

PRELIMINARY INVESTIGATION DISPELS NO DOUBTS, RAISES NEW ONES

Oswald case: Lane in Dallas

By Mark Lane

DALLAS, TEXAS

THE WIDE AND DEEP RESPONSE to the "Brief for Oswald" in the Dec. 19 GUARDIAN seemed to lead in one direction—Dallas. Even without such a response, I had planned to try to initiate an independent investigation, one far more objective than the inquiry conducted by the police authorities and, above all, one not devoted to a particular theory but uninhibited by a pre-ordained conclusion.

The problems confronting such an effort were enormous; many said insurmountable. The FBI report remains secret, with only the conclusion, "Oswald did it, he did it alone," leaked to the press and TV. The proof for that conclusion remains for the present, and perhaps for a year, unavailable. Unlike conduct at a criminal trial, where the rights of the accused receive some formal procedural protection, in the absence of a defendant to assert any rights, no element of due process seems to attach.

As each new theory developed by the Dallas police, the Dallas district attorney or the FBI itself is rebutted by the facts, a new and totally different theory evolves. At a criminal trial, the opening statement by the district attorney (comparable to allegations by Dallas district attorney Wade discussed in "A Brief for Oswald") consists of all of the matter which the prosecutor will present. At that point we know the exact nature of the charge. In the Oswald case only the Wade assertions, which very likely will be drastically altered by the FBI in view of their obvious errors, stand as we begin to assemble information of some possible value to a defense. We cite as an example the FBI on the direction of the wound.

The fact: The bullet entered the President's throat and ranged downward into his chest.

Version One: The President was shot in the throat from the front as the Presidential limousine moved toward the Book Depository and before the auto turned left and moved away from the Book Depository. Gov. Connally and the other witnesses said that report was erroneous; that the first shot was fired after the auto had turned. A series of still pictures taken from a movie clip also disproved the original FBI version.

Therefore, Version Two: The President, although past the Depository, had turned almost completely around and was facing the building when the first shot was fired. Again the witnesses, including the Governor and his wife and the pictures, prove that the President was facing almost directly forward when the first shot was fired.

Version Three: The entry wound in the throat was really an exit wound and the three doctors who attended the President while he was at Parkland Hospital were all wrong.

And so it will go. As each allegation submitted by the police authorities is proved to be contrary to the facts, the version—and sometimes perhaps the facts—will be altered.

An investigation at this point must contemplate the possibility of changing charges and altered allegations. The most important source of information and leads in a criminal case—the defendant himself—is of course not available for consultation here. This complicating factor must result in every assertion, no matter how compelling it may seem at first blush, being tested and checked out in a myriad of ways.

Such a time-consuming, back-breaking and costly project will not be simplified by the FBI instructions already given to all potential witnesses to refrain from discussing the case. It will not be simplified by the refusal of the Secret Service to answer questions and by its practice in this case of hiding physical evidence.



MARGUERITE OSWALD, MOTHER OF SUSPECT
She still can't visit her daughter-in-law

Above all, it will not be simplified by the aura of guilt so quickly and hysterically manufactured by the police authorities and instantly transmitted by the news media. Instant guilt, the antithesis of due process, is certain to create severe difficulties for objective study. And so, despite the problems, the decision to go to Dallas, to determine whether the conditions that may furnish fruitful results still exist.

A poor 'private eye'

DEC. 31, 1965: For a touch of irony to start the trip, the plane ticket reads: Leaving Kennedy airport, Arriving Love Field, Dallas. The sudden transition from Idlewild to Kennedy, has not yet been completed. Signs intermittently read Idlewild where the fresh paint has not yet reached. Aboard the plane there is an atmosphere of apprehension that has set in since I called for plane reservations 12 hours before. Two previous trips south, also under trying conditions, somehow never evoked such deep feelings. This trip is clearly different perhaps because one feels so completely alone at the moment. This trip exploring the possibility of equal rights for one man, not for millions of Negroes, is a solitary one.

