

This authority says the WC
work on "motivation" was
improper, should have been done
by experts, not lawyers, and
points out the picture of Oswald
with a rifle is proof he was
neither a Communist nor a
Trotskyist.

without a license; we then can go forward with less shame to practice the Commission's profession without a license" (4).

Experts in the forensic sciences are experts only when they speak authoritatively in those areas in which they are adequately qualified. While an analytical chemist may report on findings of milligrams percent of alcohol found in a specimen of blood in his laboratory determination, he is not necessarily qualified as a student to study the physiology of alcohol or the motivations which involve an individual in the imbibing of alcohol. It may be tragic when a specialist in biochemistry testifies in criminalistics if he is not informed in this area. It could be equally tragic if a specialist in ballistics were to testify on a specimen of handwriting. How, then, may a lawyer assume competence in the critical area of motivation? The legal mind is trained to assess fact and intent. His training and purpose prepare him to discredit rumor, speculation, conjecture and most of all, motivation.

After a comprehensive study of the Warren Report, this writer was astonished to learn that of the 522 witnesses interviewed or deposed and over 25,000 reports presented to the commission, no psychiatrist studied any data gathered by the formal and official sources or by the investigators and attorneys for the commission. The Warren Commission, composed of a group of outstanding attorneys, competently staffed with assistants trained in the law, appeared to follow the practice altogether too common in the current scene of practicing "lay" psychiatry. It is well known that the law is interested in intent, particularly in matters involving major crimes; indeed it is this fact that is the cornerstone on which the doctrine of *mens rea* is based. Motivation, the study of unconscious forces, upon which behavior is based is clearly and distinctly *not* the concern of the law, for it is based on conjecture rather than fact, concept rather than a knowledge of purpose. Yet it is interesting to note that an assistant counsel for the Warren Commission, Mr. Jenner, in deposing Mr. Kerry Wendell Thornley was probing for motivation which I insist is not within the realm of legal competence although I must agree that in a modern criminal trial the jury and the judge, the attorneys and the newspapers are all profoundly in search of and deeply affected by motivation. To quote Mr. Jenner, "We are dealing in a very delicate

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field here, and I am pressing you very severely." Mr. Thornley, a one-time Marine colleague of Lee Oswald, replied, "These are sometimes very grey thin lines we have to distinguish between." Mr. Jenner then stated, "*We are probing for motivation*" (5). Despite pages upon pages of detailed information gathered by competent police and legal investigators, the report is quite deficient in establishing motivation.

While reading the report in tail, the writer found himself in many ways assuming the position of a juror listening to evidence. Ballistics data, fingerprint studies, report of investigators tracing the gun and the pistol, and details of this sort are adequately presented and convincing. Occasionally, however, data are presented, which, were the investigators perhaps a bit more alert to the implications of the content, the questions asked of Oswald might have been made more enlightening and indeed more revealing. For example, early in March or late in April 1963 the Oswalds lived on Neely Street in Dallas in a little house which had a small backyard. On a Sunday, according to the wife, Oswald asked her to take a picture of him holding a pistol, a rifle, and issues of two newspapers, identified later as the "Worker" and the "Militant." Two such pictures were taken (6). These pictures have a particular significance for they clearly reveal Oswald's lack of affiliation in fact with either the Communist party or the Socialist Workers party. Students of the political parties of the left recognize that membership in the Communist party and the membership in the Socialist Workers party are totally incompatible. Oswald considered himself a Marxist but not a Marxist Leninist, stating that he was not a member and did not believe in the principles of the Leninist party which is the Communist party. On his return from the Soviet Union he carried on a limited correspondence with the Socialist Workers party, attempted to join that party, and actually subscribed to the "Militant," the official party newspaper of the Socialist Workers party.

In August of 1962, the Warren Report in detail notes that Oswald attempted to initiate dealings with the Communist party, USA, by subscribing to the "Worker" and he continued some correspondence in connection with his "Fair Play for Cuba Committee" (7). He had formed this "Fair Play for Cuba Committee" under the alias of Hidell and he was the sole member!