a boarding house in Dallas, \$150.00 in cash. Although one can purchase a rifle in numerous stores throughout Dallas, Oswald decided to journey from Dallas to Irving in order to secure an Italian carbine, then wrapped up in a blanket in a garage. Two things are remarkable about that decision. First, he sought to secure an ancient unreliable rifle while for just a few dollars, he could have purchased a superior weapon in Dallas. Secondly, Oswald made a long journey in order to use for the assassination, the only rifle in the entire country which could be traced to him --- a rifle which he allegedly purchased through the mail and which was sent to a post office box maintained by him in his own name. Oswald then carried a rifle more than three feet long, wrapped in brown paper, into the Book Depository building, a building directly on the presidential route. We had been informed on November 22nd that the Secret Service was to engage in the greatest series of precautions ever taken to protect an American president's life. This concentration in Dallas flowed from the fear of the extreme right and was based upon

the fact that the then Senator Johnson and Mrs. Johnson were spat upon in the face in 1960 in Dallas while campaigning for President Kennedy and for himself. Shortly before the president's trip to Dallas, the United States Ambassador to the United Nations, Adlai Stevenson, was struck with a placard by some angry Dallas extremists. Adlai Stevenson and Arthur Schlesinger, Jr. both later confided that they had great reservations about the wisdom of President Kennedy's trip to Dallas under such circumstances. It is difficult to understand how Oswald was able to walk into a building directly on the presidential route while carrying a rifle, the building being at the very point where the presidential limousine would be forced to slow down as it made a sharp angle turn. It is also difficult to ~~xxxxxxx~~ understand why Oswald, whose background was extremely suspicious from a Secret Service-Dallas Police-FBI point of view, was not placed under surveillance on November 22nd. While the local authorities insist that they did not know of Oswald's presence, the fact remains that FBI agent Hosty was informed on more than one occasion by Oswald's family and neighbors of his place of employment, and it was later discovered that the FBI was aware of the fact that Oswald owned a rifle. It is also known that the police authorities placed under surveillance during the entire time that President Kennedy was in Dallas, those persons who had done nothing more than to speak out publicly for the integration of the Dallas public school system.

Oswald, it is alleged, waited on the sixth floor of the Book Depository, for the presidential limousine. The automobile approached the building and slowed down as it began to turn. At that point, even with the rifle allegedly in Oswald's possession, and given his lack of skill with that weapon, he might have struck an occupant of the limousine, had he fired. However, according to the prosecution

theory, he waited till the automobile was 75 yards beyond him and gaining speed before he fired the first bullet, which struck President Kennedy in the front of the throat. Oswald then fired two more times, leaving on the scene some five bullets, according to Richard Dudman, Washington correspondent for the St. Louis Post Dispatch, walked across the entire warehouse floor to the stairwell where he place the rifle. According to the prosecution's theory, Oswald then walked down four flights of stairs and then across the entire warehouse floor to the ~~front~~ front of the building where he purchased a coca cola. A police officer charged up the front stairs with his gun drawn and sought to arrest Oswald. Truly intervened on Oswald's behalf, stating that he (Oswald) was employed there. Truly later stated that Oswald's demeanor was very calm although he did seem a little concerned, according to Truly, about the pistol being pointed at him. Oswald then, it is alleged, after having delayed long enough for a police cordon to surround the building, then left the building. We have not as yet been informed by Mr. Wade as to how Oswald escaped through the police line, but we have been told that Oswald walked many blocks in order to secure a bus which he boarded. Oswald, in attempting to escape from the scene of the assassination, boarded a bus which took him directly back to the Book Depository building, according to the affidavit of the bus driver.

