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Russian Called Oswald 'Extremely Poor Shot'

Even Star

25 Mar 68

Formerly classified transcripts of closed Warren Commission sessions have disclosed that Lee Harvey Oswald was such "an extremely poor shot" during his defection to Russia in 1959 that hunting companions had to give him game.

Nosenko said: "Oswald was an extremely poor shot and it was necessary for persons who accompanied him on hunts to provide him with game."

Wise said the titles of some documents still classified indicate that Oswald may have given the Russians secret information on America's reconnaissance planes.

The commission received this information from Yuri Ivanovich Nosenko, a Russian secret police agent who defected to the United States 3 months after the Kennedy assassination, according to an article by David Wise in the current issue of Saturday Evening Post.

Quotes Archivist

Transcripts of 11 closed commission sessions were declassified for Wise's inspection in line with the National Archives policy of continuing declassification.

Wise quoted Robert Bahmer, the nation's chief archivist, as saying he knows of nothing in the secret files on President John F. Kennedy's death to contradict the designation of Oswald as the assassin.

The declassified transcripts disclosed that Chief Justice Earl Warren, head of the commission, and other members considered evidence concerning the bullets that hit the President as "totally inconclusive."

Provided With Game

They showed that the commission tried and failed to inspect Kennedy autopsy photographs, which were in the possession of Sen. Robert F. Kennedy, in an effort to clarify "confusing" evidence about what bullets struck Kennedy and Gov. John Connally of Texas.

The quote concerning Oswald's shooting ability came from a commission internal staff memo dealing with disclosures made by Nosenko, apparently to the FBI.

Garrison Cites Foreign Power in JFK Case

NEW ORLEANS, July 12 (UPI)—District Attorney Jim Garrison said yesterday a "foreign power on militarily friendly terms with the United States" has furnished him information to show that President John F. Kennedy was assassinated "by elements of the Central Intelligence Agency."

Garrison, in an interview with the Times Picayune, refused to name the country, indicating only that it was in Europe.

The District Attorney, who contends Lee Harvey Oswald never fired a shot in Dallas, said he learned of the information from an intermediary from another unnamed country. He said a representative from his office spent about a month in the other country talking with "the top men of their intelligence agency."

Garrison said the foreign country has unearthed the names of members of the Dal-

las police force who allegedly participated in the assassination, established contact with one of the assassins, and uncovered information about a trip David Ferrie made to Dallas for an alleged pre-assassination meeting.

Garrison said the assassination was initiated by both elements of the CIA and by "a handful of extremely powerful individuals in the industrial complex of the Southwest."



Priscilla Translating Svetlana

By HELEN DUDAR
Women's News Service

NEW YORK—Priscilla Johnson MacMillan is a tall, shapely woman with golden skin, a face Truman Capote once likened to a wild faun's, the small voice of a small girl and a startled, shy manner that suggests inbred vagueness.

To the casual eye, everything about her embodies the great American stereotype of the well born and barely-conscious flower of fine society—the Pilgrim ancestry, the line in the Social Register, the right suburb (Locust Valley, L.I.), the right sport (tennis), the right schools (Brearley, Bryn Mawr).

The first impressions are wildly misleading. That the daughter of a patrician stockbroker should be a student of Soviet affairs is one of those nice paradoxes we are rich in. That she should have been chosen to translate Svetlana Alliluyeva book is a measure of how well Patricia MacMillan, 38, has succeeded.

The where-am-I expression she seems habitually to wear is a natural disguise for a fine mind and sensibility, as well as a stubborn talent for getting what she is professionally interested in having.

Hayden, for example, editor of the Detroit



7 May 67 ES
SVETLANA ALLILUYEVA

News, must be pleasantly surprised by Mrs. MacMillan's rise in the journalistic world. It was Hayden, then White House correspondent for The Detroit News and North American Newspaper Alliance, who in 1955 gave Priscilla her first newspaper experience, translating the proceedings at the Soviet briefings at the Geneva Big Four conference.

And John Oseneko, executive vice president of



PRISCILLA MacMILLAN

N.A.N.A., is another intrigued observer of Mrs. MacMillan's recent fame. He recalls how in the fall of 1958 she went to Russia and, after much red tape with the Soviet Foreign Office, became accredited as N.A.N.A.'s Moscow correspondent.

"Priscilla was the kind of correspondent the Russians were wary of in those days," Oseneko said. "She knew too much about Soviet history, law, and politics to be bam-

boozled by propaganda handouts from the Kremlin. And with her expert knowledge of the language she could fine-comb the Russian press for story leads."

She worked in Moscow for two years for the N.A.N.A. news service. She was forced to leave after trying to cable a story on the future of Anastas Mikoyan. The censor blocked it and, even though the story never was published, the Foreign Ministry would not renew her accreditation. The late Adlai Stevenson was among several dignitaries who unsuccessfully asked the Russians to reconsider.

She Knew Oswald

Although history seems to fall in her lap, the accidental nature of Priscilla MacMillan's encounters is more apparent than real. She is resourceful as well as imaginative, and both qualities have given her a rather unique standing as a minor witness to a major event. She is probably one of no more than two or three people who knew both the late President Kennedy and his assassin.

Not long out of Harvard Graduate School with a master's in Russian studies, Mrs. MacMillan got a job in 1953 as a researcher for the then Sen. Kennedy. Six years later in

Moscow, an American casually mentioned named Oswald" was trying desperately to

Timidly, Mrs. later reported in an article, she sought an interview. For Lee Harvey Oswald evasively, and still wanted to become citizen. He had a felt, "to stand out" marked as "nary," and when he failed to prove his business, "he had to perform more memorable geous act."

The meeting led Mrs. MacMillan writing on Oswald Marina Oswald after her because she Oswald and later the months of which form the unfinished volume.

Russell Says He Never Believed Oswald Alone Planned Killing

19 Jan 70
By Don Oberdorfer
Washington Post Staff Writer

Sen. Richard B. Russell, who was a member of the Warren Commission, which investigated the assassination of President John F. Kennedy, says he never believed that Lee Harvey Oswald planned the assassination alone.

"I think someone else worked with him (on the planning)," the Georgia Democrat said in one of a series of taped television interviews to be broadcast next month by WSB-TV, an Atlanta television station.

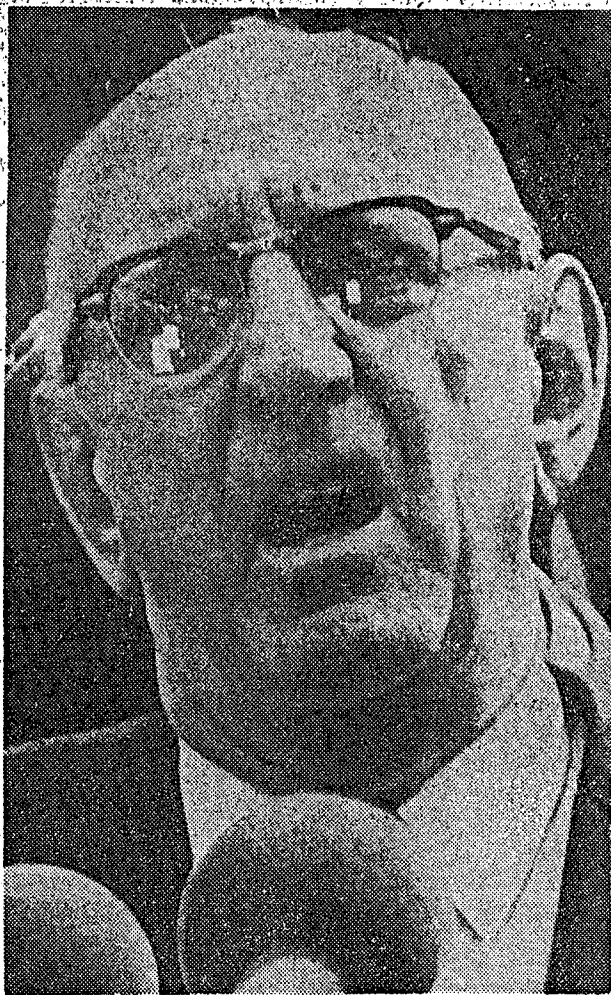
"There were too many things—the fact that he (Oswald) was at Minsk (in the Soviet Union), and that was the principal center for educating Cuban students, some of the trips he made to Mexico City and a number of discrepancies in the evidence, or as to his means of transportation, the luggage he had and whether or not anyone was with him—that) caused me to doubt that he planned it all by himself," he said.

Russell appeared to be in accord with the commission's conclusions that Oswald was the man who fired the shots at Kennedy, and that he acted alone. "I think that any other commission you might appoint today would arrive at that conclusion," he said.

Due to his doubts that Oswald planned the act alone, Russell said he insisted on a disclaimer sentence in the final report before he would sign it. That sentence in the report, which was issued in September, 1964, says that "because of the difficulty of proving negatives to a certainty, the possibility of others being involved with either Oswald or (Jack) Ruby cannot be established categorically, but if there is any such evidence it has been beyond the reach of all the investigative agencies and resources of the United States and has not come to the attention of this commission."

The majority of the seven-member commission, headed by then-Chief Justice Earl Warren, "wanted to find" that Oswald planned and acted alone, Russell said.

Some 25 hours of interviews which constitute the most extensive memoir yet available on the long public



Associated Press

Sen. Richard B. Russell, member of the Warren Commission that investigated the assassination of President John F. Kennedy, will expound his own views of that tragedy in a television interview in Atlanta.

career of the 72-year-old Georgia senator, will be condensed to three one-hour programs for broadcast in Atlanta Feb. 11, 12 and 13. Cox Broadcasting Co., owner of the Atlanta station, will present 30 minutes of program highlights at a Washington Hilton reception here Feb. 10. The members of the U.S. Senate, senior members of the House, administration officials, family and friends of Russell are being invited. Though the senator has been in ill health with emphysema and lung cancer, it is expected that he will attend.

Now president pro tempore of the Senate and the chairman of its Appropriations Committee, Russell has granted only rare interviews during recent years. None of those published have delved

so deeply into his relationship with Lyndon B. Johnson, his Senate protege and later his close friend in the White House.

The relationship between the two men has been "one of the most peculiar in American history," say the

Georgian in the taped interviews, evidently referring to their division of opinion on civil rights and many issues in later years which somehow did not prevent a continuing close friendship.

After Mr. Johnson became President, he would frequently summon his old friend and Senate mentor to the White House in the evenings. "I'd go down and we'd have a highball and eat supper and talk about things and people," the senator recalled. "He was always interested in people and what they were doing, the people up there on the Hill, without getting into any arguments about the matters that we differed over."

"He would call me about things, well, like the Dominican incident and things like that, the Panama Canal controversy. He never did stop advising with me on things like that. It was just on these domestic spending issues that he made so many mistakes... (he) made every conceivable mistake almost from the standpoint of administration and organization," Russell said.

Both Russell and Mr. Johnson were strongly opposed to U.S. military intervention in South Vietnam when it was first proposed in 1953. Once the U.S. became committed, Russell said in the taped interviews, he could not criticize Mr. Johnson for sending additional forces.

"My complaint with him was not for sending others in, but because we didn't go on and win the day by closing up the ports of North Vietnam. He let the timid souls in the State Department talk him out of that," said the senator. "He could have ended that war in six months any time."

Letter From Minsk

A 1962 letter written by Lee Harvey Oswald in Minsk, Russia, to his mother has been auctioned for \$1,250 and a letter to Adolf Hitler from his wife sold for \$500 here at an auction at Charles Hamilton Galleries. *EW 72*

Both purchases were made by an unidentified New York physician, the gallery said. *EU Star*

The letter from Hitler's wife, Eva Braun, is believed to be the first to be auctioned in the United States, a gallery spokesman said. It is addressed to "Dear Friend" and was written Sept. 23, 1931, just after the suicide of Hitler's niece, Geli Raubal. — AP

Ray Abets Plot Theory

By RICHARD STARNES

Scripps-Howard Staff Writer

MEMPHIS, March 11. — It was a case without a conclusion, tried in a courtroom with no windows, dealing with a murder to which there has been no final solution.

With swift precision yesterday the state of Tennessee packed James Earl Ray off to the penitentiary at Nashville to start laying the days end to end that would someday add up to 50 years of a 99-year sentence.

But there were few in Judge W. Preston Battle's airless courtroom who felt that the assassination of Dr. Martin Luther King Jr. had been finally and totally resolved.

Judge Battle, prosecutor Phil M. Canale, defense attorney Percy Foreman — even Ray himself — all tacitly conceded that Ray may well have been trigger man in a conspiracy to murder Dr. King.

CONSPIRACY POSSIBLE

But if conspiracy existed, any breath of its subtle dimensions was smothered in the clockwork choreography of the ritual trial that began and ended yesterday morning in Shelby County Criminal Court.

Mr. Canale told reporters after the trial: "There was some indication that he (Ray) was a racist and that that was the motive for the killing."

Asked if he thought conspiracy ever would be proven in the case, the prosecutor answered:

"I learned a long time ago not to rule out anything."

Earlier, Mr. Foreman, a big, shuffling, genial man told the jury of 12 men that "it took me a month to convince myself that there was no conspiracy."