Armed with a borrowed tape recorder, which I have not yet mastered, and a borrowed polaroid camera, which at present is as much a mystery to me as the rest of this case, I present, I fear, a rather incompetent simulated "private eye." How can I hope to uncover information of real value, when the Dallas police, the FBI and the Secret Service, in numbers to constitute an army, have combed the Dallas area for weeks equipped with the most modern and advanced techniques of crime detection? They have functioned at the direction of the most powerful nation in the world and with the almost unanimous support of the press, radio and television industries. Of course, there is one advantage accompanying the trip. I hope to obtain, not obliterate the facts, and in the quest for truth as Clarence Darrow said, "There is always one man." Somewhere, probably in Dallas, there is that one man or woman. My task is to find him.

An early contact in Dallas was Greg Olds, chairman of the Dallas branch of the American Civil Liberties Union. My fondest hope—to find someone based in Dallas who had the curiosity to look for the facts and the integrity not to be deterred from that effort—was realized. An editor of a small newspaper near Dallas, Olds is a young man with the old-fashioned concept of a newspaperman. He looks for facts and reports them as they exist. Neither the FBI nor local police authorities seem to intimidate him. He introduced me, through a telephone call to Austin, to Ronnie Dugger, the editor of a weekly liberal statewide publication, the *Texas Observer*, who is the same kind of newspaperman.

Within a day I found a law firm, highly respected in Dallas, which expressed interest in the case. We explored together the methods of presenting either a portion or all of the Oswald case to a trial in Dallas. Those conferences, not yet concluded, were temporarily adjourned pending my return to Dallas.

The overpass

NEW YEAR'S EVE, 1963, was a strange one for me.

I suspect that Dallas is as wild and reckless a town as can be found on New Year's eve. Dallas, a dry town, (which means that you carry your own bottle or bottles with you everywhere) was host to the Cotton Bowl game the following day. The downtown hotels were jammed and the streets and sidewalks overwhelmed by uproarious Texas University supporters. I spent my New Year's Eve reading in a small hotel room.

New Year's day was more eventful. It began with a 7 a.m. trip to the scene of the assassination of President Kennedy, Elm and Houston Streets, just beyond the fringe of downtown Dallas. The blinking temperature gauge atop the Texas School Book Depository proclaimed a surprising 28 degrees; with a wind blowing across the unprotected flat land it seemed much colder. I took several pictures of the Depository; a number of them from the place where the Presidential car was located when the firing began. From the same place I took pictures of the overpass, directly in front of the limousine when the President was struck.

If the assassin was on the railroad overpass, the entry wound in the front of the President's throat was easy to account for. A Dallas policeman was present during my activities. His main function seemed to be to prevent any Dallas citizen from removing any of the offering of flowers and plants delivered to the scene, and to prevent anyone from climbing onto the railroad overpass. Nonetheless, I walked from the Depository, through its rear parking lot maintained for the executives and other employes of the Depository, behind an ornamental concrete facade, climbed a pipe fence and went onto the railroad overpass.

Unseen, while on the overpass, I walked about and took many pictures of oncoming cars as they reached the place where the Presidential car was when the firing began or ended. When viewing the scene from the elevated overpass I wondered why the assassin, if he were indeed present in the Depository, waited until after the auto (a rather good target as it approached the building) had turned and became an increasingly difficult target as it traveled on some 75 yards.

On the other hand, if the assassin or assassins were on the unguarded railroad overpass, they fired just when the auto was approaching and when it presented itself as a perfect target. Later, in a telephone conversation with Dugger, I learned that there are four employes of the *Dallas Morning News* who were standing between the Depository and the overpass. The four

all agreed that the shots sounded as if they had come directly from the overpass.

Of course, this theory dovetails also with the original radio broadcasts, which reported that a motorcycle policeman was seen, immediately after the shooting, racing up the grassy embankment in pursuit of a couple seeking to flee from the overpass. After the arrest of Oswald, that story disappeared and has, to my knowledge, never been followed up. For more than two chilling hours I remained on the railroad overpass, unobserved by the policeman or by the many spectators who congregated at the spot to take pictures or just to look.