Oswald left the bus to secure a taxi driven at first by Daryl Click, later changed by Mr. Wade to William Whaley. Mr. Whaley states that he drove Oswald not to his home as alleged by Mr. Wade, but approximately half of a mile beyond his home. Oswald then, we are told, walked or ran, approximately one-half mile back to his house to secure a jacket, although it was extremely warm in Dallas on that day. Oswald, possibly attempting to leave the jurisdiction after having left behind a rifle which he knew could be traced to him, and after he left his place of employment during the middle of the day, neglected to take with him the \$150.00 in the top drawer of his dresser, perhaps determining that the \$13.00 on his person was sufficient for the purpose. He then, we are told, walked up to a parked police car, placed his arms on the door and shortly thereafter shot the police officer to death. The police officer, we are informed, was alone in the vehicle, a most unusual event in Dallas or any other city. Oswald, after having assassinated the president, wounded the governor, and murdered a police officer, then decided to go to the movies. While in the theater, Oswald, who was calm when apprehended by a police officer moments after he allegedly assassinated the president, was so agitated in the theater after making what must have seemed to him to be a complete get-away, that he changed his seat repeatedly, calling attention to himself and resulting in his arrest. After his arrest, I think it is fair to state that the millions of persons who saw Oswald on television charged with two horrible crimes, might have concluded that, under the circumstances, he seemed quite calm again. Throughout the 48 hours of questioning by Dallas police, the FBI, and the Secret Service, Oswald maintained that he was innocent and that the charges against him were ridiculous.

VIII - Pictures

One of the most remarkable aspects about the entire case relates to the gigantic hoax perpetrated on the American people by the American press in the production and circulation throughout the entire country and many portions of the world, of a picture showing Lee Harvey Oswald in possession of the murder weapons. Life magazine, more prosecution-minded than most of the other publications, placed the picture on the front cover of its February 21, 1964 issue, with the following caption, "Lee Oswald with the weapons he used to kill President Kennedy and Officer Tippit". The Journal American used the same caption for the same picture appearing on its front page on February 18, 1964, but added that Oswald "probably used the same rifle in an attempt to kill Major General Edwin A. Walker". The Journal American listed as its source, "By Associated Press Wirefoto, Copyright, 1964, The Detroit Free Press". The identical picture appeared in the New York Times on February 27, 1964 and was credited to the Associated Press. An identical picture appeared in Newsweek magazine on March 2, 1964 and was credited to the Detroit Free Press. The pictures are all identical in every respect, including the shadows, the wrinkles in Oswald's clothing, and other minute detail, with one major exception. The Life Magazine and Journal American photos show Oswald holding a rifle which bears a telescopic sight mounted upon it. The photograph appearing in the New York Times bears no telescopic sight. The photograph appearing in Newsweek indicates Oswald holding a rifle entirely different from the other two pictures in that Oswald is allegedly holding a rifle with a massive metal action section entirely missing in the other publications. I spoke with the Photo Desk at the Associated Press and asked if they would be good enough to secure for me a glossy enlargement of the picture. They stated that while they would be happy to cooperate

with you in any normal matter, this picture was not being treated in a normal fashion by them and they therefore could not make it available to me. They agreed that this was the first time that they had ever taken such a position in reference to a picture. They informed me that they had an unusual contract with the person who gave them this picture, which prohibited their giving a copy of the picture to me. I explained that I did not wish them to breach their contract in any respect and that if they would be good enough to give me the name of their source for the picture, I would speak directly with the source in an effort to secure the picture. I was informed that their contract with the source prohibited their making the name of their source available to anyone. An important newspaper then called the Associated Press and asked for the source of the picture. The Associated Press responded to one of their most important subscribers in exactly the same fashion that they had responded to me..

Even a cursory examination of any of the three rifles allegedly held by Oswald in the pictures reveals that none of them in any way resembles the stock of the Italian carbine or the stock of any other rifle manufactured in the nineteenth or twentieth centuries. The fact emerges clearly from the various pictures that at the very least, the majority of the pictures, or in all probability, all of the pictures have been severely doctored in order to place a rifle in Oswald's hand. Life magazine, perhaps understandably, has refused my request for a copy of a glossy print of the picture which they published and any information as to the source of their picture. Perhaps the Times-Picayune of New Orleans, November 24, 1963, indicates the original source of the pictures now so widely circulated. "Dallas Police Chief Jesse Curry said Saturday night photographs found in the home of Lee Harvey Oswald's Russian-born wife link him with the

rifle used in the assassination of President Kennedy. Curry said the pictures found in the home in suburban Irving, Texas will be used as evidence in Oswald's murder trial. Curry said Oswald was confronted with the pictures and with other evidence but still protested his innocence."