RAY HINTS

Ultimately, Mr. Foreman continued, he had reached the same conclusion earlier voiced by such luminaries as FBI Director J. Edgar Hoover and former U.S. Attorney General Ramsey Clark. That there was no evidence that the murder of Dr. King was the product of conspiracy.

But when Mr. Foreman had finished his remarks to the jury, Ray almost upset the carefully-wrought agreement to barter his guilty plea for a prison term.

"I don't want to change anything," he said, alluding to his earlier agreement to the plea, "but I just want to say that I don't accept Mr. Clark's theory."

It was Ray obstinately insisting that he was not alone in the murder of the Negro civil rights leader, and for a moment it looked as if his caveat would overturn the bargain and mean endless, weary weeks of a full-dress murder trial.

But Judge Battle patiently led Ray back to the key question he had asked him earlier: "Do you plead guilty to murder in the first degree because you killed Dr. Martin Luther King Jr., under such circumstances that verdict of murder in the first degree would be justified?"

Meekly Ray answered, "Yes, sir," and the crisis was averted.

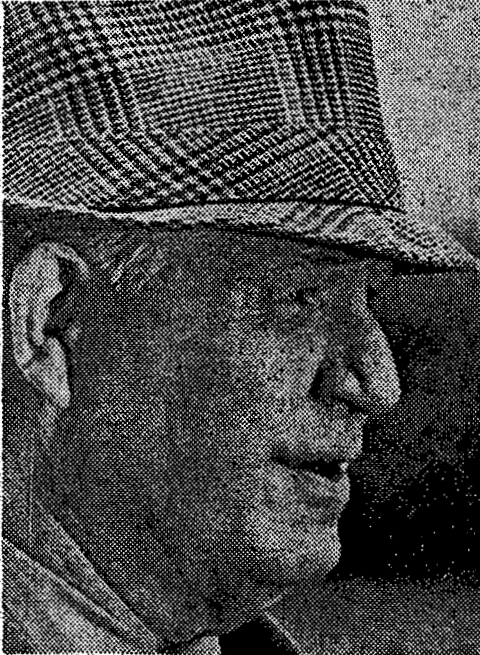
AT LEAST 50 YEARS

Ray would not be eligible for parole under his sentence for 50 years, by which time he would be 91 years old. The only way he could be released from prison earlier, apparently, would be to be pardoned by a Tennessee governor.

Mr. Canale opened the state's starkly abbreviated case against Ray by explaining to the jury that, despite the defendant's decision to change his plea to guilty, Tennessee law required a jury trial, and it required the jury's agreement in the penalty that had already been decided by prosecution, defense and the court.

"There have been many rumors that Ray was a dupe, a fall guy," Mr. Canale said, gingerly testing the quicksand of conspiracy implicit in the case, "but I want to say to you in all frankness that we have no proof other than that Martin Luther King Jr. was killed by James Earl Ray, and by no one else."

We have examined over 5,000 pages of testi-



James Earl Ray's attorney, Percy Foreman, left, talked with newsmen after leaving the Memphis court house, and Trial judge Preston Battle, right, looked Wash. Daily News relieved after pronouncing sentence. 11 Mar 69

mony," Mr. Canale continued, "and we have examined over 300 physical bits of evidence, and I say to you that we have no evidence that any conspiracy ever existed."

If the soft-spoken Mr. Canale added, evidence of conspiracy is "ever presented" that will be "prompt, vigorous action — you have my assurance on that."

At the conclusion of the pro forma trial, Judge Battle also addressed himself to the widespread rumors of conspiracy.

Ray Conspiracy Panel Urged

Warren-Type Probe Urged

By TED KNAP

Scripps-Howard Staff Writer

Rep. Charles C. Diggs Jr., D-Mich., said today he will ask President Nixon to appoint a Warren-type commission to investigate a possible conspiracy in James Earl Ray's murder of Dr. Martin Luther King Jr.

Rep. Diggs, a Negro, said he is "inclined to believe there was a conspiracy." He said Mr. Nixon should appoint a presidential commission to investigate the King assassination the way the Warren Commission investigated the assassination of President John F. Kennedy.

Dr. King's widow, Mrs. Coretta King — more than ever convinced of conspiracy — issued a statement saying that Ray's plea of guilty yesterday "cannot be allowed to close the case, to end the search for the many fingers which helped pull the trigger."

The Rev. Ralph D. Abernathy, Dr. King's successor as head of the Southern Christian Leadership Conference, told a news conference in Atlanta that "my belief in the conspiracy has been strengthened."

PROBE OPEN

The Justice Department said its investigation into possible conspiracy "is still open" and the FBI probe is continuing.

A Justice spokesman said a Federal conspiracy warrant filed by the FBI in Birmingham, Ala., April 17 has not been dismissed.

Ray, pleading guilty to avoid possible death sentence, said in open court that he agreed to the 99-year prison term, "but I don't agree with these theories on the conspiracy." That referred to the statements of the prosecutor and defense attorney that there was no conspiracy.

ALL SIGNS

Rep. Diggs said "all signs appear to point in the direction" of a conspiracy. He referred to reports that Ray had received money, transportation and identification papers from outside sources.

Rep. Diggs said if a conspiracy is proved he might not object to less than full disclosure of its details, in the interest of the public good.

If — in spite of the lack of evidence — a conspiracy did actually exist, Judge Battle warned: "No member of such conspiracy can ever lie down in peace and security. In this state there is no statute of limitations on capital crimes."

As an additional warning to any unnamed conspirators lurking in the shadows that still enfold so much of the case, Judge Battle quoted Hamlet: "Murder, tho' it have no tongue, will speak with most miraculous organ."

"I just don't know if it should be made public," he said in an interview. "There could be consequences from these revelations. Whole groups might be targets of hostility."

'Mystery Man' Link to King Plot Cited

By POWELL LINDSAY

Scripps-Howard Staff Writer

A shadowy "mystery man" known only as "Raoul" stands today as the only link on the public record which ties James Earl Ray into a "conspiracy" plot in the assassination of Dr. Martin Luther King Jr.

In two articles published in Look Magazine last Nov. 12 and 26, author William Bradford Huie quotes Ray about his flight to Canada after escaping Missouri State Penitentiary and of putting out "the word" in a Montreal bar that he needed money and identification papers in order to flee to South America.

This "word" led to a contact with a man Ray identified as "Raoul," who Ray said was a "blond Latin" in his mid-30's, according to Mr. Huie.

In August, 1967, Mr. Huie wrote, "Raoul" came up with this proposition:

After a few smuggling jaunts across the U. S. Canadian border, Ray would go to Birmingham, "lie low," and await instructions.

As promised, Ray is quoted, "Raoul" appeared in Birmingham, gave Ray \$2,000 with which to buy a white 1966 Mustang and \$500 for "living expenses," and again told Ray to await instructions.

In December, 1967, Ray was summoned to New Orleans and told there was "one more job to do" in "two or three months" and that then Ray would be "finished" and would "for sure" get "complete travel papers and \$12,000," the article quotes Ray.

In March, 1968, Ray was summoned from California to Selma, Ala., where Dr. King was to appear, and on March 23, Ray went to Atlanta, Mr. Huie reported.

y Edwin M. Yoder Jr. Feb 69 Feb 69

At this writing, New Orleans District Attorney Earl G. Carothers (Jim) Garrison, who stands six-foot-six and is known to friends as The Jolly Green Giant, has finally brought to trial a "suspect" in the alleged conspiracy to murder President Kennedy. The accused is prominent New Orleans entrepreneur, Clay Shaw. He said to be smoking a lot these days, and no wonder. Or if Mr. Epstein's incisive study is right Mr. Shaw may be the victim of one of the great American legal ruses.

Sifted of its red herrings, bleached of shadowy New Orleans intrigue, Garrison's case is easily summed up. In late 1966 Mr. Garrison accompanied Senator Russell Long on a plane ride from New Orleans to New York. Senator Long being no slouch at conspiracy theories, they mused skeptically together about the Warren Report's "single-assassin" theory and the conversation inspired Garrison to go back and reopen his file on Lee Harvey Oswald's New Orleans activities. From that probe sprang a lot of theory and even more publicity, but only one result — Mr. Shaw's.

By Epstein's account the district attorney seems to have run up several blind alleys and indeed had almost called it quits when in February 1967 the New Orleans press broke the story to the world. Not long afterwards Garrison arrested Shaw and impounded many of his personal papers and effects — including a sinister-looking Mardi Gras costume and an address book with which Garrison can do more exercises in number mysticism than a medieval alchemist.

Mr. Epstein, while researching a piece for *The New Yorker* (where portions of this book appeared), grew sceptical when Garrison allowed him in violation of a court order to rifle the largely unexplored Shaw papers. Why, he wondered, would the D.A. "risk having his case thrown out of court on a technicality by letting outsiders go freely through the evidence"? Was it in hopes that free-lance sleuths, who had swarmed around Garrison in plenty, might find a damning clue?

Mr. Garrison needs clues, all right. For unless Mr. Clay Shaw is the shadowy "Clay Bertrand," who has never materialized, the case collapses. And the chief witness to that effect, a confidential informer named Jerry Russo, did not say so in his initial deposition of 500 words. Not until Russo was hypnotized on the day after Shaw's arrest (March 2, 1967) did he mention Shaw or the alleged meeting at which "Bertrand," Oswald and another plotted to kill the 35th President. It was as a very helpful hypnosis, to say the least:

A transcript of Russo's first hypnosis session, . . . reveals that many of the details of Russo's story were developed under hypnosis . . . Dr. Esmond Fatter . . . told him to imagine a television screen in his mind . . . "Look at the picture and tell us the story that you see." Russo talked about some of Ferrie's friends but said nothing about an assassination plot or conspiratorial meeting. . . . Then Dr. Fatter instructed Russo to let his "mind go completely blank" and again "notice the picture on the television screen." Dr. Fatter suggested, "There will be Bertrand, Ferrie and Oswald and they are going to discuss a very important matter and there is another man and girl there and they are talking about assassinating somebody. Look at it and describe it to me." The story that Russo then told is similar to the one he told in court about overhearing an assassination plot.

Edwin M. Yoder Jr. is the editorial page writer of the Greensboro [N.C.] Daily News.

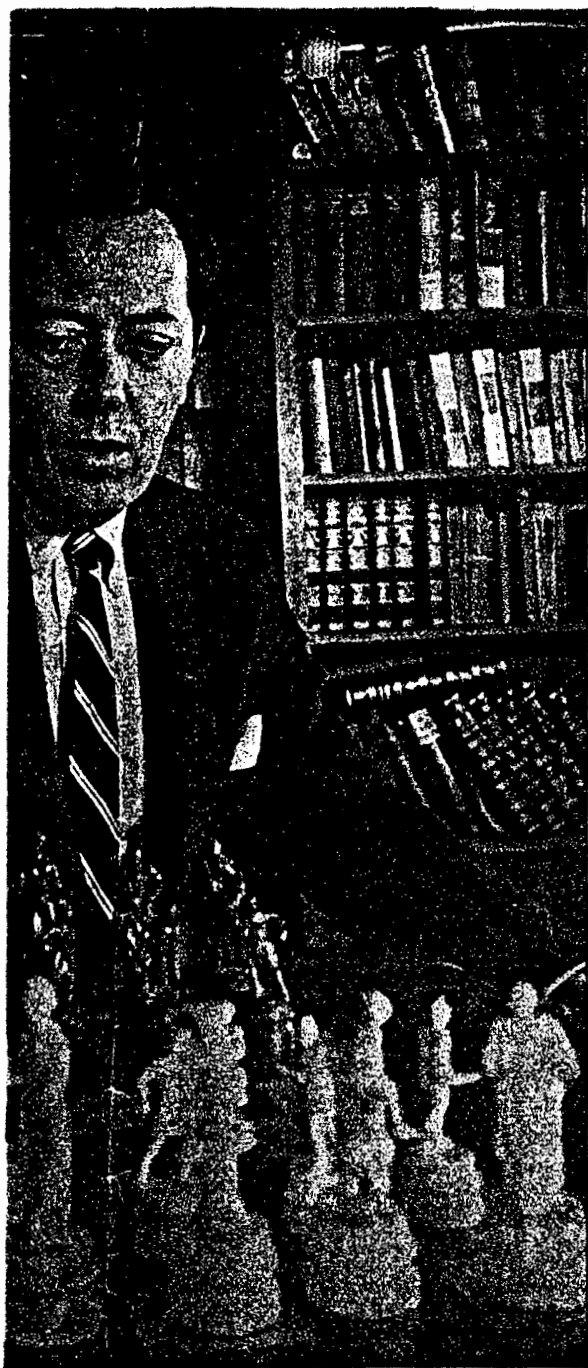


New Orleans District Attorney

If Garrison's case depends on coached witnesses, why has it come to trial? A technicality of law permitted a three-judge court to find "there was evidence that merited judgment" but in no sense did this finding suggest the legitimacy of the evidence.

It is now almost two years since Clay Shaw's arrest. As skeptical taunts arose, as the New Orleans spectacle came under attack, Garrison passionately defended himself, boldly evolving the theory that the government and the "establishment" press are out to foil him. He has outrageously traduced President Johnson as "the man who profited most from the murder." He has charged that the C.I.A. was "deeply involved in the assassination." He has cavalierly misrepresented the federal establishment's whole attitude towards certain assassination documents placed in the National Archives. By Mr. Epstein's count he has alleged that as many as 16 gunmen were operating that awful day in Dallas, one from a sewer manhole.