A talk with Mrs. Paine

THE REMAINDER of New Year's Day was spent with Michael and Ruth Paine and their two children. The Paines had been hosts to Lee Oswald's wife, Marina, and her two children from the end of September, 1963, until the day of the assassination. They are a polite, articulate and intelligent couple. Mrs. Paine, while somewhat reserved, is more outgoing. In her conversations with Jim Martin, the "business agent" obtained for Marina Oswald by the Secret Service, Mrs. Paine said she had definitely got the impression that Marina was being held in protective custody and was not free to move around. Martin had made the same statement to me some two weeks previous.

Mrs. Paine, in her modest home in Irving, told me she had written three letters to Marina, but had not yet received an answer. She was willing, in fact anxious, to visit her, but did not know where she was being held. The letters were delivered to the Secret Service for eventual delivery to Marina. At this time she had no knowledge, independent of the Secret Service, that Marina had received the letters or that she was aware of Mrs. Paine's desire to see her. Mrs. Paine is reluctant to take any legal action to get permission to visit Marina primarily because of her desire to avoid publicity. Her friends and relatives have urged her not to become publicly involved any further in the matter.

Mrs. Paine, concerned about the welfare of Marina, did agree to cooperate with the Dallas ACLU in an effort to visit her. Since my brief conversation with Olds convinced me that the Dallas ACLU was in good hands, I thought that the procedure we agreed on was a good one.

Mrs. Paine did not know that Oswald owned a rifle. (Further investigation led me to the inescapable conclusion that he did own a rifle and that the rifle was in all likelihood stored, while wrapped in a blanket, in the Paine garage in Irving.) Marina had never mentioned to Mrs. Paine that Oswald had told her that he had shot at Gen. Walker. The first Mrs. Paine heard of that report was in a recent newspaper story.

Mrs. Paine did know that Oswald could not drive an auto; she had just begun to teach him to drive and he had about three lessons with her. She said she believes that it would have been impossible for Oswald to have practiced with the rifle during the more than two months that Mrs. Oswald lived with her. According to Mrs. Paine, Oswald spent every single weekend with his wife and children at the Paine home and she, Mrs. Paine, can account for the time that Oswald spent there. In reference to the story that Oswald was seen driving up to a rifle range near Dallas and practicing there, Mrs. Paine, in addition to asserting that Oswald

could not drive, is certain that Oswald was present during that entire day at her home in Irving.

Mrs. Paine said that the impressions that Marina had of the Kennedys were obtained through Oswald's translation and reading of newspapers to her and his comments. Mrs. Oswald, she said, liked the President and his wife and children. Paine said that when he and Oswald went to an ACLU meeting, Oswald remarked that he thought that "President Kennedy was doing a fairly good job on civil rights."

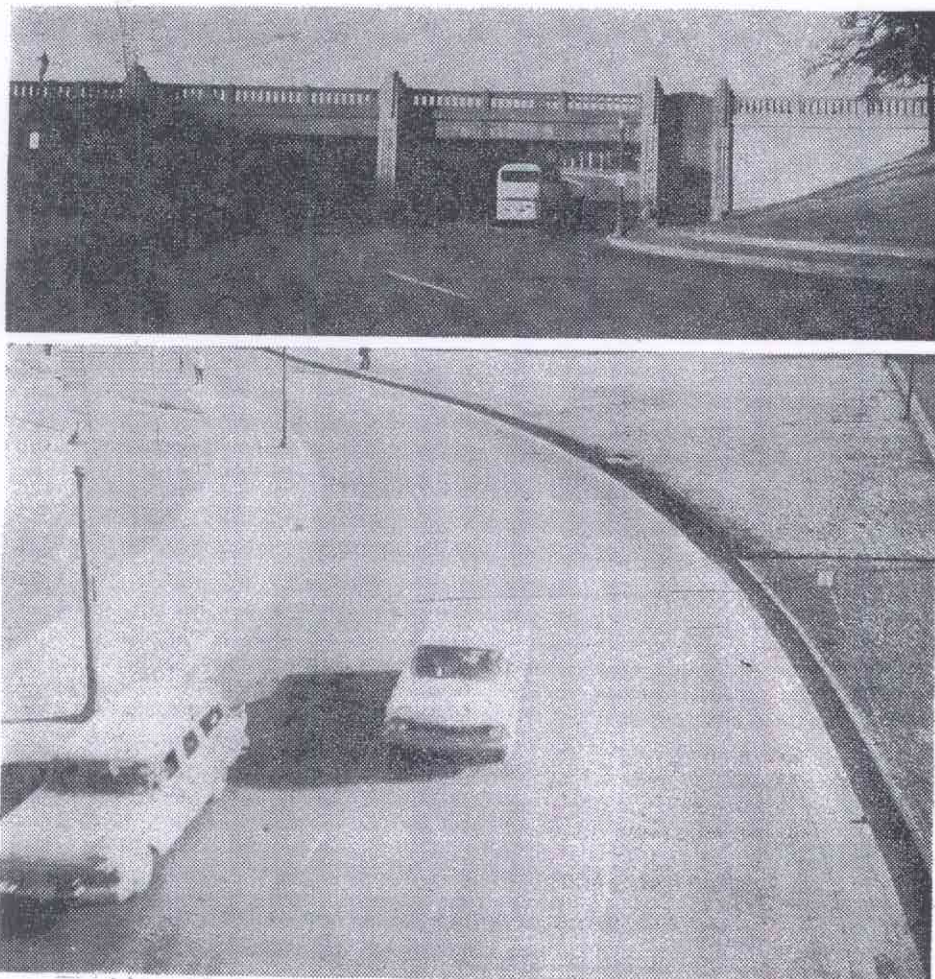
On the Thursday night before the assassination, Oswald arrived at the Paine home without calling in advance. This was unusual in two respects. Oswald generally called before coming and he rarely arrived before Friday evening. He had in fact arrived before Friday only when Mrs. Oswald was ill.

