

WERE OSWALD AND HIS SLAYER LINKED?

President's panel turns to Ruby

By Jack A. Smith

THE PRESIDENT'S Commission on the Assassination of President Kennedy is expected to turn its attention to Jack Ruby now that the former nightclub operator has been convicted of slaying Lee Harry Oswald, the man accused of killing the President. The commission had refrained from openly investigating Ruby because of a possible conflict with his trial, which terminated March 14 when a Dallas jury sentenced him to death in the electric chair.

Among the commission's major points of inquiry will be the meeting that is said to have taken place in Ruby's Carousel Club two weeks before the assassination. Attorney Mark Lane, unofficial defense counsel for Oswald, informed the seven-member panel March 4 that three persons attended the meeting: patrolman J. D. Tippit, allegedly killed by Oswald an hour after Kennedy was shot on Nov. 22; Bernard Weissman, an ultra-conservative from New York who purchased an advertisement in a Dallas paper the morning of the assassination accusing Kennedy of being "soft on Communism," and a third person whose name was divulged to the commission in private. Weissman has denied the present.

The commission is also expected to inquire into speculation that Ruby and Oswald were acquainted—a persistent rumor in Dallas, even among some officials, despite denials by District Attorney Henry Wade and the Federal Bureau of Investigation. A New York reporter noted March 15: "Some law-enforcement officials in Dallas continue to believe that a connection was possible, but if so that it was personal and did not necessarily involve the assassination."

THE TRIAL: Ruby's trial did little to clarify the many contradictions resulting from the assassination. It is still unexplained why security precautions were so lax that Ruby was able to enter police headquarters to slay Oswald during his transfer to another prison. The murdered suspect himself was rarely mentioned during the trial, save for a rather belated reference to Oswald's civil rights by Assistant Prosecutor William Alexander:

"Oswald was a living, breathing American citizen," Alexander said March 13. "He was entitled to be tried by an American jury just as you, Jack Ruby." Oswald ceased being a living, breathing citizen exactly one day after Wade announced that his chief suspect was guilty, without benefit of trial, and the Dallas police chief said the case was closed. Ruby has insisted that he would not have shot Oswald had not Wade pronounced him guilty.

The commission took testimony March 16 from three military physicians who performed an autopsy on the President at Bethesda Navy Hospital the evening

of the assassination. The still-secret report was leaked to the press a month after the murder, when it became apparent that an original report by doctors who treated the slain President in Dallas tended to destroy the FBI's hypothesis that Oswald was the "lone and unaided" killer. The Dallas report indicated that one bullet fired at Kennedy entered the throat, impossible under the police assertion that Oswald fired three shots at the Presidential motorcade from the Texas Schoolbook Depository, behind the President's car. The Bethesda report said all bullets entered from behind the President.

On March 10, the panel heard James Worrell, an eyewitness to the shooting, declare that he is convinced that four shots were fired, not three. "I don't care what anybody says," he told newsmen March 8, "I heard four shots." Worrell is one of several persons who were near Kennedy at the time who said they heard more than three shots. If more than three shots were fired, it would have been virtually impossible for Oswald to have been a lone gunman, considering the five-second sequence during which the action took place. Worrell also said he saw a man running near the building just after the shots were fired. During this time Oswald was observed on the second floor of the Depository with a soft drink in his hands.

Another witness, 14-year-old Amos Euins, previously told reporters that he also saw a man running near the building. Just before the hearing, however, he told newsmen he could not talk to them because "a Secret Service man said I'd be in real trouble if I talked."

NINE WITNESSES: Lane, speaking in San Francisco, revealed March 15 that he had collected statements from nine witnesses to the assassination indicating that the shots were fired from a knoll to the right and in front of Kennedy's auto. The Depository is to the right and behind. The hill is close to the railroad overpass from where, according to private investigators, the shots may have come. Among the witnesses was Rep. Henry Gonzalez (D-Texas), who later denied having made such a statement.

It is apparent that the Kennedy-Oswald-Ruby case is no more closed today than it was when Wade first proclaimed it so Nov. 23. Several journalists and other persons are conducting independent inquiries into the mystery. Thomas Buchanan, an American resident of Paris, is writing a series appearing in the French weekly, *l'Express*. The series will appear soon as a book. Buchanan postulates that the assassination may have been a plot which included members of the Dallas police force.