If the D.A. is caught up in Fu Manchu, he has also taken Antonioni's *Blow-Up* to heart as well: "Most of the assassins," writes Epstein, "were identified only as projections of connected dots in enlargements of photographs of trees and shubbery" — including one "assas-



Jim Garrison at play

... who turned out to be a newsman who'd fainted. Mr. Epstein's book is pitiless, devastating and, like *Inquest*, scrupulously clinical. After reading it one feels the real mystery is not what happened in Dallas or New Orleans but what has happened inside the public mind to give Garrison an audience. Epstein, borrowing from Edward Shils, suggests that it has much to do with profound fear of secrecy in the higher reaches of public life, ready to be tapped by a Garrison now as it was tapped in the early Fifties by a Senator Joe McCarthy. To that astute speculation, I would add one other: that what has been missing all along in responsible probes of the assassination is the presence of a good historian—two, schooled in modes of disciplined inquiry at once more wide-ranging and less formally conclusive than that of lawyers. A historian, strategically placed on the Warren Commission, would certainly have recalled the suspicion of skulduggery in high places that lingered after Lincoln's assassination. And I suspect he would have been less likely than lawyers and statesmen to forget subtle factors of public skepticism that must be satisfied if a horrendous event is not to feed endless speculation and, in New Orleans, self-promoting demagoguery.

the name of the Stavrogin estate where most of *The Possessed* takes place. By reading letters and biographies alongside these *Notebooks*, we can begin to form a picture of the author in relation to his book. A notebook entry on Stavrogin which reads: "He is very intelligent and therefore realizes that he is in fact not a Russian. He avoids the issue by believing that *he does not find it necessary to be a Russian*" means more when read against Dostoevsky's judgment of Russians abroad and against his judgment of himself which he wrote his niece in March 1869. Saying that he and Anna Grigorievna, his wife, pregnant again, were "fed up" with Florence, he explained: "I must, I must go home . . . I'm not afraid of becoming Germanized [of which he had accused Turgenev] because I hate all Germans, but I need Russia; without Russia I lose even my least strength and my smallest talent. I feel that, feel that all through my body."

From the *Notebooks* themselves we learn that Dostoevsky spent most effort on constructing a plot, "working out as concise as possible a plan of the narrative." We see that ideas for the projected books *Atheism* or *The Life of a Great Sinner* turned into characters like Stavrogin and Liza and Shatov. But as we stand facing the house on Via Guicciardini and can only imagine what was happening inside exactly 100 years ago, so, reading these *Notebooks*, we must imagine how they were transformed into the work of art called *The Possessed*. "Everything depends on form, however. Create forms," Dostoevsky instructed himself.

The University of Chicago Press has published translations of the *Notebooks* for *Crime and Punishment* and *The Possessed*; *The Idiot* and *The Brothers Karamazov* are still to come. Imagine Dostoevsky in Florence, reading Russian newspapers and magazines and admiring Raphael. In imagination, far better than in these *Notebooks* or in this review, you can see for yourself the three men who contradicted each other, overstepped boundaries, and in Florence and St. Petersburg spent all their time in the Dostoevskys' apartment: Stavrogin, Myshkin and Ivan Karamazov.

Approchement—they

was committed to the isolation and eventual destruction of East Germany. Moreover, this policy had led to serious tensions with de Gaulle; Adenauer's two aims: reconciliation with France, reliance on NATO not merely for West German security but also as an instrument of ultimate German reunification-through-strength, could no longer be pursued together. Brandt's merit was to change course. Reunification would become the end of a long process, and détente would be its precondition. The first task was to reassure Soviet Russia and Eastern Europe; instead of a stern confrontation of military blocs, there would be a "regulated coexistence," which would lead to an "orderly coexistence of nationalities" in a reunited Europe. There was no question any more of merely absorbing East Germany: While refusing to recognize it as a foreign state, Brandt was willing to negotiate with it so as to prevent any further estrangement between the two fragments of Germany. NATO would become a forum for the coordination of détente policy. In this way, the alliance with de Gaulle—the champion of "détente, entente and cooperation from the Atlantic to the Urals"—would be rejuvenated; and, since President Johnson's speech of October 7, 1966, conflict between the American alliance and the French

Oswald's Widow Tells Shaw Tr

22 Feb 69

By John P. MacKenzie
Washington Post Staff Writer

NEW ORLEANS, Feb. 21

The widow of Lee Harvey Oswald came back to this city today and recalled once again the troubled married life she shared here with the accused assassin of President John F. Kennedy.

Marina Oswald Porter, Russian-born 27-year-old mother of Oswald's two children, was the lead-off defense witness in the conspiracy trial of Clay L. Shaw.

Speaking almost inaudibly in a thick accent, the frail, pretty witness related many details about Oswald which, if believed by the jury, would

clear Shaw of ever conspiring with him.

But by dramatizing once again, as she had in her Warren Commission testimony, how little she really knew her discontented, brooding husband, Marina fell far short of accounting for all of Oswald's time in New Orleans in 1963

during the summer preceding the murder.

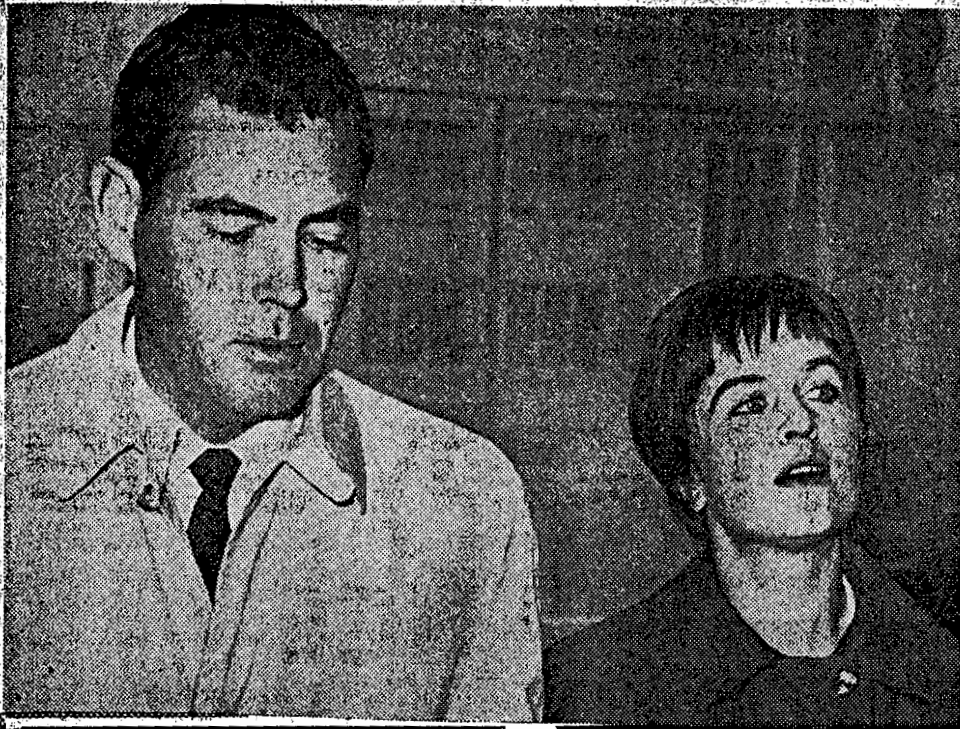
Accompanied here by her second husband, Dallas bartender Kenneth Jess Porter, Marina was called to the witness stand after Judge Edward A. Haggerty denied a defense motion to acquit Shaw at the close of the State's case.

Shaw, 55, is accused by District Attorney Jim Garrison of plotting with Oswald and the late David W. Ferrie to murder the President. There were these other trial developments:

- Shaw's former employer and personal secretary at the International Trade Mart, where the defendant was managing director for 19 years, explained the business reasons for a trip from New Orleans to the West Coast that Garrison contends was taken to conceal Shaw's role in the assassination in Dallas.

- FBI ballistics expert Robert A. Frazier, who had been subpoenaed and dropped as a prosecution witness, began explaining the investigative work he did to help the Warren Commission find that Oswald alone perpetrated the crime with rifle fire from above and behind the Dallas motorcade on Nov. 22, 1963.

- Much of Marina Porter's testimony ran sharply counter to that of Garrison's chief witness, book salesman Perry



ial of Life With JFK's Assassin

Russo, and other prosecution evidence.

She said her husband was away from home only one night between May and late September, 1963, when they lived together in New Orleans, and on that night he was in all. This would have given Oswald no time to have been the roommate of Ferrie, a former airline pilot, or to have conspired with Shaw and Ferrie at Ferrie's apartment in mid-September.

She said her husband never used the name "Leon," never went unshaven for very long and never looked like a beatnik. Russo said Ferrie's roommate, "Leon Oswald," was be-whiskered, dirty and shabbily dressed.

Denies Going to Clinton

She said that neither she nor her husband had a car or could drive. She denied that they ever went to Clinton, La. Prosecution witnesses placed Oswald there in late August and early September, sometimes with his wife and child in an automobile, sometimes with Shaw or Ferrie or both.

She testified that, at the moment of the assassination, Rambler station wagon belonging to her friend Ruth Paine was parked outside Mrs. Paine's home in a Dallas suburb. A former Dallas deputy

sheriff has sworn that Oswald escaped in such a vehicle and that after his capture he told police, "That station wagon belongs to Mrs. Paine. Don't drag her into this."

Marina's testimony, 45 minutes under questioning by defense attorney F. Irvin Dymond and twice that long by Assistant District Attorney James L. Alcock, was delivered with weary tones. Her brief answers seemed repeatedly to recall unhappy memories tracked over many times in FBI interviews and three appearances before the Warren Commission.

She began in a relaxed, almost absent-minded manner, occasionally biting her lip and becoming agitated only when Alcock's cross-examination accused her of suddenly changing her testimony and lying to the FBI and the Commission.

"I didn't lie," Marina protested. She admitted failing to tell FBI agents at first about her husband's attempts to reach Cuba by way of Mexico, but she insisted that she told the truth when she testified before the Commission.

Dallas Interrogation

She conceded that she had not liked the FBI men who interrogated her in Dallas, but she denied that they had threat-

ened her with deportation if she didn't cooperate.

Marina admitted changing the date of her departure from New Orleans to Dallas from late August to late September after a consultation with Dymond during a recess, but she said her memory was refreshed by the date of birth of her second daughter. She also has a son by her second marriage.

"Do you consider Lee a Communist?" Alcock demanded. "No, sir," Marina replied.

Alcock bore down most heavily on Oswald's failure to tell his wife he was out of work, stressing how little Marina knew about what her husband was doing in the daytime. He suggested that Oswald had lost his job a month before telling her about it, not a few days as she had supposed.

'Not Very Friendly'

The witness said she never had seen Shaw and had never heard of a number of people Oswald would have known if he had met Russo or Ferrie. But she had to admit she simply didn't know anybody else her husband knew either.

"He never had many friends," she said. "He was not very friendly. He liked to be alone." They rarely spoke

about anything and Oswald spent long hours at home reading books.

Also called today as defense witnesses were Lloyd J. Cobb, president of the International Trade Mart where Shaw was manager from 1946 until his retirement in 1965, and Goldie Naomi Moore, Shaw's personal secretary during those years.

Both said Shaw's long working hours were consumed by a crash program during the late summer and early fall of 1963 to arrange financing for the new Trade Mart. Their testimony brought out that Shaw's trip to Portland, Ore., for a speech on Nov. 22 was to keep a trade promotion commitment arranged in early September.

(In Washington, General Sessions Court Judge Charles W. Halleck said that a court order directing the National Archivist to appear as a prosecution witness—with pictures and X-rays of the Kennedy autopsy—no longer stands because the prosecution has finished its case.)

(Thus, the autopsy materials and other assassination artifacts will remain in the archives.)

Shaw Shunning Mardi

By John P. MacKenzie
Washington Post Staff Writer

NEW ORLEANS, Feb. 9—With only three days of the Clay Shaw trial under its belt, this city of charm and diversity is well on its way to accepting the trial as one of the two great circuses in town.

The other one, of course, is the Mardi Gras celebration that is building to a high point a week from Tuesday.

Unlike past years, Shaw is not taking part in the annual festivities. It would be "most imprudent," he is declining to elaborate because of trial restrictions on newspaper interviews.

Friends of Shaw, less reticent and admittedly less charitable toward Shaw's accuser, say the reason is that "Jim Garrison would find a new way to frame Clay."

Garrison, the District Attorney for Orleans Parish, has mustered the full power of his office to bring Shaw to trial on a charge of conspiring to murder President Kennedy.

His investigation has both terrified and entertained much of New Orleans, where Lee Harvey Oswald lived in 1963 and where Garrison says plots were hatched.

Mixed Credibility

Garrison's prosecutors have offered testimony of mixed credibility placing Shaw with Oswald and the late David Ferrie, two men whom Shaw denies knowing, in the same rural section near Baton Rouge the summer before the assassination.

They have sprung a surprise witness and seen him backfire, a plausible-seeming man whose destruction under cross-examination inevitably brought to mind the court-martial testimony of Capt. Queeg in "The Caine Mutiny." The witness was Charles I. Spiesel, who was unsuccessful in peddling his story of a party attended by Ferrie and Shaw until Garrison bought it and put him on the stand.

