

## PARAFFIN TEST SAYS 'NO'

# Did Oswald fire the gun?

By Jack A. Smith

**"NO NITRATE FOUND** on exhibit number one." This simple sentence could disrupt the entire case against Lee Harvey Oswald, accused assassin of President Kennedy. It was written by L. L. Anderson, analyst at the Dallas County Criminal Laboratory, on Nov. 22, hours after Kennedy was shot to death, and distorted by Chief Jesse Curry of the Dallas police the following day.

Exhibit number one is a paraffin cast of the right side of Oswald's face. If the 24-year-old ex-Marine had fired at Kennedy, as the FBI and Dallas police charge he did, traces of nitrate would have been evident on the cast.

Photostatic copies of the nitrate test, as well as 19 other documents, were obtained by Mark Lane—unpaid defense counsel for Oswald—from the files of Dallas District Attorney Henry Wade. Lane, a former New York State Assemblyman and author of "A Defense Brief for Oswald" (NATIONAL GUARDIAN, Dec. 19), disclosed the contents of three of the documents in a press conference Feb. 17. The others, he said, would be divulged at an appropriate time.

**EVIDENCE 'ADJUSTED':** In releasing the results of the paraffin cast to the press Nov. 23, Curry said: "The tests show that Oswald fired a weapon." When questioned, Curry gave the clear implication that the "weapon" was a rifle as well as the revolver Oswald allegedly used to kill police officer J. D. Tippitt. Lane told the GUARDIAN Feb. 18, however: "The absence of nitrate [gunpowder burns] from the facial cast reveal rather clearly that Oswald did not fire a rifle on Nov. 22, 1963."

Curry, who arranged Oswald's transfer from the city to county jail on Nov. 24—when the suspected assassin was shot to death by Jack Ruby—was aware of the facial test when he made his statement. Wade, too, was undoubtedly familiar with the test when he declared Nov. 23: "We have the evidence to convict Oswald." According to Ruby, whose trial began in Dallas Feb. 17, he was inspired to murder Oswald because Wade pronounced him guilty.

Lane and Mrs. Marguerite Oswald arrived in New York to address a public meeting on the case at Town Hall Feb. 18 sponsored by the GUARDIAN. During the meeting, Lane planned to disclose that a Dallas school teacher, probably the closest bystander to Kennedy the moment he was killed, is convinced that she heard four to six shots. The FBI and Dallas police insist that only three shots were fired, despite rumors from newsmen and others at the scene that more than three rifle reports were heard. If more than three bullets were discharged, it would have been physically impossible within a time sequence of a few seconds for Oswald to have been the "lone and unaided assassin," as the FBI report on the case stipulates.

According to Lane, the teacher told

the FBI, Secret Service and local police that she heard more than three shots. Quoting the teacher, Lane said an official responded: "There may have been more than three shots—several people say they heard more—but there were only three wounds and we found three bullets, so the figure we're releasing is three."

**STRANGERS PRESENT:** At his press conference, Lane told reporters that he had "discovered some evidence that other persons very different from Lee Harvey Oswald in political philosophy may have been involved." He said he could not elaborate at present. Of the other two documents, Lane disclosed:

- "A number of persons may have been involved in efforts to take the President's life." One of Wade's papers, Lane said, was a collection of affidavits from persons present in the Texas Schoolbook Depository Building where Oswald worked. The suspect allegedly fired three bullets at the passing Presidential motorcade, two of which killed Kennedy. According to the affidavits, a group of strangers had been in the warehouse and left moments before the shots were fired. One of them, it was stated, entered a car "bearing a sticker for a rival Presidential aspirant."

- The third of Wade's documents was an affidavit from a woman eyewitness to Tippitt's slaying. Oswald is accused of shooting the policeman with a revolver as he was fleeing the assassination scene. According to the affidavit, "a young white man" shot Tippitt after calmly leaning on the police car. At a press conference after giving her affidavit, the woman told reporters that she described the killer as being "short, stocky, with bushy hair." This description—at distinct variance with Oswald's appearance—was not included in the official report. In addition, Lane said, it seemed extremely doubtful to him that a man who had just assassinated the President would be able to evidence such calm.

During his 30 hours of police interrogation, Oswald continuously maintained his innocence. When arraigned, he said: "This is ridiculous. I don't know what it is all about." Brought before reporters Nov. 23, he said, "I was given a short, sweet hearing."

**SOURCES PROTECTED:** Lane said he had obtained the documents from a source whose name he would not reveal. "I like to think that he secured them legally," he said. The civil liberties lawyer disclosed that he intends to return to Dallas soon but would not name his source even if Wade attempts to prosecute him.

Lane has attempted unsuccessfully to give testimony in Oswald's behalf before the President's Commission on the Assassination of President Kennedy. He had submitted his "Defense Brief" earlier by mail. He was allowed to submit two questions to Oswald's mother when she appeared before the commission Feb. 10-13. He said he would not request another



opportunity to confront the commission, depending instead on hopes that his own efforts will become so relevant that the commission can no longer ignore them. He estimated that he will conclude his investigation in two months.

