

## FBI 'DEAL' WITH RUBY DEFENSE REPORTED

## New break on Oswald's gun

By Jack A. Smith

IT IS BECOMING increasingly evident that the federal government is suppressing facts about the assassination of President Kennedy in Dallas Nov. 22 and leaking others which are misleading. Despite massive obstruction, the efforts of independent individuals—journalists, lawyers and concerned citizens—are beginning to penetrate the wall of official secrecy. Here are the latest developments:

• The owner of a Chicago mail order house that allegedly supplied the "murder rifle" to Lee H. Oswald, the assassination suspect, is reported to have said: "I don't think that rifle killed Kennedy."

• Hearst's Dorothy Kilgallen, in a story copyrighted by the New York *Journal-American* Feb. 21, wrote from Dallas that the FBI has made a deal with lawyers defending Jack Ruby, Oswald's killer, that "provides Ruby's side with reams of helpful information that they

would never have been able to get without the G-Men—on the condition that they do not ask for anything at all about Ruby's alleged victim."

• Mark Lane, appointed by Mrs. Marguerite Oswald to defend her late son's interests, stated that a meeting took place in the nightclub operated by Ruby, two weeks before the assassination, attended by policeman J. D. Tippit, whose death shortly after Kennedy's murder was attributed to Oswald; Bernard Weissman, New York ultra-conservative who placed an advertisement in a Dallas newspaper Nov. 22 accusing Kennedy of being "soft on Communism," and a third person whose identity Lane said he is withholding until a more auspicious moment.

**COMMISSION LEAK:** The President's Commission on the Assassination of President Kennedy has apparently found itself the victim of a news leak emanating from one of its members. Commission member Allen Dulles, former CIA

chief, was reported "disturbed" Feb. 22 by a story in the New York *Times* detailing testimony by Robert Oswald, brother of the accused assassin, who said he thought his brother had been a Soviet agent. Oswald, according to the *Times*, retreated from his position after questioning. Dulles presided at the hearing in the absence of Chief Justice Earl Warren and apparently had instructed commission members not to reveal this portion of Oswald's testimony, which could have been disclosed only by someone present in the hearing room.

Robert Oswald also testified that he believed his brother was innocent, as did his mother in testimony two weeks earlier. Mrs. Marina Oswald, wife of the accused, told the commission that she "was now convinced" her husband was the assassin. Following the brother's appearance, the commission adjourned without revealing when the next meeting would

be held.

**THE WRONG RIFLE?:** Augusto Marcelli, correspondent for the Italian magazine *L'Europeo*, interviewed Milton Klein, owner of Klein's Sporting Goods of Chicago, who cast doubt on FBI reports about the alleged murder weapon, a bolt-action, 6.5mm Italian carbine. Oswald is said to have ordered the rifle last March. Marcelli provided the *GUARDIAN* with an English translation of his story.

According to the correspondent, Klein prefaced the interview by stating: "I've had more than enough publicity . . . and the FBI has warned me to keep my trap shut." Marcelli then asked the businessman whether he thought it possible for the ancient, cheaply made rifle to be fired accurately three times in five and a half seconds, to which Klein responded:

"Listen, you withdraw the question and I'll tell you something else—maybe even more important. I already told the FBI but it doesn't seem to me that they gave it much importance.

"I don't think that rifle killed Kennedy. Not because it's too slow or too fast. Right after the murder the Dallas police discovered a Fort Worth armorer who said that he was the man who put the telescope on Oswald's gun. He said he drilled the holes in the gun for the screws of the telescope and that he mounted it. He showed the police the invoice for the telescope and the work, and he recognized the rifle.

"What is strange about this is that the gun was shipped from here with the telescope already mounted and with holes for the screws already drilled. Therefore, 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?"

**RUBY BACKGROUND:** Marcelli, digging deeply into Ruby's past years in Chicago, reported that he had been closely associated with several underworld figures who were assassinated in gang-style, but that Ruby himself had never been an intended victim.