It is still far from clear why Garrison happened to fasten on Shaw with the charge that the prominent social figure and business promoter used the alias "Clay Bertrand" or "Clem Bertrand" in conspiratorial dealings with Oswald and Ferrie.

Lawyer's Story

As reconstructed by Edward Jay Epstein, a harsh critic of Warren Commission but now an even harsher critic of Garrison's methods, the prosecutor worked from a story by a New Orleans lawyer who claimed, and later denied, that a Clem Bertrand had

sought legal help for Oswald after his arrest in Dallas.

In Epstein's new book, "Counterplot," the author says Garrison theorized that the lawyer was covering up for "a wealthy client with homosexual associates."

Shaw, 55, who built this port city's International Trade Mart after World War II and pioneered the restoration of the French Quarter, is widely respected in easygoing New Orleans as an able, genial man whose personal life is strictly his own business.

Yet there is an undercurrent at the trial and some apprehension that the prosecution intends to get rough. Garrison investigators executed an open-ended search warrant at Shaw's home after arresting him two years ago and made much of the seizure of a chain, pieces of leather and rope, a black hood and cape.

Shaw's friends make no apology for his personal life—though they complain of terribly exaggerated rumors—but they insist that the confiscated items are irrelevant. The reason: They

SUIT FOR \$5 MILLION Filed by Clay Shaw

Even Star, 26 Feb 70

NEW ORLEANS (AP)—Clay Shaw has filed a \$5 million damage suit against Dist. Atty. Jim Garrison and others for accusing him of a conspiracy to kill President John F. Kennedy.

A Criminal District Court jury acquitted Shaw of the charges last March 1. His suit, filed in U.S. District Court yesterday, contended that his constitutional rights were violated by the defendants and that Garrison "misused and abused the prosecution powers of his office."

Garrison could not be reached for comment about the suit.

The suit contended the charges against Shaw were part of a scheme by Garrison and the other defendants "to conduct an illegal, useless and fraudulent investigation of the assassination of President Kennedy" and "to obtain a judicial forum for his (Garrison's) attacks upon the Warren Commission and other government officials."

Shaw, 56, was a retired New Orleans businessman and former managing director of the International Trade Mart in New Orleans when he was charged by Garrison.

Also named defendants in Shaw's suit were Perry Raymond Russo, Dr. Esmond A. Fatter, Joseph M. Rault Jr., Willard Robertson and Cecil M. Shilstone. The suit also named as defendants certain persons identified by fictitious names.



Clay Shaw

SHAW JURY TOLD OF OSWALD FLIGHT

Ex-Deputy in Dallas Says a Second Man Drove Car

NYT 15 Feb 69
By MARTIN WALDRON
Special to The New York Times

NEW ORLEANS, Feb. 14—A former Dallas, Tex., deputy sheriff testified at the Clay L. Shaw conspiracy trial today that he had seen Lee Harvey Oswald leave the scene of President Kennedy's murder in a green Rambler station wagon shortly after the shots that killed the President were fired. The witness, Roger Dean Craig, said that the station wagon was being driven by "a very dark complected, Latin-looking man, dark hair, very muscular, bull-neck. He had a strong face."

Oswald had come running from a grassy strip near the Texas School Book Depository, Mr. Craig said, and had jumped into the old station wagon as it was doubled parked at the curb on Elm Street in front of the depository.

Mr. Craig said that traffic speeding along the street had prevented him from stopping the station wagon.

The former deputy said that he gave a description of Oswald at the time as "five feet nine inches tall, 150 pounds, sandy-haired, a Caucasian" to the Dallas police department.

Late that afternoon, after Oswald had been arrested in a Dallas movie, he was brought to the Dallas police station, where Mr. Craig said he identified Oswald as the man he had seen jump into the station wagon.

Testimony by Deputy

"He [Oswald] said that the station wagon belonged to Mrs. Paine. Don't try to drag her into this," Mr. Craig recalled. "He leaned back in his chair and said, 'Everyone will know who I am now.'"

On Nov. 22, 1963, the day that President Kennedy was shot, Oswald's wife, Marina, was living with Mrs. Ruth Paine in Irving, a suburb of Dallas.

The entire testimony today was devoted to the President's murder. The name of Clay Shaw, who is charged with conspiring in New Orleans to murder Mr. Kennedy, was not mentioned once.

Mr. Shaw, a retired businessman, sat quietly smoking during the day while his lawyers fought to keep the Dallas testimony out of the record.

Several times, Mr. Shaw's chief counsel, F. Irvin Dymond, took angry exceptions to the rulings of the trial judge because the judge had said during two years of court hearings leading to Mr. Shaw's trial that the President's murder had no bearing on the conspiracy case.

Mr. Dymond also objected vigorously when Criminal District Judge Edward A. Haggerty Jr. allowed the prosecution to show the jury for the fourth and fifth times a motion picture film of the President's murder.

Mr. Craig, who resigned from the Dallas Sheriff's office in July, 1967, said he had lived in New Orleans since December, 1967. He has been employed by Willard Robertson, a regional Volkswagen dealer in New Orleans, who helped finance District Attorney Jim Garrison's investigation of the assassination.

New Witness Jars Shaw Trial

W.P. 8 Feb 69
SHAW, From A1

Saturday's court session may close whether District Attorney Jim Garrison and his aides can re-establish their witness or must suffer a major blow to their claim of solving the assassination. Defense Attorney F. Irvine Dymond said he has not finished cross-examination of Spiesel.

Garrison, who was not in court when Spiesel testified, has been accused by some for 10 years of accepting and holding incredible evidence in an attempt to prove a conspiracy and a high-level cover-up.

The District Attorney has announced most of the charges in the work of conspirators, including the Central Intelligence Agency, the Johnson Administration and the Eastern "Establishment."

Weird Day

Spiesel's appearance followed a weird second day of the trial in which the prosecution again offered the testimony of Vernon Bundy, a 30-year-old narcotics addict, who said he saw Shaw and Oswald together in the summer of 1963, five months before the assassination.

Other witnesses today faced Oswald and Shaw together in Clinton, La., during the late summer and placed Oswald at a nearby hospital seeking employment. Still other witnesses, mostly policemen, recalled some of Oswald's known activities as a pamphleteer for Castro's Cuban Government.

Assistant District Attorney James L. Alcock announced the testimony from police about Oswald passing out a "Play for Cuba" literature was designed to bolster Bundy's testimony.

Bundy said he saw Oswald drop a Cuba leaflet on the New Orleans lakefront while tuffing his pocket with a roll of bills. Shaw gave Oswald.

Bundy, whose testimony two years ago helped bind over Shaw for trial, held to his story despite Dymond's attempt to impeach it. He was neatly dressed and, according to observers, much cleaner than he was in March, 1967, when he came from Orleans Parish Prison to give his testimony.

Admitting that he has been taking a heroin substitute at clinic to kick his habit, Bundy testified that he witnessed a law-Oswald meeting at the Lake Pon-

chartrain seawall preparing to "shoot some heroin."

In one of the day's more bizarre moments, Bundy declared that if Shaw, the defendant, would cooperate by walking up and down the courtroom center aisle, he would give a "demonstration" of why he was sure about his identification.

The tall, gray-haired defendant—a puzzled expression on his face—complied. Bundy then said it was Shaw's gait, the way he "waved his foot," that confirmed his opinion.

Shaw, who sometimes walks with a slight limp because of a back condition, was heard in the corridor later to say, "I should get Actors Equity pay for this performance." Shaw is a playwright, a prominent New Orleans cultural figure and former managing director of the port city's International Trade Mart.

Never losing his poise, Bundy at one point said to Dymond, after a lawyers' argument over his testimony, "As I was saying before you interrupted . . ." He went on to explain that he was not a convicted burglar, but had pleaded guilty to attempted theft in 1966. He is under a five-year probationary sentence.

Bundy first denied, then admitted, stealing to support his drug habit, but added that he only took things "if nobody wasn't watching" and was not a professional thief.

Bundy vigorously denied ever telling fellow-prisoners, as reported by newsmen, that he really knew nothing about the Shaw case, but was testifying for reasons of his own or that he was undecided whether to place Shaw on the lakefront or somewhere else in New Orleans.

'Never Said Boo'

"I never said boo to John the Baptist," said Bundy, referring to former fellow-inmate John (The Baptist) Cancler.

The witness stuck to his testimony that he had overheard Oswald telling Shaw in an animated manner, "What am I going to tell her?" an unexplained remark that might have pertained to Oswald's stormy home life.

Bundy concluded by saying that, after the two men had departed in different directions, he wrapped his narcotics "outfit" in one of Oswald's dropped leaflets.

Earlier, the State apparently completed a phase of its case dealing with Oswald's alleged attempt to find a job on

trips to Clinton and Jackson, La., near Baton Rouge.

A voting-drive worker for the Congress of Racial Equality, William Dunn Sr., recited testimony similar to that of five witnesses Thursday who had placed Shaw and Oswald in the small town of Clinton in August, 1963.

He identified Shaw as the driver of a black Cadillac conspicuously parked near the voting registrar's office. From a picture he identified Oswald as a man who was trying to register to vote in rural East Feliciana Parish.

Bobbie Dedon, a former receptionist in a state hospital in Jackson, said Oswald came in asking directions to the employment office. She could not recall his clothing or whether he appeared neatly dressed, as other witnesses had testified.

"Did he have a beard?" Dymond asked on cross-examination. "I don't remember," said Mrs. Dedon.

"You don't?"

"No."

"That's all," said Dymond, and the attractive blonde witness stepped down.

The next witness, hospital secretary Maxine Kemp, supplied a short-lived element of mystery. She said that after starting work at the hospital in September, 1964, more than a year after Oswald's alleged job application, she ran across an application form for "Oswald Harvey" and returned it to the file. She looked for it again after Garrison began his investigation but, she said, it was gone.

Under cross-examination, Mrs. Kemp said hospital practice was to go through the files every three months and discard any application older than a year.

Her answer suggested that, instead of returning the application form to the file, Mrs. Kemp should have thrown it away and that, in any event, it would have been standard practice to discard a 1963 application before early 1967, when Garrison started investigating.

Associate prosecutor Andrew Sciambra came back with a question, "Do they have some applications on file longer than one year?" Mrs. Kemp replied "yes" and stepped down.

Overtones of Charges

The entire Clinton-Jackson phase of the case carried overtones of Garrison's charges of inadequate Federal investigation of Oswald's past. The Warren Commission, which determined that Oswald was the lone assassin of President

Kennedy, said nothing about such episodes in Oswald's life.

Critics have faulted the Warren Commission for failing to pursue more clues to Oswald's personality. Garrison's prosecutors stressed that the FBI never interviewed their witnesses, while defense counsel chided all but one witness for failing to come forward earlier.

The day was marked by a shouting match between Alcock and Dymond and a challenge by Dymond to Judge Edward A. Haggerty Jr.'s manner of conducting the trial.

Dymond, apparently trying to "catch" a policeman on the stand in a contradiction, was interrupted by Judge Haggerty, who said the witness was "confused" and the question needed clarification.

"I object to Your Honor testifying," said Dymond, moving for a mistrial. The Judge rejected the motion and told Dymond the trial "was not a game of tricks."

The testimony of Spiesel, the New York accountant, was vague about the location of the June, 1969 French Quarter party, but quite specific about what was said.

Spiesel testified that he met two couples, including Ferrie, at a bar and struck up a conversation based on Spiesel's notion that Ferrie was a World War II flying buddy. Ferrie invited him to a party at an apartment, where Shaw was the host, said Spiesel. The witness said that after being introduced to Shaw by Ferrie, he joined them and others in conversation that turned to sharp criticism of the late President. Spiesel said that someone said, "Someone ought to kill the s.o.b."

Says Shaw 'Seemed Amused'

According to Spiesel, Shaw "seemed amused" as the talk turned to the need for a high-powered rifle with telescopic sight and Shaw then discussed with Ferrie, an experienced pilot, the feasibility of escape by airplane.

Since Oswald, the alleged third co-conspirator, was not identified as a party guest, Spiesel's testimony did not purport to prove the three-way conspiracy charge or any overt act in the indictment. But it explicitly contradicted Shaw's contention that he never knew either man.

Dymond asked Judge Haggerty to order Spiesel to show the court and jury where the party was held. Spiesel's description of the apartment did



Charles I. Spiesel, accountant, pauses before entering the courtroom as a prosecution witness.

not match Shaw's handwriting. Judge withheld a ruling.

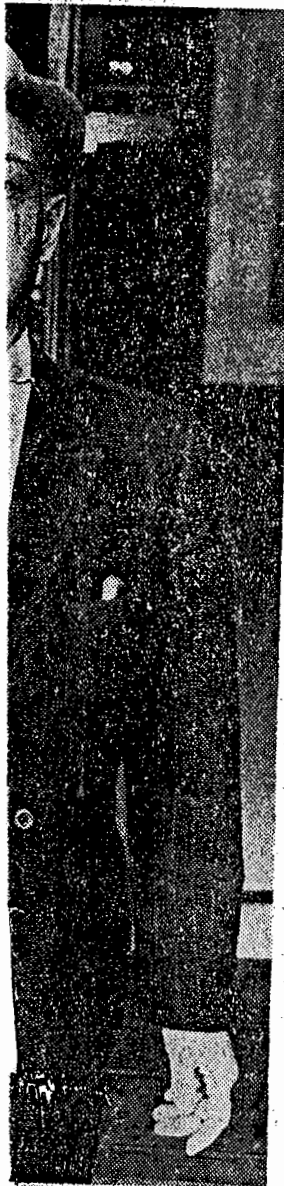
Then, referring to records in New York, he asked the witness if he ever claimed in law or police "hypnotized and tortured you and forced of business." Spiesel said "Not in that terminology."

