

## A YARDSTICK FOR WARREN REPORT

# Oswald case: the questions

By Jack A. Smith

IF THE WARREN COMMISSION report on the assassination of President Kennedy succeeds in proving without doubt that Lee Oswald, alone, unaided and without apparent reason, murdered John Kennedy in Dallas last Nov. 22, it could be known as the most inspired and thorough investigation since a medieval cleric determined the precise number of angels that could be accommodated on the head of a pin. It seems likely, though, that the report soon to be issued by the President's Commission on the Assassination of President Kennedy will compound rather than diminish the doubt and confusion that exists throughout the world about the actual circumstances behind Kennedy's death.

The commission, according to advance information, will conclude that "Oswald, an unstable Marxist and steady marksman," shot Kennedy dead "without co-conspirators;" that he was motivated by a demented desire for notoriety or revenge; that Jack Ruby, the Dallas un-

## Long wait ending

President Johnson was to receive the Warren commission report Sept. 24. It was expected to be made public a few days later.

derworld figure who murdered Oswald at police headquarters, was inspired by "outraged grief," managed to arrive at the murder scene through a coincidental circumstance, and never knew Oswald. This is substantially the same theory propounded by the Federal Bureau of Investigation soon after the murders.

In opposition to the official version of the murders is a formidable number of theories suggesting that Oswald was innocent; that he was an undercover agent for the FBI or CIA; that he was a member of a domestic right-wing conspiracy or left-wing foreign plot. In the middle are the countless people who "do not know"—people who would prefer to believe Oswald alone was guilty, but who find it impossible to accept the myriad contradictions in the evidence.

**FROM THE BEGINNING**, the dominating motif in the government's case against Oswald—circumstantial at best—has been that of juggling the evidence to fit the crime in an effort to eliminate contradictions. One by one, the basic factors that would tend to prove Oswald innocent have been changed—often, in the opinion of many persons, with a disregard for truth.

If the Warren commission is to succeed in establishing beyond reasonable doubt that Kennedy was slain by a lone, demented killer, it must provide acceptable answers to a great many questions. If it cannot or will not, then the investigation ordered ten months ago by President Johnson, headed by Chief Justice Earl Warren, and participated in by

influential members of the government, will have been either a failure or a fraud.

A few of the many questions are these:

1) Regarding the investigation, why has sworn evidence been overruled when it would cast doubt on Oswald's culpability? Of the numerous instances of this, at least one is worth detailing. The FBI first stated that Kennedy was shot from the front. Doctors at Parkland Hospital in Dallas who examined the President minutes after the shooting said that at least one of the bullet wounds was frontal. It soon became apparent, however, that the Texas School Book Depository, from which Oswald allegedly fired three bullets at the passing Presidential motorcade, was situated behind Kennedy. Thus, if Oswald were the "lone and unaided" killer, the bullets would have to have been fired from behind the motorcade. The FBI then changed its version, asserting that all bullets were fired from the Depository after the President had passed. This was, of course, in contradiction to the medical diagnosis. One month later, it was reported that a second autopsy—this one conducted at a government hospital—found that what had originally been diagnosed as a frontal wound was actually an exit wound. The Parkland doctors, it was said, did not turn the President over or they would have seen an entry wound in the back.

2) Why have witnesses with testimony not in agreement with the government position been informed to keep silent by the FBI, while the government itself has constantly disclosed throughout the investigation any evidence that tended to prove Oswald guilty? What did Warren mean by his statement that some facts in the case may never be revealed? What of witnesses who say they heard more than three shots?

3) **CONCERNING** Oswald, is there substance to reports that he was an undercover agent for the FBI or CIA? If not, what accounts for the fact that a former defector to the Soviet Union applied for a passport to return to Russia as a tourist and that the passport was granted within 24 hours? This is perhaps one of the most staggeringly contradictory elements in the entire story. Oswald at that time (June, 1963, a year after his return to the U.S.) was engaged in building a public reputation as a "Marxist," though simultaneously collecting material for a book deploring his residence in the Soviet Union. It has been speculated that the passport was granted with such unusual haste, not to mention the mere fact that he was granted a passport, because he was by now—if not before—a government agent. The Soviet Union has made it known that it always considered Oswald with suspicion and thought he was a U.S. agent. (Even if Oswald were the lone assassin, his double role as an undercover agent would be reason enough for the government to alter some facts, because a disclosure of this caliber would discredit the entire FBI-CIA apparatus.)

