

CONFIDENTIAL OUTLINE FOR  
"THE TRIAL OF THE CENTURY: STATE V. OSWALD"  
1st Draft

- I. Preface by author
  - A. Why this needs to be done
  - B. Explanation of the legal basis for the case
    1. individual rights are at stake
    2. government's contention against a single person, can happen again
    3. USS Iowa analogy
  - C. Perspective of 1963-64
    1. State crime
    2. Attempt to use mainly information available then
- II. Criticism of the Warren Commission
  - A. All theories were legal theories, not scientific or ballistic
    1. Commission members were attorneys
    2. Staff was mainly attorneys
  - B. Reasons why they came to their determination
    1. World Wide threat of war
    2. Johnson's recruitment of Warren
    3. January 20, 1964 staff memo *comp me the two*
    4. Katzenbach's Nov. 25, 1963 memo
    5. Dispel all rumors
  - C. Conduction of Commission *need more we should discuss*
    1. Investigative body or fact finding commission
      - a. However, acted as prosecution
      - b. Walter Craig, defense counsel, useless *worse than*
    2. Rules of evidence irrelevant *explain why, etc*
      - a. Why is that important
      - b. What does that mean
        - i. Hearsay allowed
        - ii. Chain of evidence ignored
        - iii. Illegal tactics ignored
        - iv. Leading questions used
        - v. Hypothetical questions
        - vi. Autopsy materials kept out
    3. Staff attorneys
      - a. Leads not followed up; "close doors, don't open"
      - b. Many relevant questions not asked
      - c. Many irrelevant questions asked
      - d. Witnesses badgered
      - e. Testimony changed

4. CE399
  - a. Legal theory
  - b. Purely hypothetical question
  - c. Only used experts to bolster theory *often wrong ones on basic facts - spurious, etc*
5. Investigation
  - a. Mainly used FBI agents
  - b. Requested materials from all intelligence agencies
  - c. Many requests ignored or delayed responses
  - d. Investigated agencies were doing the investigation
6. Final Product
  - a. Chronological mess
  - b. Irrelevant evidence; Mrs. Ruby's dental records, etc.
  - c. Disorganization of subject matter
  - d. Ignored evidence contrary to desired theory

### III. Evidentiary issues at trial

- A. Marina's testimony out; spousal testimony not allowed in Texas *Mark memo on*
  1. Only personal link to rifle
  2. Backyard photographs
  3. Walker incident
  4. Supposed propensity for violence; Nixon threat *Silliness of*
  5. Identification of jacket at Tippit scene
- B. 1st search of Paine house challenged *How about at 1026?*
  1. Was Mrs. Paine authorized to give permission
  2. Did Marina understand the circumstances
- C. Lineups would be challenged
  1. Similar persons were not used
  2. Oswald was making a scene
- D. Greymail
  1. Requests for classified information
    - a. Atsugi-U2 flights
    - b. Defection to USSR
    - c. Castro activities; assassination attempts not public yet
    - d. Mexico City trip
    - e. Ammunition might have been CIA ordered
- E. Rifle
  1. Post office receipt was not signed
  2. Transferred to Washington
    - a. Fingerprinting not finished
    - b. Not properly placed into evidence
  3. Handwriting experts on signature on order form
  4. Palmprint of little value, if any
    - a. Only would prove handling, not firing

*relevant?*

*careful!*

- 5. Oswald nitrate free on cheek
  - a. Paraffin test
- 6. Misidentification
  - a. Was it a 7.65 Mauser
  - b. Film of rifle on roof

*do you want to go into this really?*

F. Autopsy

- 1. Body stolen from Texas, nullifies autopsy totally? - why?
- 2. Little probative value
  - a. X-rays not identified properly
  - b. Photographs not identified properly *changes in all necessary taken?*
  - c. Notes destroyed (possibly due to Oswald's death)
  - d. Skills of personnel questionable
  - e. Incomplete

G. Destruction of evidence

- 1. Limousine
- 2. Connally's clothes
- 3. Bag thought to have contained rifle

H. Oswald in custody

- 1. Issue of legal representation *McDermid's subpoena given to LHO not*
  - a. Oswald turned down Texas Bar; waive rights?
  - b. Police turned away ACLU, Oswald wanted them
- 2. Interrogations
  - a. Not taped or transcribed *why not?*
  - b. No notes available *why not?*
  - c. What was standard procedure; unusual?
  - d. Oswald's statements okay in court; hearsay exception

I. Oswald at trial

- 1. Assert Fifth Amendment rights
- 2. Don't have to deal with his testimony

J. Motion for mistrial

*Could there have been an impartial jury?*

- 1. Unfair pretrial publicity
- 2. Granted in Ruby's case, was there any doubt there

K. Other Legal Issues

- 1. Use of hypotheticals (compared to Commission's use)
- 2. Acoustical studies
- 3. Witnesses credibility
- 4. Explanation of chain of evidence *earlier?*
- 5. Explanation of graymail
- 6. Use of propensity to commit violence

L. Use of Expert Witnesses

- 1. Handwriting experts
- 2. Psychological experts
- 3. Rifle experts

4. Medical experts
5. Ballistic experts
6. Fingerprint experts

#### IV. Defenses

##### A. Character witnesses

1. Only spoke highly of Kennedy
2. Fond of children
3. Quiet, intelligent person

##### B. Conspiracy killed Kennedy

1. Grassy knoll evidence
2. CE399; ballistic evidence
3. Possible mention of acoustical study as aftermath
4. Others arrested in Dealey Plaza

##### C. Oswald as patsy

1. Second Oswalds
2. Never seen on sixth floor *Murder*
  - a. conflicting evidence of shooter v. location of Oswald
  - b. 2nd floor lunchroom incident w/Baker
3. Marksmanship capability poor

#### V. Final outcome

##### 1. Acquitted

- a. Murder of President Kennedy
- b. Murder of J.D. Tippit

##### 2. Guilty

- a. Attempted murder of police officers
- b. Assault and battery
- c. Resisting arrest (possibly)
- d. Carrying a concealed weapon

##### 3. Sentenced to life imprisonment