Why had he been hypnotized, Spiesel said he did not know, but that his father had done "undercover work with the FBI" dealing with

Spiesel said his father did not charge a hypnotic "spelling" in 1962 and 1964 as suggested by Dymond, but only a "spell" to hypnotize him "time to time."

Bid for New Evidence To Get D.C. Hearing

Washington General Sessions Court Judge Charles



James Garrison, Associated Press correspondent, pauses before entering the courtroom as a prosecution witness.

yesterday ordered the Archivist to explain why he should not be ordered to appear in New Orleans with the Warren Commission.

Items involved are in the autopsy X-rays and photographs Garrison previously requested. Requests will be taken at a hearing in Washington on Oct. 14.

Garrison asked that James Garrison, the Archivist, be ordered to testify and bring with him the rifle Lee Harvey Oswald fired, a bullet recovered from President Kennedy; the shirt, coat and shoes Kennedy wore when he was shot; two bullet fragments; a camera used to film the assassination, and the certificate.

ection; China r Envoy's ds Strains

Karnow
Foreign Service

ington has avoided giving immediate prominence to Chinese defectors, and Peking has kept silent.

A Chinese diplomat who fled his embassy in Syria in July 1966, for example, was covertly held for more than a month before exposure, and has never been mentioned by Peking.

At the same time, China experts in Hong Kong submit, Peking may be reacting vigorously in the Liao case in an effort to demonstrate both to the Chinese population and Communists around the world that it is not softening despite its scheduled meeting with U.S. "imperialists" in Warsaw.

Within recent weeks, official Chinese propagandists have been directing an unprecedented campaign of invective against the Nixon Administration, apparently to emphasize that Peking is not diluting its revolutionary objectives.

It is thought, too, that Peking's unusually open response to Liao's defection may reflect the fact that he is the most important diplomat to reject the Communists since they took over China in 1949.

Other Defectors

Before him, the most important diplomat to defect to the United States was Miao Chen-pai, an Arab specialist who fled from the Peking Embassy in Damascus in July 1966. Among other information, Miao was able to tell U.S. interrogators in Washington that Peking was anxious to avoid becoming directly entangled in the Vietnam War.

Two years earlier, a low-ranking language expert, Tung Chi-ping, defected to the United States from the Chinese legation in Burundi.

In its protest statement yesterday, Peking also referred to the "kidnaping" in 1959 of Chang Chien-yu, then a Chinese consulate official in Bombay.

Other Chinese defectors



United Press International

MUSHROOM CLOUD—Smoke from an explosion billows over the roof of a six-story apartment complex in Ottawa, Canada, yesterday as a fire of unknown origin races through the partially completed structure. No injuries were reported.

Pueblo Had Time to Burn Secret Papers, Expert Says

PUEBLO, From A1

Bucher testified that he had signed a list of procedures drawn up by Harris that required 600 feet of water for jettisoning secret material. Bucher thought this depth minimum was based on a Navy regulation.

Williams said today the 600-foot rule applied to ships that are sinking. They are allowed

it captured, it should be jettisoned."

He said his estimate of one hour to destroy the Pueblo's secret material took into consideration that the ship was under heavy fire by North Korean PT boats and a submarine.

Attorney's Question

Bucher listened to this testimony, clenching his teeth oc-

Asked Rear Adm. Ed Grimm: "This makes it difficult if it's not doesn't it?"

Rear Adm. Marshall White said the Pueblo's command provides "an opportunity for the Navy ship command to plan on better, in the future skippers themselves, have to run around at minute trying to find

Speculation Rises That Garrison May Abandon the Investigation

By MARTIN WALDRON
Special to The New York Times

NEW ORLEANS, Jan. 18 — Here was speculation in New Orleans this weekend that strict Attorney Jim Garrison may be preparing to abandon the 30-month long investigation of the assassination of President Kennedy.

The speculation sprang up after Mr. Garrison's staff had asked for an indefinite delay in the trial of retired New Orleans businessman Clay Shaw, who was accused by the

district attorney of helping plot the President's murder.

Mr. Garrison remained unavailable for comment. His staff said that he was out of town. For several months, Mr. Garrison has kept almost completely out of public view.

The statement on Friday that Mr. Shaw might not be tried was issued by Mr. Garrison's chief assistant, James L. Alcock.

The announcement that the trial was ready for trial caught most in New Orleans by sur-

prise. For more than two years, Mr. Garrison has been clamoring to bring Mr. Shaw to trial.

At one point in recent weeks, Mr. Garrison said in a statement that only his "being killed" could stop the Shaw trial. He added that the trial would proceed even if the National Archives continued to shield the X-rays and photographs made during the autopsy of President Kennedy.

But yesterday Mr. Alcock said that it was "absolutely necessary" to have the X-rays

and the photographs that Mr. Garrison had said would show that the President had been struck by bullets fired from at least two directions.

A panel of medical experts who were said to have examined the X-rays and photographs secretly early last year said that the X-rays and photographs showed that the President was struck only by bullets fired from behind and above him.

Attorney General Ramsey Clark reported on Thursday night

The panel that investigated the assassination headed by Chief Justice Earl Warren found that Lee Harvey Oswald was the sole assassin, and Oswald fired the rifle from the Texas School Depository in Dallas on Nov. 22, 1963.

Judge Charles W. Halleck of the District of Columbia General Sessions, yesterday gave the New Orleans District Attorney's office two weeks to show that the X-rays and photographs of the autopsy v

Shaw Trial Set Today in JFK Case

NEW ORLEANS, La., Jan. 18 (AP) — District Attorney Jim Garrison did an about-face today and agreed to proceed without further delay in the trial of Clay Shaw, accused nearly two years ago of conspiring to kill President Kennedy.

A Garrison assistant, James Alcock, told Judge Edward J. Haggerty in Criminal District Court the state would be ready to go ahead as scheduled Tuesday. Alcock withdrew a state motion for a delay based on the claim that the Federal Government was withholding vital evidence.

The state had asked for a continuance last Friday after Judge Charles Halleck of the court of General Sessions in Washington, D.C., declined to force a Garrison subpoena for Kennedy autopsy photographs and X-rays taken after the assassination in Dallas.

Alcock asserted that if the Federal government blocks our attempts to present all of the evidence, this case cannot be brought to trial.

The autopsy reports were turned over to the National Archives by the Kennedy family with the stipulation that they be withheld from the public.

U.S. Attorney General Ramsey Clark released last week a report by four experts who checked the autopsy material and agreed with the Warren Commission that President Kennedy was shot from the rear. Garrison has insisted here were other shots from the front.

Alcock declined to discuss the reason for withdrawal of the continuance motion but complained that Clark had "tried to interfere in the case with public statements."

Shaw Trial Is Opened; Defendant to Testify

By John P. MacKenzie
Washington Post Staff Writer

NEW ORLEANS, Jan. 21 — The long-awaited trial of Clay Shaw began today as the defense announced it will put the retired businessman on the stand to deny plotting the assassination of President Kennedy.

Prosecution and defense attorneys spent the day outlining key elements of the case and the course of questioning potential jurors. After six hours they were able to agree that two jurors were qualified.

It appeared that many more days might be needed to select a panel of 12 New Orleans citizens who had not yet formed strong opinions about District Attorney Jim Garrison's two-year crusade to disprove the Warren Commission account of the Nov. 22, 1963, tragedy in Dallas.

The Warren Commission had Lee Harvey Oswald, a loner and a misfit, killed Mr. Kennedy without help from anyone. Garrison, who did not appear in the Orleans Parish

courtroom today, charges that Shaw, 55, plotted the killing with Oswald and the late David Ferrie, a former pilot.

Assistant District Attorney James L. Alcock told jurors that he will prove a three-way criminal agreement and at least one of six overt acts in furtherance of the conspiracy.

Alcock stressed that under the State's theory it was not necessary to show that the plot succeeded or even that the President was murdered. He listed these specific alleged acts:

- A meeting of Oswald, Ferrie and Shaw in Ferrie's New Orleans apartment two months before the assassination.
- A discussion there of murder weapons, the need for more than one rifle and firing angle, and the means of escape.
- A meeting of Shaw, Oswald and the late Jack Ruby, the man who shot Oswald to death, in Baton Rouge, at which money was delivered.
- Two trips away from the Dallas murder scene, Shaw to

the West Coast and Ferrie to Houston. Alcock said the evidence would definitely show that Shaw was not in Dallas on Nov. 22.

- Oswald's carrying a high powered rifle to the Texas School Book Depository, which Garrison claims was only one of the vantage points for assassins' bullets.

Defense Attorney F. Irvin Dymond indicated that his plan to have Shaw testify was not a concession that the State's opening case can survive a motion to dismiss.

Shaw, gray-haired and gray-suited former managing director of the International Trade Mart here, sat through the day's session showing little emotion. Like many jurors and spectators, he occasionally showed restlessness at the extensive juror interrogation that is countenanced by Louisiana practice.

Judge Edward A. Haggerty Jr. announced a program of daily, nightly and possibly weekend sessions until the jury is chosen but he abandoned the night sessions at the joint request of defense and prosecution.

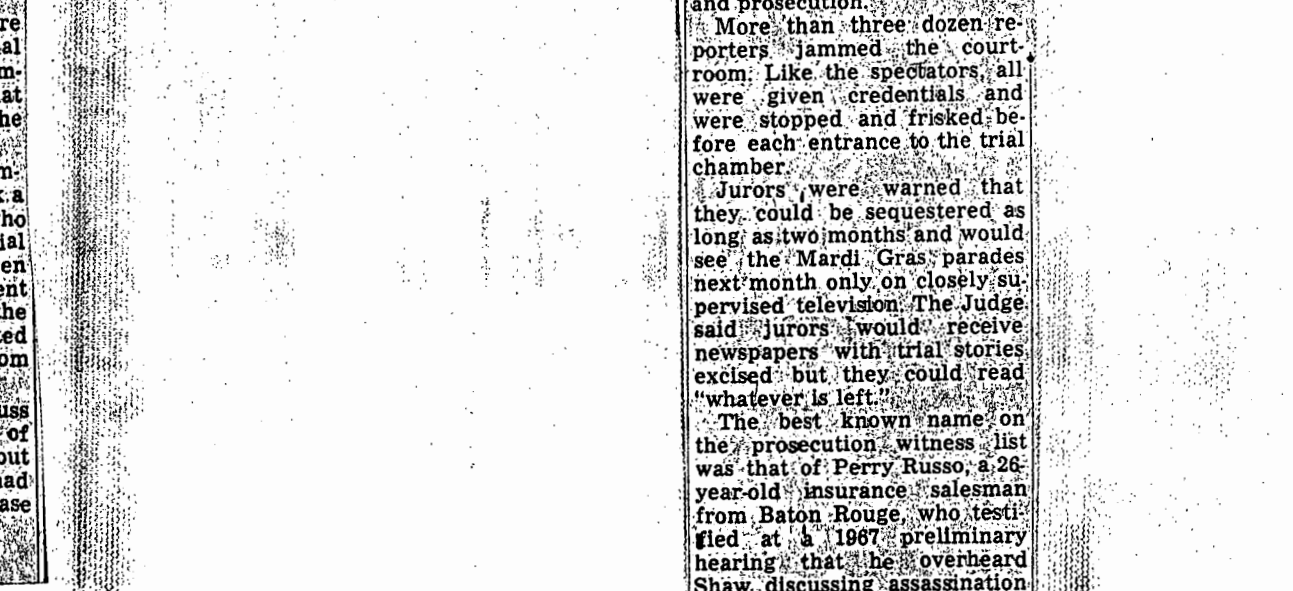
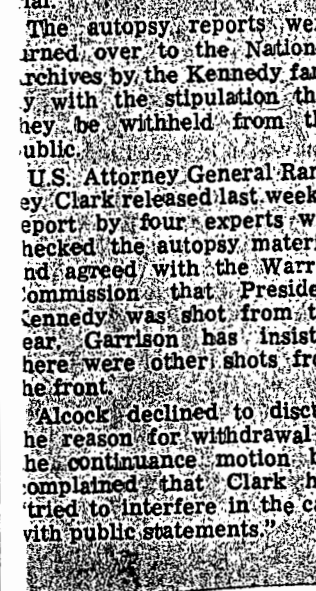
More than three dozen reporters jammed the courtroom. Like the spectators, all were given credentials and were stopped and frisked before each entrance to the trial chamber.

Jurors were warned that they could be sequestered as long as two months and would see the Mardi Gras parades next month only on closely supervised television. The Judge said jurors would receive newspapers with trial stories excised but they could read "whatever is left."

The best known name on the prosecution witness list was that of Perry Russo, a 26-year-old insurance salesman from Baton Rouge, who testified at a 1967 preliminary hearing that he overheard Shaw discussing assassination plans.

