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(ADVANCE FOR RELEASE AT 5:30 P.M. EST TODAY SUNDAY SEPT. 27)

WITH WARREN; WADE-TONAHILL (400)

BY TOM JOHNSON

ASSOCIATED PRESS WRITER

DALLAS, SEPT. 27 (AP)-BOTH DIST. ATTY. HENRY WADE AND LAWYER JOE TONAHILL SAID TODAY THEY AGREED WITH THE WARREN COMMISSION'S OBSERVATION THAT A FAIR TRIAL FOR LEE HARVEY OSWALD WOULD HAVE BEEN DIFFICULT TO OBTAIN.

THE COMMISSION'S REPORT SAID IN PART:

"THE NUMEROUS STATEMENTS, SOMETIMES ERRONEOUS, MADE TO THE PRESS BY VARIOUS LOCAL LAW ENFORCEMENT OFFICIALS, DURING THIS PERIOD OF CONFUSION AND DISORDER IN THE (DALLAS) POLICE STATION (THE NIGHT OF NOV. 22 AND DURING THE DAY NOV. 23), WOULD HAVE PRESENTED SERIOUS OBSTACLES TO THE OBTAINING OF A FAIR TRIAL FOR OSWALD..."

THE COMMISSION HAS CONCLUDED THAT IT WAS OSWALD, A 24-YEAR-OLD SELF-STYLED MARXIST, WHO ASSASSINATED PRESIDENT KENNEDY. HE WAS ARRESTED ABOUT AN HOUR AND A HALF AFTER KENNEDY WAS SHOT, AND WAS HIMSELF SHOT TO DEATH THE MORNING OF NOV. 24 BY JACK RUBY, A DALLAS NIGHTCLUB OPERATOR.

RUBY WAS SENTENCED TO DEATH IN MARCH FOR THE SLAYING OF OSWALD. WADE PROSECUTED; TONAHILL, ALONG WITH MELVIN BELLI, DEFENDED.

"THE LOCAL LAW ENFORCEMENT PEOPLE WENT ON TELEVISION AND TOLD THE WORLD THAT THEY HAD ENOUGH EVIDENCE TO SEND OSWALD TO THE ELECTRIC CHAIR," TONAHILL SAID TODAY. "I DON'T SEE HOW HE COULD HAVE GOTTEN A FAIR TRIAL AFTER THAT."

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WADE SAID IT WOULD HAVE BEEN BETTER IF NO ONE HAD COMMENTED ON EVIDENCE REGARDING OSWALD.

"ALL THE EVIDENCE SHOULD HAVE COME FROM THE WITNESS STAND. I SAY IT SHOULD HAVE BEEN DONE THAT WAY. BUT WHEN THE PRESIDENT HAS BEEN KILLED, YOU HAVE SOME REAL PROBLEMS," THE DISTRICT ATTORNEY SAID.

"THE PRESS WAS YELLING AND SCREAMING FOR INFORMATION ABOUT THE SUSPECT, AND THERE WAS SOME TALK THAT MAYBE THE POLICE WERE BEATING HIM (OSWALD) UP.

"AS FAR AS HIS TRIAL WOULD HAVE GONE, STATEMENTS TO THE PRESS WOULD HAVE CREATED SOME REAL PROBLEMS. BUT I DON'T THINK ANYONE WILL EVER KNOW JUST HOW SERIOUS THESE PROBLEMS WOULD HAVE BEEN, YOU JUST CAN'T TELL.

"HINDSIGHT IS ALWAYS BETTER THAN FORESIGHT."

(ON NOV. 23, WADE TOLD THE PRESS THAT HE WAS CONFIDENT OF GETTING THE DEATH PENALTY FOR OSWALD. THE SAME DAY, DALLAS HOMICIDE CAPT. WILL FRITZ TOLD REPORTERS: "THIS MAN (OSWALD) KILLED THE PRESIDENT.")

TONAHILL SAID TODAY THAT PUBLIC STATEMENTS SUCH AS THOSE MADE NOV. 23 BY WADE AND FRITZ CONTRIBUTED TO RUBY'S KILLING OF OSWALD.

"JACK (RUBY) SAID THE OFFICIALS HAD ALREADY SAID THAT OSWALD HAD BEEN GIVEN THE DEATH PENALTY. IT SPURRED HIS SICK MIND ON," TONAHILL SAID.

THE JASPER, TEX., LAWYER ALSO SAID HE WAS VERY FAVORABLY IMPRESSED WITH THE WARREN REPORT EXCEPT THAT IT SHOULD HAVE STRESSED THAT THE ASSASSINATION WAS "A PRODUCT OF COMMUNISM."

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"I FEEL IT'S INESCAPABLE THAT THE ASSASSINATION WAS A PRODUCT OF OSWALD'S HATE OF THE GOOD THINGS OF AMERICA WHICH CAME TO HIM FROM HIS STAY IN RUSSIA," TONAHILL SAID.

HE ADDED THAT IF THE RUBY DEFENSE HAD BEEN ALLOWED TO DEVELOP THE PICTURE OF "OSWALD AS A COMMUNIST," IT WOULD HAVE SERVED TO MITIGATE RUBY'S SENTENCE.

TONAHILL SAID HE AND DEFENSE CHIEF MELVIN BELLI MADE REPEATED ATTEMPTS DURING THE RUBY TRIAL TO REFER TO OSWALD AS A COMMUNIST. BUT THE DISTRICT ATTORNEY'S STAFF OBJECTED EACH TIME AND WAS SUSTAINED BY JUDGE JOE B. BROWN, HE SAID.

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TELEGRAPH EDITORS

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