4) How was it possible for Oswald to have run down to the second-floor lunchroom from the sixth floor of the depository in the same time it took a policeman to run one flight to the second floor? Presumably Oswald additionally had to hide the gun, locate change, insert it into a soft-drink machine and take a few sips before the officer spotted him, calm and casual, as though he had been in the lunchroom the entire time.



LEE OSWALD

The questions are still unanswered



5) A photograph has been widely published (GUARDIAN, May 30) of a man standing outside the Depository building at the moment Kennedy was shot—a man so closely resembling Oswald that many persons have concluded that it was, in fact, Oswald. The FBI, however, said that this person was another employe in the Depository, Billy Lovelady. No picture of Lovelady has been made public to clarify this.

6) The police issued an alarm for a man resembling Oswald minutes after he ~~police account of the capture? Is it not~~ logical that these of all people—the witnesses to the capture of the “assassin” of a President—would come forward to tell their story? None ever has. At the theater, according to District Attorney Henry Wade, Oswald fired his pistol at an arresting officer but the bullet failed to explode; it misfired. Wade said he had the bullet with the pin mark on it in his possession. The officer said later that he had prevented Oswald from pulling the trigger. Did Wade lie? (This is one of many contradictions from Wade, a former FBI agent who first identified the rifle found in the Depository as a German 7.65 mm. Mauser and then, after the FBI said Oswald had purchased an Italian 6.5 mm. Mannlicher-Carcano from a Chicago mail order house, said it was indeed the Italian rifle that he found. Incidentally, the owner of the mail order house said he sent the rifle to Oswald with the gunsight already mounted, though police originally said Oswald had a sight attached by an Irving, Texas, gunsmith.)

9) **THE POLICE** questioned Oswald for almost two days before he was shot. Why has a transcript of his testimony never been made public? Why was he not informed that he was also suspected of shooting the President (Oswald seems to have learned of this during a brief encounter with the press)? Why was he denied counsel?

10) Police took a parafin cast of the right side of Oswald's face soon after his apprehension. The cast, according to an affidavit by an analyst at the Dallas County Criminal laboratory obtained by Mark Lane, indicated that nitrate traces were not evident. If Oswald had fired a rifle, it is assumed nitrate would have been found.

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left the building. Why did they suspect him at that time, since it was impossible in all the confusion to know he had left the building? (This has led one commentator, Thomas Buchanan in his book **Who Killed Kennedy?**, to the conclusion that Oswald was “set up” to take responsibility for the crime.)

7) The only crime Oswald was accused of while living was that of shooting a policeman named Tippit less than an hour after Kennedy was murdered. The only eyewitness to the shooting of Tippit, however, gave a description of the gunman at distinct variance with Oswald's appearance. What evidence is there that Oswald killed Tippit? Also, the witness said the crime was committed at 1:06 p.m., at which time it is probable that Oswald was about one mile away.

8) Oswald was reported to have been captured in a movie theater. Why is it that not one member of the audience has been located to confirm or deny the police account of the capture? Is it not logical that these of all people—the witnesses to the capture of the “assassin” of a President—would come forward to tell their story? None ever has. At the theater, according to District Attorney Henry Wade, Oswald fired his pistol at an arresting officer but the bullet failed to explode; it misfired. Wade said he had the bullet with the pin mark on it in his possession. The officer said later that he had prevented Oswald from pulling the trigger. Did Wade lie? (This is one of many contradictions from Wade, a former FBI agent who first identified the rifle found in the Depository as a German 7.65 mm. Mauser and then, after the FBI said Oswald had purchased an Italian 6.5 mm. Mannlicher-Carcano from a Chicago mail order house, said it was indeed the Italian rifle that he found. Incidentally, the owner of the mail order house said he sent the rifle to Oswald with the gunsight already mounted, though police originally said Oswald had a sight attached by an Irving, Texas, gunsmith.)

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