An important defense witness, former Garrison investigator William Gurvich, was reported ill. Judge Haggerty granted a defense subpoena for Marina Oswald Porter, widow of Oswald who now lives in Irving, Tex.

Jurors were asked if they would be influenced by the much-publicized controversy over Garrison's attempts to compel production of autopsy pictures and reports locked in the National Archives. Irvin Mason, the first juror to be sworn, said he thought the



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Judge Edward A. Haggerty Jr. announced a program of daily, nightly and possibly weekend sessions until the jury is chosen but he abandoned the night sessions at the joint request of defense and prosecution.

More than three dozen reporters jammed the courtroom. Like the spectators, all were given credentials and were stopped and frisked before each entrance to the trial chamber.

Jurors were warned that they could be sequestered as long as two months and would see the Mardi Gras parades next month only on closely supervised television. The Judge said jurors would receive newspapers with trial stories excised but they could read "whatever is left."

The best known name on the prosecution witness list was that of Perry Russo, a 26-year-old insurance salesman from Baton Rouge, who testified at a 1967 preliminary hearing that he overheard Shaw discussing assassination plans.

An important defense witness, former Garrison investigator William Gurvich, was reported ill. Judge Haggerty granted a defense subpoena for Marina Oswald Porter, widow of Oswald who now lives in Irving, Tex.

Jurors were asked if they would be influenced by the much-publicized controversy over Garrison's attempts to compel production of autopsy pictures and reports locked in the National Archives. Irvin Mason, the first juror to be sworn, said he thought the

NEW ORLEANS, La., Jan. 21 (AP) — The trial of Clay Shaw, accused of plotting the assassination of President Kennedy, opened today in a courtroom here.

Shaw, 55, a retired businessman, was charged with conspiring with Lee Harvey Oswald and David Ferrie to kill the President.

Assistant District Attorney James L. Alcock told jurors that he will prove a three-way criminal agreement and at least one of six overt acts in furtherance of the conspiracy.

Alcock stressed that under the State's theory it was not necessary to show that the plot succeeded or even that the President was murdered. He listed these specific alleged acts:

- A meeting of Oswald, Ferrie and Shaw in Ferrie's New Orleans apartment two months before the assassination.
- A discussion there of murder weapons, the need for more than one rifle and firing angle, and the means of escape.
- A meeting of Shaw, Oswald and the late Jack Ruby, the man who shot Oswald to death, in Baton Rouge, at which money was delivered.
- Two trips away from the Dallas murder scene, Shaw to

of President Kennedy's Assassination

ve been shielded by the National Archives at the request of the Kennedy family, were ed in a trial.

in charging Mr. Shaw on arch 1, 1967, Mr. Garrison d that Mr. Shaw, the former ctor of the New Orleans ade Mart, Lee Harvey Osld and a one-time airline ot, David W. Ferrie, conred in New Orleans in Sepber and October of 1963 to assassinate Mr. Kennedy.

Mr. Ferrie died shortly before Mr. Shaw's arrest, leaving

what appeared to be a suicide note, but authorities ruled that his death was from natural causes.

In the months after Mr. Shaw's arrest, Mr. Garrison said on several occasions that the conspirators included agents or former agents of the United States Central Intelligence Agency.

The Shaw trial has been subjected to numerous delays as Mr. Shaw's lawyers have sought unsuccessfully to have the charges dismissed or to have

the case transferred from New Orleans to another Louisiana city. The charges against Mr. Shaw, who has been free under \$10,000 bond, are under Louisiana laws.

Temple U. Given an Estate

PHILADELPHIA, Jan. 17 (AP)

—Temple University announced Friday that it has been given "Sugarloaf," the 30-acre Chestnut Hill estate of the late Albert M. Greenfield, real estate man and financier who died Jan. 5, 1967.

Figures in JFK Tragedy Still

By Hugh Aynesworth
Newweek Feature Service

DALLAS—The assassination of John F. Kennedy brought unearned fame to as varied a collection of human beings as were ever engulfed in a national tragedy.

Five years later, these figures from history's periphery remain in or near Dallas, five years after the terrible events of Nov. 22, 1963.

Pretty Marina Oswald, the 27-year-old widow of the assassin, has lost her image as the poor little Russian girl—mainly because she's gotten rich. Pitying well-wishers from all over the world have sent her more than \$70,000, and she has grossed at least \$60,000 more by sales of pictures, interviews, her husband's diary and the rifle with which he shot the President.

Writing a Book

Currently, she is suing to make the Government pay her \$500,000 for Oswald's clothes, books and other personal trivia. And she is writing a book which—if ever finished—should become an automatic world best-seller.

Still, Marina seems not to have found happiness. Her second marriage—to a bartender named Kenneth Jess Porter—has been stormy. On one occasion she took her husband to court, charging he had threatened to shoot her. His defense was an attack: he did it, he said, because she left the children—Oswald's two girls and their own baby boy—and was drinking beer at a neighbor's house.

That quarrel was straightened out, but other rather public ones followed, principally over barmaids at the tavern she purchased for her husband.

The police no longer keep track of the callers at her \$25,000 three-bedroom house, but this hasn't made her relations with neighbors much easier. "She doesn't mix much," says one who occasionally has coffee with Marina. "She acts like she doesn't trust anybody and I guess you'd say the feeling was mutual."

Mother of Assassin

In nearby Fort Worth, Marguerite Oswald, mother of the assassin, lives in circumstances considerably improved since her son's death.

Better dressed and housed, noticeably slimmer, she recently summoned a press conference to announce that what she always calls "the Kennedy-Oswald case" now belongs to Richard Nixon and that she expects more progress than was forthcoming from his predeces-



MRS. J. D. TIPPIT
... widow remarried.

sor in proving her son's innocence.

Still a formidable saleswoman, Marguerite has auctioned off letters, clothes, school pictures and many other possessions of her son's, but always, she says, to finance her investigations.

Some day she may sell the very tombstone of Lee's grave.

"If it was necessary to sell the stone to continue my work, then I'd do it," she says. "After all, I have to survive."

'It Belongs to Me'

"I've just had an offer for it," she calmly explained, "and the way I figure, it belongs to me, not to that tramp."

Even for a mother-in-law, even for a former mother-in-law, Marguerite's view of Marina seems harsh. Once she turned up at the office of Marina's lawyer to demand the belt Oswald was wearing when captured.

No happy endings seem in sight, either, for the third widow in the case, Marie Tippit, whose husband was the Dallas police officer shot to death while questioning Oswald. She, too, has become a wealthy woman since the tragedy.

Some \$700,000 was sent to her by sympathetic Americans, and it has been split among her three children and herself and invested in trust funds now worth more than \$1 million.

But the Tippit house remains as modest as ever, with the furniture as shabby as it was five years ago. She still goes to the same beauty shop, where she and her teen-aged daughter get their hair washed and then go home to apply a Toni.

And the Dallas police, who rallied to her after the assassination, were miffed when she contributed only about \$4000 to the Police and Firemen's Fund.

Dissension in Home

Marie Tippit, 40, is now married to Harry Dean Thomas, a Dallas police lieutenant, but there has been dissension in the home, principally on account of her weight-lifting oldest son, Alan. Reportedly, he has beaten up his stepfather, and not long ago he was involved in an attempted robbery in which a companion was shot to death.

Marie had one rather unpleasant meeting with still another widow in the case—Helen Markham who witnessed the shooting of Tippit, was first to his side and cradled the dying officer's head in her arms.

"She acted like she thought she was better than me," says Helen. "Guess that's what money does to some people. She got real snotty once and asked me if I knew her husband before. That really teed me off—and I told her so."

Married to Blind Man

Helen Markham is one key peripheral figure in the assassination who has not improved herself financially. Now married to a blind man who operates a concession stand in a Dallas post office, she's still a



HELEN MARKHAM
... no better off.

lunchroom waitress, still struggling to bring up her five children, still without a phone or an automobile. Yet she has refused several

chances to s longings—in poena that Washington.

"I've always est living for God willing, it'll continue "I don't want kind of mon

Oswald wa police in a First to react trolman N. who was sut moted to det ary has incre to \$812 per otherwise he rewarded—ex lifetime mem local Playboy

But McDon ficers, who wrestle Oswald sion, still re



MARINA OSWALD AND HUSBAND

Q. What has happened to Marina Oswald, widow of Lee Harvey Oswald? Where is she living? What is she doing? Are her children with her?—J. R. W., Silver Spring, Md. W.P. Nov 68

A. Marina Oswald married a divorced electronics worker, Kenneth J. Porter, in June, 1965. Porter now operates a tavern in Dallas, Tex., where he lives with Marina, Oswald's two daughters, and an infant son born July 3, 1966.

Mother of Oswald Seeks

\$25 Million in 5 Suits

W.P. 11 Jan 69
FORS WORTH, Tex., Jan. (AP)—Five libel suits for \$5 million each were filed yesterday by the mother of accused presidential assassin Lee Harvey Oswald against a congressman and several pressmen and publishers.

The Federal court suits Marguerite Oswald claims the defendants made false and leading statements about her and her son, who was shot by the Warren Commission as the rifleman who shot President John F. Ken-

ne. The suits also name Republic of Ford (R-Mich.), with Johns R. Stiles and Schuster, Inc. Ford is a member of the Warren Commission and wrote a book about its probe of the Kennedy assassination Nov. 22, 1963. The other four libel suits

are against these persons and groups associated with books or magazine articles about the assassination: Jim Bishop and Funk & Wagnall Co.; Stephen White, the McMillan Publishing Co. and Columbia Broadcasting System; Jimmy Breslin and the New York Magazine Co.; William Manchester, Harper & Row, Publishers, Inc., and Cowles Communications, Inc. Mrs. Oswald's suits assert some of the publications exposed her "to hatred, contempt and ridicule."

und Dallas

THE WASHINGTON POST

Sunday, Nov. 24, 1968

A 5



MARGUERITE OSWALD
... sells memorabilia.

he alone was singled
s the assassin's captor.
ct, five Dallas police-
went so far as to seek
ryer to find out what

could be done legally to get
some of the credit.

Memento of Capture

McDonald, now 40 and still bearing a thin, two-inch scar on his cheek as a memento of the capture, shrugs off the attitude of his brother officers. "I just let it ride," he says.

Ruth Paine, 36, the gentle Quaker lady who shared her house with Marina and the children at the time of the assassination, has not seen them "in three or four years . . . It became clear to me that she did not want to keep up the friendship."

Reunited with her husband—from whom she was separated in 1963 — she now teaches pre-schoolers in an interracial Montessori school. The knowledge of Russian, acquired during



MARINA OSWALD PORTER
... has gotten rich.

long chats with lonely
Marina five years ago, is
slipping away.

"I'm thinking of taking up
Spanish," she says. "Per-
haps I should have done
that in the first place."

A BOOK FOR TODAY

2 More on Kennedy Assassination

By SHIRLEY ELDER

SIX SECONDS IN DALLAS.
By Josiah Thompson. Bernard Geis Associates. 321 pages. \$8.95.

ACCESSORIES AFTER THE FACT. The Warren Commission, the Authorities and the Report. By Sylvia Meagher. The Bobbs-Merrill Co. Inc. 477 pages. \$8.50.

Evidently it will never end, this speculation over just what happened in Dallas that sunny November day more than four years ago. Did Lee Harvey Oswald, acting alone, assassinate the President of the United States? The Dallas police said

no. A special commission, named by the new President and headed by the Chief Justice, said so. CBS said so. An erratic nightclub owner named Jack Ruby apparently thought so—and wiped out the No. 1 witness, Lee Harvey Oswald himself.

But many others have disagreed and have spelled out their disagreement under such accusatory titles as "rush to judgment," "whitewash" and "inquest."

These latest two studies of the Kennedy assassination do not, as their publishers claim, prove anything. But they do raise serious questions about the Warren Commission that should be answered, perhaps, as Miss Meagher suggests, with a new and thorough investigation by the Federal government.

Hard on the Report

The most important distinction between the Thompson-Meagher books and some earlier efforts by others to debunk the Warren Commission's finding is that these are, indeed, studies. Miss Meagher, unlike some 200 million other Americans, actually has read the 26-volume Warren Report and corrected its first major omission: she prepared an index that has served as an invaluable guide for other scholars. She is hard on the Warren Report. The observation is typical:

"It must be said," Miss Meagher writes of the Report, "that it resembles a tale told for fools, full of sophistry and deceit, signifying capitulation to compromise and the degradation of justice by its most eminent guardians." In very readable style, she goes on to support that charge in detail. There was no defense allowed Oswald, though dead; only witnesses supporting the preconceived conclusion that a single assassin fired the shots were heard with credibility; leads were not checked out; stories were not verified; preliminary investigations were not followed up—in short, it was a botched-up job.

Miss Meagher examines the correlation, or lack of it, bet-

ween the Warren Report and the volumes of hearings and exhibits and concludes there is a "powerful presumption of (Oswald's) complete innocence of all the crimes which he was accused."

Thompson's Line

Thompson, a young philosophy professor from Haverford College, took a different tack and arrived at very nearly the same conclusion. It is quite possible, Thompson said, that during the shooting Oswald was where he said he was, on the first floor of the Texas School Book Depository building.

Thompson studied all available photographs of the assassination scene, not just the famed Zapruder film, but every thing. Interestingly, he found that the Warren Commission's copy of the Zapruder film was blurry and shockingly inferior to Life magazine's original.

