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identifying him by just listening to him because he was bawling out the policemen, telling them it wasn't right to put him in line with those teenagers and all that and they asked me what one and I told them (ZHS261). Further on that Oswald said, "He showed no respect for the policemen, he told them what he thought of them. They knew what they were doing and they were trying to kill him and he wanted his lawyer." At this point Assistant Counsel Ball asked only, "Did that aid you in the identification of the man?" Whaley, of course, was not helped a bit, but someone else? "Anybody who wasn't sure could have picked out the right one just for that" (ZHS261).

The subsequent effort of counsel Ball to clarify this testimony was little credit to his police and district attorney, and less help to the Commission. "Now, in this police lineup, now," Ball began, "and this man was talking to the police and telling them he wanted a lawyer, and that they were trying to put him in line with those teenagers, and that they were trying to kill him, and that they were doing an injustice by putting him out there dressed different than those others..." Ball then started to know, "Now, did any one, any policeman, who was there, say anything to him?" Yes, sir," Whaley replied, "Detective Sergeant Leavelle, I believe it was, told him that they had, they would get him his lawyers on the phone, that they didn't think they were doing him wrong by putting him out there dressed up" (ZHS261).

It is clear that Ball was available by phone to those who sought him, but was not in his office. He was easily reached by both friends and the press. The Commission apparently did not consider this in its meditations about Oswald, the police and his lack of a lawyer. Whaley's testimony put but the unkept promise into the record. So the Commission did know.

Whaley was not finished yet. He managed to let it slip out that Oswald "was the only one that had the bribe on the lead." And he also identified Oswald as having been in the No. 2 position. But in an affidavit he executed the day of the lineup he swore, "The No. 3 man, who I now know as Lee Harvey Oswald, was not a carried man."

This affidavit led to a later deposition taking place in the unpublished minutes of the Commission. As most of the statements were given. Here Oswald's, and presumably his family's, interests were being looked out for by Walt Oswald, former head of the American Bar Association. On March 12, 1964, Oswald was not present. Asked if he had a statement to make following Whaley's testimony, Chief's representative, Lewis F. Rowe, Jr., said, "In a conversation with Mr. Rowland (Commission General Counsel) yesterday morning we agreed that we would answer the questions directly of witnesses. I would make suggestions..." And I have been following that practice since then.

The real Whaley whommy was reserved for April 8, when Assistant Counsel David W. Belin took a deposition from him in Dallas (ZHS261, 262, 263, 264).

In a futile, almost ridiculous, attempt to reconcile the conflicts in his identification of the lineup, and ignoring the fact that all positions were identified by an official number, which he saw, over the heads of the four different men in the lineup, Whaley said that, counting from right to left rather than left to right, Oswald was the third man. After attributing the "error" of two blocks in the location at which Oswald disembarked from his cab to the presence of reporters in the building (with no indication that they were anywhere near him when he executed the affidavit), Whaley admitted the coup de grace to the lineup: "I signed that statement before they carried me down to the lineup. I signed that statement, and they carried me down to the

lineup at 2:30 in the afternoon."

The transcript cannot give the tone of voice in which Belin asked him questions, but the reader should have no trouble imagining it. "You signed, this affidavit before you saw the lineup?" he asked. Whaley's reply was, "... you are getting me confused. There then was a brief exchange of questions and answers in which Whaley volunteered that "Bill Alexander started the district attorney's office was there also" and then manfully started him to again, detailing how the police wrote out what they wanted him to sign, but in this version he said the number of the man he was going to identify was left blank pending the lineup (ZHS30). With still another version in part of which Whaley said, "I made this statement more to Bill Alexander," intervening, Belin asked, "Now when you signed it - what I want to know is, before you went down, had they already put on there a statement that the man you saw was the number 3 man in the lineup?"

I don't remember. I don't remember whether it said three or two or what, Whaley responded, "Did they have any statements on there before you went down to the lineup?" Belin wanted to know, "Whaley told him, "It never saw what they had in there, I saw, I think was was all written out by hand. The statement that I saw, I think was this one, and that could be writing. I might not even seen this one yet. I signed my name because they said that is what I said" (ZHS31).