103

IX - Warren Commission

I have the greatest respect for the Chief Justice of the United States Supreme Court, who with courage and integrity has led us through a very difficult period of days as a consistent exponent of civil liberties and civil rights. However, I have no faith that we will ever be given the facts by the commission. While called the Warren Commission, its majority is comprised of a former CIA director, former FBI agent and two Southern Democrats. I rely upon the Chief Justice for the opinion "that you may never get the facts in your lifetime, and I mean that seriously". He later stated that where questions of national security arise we will check with the national security agencies to see what may be reported. He will not have to go very far to find them. They sit with him right there on the commission. Since the commission has indicated that it will conduct no investigation of its own, will rest solely upon the results of investigations conducted by the governmental agencies - read FBI, Secret Service and Dallas police - one questions whether the commission will ever itself secure all of the facts, let alone release them to the American people.

The Commission divided its job into six broad areas of inquiry as follows:

- 1 - To cover every detail of Lee Oswald's activities on the day of the assassination.

- 2 - The life and background of Oswald.
- 3 - Oswald's career in the Marine Corps and his stay in the Soviet Union.
- 4 - Oswald's death in the Dallas police station.
- 5 - Jack Ruby's background.
- 6 - The procedures used to protect President Kennedy and a scrutiny of the Secret Service, the FBI and the Dallas Police and the influence, if any, of hate movements in the Dallas community.

Inasmuch as the commission is relying for its investigation solely on the reports of the Secret Service, the Federal Bureau of Investigation and the Dallas police, it is difficult to understand how it will be able to fairly evaluate performances of these three organizations. Far more basic, however, is the failure of the commission to establish a seventh panel, one dealing with the question of who assassinated the president of the United States. One can only assume that the commission presumes Oswald to be guilty and presumes that they will determine who the assassin is through Panel No. 1.

The morning while I appeared with Marguerite Oswald, the mother of Lee Harvey Oswald, before counsel to Panel No. 2 of the Inquiry dealing with Oswald's background, Mrs. Oswald expressed a desire to read Time magazine. There was a copy of Time on a desk in the office, and while J. Wesley Leibler, an attorney for Panel No. 2, and I looked through various documents belonging to Mrs. Oswald, I asked Mr. Leibler if he had any objection to Mrs. Oswald's reading that publication. He said he did not object at all. After a short while Mrs. Oswald became quite concerned and stated that many of the quotations in that particular issue of Time magazine were inaccurate. In seeking to comfort her, I explained that if the time arrived when Time

wrote a long and involved story without a single inaccuracy, that would be a precedent-shattering moment. Mr. Leibler then stated, "I have read that article thoroughly and it is absolutely accurate". The article which Mr. Leibler commended so highly stated that the commission had concluded that "Lee Harvey Oswald killed Kennedy and wounded Texas' Governor John Connally, and he carried out the assassination without an accomplice". The remainder of the article merely seeks to support that stated position. Thus, counsel to one of the panels has indicated that the commission has reached a conclusion prior to hearing any substantial ~~xxxxxx~~ evidence.

Perhaps more disconcerting was my conversation with Albert Jenner, a Chicago attorney who functions as Chief Counsel to Panel No. 2. In my conversation with him on the same day, I asked him to explain the anatomy of the investigation which found a six-phase inquiry established. He responded by stating, "I can't tell you about the other five panels, but I can tell you about my panel. Our ultimate goal here in terms of securing information about Oswald's background is to determine his motivation on November 22nd. In other words, Mr. Jenner stated that before the commission examined a single document or heard a single witness, they had determined that Oswald was the assassin and sought through the establishment of Panel No. 2 why Oswald shot President Kennedy." ¹⁰⁴

The commission has functioned in a most unusual fashion in reference to efforts to secure counsel for Lee Oswald. On December 18, 1963, I sent a brief to Chief Justice Earl Warren indicating that there existed serious doubt as to the guilt of Lee Harvey Oswald. In the letter which accompanied that brief I called upon the Chief Justice to appoint counsel to represent the interests of Lee Harvey Oswald before the Commission. In a letter dated December 30, 1963 ¹⁰⁵ J. Lee Rankin, general counsel to the Commission, thanked me profusely

profusely for the brief, but made no comment on my suggestion that defense counsel be appointed.