Oswald did not get the job at the Depository in order to work near the scene of the President's route. Mrs. Paine heard about that particular job and in her own initiative informed Oswald of the possibility of an opening. She learned of the job through Wesley Frazier, a neighbor, who also worked there. Oswald was

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In the pictures at the right, the top photo is a view, from the road, of the overpass on the Dallas route of the Kennedy party, with a car shown at about the spot where the Nov. 22 assassination took place. The photo at the bottom is a view of the road from the overpass. If the bullet injury in the late President's throat was an entrance wound, the shot could well have been fired from the overpass at the approaching car; it could scarcely have been fired behind—i.e., from the Book Depository window where Lee Oswald supposedly stood.

Photos by Mark Lane



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concerned about being fired from the job, where he was doing well, should the employer discover that he had a Russian wife and had spent time in the Soviet Union. No one who has visited Dallas can consider such a fear as unfounded.

Oswald had asked Mrs. Paine to ask Frazier's older sister to urge her brother not to mention his Russian wife to anyone on the job. This might explain Oswald's use of an alias, if he did adopt the name Lee, at the rooming house. Mrs. Paine never heard the name Hiddell until the newspaper reports of that alleged alias. Mrs. Paine gave Oswald a map of the City of Dallas when he initially began to look for a job there. Oswald, unable to find a job in Houston then, was looking for work in Dallas. Mrs. Paine said she had read stories that Oswald beat Marina. Both Mr. and Mrs. Paine agreed that Oswald had never struck Marina during the two months she lived with them, Paine, who told me, "I accept the newspaper accounts of what happened," and who believes, therefore, that Oswald is guilty, said that Oswald was, in his presence, non-violent. "He contained himself very well." Mrs. Paine said she had never seen or heard of Oswald striking his wife and that Mrs. Oswald had never mentioned such a thing.

Marina's representatives

DURING THE EVENING of New Year's Day, I called John Thorne. A Grand Prairie attorney who represents Marina Oswald. He was obtained by the Secret Service through the auspices of Martin, the former public relations director of the motel where the Secret Service first kept Marina and other members of Oswald's family. Martin is the business agent for Marina. He got his job through the Secret Service because the Secret Service "felt that Marina should have a business agent."

Marina Oswald, the New York Times reported from Dallas, is being held incommunicado by the Secret Service or FBI. The representatives secured by the Secret Service for Marina now deny that, Martin at first told me that Marina was in protective custody and not free to come and go. Martin now insists, as does Thorne, that Marina is free to come and go, but that she is

very selective about where she wants to come and go. The Times story is characterized by Thorne as "blackmail, just outright blackmail. They told me if I didn't arrange an interview for them with Marina, they would print that kind of story. They tried to blackmail me." The Times is not known for such tactics.