But he found more. He found that there may have been two persons, neither of them Oswald, in the book building's sixth floor window—where the shots came from. He found that there may have been four shots fired, not three, and that they could have come from three persons, not one.

Thompson presents intriguing bits of evidence never pursued by the Warren Commission, or brushed aside as irrelevant. Take, for instance, the Commission's "single bullet theory." The Warren Com-

mission concluded that one bullet pierced the President's neck and then ricocheted through Gov. John Connally's body, smashing his forearm and wrist as it left. Tests show that much less resistance than a bone would crumple such a bullet. But this one emerged—if the Warren Commission is correct—nearly perfect. Thompson, in a rare bow to sarcasm, calls it the Superbullet.

Some Questions

But there's more:

Who, for instance, was the man in the light coat seen leaving the book building shortly after the shooting? Not Oswald. Oswald was then getting into a cab some blocks away. The mystery man ran down an incline and got into a car driven by someone with a dark complexion. A similar car, maybe the same one, was seen by other witnesses and described as slightly suspicious.

Also, there was the man pacing back and forth behind a fence who—Thompson speculates—could have been a third gunman who fired the fourth shot, the shot that ripped through the President's head. Then, there was the umbrella man. First his umbrella was open, then closed. A signal? A hidden gun?

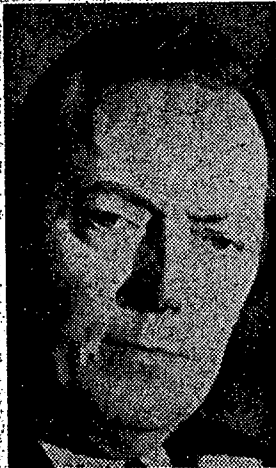
Admittedly, one could speculate that all Thompson's speculations are nonsense. But he raises too many questions to be dismissed so lightly.

Garrison Left Army as Unfit

in point of military duty of a moderately incapacitated civilian adaptability. His illness existed long before his return to active duty July 24, 1951, and is of the type that will require long-term psychotherapeutic approach, which is not feasible in a military hospital.

The report said psychotherapy for Garrison was begun in October, 1950, by a psychiatrist on the staff of the Louisiana State University Medical School in New Orleans. At that time Garrison was a civilian.

Later National Guard records show that Garrison's psychiatric treatment continued for a total of 4½ years. Since last February, Garrison has claimed that he has lived the Kennedy assassination as done by a group of persons working as part of a plot with Lee Harvey Oswald, the Warren Commission's assassin.



JIM GARRISON
... discharge revealed

cluded that Oswald acted alone.

Garrison has arrested Clay Shaw, a retired New Orleans business man, who he claims is

the mysterious "Clay Bertrand" of the assassination probe. Earlier this week he issued a warrant for the arrest of Edgar Eugene Bradley, 49, a field representative for Carl McIntire, an East Coast evangelist. Both deny any connection with the case.

Garrison served five years in the Army in World War II. In July 1951, after a short stint with the FBI, he volunteered for active duty for the Korean war. He states in his medical record that he became aware that he "just couldn't make it" after the first day of training and reported for sick call. He was confined to quarters for two weeks, then hospitalized at Fort Sill, Okla. He was transferred to the Brooke Army Hospital on Sept. 16, 1951, and was given a medical discharge for physical disability in October.

A physical evaluation board at Brooke recommended 10 per cent permanent disability. It said the cause of the incapacity was "chronic anxiety reaction manifested by hypochondriasis; chronic exhaustion syndrome . . . and psychogenic allergic manifestations."

Of Mental Origin

Psychogenic means having a mental origin. The Medical Board said Garrison then had "a rather bizarre allergic response to lint, especially wool lint." It said he could not wear undershirts or rough cloth. It said that if he did he choked up, had air hunger, and sometimes suffered hives.

The Medical Board listed details of Garrison's exhaustion syndrome. It said it started while he was in law school after the war. It said that even after Garrison started to work for a law firm he could only work half a day.

Garrison's records in the National Guard Bureau in the Pentagon disclose that he was under the care of Dr. Robert Matthews after his 1951 discharge. Dr. Matthews then was a neuro-psychiatrist on the LSU staff. The records show the treatment continued until Garrison applied for re-entry into the National Guard in April 1955.

On a form 89 in his National Guard records, Garrison, in his own handwriting, stated that the "psychiatric matter" had been cleared up. To a question asking whether he had ever been under the care of a physician, Garrison listed Dr. Matthews. The records also contain a letter from Dr. Matthews.

Dr. Matthews, who left LSU

shortly after Garrison re-entered the National Guard, was killed in an automobile accident in 1961.

Garrison's army records do not show that he applied for disability pay.

Discharged from Both

National Guard records show that Garrison was relieved from active duty on Oct. 31, 1951, and was discharged from both the National Guard and the Army, effective Jan. 9, 1952. Garrison first entered the National Guard in 1938. He applied for re-entry in 1955 while he was an assistant district attorney.

On April 19, 1955, based on a physical examination in New Orleans and details of his therapy, the Army Surgeon General ruled he was again physically qualified for the National Guard. On April 22, 1955, Garrison was given a waiver of his history of separation from the Army. The waiver was signed by the Army Surgeon of the National Guard and was based on the findings of the Army Surgeon General.

National Guard officials in the Pentagon explained that Garrison had to have his case reviewed by the Army Surgeon General because of his illness.

Garrison took his re-entry physical in New Orleans. It was given by the medical detachment of the 935th Field Artillery Battalion. Garrison re-entered the Guard as a captain with the 935th Field Artillery in New Orleans. He became a major on July 14, 1959, and a lieutenant colonel on May 11, 1964.

On Feb. 13, 1967, shortly before he resigned from the Guard, Garrison asked for a transfer to the Judge Advocate General's Corps in Washington. Upon his resignation he asked to be placed in the army reserve with a mobilization position in the Advocate General's office.

The Army Reserve refused to comment on the request.

Garrison's Effort to Subpoena Kennedy Photos Faces Hurdles

Archives, Citing Proviso Set by Family, Opposes Use of Assassination Items

Special to The New York Times

WASHINGTON, Jan. 10—The first legal test of the Government's shield of secrecy surrounding the death photographs of President Kennedy has begun in the courts here.

Harry R. Van Cleve Jr., general counsel of the General Services Administration, parent agency of the National Archives, said today that the Archives expected to resist efforts by District Attorney Jim Garrison of New Orleans to subpoena the items.

The 65 X-rays, black-and-white photographs and color transparencies that were taken during the autopsy at Bethesda Naval Hospital were not included among the evidence presented to the Warren Commission, which investigated the assassination.

Instead, the items were given by the Secret Service to the Kennedy family, which donated them to the Archives on the condition that no one but Federal investigators be permitted to see them until Oct. 29, 1971. The family cited reasons of tax or specifying that no one but medical experts and scholars be permitted to see them after that time.

Ordered to Appear

Yesterday, Van Cleve was served on James B. Rhoads, Archivist of the United States, to appear in General Sessions Court there to answer Mr. Garrison's demand that the articles be made available as trial evidence. Mr. Garrison asked that Mr. Rhoads be required to testify in the trial of Clay L. Shaw, a New Orleans businessman who is scheduled to go on trial on Jan. 21 on charges of conspiring to assassinate President Kennedy.

In his petition, Mr. Garrison contended that the X-rays and photographs would show that the President had been struck by bullets from at least two directions and that the fatal head wounds had been caused by bullets fired from the front. The Warren Commission con-



District Attorney Jim Garrison seeks use of photos.

alone shot at Mr. Kennedy, firing from the rear, when the assassination occurred in Dallas on Nov. 22, 1963.

Mr. Van Cleve said in an interview today that several writers and others interested in the assassination had demanded to be shown the items, despite the conditions in the agreement between the Archives and the Kennedy family.

According to Mr. Van Cleve, some of these individuals threatened court action, asserting that the Kennedy family had no legal right to restrict access to the X-rays and photographs since they were taken by Navy personnel, using Government equipment and film.

The hearing on Mr. Garrison's motion, which is set for Jan. 17, could produce the first court test of this question. However, one Government source hinted today that the Justice Department might assert that the reciprocal interstate witness law under which Mr. Garrison is seeking the items applied only to witnesses and not to physical evidence.

Mr. Van Cleve said that the United States Attorney's office here would determine trial strategy, but that he expected the Government to resist the effort to undermine agreements between donors and the Archives.

David G. Bress, United States Attorney for the District of Columbia, said his office has not yet decided what its response would be to Mr. Gar-

Man Sought By Garrison Aided Revolt

NEW ORLEANS, La., Jan. 4 (AP)—Thomas Edward Beckham, 27, sought by New Orleans District Attorney Jim Garrison as a material witness in the assassination of President Kennedy, said today he had helped raise funds for Cuban revolutionary forces in New Orleans in 1962. Beckham said he aided Sergio Arcacha y Smith of Dallas in raising funds by obtaining collection cans and designing a label for the cans. Garrison issued a subpoena for Beckham Friday. Beckham said he is staying in friends' here after moving from Omaha Friday to avoid extradition to New Orleans. Iowa is not a member of an interstate pact under which persons wanted for investigation may be subpoenaed. Beckham, who lists himself as a bishop of the Universal Life Church and entertains in western music under the name of Mark Evans, said the fund-raising took place while he was working as a "priest" in the Catholic Church in Omaha.

Oklahoman Subpoenaed By Garrison

NEW ORLEANS, Jan. 4 (AP)—District Attorney Jim Garrison subpoenaed an Oklahoman, James Hicks, today as his fourth recent "material witness" in his controversial probe into the assassination of President John F. Kennedy. Garrison's office said Hicks is a civil service employe at Vance Air Force Base, Enid, Okla. A spokesman for Garrison said the District Attorney had information that Hicks was present at the scene of Mr. Kennedy's assassination Nov. 22, 1963, in Dallas. He added that the Warren Commission did not list Hicks as among those present. Hicks, according to Assistant District Attorney Richard V. Burnes, may have pertinent information about persons who may have been involved in a conspiracy to murder the President. Burnes added that Hicks also may have "pertinent information about the planning and execution of the assassination." Last week, Garrison subpoenaed three other men—Loran A. Hall of Kernville, Calif.; Lawrence J. Howard Jr. of Los Angeles; and Thomas Beckham of Omaha, Neb.—to appear before the Orleans Parish grand jury that is probing the assassination.

Oswald Buddy Is Summoned By Garrison

NEW ORLEANS (UPI)—Dist. Atty. Jim Garrison has issued a perjury warrant for a Marine Corps buddy of Lee Harvey Oswald, accusing him of lying when he said he never saw Oswald after he left the Marines. Kerry Thornley of Tampa, Fla., a part-time author who once testified before the Warren Commission, appeared before the Orleans Parish (county) grand jury Feb. 8. The grand jury has been investigating for months Garrison's contentions that Kennedy was killed in Dallas Nov. 22, 1963, as the result of a conspiracy hatched in New Orleans the previous summer. "In September 1963 Kerry Thornley was closely associated with Lee Oswald at a number of locations in the city of New Orleans," Garrison said. "To say Mr. Thornley failed to tell the whole truth and that there was not the slightest effort to elicit from him the whole truth (before the Warren Commission) is an understatement." Thornley told reporters after his appearance before the grand jury the last time he saw Oswald was in June 1959. Thornley is the second Warren Commission witness Garrison has charged with perjury. The first, attorney Dean Andrews of New Orleans, was convicted last year and is now appealing the conviction.

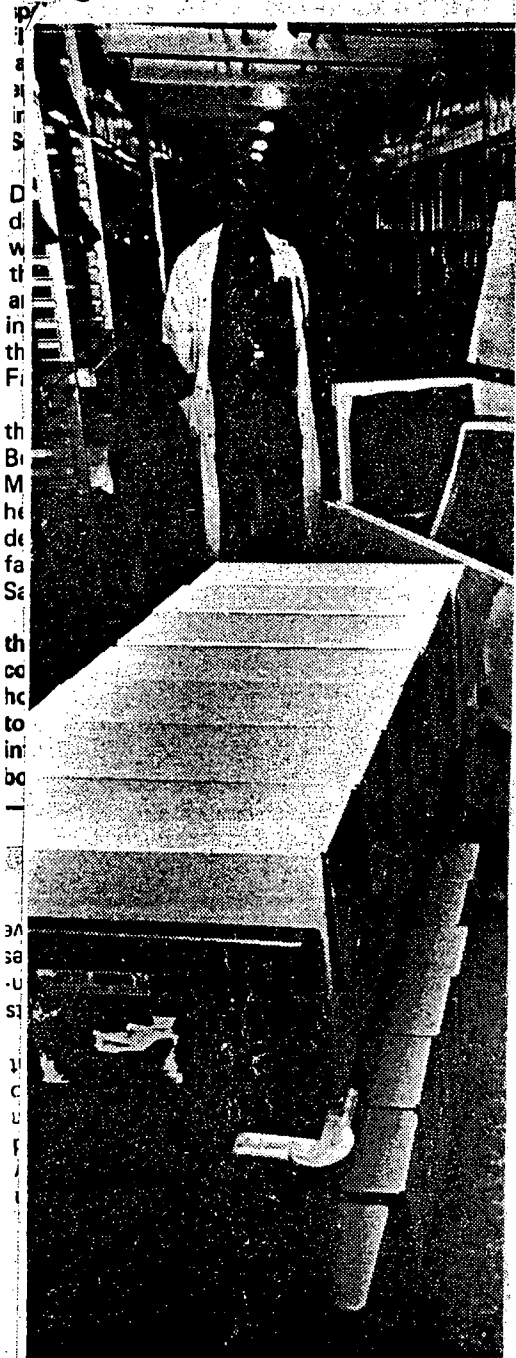
GARRISON

NEW ORLEANS—A close Marine Corps friend of Lee Harvey Oswald was subpoenaed yesterday by District Attorney Jim Garrison in his probe into an alleged plot to assassinate President Kennedy. The subpoena was issued for Kerry Wendell Thornley, formerly of New Orleans and now living in Tampa, Fla., who had been questioned closely by the Warren Commission about his Marine Corps life with Oswald, but not about their contact here in 1963. Garrison said he wants to explore that period, and that his office had established that Thornley was seen with Oswald in the French Quarter before Oswald's final departure in September, 1963. The Warren Commission concluded that Oswald acting alone shot President Kennedy in November, 1963. The subpoena grants Thornley immunity from arrest for offenses arising out of the probe.