**INVESTIGATION?** There are indications that the commission's investigation of "the crime of the century" is moving inexorably, if confusedly, toward an anticlimax.

After three months of operation, it seems assured at this point that the seven-member panel will neither certify nor deny Oswald's guilt. In addition:

- A schism is reported to have developed on the panel, with some members contemplating resignation.

- Chief Justice Earl Warren, whose selection as commission head helped create public confidence in the panel, apparently does not wield so much influence on the panel as was assumed.

The commission has heard two witnesses—Mrs. Marina Oswald, wife of the murdered suspect, who attested to her husband's guilt, and Mrs. Marguerite Oswald, who testified that she is convinced her son was being used as a scapegoat. A third witness, Robert Oswald Jr., Lee's brother, was scheduled to testify Feb. 20.

**'NO PROOF':** Commission counsel J. Lee Rankin was first to disclose that the chief suspect's guilt or innocence—the primary concern of any criminal investigation—would not come under panel purview. A magazine that purports to have close contacts on the commission, *U.S. News and World Report* (Feb. 24), has offered the following rationale for Rankin's puzzling statement: "When [the investigation ends] . . . Oswald will not be named positively as the assassin . . . The commission has found that almost all the evidence points to him as the killer. But the panel is not expected to say so in so many words. The final verdict is to be left to the public. Reason: There just is no positive proof."

The Johnson-Warren panel is in a delicate position. In order to alleviate pub-

lic doubt about the circumstances surrounding Kennedy's death, the commission must determine that Oswald committed the murder. It cannot so determine, however, because of lack of positive evidence. Thus, it seems, he will be convicted by implication.

Reports of a split on the commission also appeared in *U.S. News*. "The inquiry has been painstaking and slow," the magazine reported, "so slow that some members reportedly are thinking about resigning if it is not speeded up . . . All seven are busy men. They were reportedly reluctant to accept the assignments in the first place. Some are said to fear their business and political interests may suffer. This is especially true of the Senators and Representatives, particularly in an election year."

Commission members, in addition to Warren, are Sen. Richard Russell (D-Ga.); Allen W. Dulles, former head of the CIA; Rep. Gerald Ford (R-Mich.); John J. McCloy, banker and government advisor; Rep. Thomas Hale Boggs (D-La.), and Sen. John Sherman Cooper (R-Ky.).

**LITTLE CONTROL:** An indication of Warren's difficulty in determining the exact course of the investigation was evidenced Feb. 12 when—in answer to a reporter's question—he was not able to reveal when the next witness would be called because this would depend on "when certain members of the commission can be here."

When asked about reports that a janitor in the Texas Book Depository would be the next witness, Warren replied: "I don't know. Maybe they know," presumably referring to the other panel members or staff. The janitor, according to the Fort Worth *Star-Telegram*, was an eye-witness who was being held in protective custody until he could appear before the commission to testify that he saw Oswald fire the murder gun. The Justice Department denied the report.

In light of the commission's activities, several new questions must be added to the endless series of unanswered queries that have arisen since Nov. 22:

- If, after three months, Warren does

not know who his witness will be or when the next hearing will be held, who is in charge of the commission?

- When Warren disclosed that certain aspects of the case may never be revealed, what evidence, if any, was he attempting to suppress?

- Did the Fort Worth newspaper create the mysterious janitor to fill space on its front page Feb. 9—and in newspapers throughout the world via wire service reports—or is there some substance to its report, though not precisely of the same interpretation?

**MOTHER'S CHARGE:** Following her three days of testimony before the commission, Mrs. Marguerite Oswald said she believed her son was "a U.S. intelligence agent set up to take the blame" for the killing. She continued: "Who can prove he is not a CIA agent?" she asked. "He isn't going to say he's a CIA agent, and the government isn't going to say he is."

After her statement, CIA chief John McCone, in a peculiarly phrased denial, said that "Oswald was never directly or indirectly linked with the CIA." Warren also discounted the mother's charge:

**BARRED BY PANEL:** Lane, who was chosen by the mother to defend her son, was not allowed to appear at Mrs. Oswald's hearing because, said Warren "the commission is not prosecuting Lee Oswald."

The Town Hall meeting was one in a series of *GUARDIAN*-sponsored events that have brought Lane before audiences across the nation. He has encountered overflow crowds wherever he has spoken. "There is a great interest in the case, especially on campuses," he said.

As an outgrowth of his speaking engagements, Lane has organized citizens groups in Detroit, Chicago, San Francisco, Los Angeles, New York and other cities composed of persons interested in pursuing facts in the Oswald case. They are named Citizens Committee of Inquiry. Persons concerned about the case may contact the New York committee at 164 West 79th St. Volunteer workers and funds would be appreciated, Lane said. The treasurer is Robert Guathmey of New York.