Why doesn't Marina wish to have Mrs. Paine visit her, I asked Thorne and Martin. Martin replied that Mrs. Paine was "a notorious publicity seeker who was not concerned about Marina." Martin added that Mrs. Paine could be a threat to Marina's safety. "How do we know if she would harm her," he said. Could I visit Marina? I asked: Surely it is plain that I am concerned about assisting to clear her husband's name if the facts lead me in that direction. Certainly my approach has been sympathetic to the rules of due process in this case. Did they think that I might harm Marina? Oh, no, they were sure that I would not harm

her. Well, they agreed, they had no objection to my seeing Marina. Of course it was up to Marina. They would ask Marina soon and I could call them upon my return to New York to learn of her decision.

Little suspense attached to this aspect of the case. Upon returning to New York I suggested to my associates that the answer, allegedly from Marina, would be that she might like to see me later but not now. On Jan. 6 I called Thorne at his Grand Prairie office. He said Marina "would not like to see you at this time. Perhaps in the future."

Just before concluding my discussion with Thorne and Martin in Dallas, at luncheon in the Statler Hilton Grill Room, I suggested that if Marina did not wish to see me, perhaps she might agree to see James Reston of the New York Times, who, if he were willing, might agree to ask her just one question: "Have you been held incommunicado or are you free to call upon and visit whomever you wish." They agreed that if Marina did not wish to see me they would ask her if she would see Reston. On Jan. 6 I reminded Thorne of that request. Yes, he had talked to Marina about Reston: She did not wish to see him "at this time."

And so we are now asked to believe that Marina Oswald, who speaks almost no English, wishes to be totally isolated from her Russian speaking friends; does not wish to speak with her closest American friend, Ruth Paine, with whom she lived for more than two months; does not wish to speak with her mother-in-law, and refuses to see those sympathetically inquiring into legal aspects of her husband's case. We are asked to believe this because two agents, placed with her by the Secret Service, tell us that it is so.

One hopes that Chief Justice Earl Warren, who would throw out a confession in a criminal case as tainted if the defendant were held for too many hours incommunicado, will act swiftly to free from "protective custody" a woman whose future testimony is most relevant to the inquiry that he is conducting. Marina Oswald has been held in "protective custody" although there is absolutely no basis in-law for holding her.

One cannot help but remember the first two days after the arrest of Lee Oswald for the assassination of the President. In spite of the fact that Marina and Oswald's mother were in real danger, with the hysteria surrounding the case building each hour, neither woman was in any way protected by the police, Secret Service or FBI. Then, as the hysteria began suddenly to abate, because the death of the alleged assassin, the Secret Service moved in and took both women away.

If Marina Oswald has testimony to offer which has significance, then the effort to seal her off from the public, while attributing untruthful information to her in the press, is part of a plan and program to suppress the facts.

If Marina could talk

WHAT WOULD MARINA SAY if she were free to speak now? I suggest that Marina Oswald would state that when she was questioned in the Dallas police station, just after her husband had been arrested, she was asked if Oswald owned a rifle. She answered that he did own a rifle. She was then shown the alleged murder weapon and asked if she could identify that rifle as the one which belonged to her husband. She replied that she could not identify that weapon as her husband's rifle because she did not believe that rifle belonged to her husband. It looked different from the rifle her husband owned, she said.

The press carried this most important story in a very different fashion: "Mrs. Oswald identified the murder weapon as the rifle which belonged to her husband."

The FBI has taken the position that it did not enter this case until very late and, therefore the bungled police job, they imply, is the fault of the Dallas police. In determining whether the job was bungled, or the evidence deliberately suppressed, the time of the FBI

entry is relevant. Marina Oswald can testify that on the day following the assassination the FBI moved swiftly into the case and questioned her extensively.

Lee Oswald's mother

ON JAN. 2, MY LAST DAY in Dallas, I met with Marguerite Oswald, Lee Oswald's mother. The press, when it decides to quote Marguerite Oswald, has often sought to create the impression that she is quite emotional and given to making unsubstantiated charges. Mrs. Oswald, an extremely independent woman, naturally has been deeply affected by the charges brought against her son and by his death while in police custody. She nevertheless impresses one as an intelligent and sound person.