An interesting sidelight to the articles has been the disappearance of *l'Express* from newsstands in New York and other cities. According to dealers in foreign publications, the issues of March 5 and March 12, containing the second and third Buchanan articles, never arrived. The dealers told the *GUARDIAN* they suspected that the newspaper had been confiscated. Checking with Paris, it was learned that the publisher had decided to withhold copies of the paper destined for newsstand distribution in the U.S., but had mailed copies to American subscribers as usual. Official reason for the action was said to be fear of libel, but libel would obtain—if such were the case—from the issues mailed to subscribers as well as newsstand copies. It is believed the publisher's decision represents a compromise with the French government, possibly after consultation with the U.S. government, intended to inhibit dissemination of the articles.

SOME DOUBTS: Another journalist, Leo Sauvage, New York correspondent for the French newspaper *Le Figaro*, has uncovered evidence tending to discredit some official aspects of the assassination. Writing in the *March Commentary*, Sauvage stated: "To the unbiased, critical mind, the case against him [Oswald] is a tissue of improbabilities, contradictions, and outright falsifications."

In Dallas, Sauvage questioned Roy Truly, director of the Depository, about how long it took for the first policeman to enter the building after the assassination. Truly answered: "It was as soon as the last shot was fired when I saw the officer come running. As a matter of fact, it was so soon afterward that I don't believe he was riding in the motorcade. He must have been off his motorcycle, standing nearby. Anyway, it was

right away after the shots. I knew they were shots, but had no idea they were fired from the building. I thought the officer wanted to get to the roof for a better look and I immediately offered to show him how. We ran to the freight elevators in the back of the building because the front elevators do not go beyond the fourth floor, but the two freight cars had both been left somewhere on the top floors and we took the stairs, the officer ahead of me. When I reached the second-floor landing, the officer was already at the door of the lunchroom, some twenty or twenty-five feet away. No, I couldn't tell you exactly how much time it took, all this, but it wasn't long . . ."

Sauvage commented: "The obvious question, then, is whether there was enough time for Oswald—if he fired the shots from the front window on the sixth floor—to run to the staircase in the back (that is, on the opposite side of the building), hide the gun, and go down

four flights of stairs to the lunchroom before the motorcycle policeman and Truly saw him there, not panting, not looking suspicious, and probably sipping a Coke, which means additional time for getting it out of the vending machine and opening it." In addition, of course, how did the policeman dismount from his cycle and enter so quickly?

The French correspondent also challenged another of the statements attributed to Oswald. Shortly before the shooting, according to police, a fellow worker asked Oswald whether he was going downstairs to watch the President pass by. Oswald is said to have responded, "I'll go down later; send the elevator back up to me." While in the Depository Sauvage discovered that the elevator was hand-operated and "could not be sent anywhere without an operator in it."

CLUES PLANTED? Sauvage interviewed Dial Ryder, the Irving, Texas, gunsmith who declared Nov. 28 that he mounted a telescopic sight on a rifle for a customer named Oswald. It later turned out that the rifle Oswald is said to have used was ordered from a Chicago mail order house, the owner of which stated that the rifle was outfitted with a sight when it was sent. Sauvage did not discount Ryder's claim, however. He wrote:

"Unlike other witnesses, Ryder did not say that he recognized or remembered Oswald, but only that he had come across a repair ticket with Oswald's name on it in his records . . . If Oswald was not Lee Harvey, and if there was some other Oswald in Irving or nearby in October, 1963, the police should find and produce him. If they cannot, and if it develops that someone who was neither Lee Harvey nor any real Oswald used the name of Oswald to get a telescopic sight mounted on a rifle by a gunsmith in Irving one month before the assassination of President Kennedy, a startling possibility would present itself—the possibility that clues leading to Lee Harvey Oswald were planted well in advance of the assassination."

Sauvage concludes: "I believe that the most important consequence of Oswald's death was not to close his mouth but to close his trial. For if Lee Harvey Oswald had ever had his day in court, with a good defense lawyer answering District Attorney Wade, cross-examining the Dallas police officers, and raking their witnesses over the coals, what might not have emerged?"