"Most often in Ruby's past," Marcelli wrote, "he has served the criminal underworld of Chicago as an informer and spearhead for penetrating [the gambling mob] into Dallas. This was demonstrated by repeated instances of hospitality offered by Ruby at the Carousel club to the Mafia of Lake Michigan. But, at the same time, Ruby was also an informer for the FBI, and this can explain, but only to a certain point, the consideration he seems to enjoy."

According to the Italian correspondent, rumors are "rampant" in some Chicago circles to the effect that "Kennedy's assassination was being organized since last February by a group of Cuban exiles who met on Chicago's west side." He continued:

"The rifle, meant for Oswald, left Chicago for Dallas in March. But Oswald would have been the man meant only to appear as the assassin: he had never been a champion as a marksman and they did not trust him. Ruby might have enlisted him, making him believe that the President was to be shot because he was planning to invade Cuba another time. Ruby, for his own part, would have known only a part of the story and of the plot. In this case, even patrolman Tippit would have been involved in the conspiracy, with the task of waiting for Oswald at the exit of the Book Depository in order to kill him to prevent him from talking. This is another absurd theory in a matter in which everything is absurd.

"We have already seen, through Klein's declaration, that there were probably two rifles involved in this affair, not just one. We could suppose, therefore, that instead of it being Oswald who shot Kennedy there might have been someone else or others. We could then suppose that Oswald managed to get far away from the scene of the attempt because of some error on Tippit's part; and that Tippit chased after him knowing full well where Oswald was heading."

**SECRET DATA:** Dorothy Kilgallen's story, apparently written after a talk with Ruby's lawyers, noted that "it appears Washington knows or suspects something about Lee Oswald that it does not want Dallas and the rest of the world to know or suspect." Two weeks earlier, commission chairman Warren gave validity to this observation by declaring that "certain aspects" of the assassination mystery may never be revealed in full.

Miss Kilgallen wrote: "One of the best kept secrets of the Jack Ruby trial is the extent to which the federal government is cooperating with the defense. The unprecedented alliance between Ruby's lawyers and the Department of Justice in Washington may provide the case with the one dramatic element it has lacked—mystery.

"This was never a whodunit. It was only a why-did-he-do-it and what-will-he-get. But an arrangement that was made last month between the defense counsel and the FBI has a fascinating 'kicker.' It provides Ruby's side with reams of helpful information . . . on the condition that they do not ask anything at all about . . . Oswald.

"Why is Oswald being kept in the shadows, as dim a figure as they can make him, while the defense tries to rescue his alleged killer with the help of information from the FBI?"

The Hearst writer reported that on Jan. 28 Assistant Attorney General Herbert Miller responded to a request by one of Ruby's lawyers for "all the reports and minutes and evidence in possession of the Johnson-Warren commission" by stating that the "FBI would be instructed to turn over to the defense the names and present addresses of persons who knew Ruby, or had met him at some



time in his life, who had expressed opinions about his personality or recalled incidents which might be important to the case."

Miss Kilgallen concluded: "The kicker, the punch line? Miller's sentence, 'information concerning Oswald's assassination of the President will not be available as it does not appear relevant.'"

**THE THIRD MAN:** Lane revealed information about the meeting at Ruby's Carousel club during a public "inquiry into the Oswald case" at Town Hall, New York, Feb. 18, sponsored by the GUARDIAN. Weissman has denied being present at the meeting. Lane, however, contends that his source is certain of Weissman's appearance.

Lane told the GUARDIAN his investigations have led him to the belief that Oswald is innocent and was set up "as a perfect patsy" to take responsibility for the crime.

Another newspaperman, N. S. Finney, Washington bureau chief of the Buffalo News, has theorized that Cuban exiles may have been involved. In a speech in Buffalo Feb. 8, Finney noted that Oswald arrived in Mexico City Sept. 28, five days after it was announced that Kennedy would visit Dallas, and immediately checked into the Hotel Comercio, a residence "substantially used by Cuban exiles."