When the FBI sought to question Marina again, Marguerite insisted that her daughter-in-law be given time to obtain counsel. This did not endear Marguerite Oswald to the FBI or the Secret Service. They most likely would have had, in the absence of Marguerite Oswald, no resistance from a 22-year-old woman who could speak no English, who was in a foreign land and totally unaware of her rights. Marina Oswald, penniless, accompanied by her two babies, knew only that her husband had been accused of the most serious crime of the century.

Later, after Oswald had been shot to death, his mother insisted upon seeing him. The FBI and Secret Service said that it was "impossible due to security reasons." Marguerite Oswald told them that Mrs. Kennedy was able to see her husband after he was killed and, "while I am poor and not powerful, I am going

to see my boy now. And if that means that you have to secure a few more officers then you will have to do it." Mrs. Oswald prevailed.

Shortly thereafter the Secret Service removed her from "protective custody" without allowing her to even say goodby to Marina. The one independent and courageous contact left to Marina Oswald was removed and Marina was absolutely alone. Mrs. Oswald remains eager to visit her daughter-in-law, but I have been informed by Thorne that Marina does not wish to see her.

In my long interview with Marguerite Oswald, and in communications that I have received from her since that time, I have learned much which has raised in

my mind additional questions, as yet totally unanswered by the leaking FBI report. A good portion of that information is both privileged and confidential and I cannot, therefore, comment upon it at this time. Some of the information is now being subjected to further investigation and public comment would result in further interference with that investigation. It is safe to conclude that Mrs. Oswald has much information of a valuable nature to the inquiry and that in due time her story will be told in full.

The investigation begins

BEFORE GOING TO DALLAS I developed a list of assignments that might be given to an investigator. Clearly, both time and financial limitations would not permit me to undertake the listed assignments. I did undertake, however, to try to accomplish the following:

1) Find someone in Dallas who might be qualified and willing to participate in a continuing investigation. I found several such qualified persons.

2) Find a Dallas attorney who might handle legitimate legal aspects of the case as they developed in Dallas. I found one such law firm and one such attorney in Dallas.

3) Meet with the Dallas ACLU and determine if it was able and willing actively to participate in those aspects of the case related to due process and fair procedures. Olds, the chapter chairman, met all the requirements, and then some, for the work to be done in this area. We have already established the beginning of a good working relationship.

4) Meet with Mrs. Marguerite Oswald. Accomplished.

5) Meet with Marina Oswald. Not yet accomplished.

6) Pick out one item on the list of assignments for a future investigating team just to discover whether the trail has been successfully obliterated by the FBI or by the general hysteria surrounding the case.

I chose the item marked: "Determine if Darryl Click, named by District Attorney Wade as the taxi driver who drove Oswald from the bus station to his home, is actually a taxi driver in Dallas."

I spoke with a Mr. Roseboro, leader of Teamsters Union Local 745, which had just organized the Dallas Taxi drivers, in an effort to get that information. Darryl Click was not listed as a member, Roseboro assured me but, he added, Texas being a "right-to-work state," Click might be a taxi driver who is not a union member. He suggested that I talk with the personnel office of the City Transportation Co., Dallas taxi monopoly.

A Mr. Potts of that office, after checking his files, assured me that no Darryl Click drives a taxi in Dallas. Yes, he said, they have the name of "every single taxi driver who drives in Dallas and Click is definitely not one of them."

Such information, while not decisive, is significant, and certainly indicates that the doors are not closed to an effective investigation.

Interim Conclusion

I DO NOT JUDGE DALLAS as harshly as do many of my contemporaries. That there is evil there is unquestioned. Much of the financial assistance for the development of the lunatic right throughout the country flows from Dallas. There exist, however, in almost every American community—Dallas being a prime example—men and women who are devoted to the pursuit of the truth, and who will not permit any force, however powerful, to deter them from that objective.

Greg Olds and his colleagues in the Dallas ACLU live in Dallas. So do many other people, some of whom may know the truth and some of whom may also be willing to tell the truth.

Clarence Darrow said, "There is always one man." In Dallas there are more. It is our job to find them.