With a little encouragement, Whaley offered still a different version, in which he signed a blank paper, as his confused words seemed to say, because they had to get, a stenographer typed it up." Soon he got back to saying he signed the affidavit after it was typed. But when again asked by Belin, "... had they already put on there a statement that the man you saw was the No. 3 man in the lineup?" Whaley again said, "I don't remember that. I don't remember whether it said two or three or what... I never saw what they had in there..." I signed my name because they said that is what I said" (ZHS31).

When Belin again made an effort to undo the "two-three" punch Whaley had thrown at everyone involved, Whaley uttered a magnificent and appropriate understatement: "I don't want to get you mixed up and get your whole investigation mixed up through my ignorance, but a good defense attorney could take me apart..." (ZHS32).

Oswald's representation before the Commission

Mark Lane is a lawyer and former New York public official. He was engaged by Mrs. Marguerite Oswald, the dead man's mother, to represent the interests of her son (ZHS9). Shortly after the Commission was organized, he presented to the Commission on March 4, 1964, he had been informed by the Commission that it had rejected his request to be permitted to represent Oswald. The reason given by the Chairman was that "Lee Oswald left a widow." She is his legal representative. She is represented by counsel..." (ZHS7).

Charles Ryne, another former head of the Bar Association and an assistant to Oswald, asked one of the exceedingly few questions ever asked by any of these gentlemen. Did Lane want the Commission to "make an inquiry into whether Mrs. Civil Rights were violated..." (ZHS9). Lane replied affirmatively. Ryne told Lane he was repeating what Lane alleged from other sources, such as newspapers, in reply to which Lane alleged two other evidences: "The death of the accused and the fact that it would be impossible... to secure 12 jurors probably anywhere in this country who had not already concluded that Oswald was guilty."

There were few interjections by these lawyers recognized by the Commission as representing Oswald's interests. Mostly these few

Whaley was granted his last hope. He did not <sup>get</sup> ~~see~~ Mr. Belin of "the whole investi-  
gation mixed up" because, ~~working in the most ethical of~~ secrecy and the greatest of  
~~integrity~~ this was all omitted from the Report and Mr. Belin's book, which is how  
Whaley became an important and credited - and ~~indispensable~~ witness.

Again I remind you that this is not a question of Mr. Belin personally. <sup>or</sup> of  
Mr. Ball or Mr. Liebler.

The real questions are ~~what~~ <sup>of the temptations to</sup> ~~can~~ the best of men ~~(~~do~~)~~ when they expect to 9  
be protected by secrecy? How do our basic institutions work when they, too, are  
~~hidden~~ <sup>shown</sup> in secrecy? What does this mean to the integrity of society and its protective  
institutions in time of crisis? Can we have these kinds of carryings on when a  
President is killed, nullifying the entire electoral process, and have ~~even~~ <sup>still have</sup> ~~the~~  
appearance of freedom?

Now I do intend something to be personal, this question:

~~Exclude with personal question~~ to Mr. Belin. He and I are here, face to face.

There is much more evidence I have that as it is relevant during the question period  
you will see. Now that he has seen his and related work as he did not see it, now that  
he has often enough said he ~~wants~~ <sup>has</sup> there to be no secrets, now that he <sup>has</sup> said it makes no  
difference to him whether or not there is another investigation, will he - please - take  
~~the~~ one more step and join me in demanding a full, unlimited investigation, entirely  
in public - no secrecy - and preferably by Congress?

I have given up all this time in which ~~in my first appearance since my new~~  
~~book appeared~~ <sup>in my new book</sup> I could have promoted ~~it~~ <sup>with what Mr. Belin has seen</sup> in the sincere hope that when ~~he~~ <sup>he</sup> sees through  
the eyes and mind of another ~~Mr. Belin~~ <sup>one new</sup> might take this step, for which I think he  
would- and should - be honored.

Will you?