*Almost one month later, after I had been retained by Marguerite Oswald to represent the interest of her son before the Warren Commission and after I had informed the Commission that I had been so retained, I received a letter from Mr. Rankin stating that:

"The Commission does not believe that it would be useful or desirable to permit an attorney representing Lee Harvey Oswald to have access to the investigative materials within the possession of the Commission or to participate in any hearings to be conducted by the Commission."

Subsequently the Chief Justice stated to me personally, and to the press repeatedly, as did Counsel to the Commission, that Oswald was not on trial and that counsel would not be permitted to represent him. Since that time, as a result of repeated trips to Dallas, I have secured statements from witnesses and documentary evidence establishing the innocence of Lee Harvey Oswald.

While the Commission remained totally unconcerned about the development of such evidence, tens of thousands of Americans, including thousands of students at the leading universities and law faculties at leading law schools, have expressed a deep and continuing interest in such evidence.

In this light, the appointment of the President of the ultra-conservative American Bar Association may raise more questions than it resolves.

Will the Commission begin its proceedings anew, now that it recognizes for the first time the necessity of representation for Oswald at all stages of the proceeding? Will counsel appointed by the Commission conduct an investigation in order to adequately perform his function? Has either the Commission or counsel appointed by the Commission yet developed an interest in the evidence in my possession establishing the innocence of Oswald?

X - Conclusion

There seems to emerge in times of national crisis a depth of understanding among the American people, which is inexplicable by the use of any ordinary standards. In view of the overwhelming radio, television and newspaper barrage, the official leaks from the FBI, from the Dallas police, and from the Warren Commission, all seeking to prove without question the absolute guilt of Lee Harvey Oswald for the assassination of President Kennedy, large numbers of Americans have rejected that conclusion. Shortly after the assassination, the Gallup poll showed that more than half of the American people rejected the official prosecution version of the case, and within the last few weeks, a poll conducted by Louis Harris, President Kennedy's personal pollster, showed that over 45,000,000 Americans had ~~xxx~~ serious doubts as to Oswald's involvement in the assassination. Under these circumstances, the case against Lee Harvey Oswald is not closed. Under these circumstances, no report brewed in a Washington closed chamber proceeding and based upon investigations conducted by Secret police and then screened through highly political representatives and representatives of the CIA and FBI will satisfy the doubts that persist and the doubts that continue to grow. We have been told that there is a question of national security involved in this case. Clearly, if it is true, as the prosecutors and investigators claim, that Oswald was the assassin and that he acted alone, there can be no question of a national security involved in the assassination. Why then the secrecy?

I suggest that the question of national security has arisen in this matter since November 22, 1963. This nation, founded upon the doctrine that the people alone bear the responsibility for decision-making in our democratic society can exist as a free and open society only if the people are informed. The closed chamber proceedings in

Washington, the concealed and changing evidence, the suppressed reports,
the holding of witnesses incommunicado, all these acts and omissions
threaten the image of our nation and, far more important, they threaten
its basic security as a free and democratic nation. This article is
written not for the purpose of offering a fast and easy answer or to
present infallible theories about what really happened on November 22ⁿ.
It is written instead with the hope that the unanswered questions must
be answered, for these questions will plague our nation until intelligible
answers are secured. To those who insist that the curtain of silence a-
lone will protect the national security, I suggest the response of Charles
Peguy, a French intellectual, in commenting upon the Dreyfus case:

A single breach of honor, a single disgraceful act, is
enough to dishonor and disgrace a whole nation. It is
a gangrenous spot, which soon spreads over the whole
body. What we defend is not our honor only, not only
the honor of our nation now, but the historic honor of
our nation, the honor of our ancestors, the honor of our
children.

He concluded, "Our adversaries were concerned with the temporal salva-
tion of our country; we are concerned with the salvation of its eternal
soul."

End Draft 1