Also, Finney said, the "Cuban exile community was brought to rage" following the arrest in Virginia Sept. 27 of "the authentic Cuban exile leader in this country on charges of attempting to counterfeit Cuban money." Because of this, he said, "the exiles again felt they had been betrayed by President Kennedy."

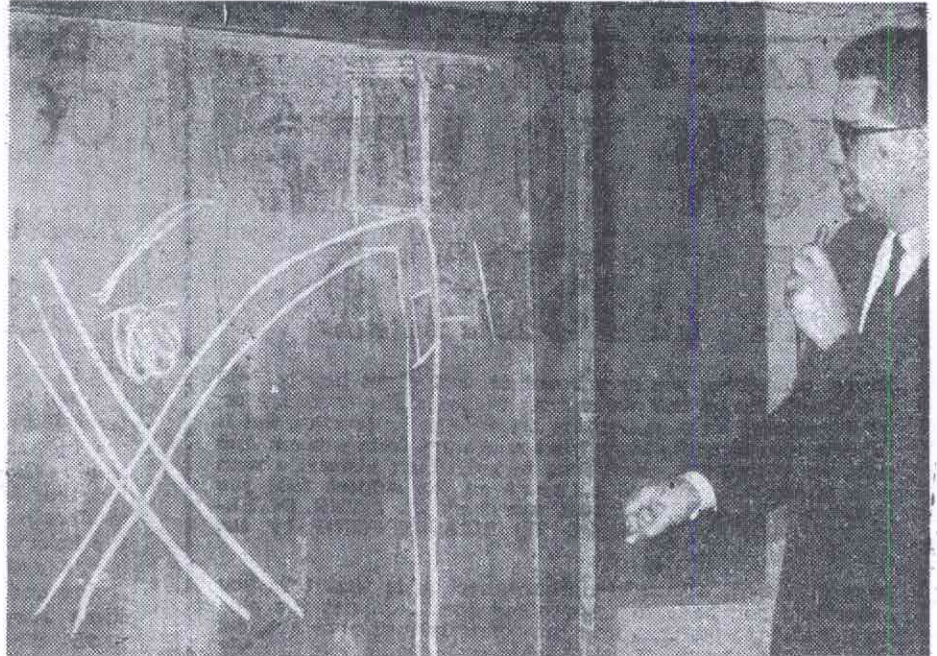
**NEW EVENTS:** In other aspects of the assassination case:

● Mrs. Marina Oswald, apparently with the approval if not recommendation of the Secret Service, her constant companions, has terminated the services of both her "business adviser," James Martin, and lawyer, John Thorne. Her new attorney is William McKenzie of Dallas, who represents Robert Oswald too.

● Norman Redlich, professor of law at New York University and assistant to commission counsel J. Lee Rankin, is under investigation by the commission following allegations that he "has been affiliated with a civil liberties group which two Congressional committees identified in the 1950s as a Communist

front organization." Rep. James Utt (R-Calif.) criticized the commission for hiring Redlich because of an association with the Emergency Civil Liberties Committee.

● Dallas police now claim that the bullet fired at former Maj. Gen. Edwin Walker, an extreme right-winger, was from the same gun that fired at Kennedy. Police initially reported that though it was suspected the bullets were fired from the same rifle, they were too fragmented for comparison. On Feb. 8, however, a new ballistics report indicated that the bullets matched. The new report concluded: "Generally the comparison points of the slugs were good [though] . . . the ballistics report cannot be final or conclusive."



Guardian photo by Robert Joyce  
**THE TOWN HALL CLASS GETS A LESSON IN DIRECTION**  
Mark Lane demonstrating his findings on the course of the Dallas bullets



Guardian photo by Robert Joyce  
**A VIEW OF TOWN HALL AT THE OSWALD INQUIRY ON THE NIGHT OF FEB. 18**  
At the microphone telling the story of the Battle of Town Hall is editor James Aronson