OSWALD LETTERS TO BE SOLD HERE

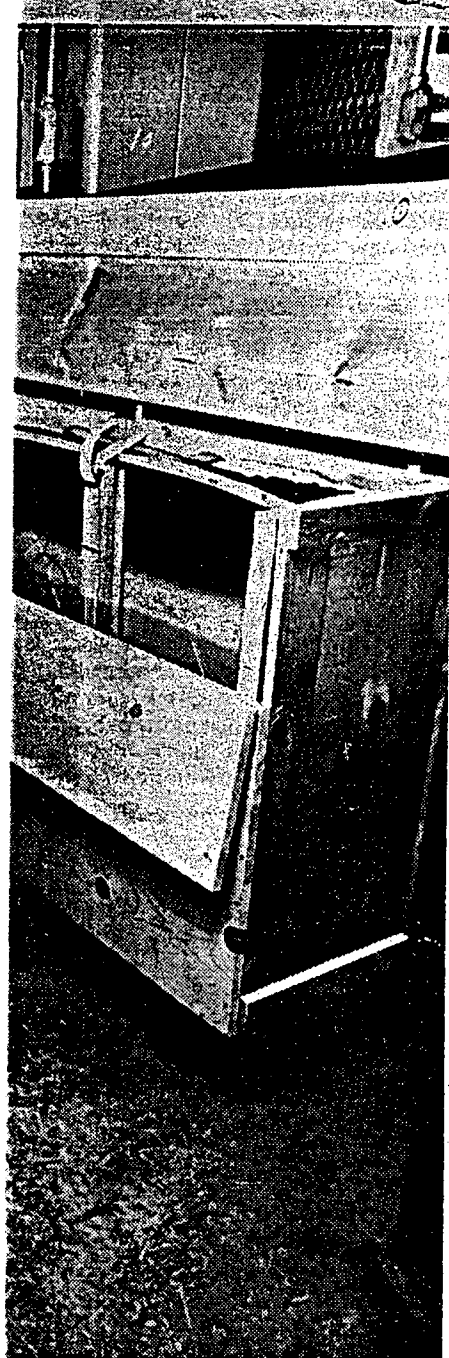
MSS. Lead Week's Auctions—Ceramics Also Listed. N.Y.T. 3 Mar 68. Collectors of Americana—both modern and historical—will find items of interest in this week's auctions. Two letters that Lee Harvey Oswald wrote to his mother, Mrs. Marguerite C. Oswald, from the Soviet Union in 1961, which were never seen by the Warren Commission, will be in an auction Thursday at 7:30 P.M. at the Waldorf-Astoria Hotel. Mrs. Oswald is selling the letters to raise funds for an independent investigation of the assassination of President Kennedy. The letters and envelopes will be offered separately. The sale arranged by the Charles Hamilton Galleries here, also includes a Civil War letter signed three times by President Lincoln, the only triple signing by a President known. The letter, which endorses the nomination of Capt. Symmes Gardner as assistant quartermaster to the Senate, was sent to the Secretary of War, Edwin M. Stanton, in 1862. Other items to be offered are three unpublished Ernest Hemingway typescripts of adaptations of short stories for stage readings that were never given, and a rare letter by Brendan Behan from Liverpool Prison that includes the phrase, "Your letter was as good as a pint to me." MSS. by 3 Presidents. Sales are picking up in number, interest and variety at the Parke-Bernet Galleries, 980 Madison Avenue (76th Street), after the slack period that often follows the midwinter holidays.

The 10 unanswered q



Memories of a tragic moment frozen in his bullet-shattered windshield of President Kennedy's limousine carefully preserved in the J.C. Examiner Archives. Continued from page 1

Now New Orleans District Attorney Jim Garrison has charged retired businessman Clay Shaw with conspiracy to assassinate President Kennedy. He accuses the Federal government, particularly the Central Intelligence Agency, of withholding vital evidence in order to impede his case. The conspiracy theory directly contradicts the commission findings. Critics promptly sprang up against Garrison, although none could know precisely what evidence he might have. Little noticed was the fact that a three-judge court in New



Examiner staff photo

... FBI investigation reports and the y's limousine carefully preserved in the 26 Nov 67 are not allowed the X-rays and photos when they testified before the commission, although they emphasized it was impossible to discuss the case coherently without them. Critics believe most of the mystery about the assassination could be cleared up by an expert and discreet study of this evidence. The evidence IS being withheld—but not by the government. Somehow the Kennedy family got hold of the X-rays and photos, and eventually turned them in to the Archives. However, the family deduced these findings, which allowed them to lay down restrictions against anyone inspecting the mate-

for instance, to see them. There now seems no doubt that the Warren Commission bungled its assignment to present the truth about the assassination to the American people. However, the evidence is that this was due to incompetence rather than any murky plot.

The Commission started with a pre-conceived conviction—also the easiest that Lee Harvey Oswald was a lone assassin who fired three shots that killed President Kennedy and seriously wounded Texas Governor John Connally. The commission found Oswald then killed Dallas policeman J.D. Tippit in his attempted getaway, and a strip joint operator Jack Ruby killed Oswald at the Dallas jail.

It took some doing to make this theory stand up. New York Medical Examiner Frederick I. Helfpern, the greatest authority in the field of forensic (legal) medicine, says the commission's twisted reasoning was unnecessary. The President was hit by two shots, Connally one. Yet even this expert's explanation does not explain a fourth shot missed.

So the crime lives on. Ten major unanswered questions about the assassination remain to haunt all who were connected to that tragic event:

1. Was there a conspiracy to kill President Kennedy?

The commission did not, contrary to the popular opinion, say there was NO conspiracy. It was unable to find any evidence of a plot. New Orleans prosecutor Garrison charges there was a conspiracy involving Castro fanatics who had been under military training by the CIA.

2. How many shots were fired?

This question never can be answered. Three empty shells were found on the floor of the Texas School Book Depository where Oswald supposedly lay in wait. However, a fourth shot missed and has never been satisfactorily accounted for. Two doctors who attended Kennedy testified, in words of one, "death was due to a gunshot wound in the left temple." This would mean more than one assassin.

3. From where were the shots fired?

The commission said all came from the sixth floor of the Depository. Garrison says there was a "crossfire" from several angles. He bases this partly on belief that the President's throat wound was an entry wound which would mean Oswald was not alone and the doctor's testimony on the gunshot wound in the left temple.

4. Was Oswald the assassin?

The commission's finding that he was the lone assassin was based on a mass of circumstantial evidence. No one SAW him shoot the President. Garrison claims Oswald was a decoy for the real killers.

5. Was Oswald the only assassin?

The Warren Commission thought so. Critics charge the panel started with a pre-conceived notion that Oswald was the

estions

but excused the investigators as being only human in unconsciously rejecting anything that didn't support their preconceived belief. Garrison maintains there were several gunmen—and that he'll prove it.

6. *What were Oswald's motives?*

The commission confessed it couldn't answer this one. Garrison also is not too clear on why he thinks Oswald was part of an anti-Castro conspiracy that turned on Kennedy for halting all attempts to recapture Cuba from the Communists.

7. *What was Jack Ruby's motive for killing Oswald?*

The commission glossed over Ruby because his murder case was in the courts. In this sense, the commission never actually finished its work on the assassination. Garrison says Ruby was part of the New Orleans-hatched conspiracy and killed Oswald to silence him.

8. *What is all the confusion about the autopsy?*

Because Dallas doctors extended Kennedy's throat wound to place a breathing device, the Navy doctors who conducted the autopsy were confused as to the path of the bullet wound in his back. Medical experts say only that the photos withheld by the Kennedy family might resolve this major question—whether the President's throat wound was one of entry or exit.

Dr. Helpert, probably the greatest authority on such autopsies, says simply that the Navy doctors were not qualified for the job and didn't even know how to properly track a gunshot wound. Between the Dallas and the Navy doctors, confusion reigned, but not conspiracy.

9. *What about all those involved in various degrees with the assassination story who have died since 1963?*

Texas newspaperman Penn Jones has made himself an expert on this score, seeing skull-duggery in the deaths of as many as 18 persons. If the assassination hadn't been involved, the mystery would dissolve. Among the suspicious deaths he counts Dorothy Kilgallen, newspaper columnist, who died of a lethal combination of alcohol and barbiturates. This is a common accident, no mystery.

10. *What evidence does Jim Garrison have that Clay Shaw and others were involved?*

The prosecutor isn't saying, as it would jeopardize his case in court, but one unusual fact is known. In the address books of both Oswald and Shaw was the same five-digit number. It's not clear what Oswald's notation referred to, but Shaw's was a Post Office Box of one Lee Odum of Irving, Texas—where Oswald had lived. Odum has, at last reports, vanished.

Shaw's case is expected to come up early next year. Meanwhile, the critics keep turning out new money-makers, four new books this month alone. Some observers believe the Kennedy assassination, like that of President Abraham Lincoln, will never be settled conclusively.

... Orleans refused to accept the Warren Report on grounds it was "hearsay six and seven times removed." And a grand jury found no wrong in the much-criticised methods of prosecutor Garrison.

Also overlooked by critics was the fact that much material presented to the Warren Commission never was accepted for the 26 volumes of evidence and testimony. This additional material is in the Archives and is "classified." There is no way of knowing whether any of it is worthwhile.

Garrison and the "buffs" may not know it, but the Archives has declassified most of the previously secret evidence in its hands. The new inventory shows no grounds for suspicions that vital evidence is being withheld by the Archives—with one exception.

The published testimony of Mrs. Jacqueline Kennedy carries a curious line of censorship: "Reference to wounds deleted." Critics look darkly on this, reasoning that if she wasn't too upset to discuss the President's wounds there couldn't be any reason to withhold this testimony unless it contradicted the Warren Commission's conclusions.

The Archives holds the position that the deletion should stand as a matter of "good taste." This seems curious in view of the graphic autopsy reports, for example, which were published.

A serious and true charge, from Garrison well as others, is that the most vital evidence of all is deliberately being withheld: the X-rays and photos taken at President Kennedy's autopsy at the Naval Hospital in Bethesda, Md.

The doctors who performed the autopsy

the evidence in the first place as well as to their refusal to allow prosecutor Garrison,

killer—then tailored evidence and testimony to fit. Some pro-commission students agree



Previously unpublished photo shows C (arrow) and others looking or moving toward knoll in background.

Unpublished after President Kennedy was assassinated

U.S. Quartet Barred At Soviet Festival

Wash Post 13 May 67

TALLINN, U.S.S.R., May 12 (AP)—The Charles Lloyd Quartet, an American Negro jazz group, was barred tonight from the stage at the first big international jazz festival in the Soviet Union.

"We are not second-class citizens," Lloyd muttered as he led his group out of the Sports Palace in this capital of Soviet Estonia.

Lloyd told an American newsman. "We came in the spirit of peace, harmony and love to play our music. Our music is universal. It transcends political boundaries. The situation is all very strange."

Lloyd paid his own way to Tallinn. Some of the festival organizers, unable to get official backing for an appearance by the Lloyd group, invited them to come as tourists and hoped to work the Quartet into the festival program.

The Americans were told instead that they would be taken to a television station to tape a program for broadcast later. But they were taken to the empty Sports Palace. Officials apparently wanted to film Lloyd against the festival background without allowing him to play before an audience.

Albert Oswald
Route 5 Box 140
Malheur
Or.
W.S. Oswald
136 ELMEER ST
MCKINNEY
W. Oswald
1009 SIERA LN
DENTON
TEXAS

O B N P Moscow
O.V.I.R.
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Associated Press
CODE—Arrow points to code in Oswald's notebook that Garrison says is Ruby's unlisted phone number.

Garrison Links Jack Ruby to Oswald

Wash Post 13 May 67

NEW ORLEANS, May 12 (AP)—District Attorney Jim Garrison said today Jack Ruby's unpublished telephone number appears in code in addressbooks belonging to Lee Harvey Oswald and Clay L. Shaw.

Garrison told Criminal District Court his investigators broke a telephone number code used by both Oswald and Shaw, a retired New Orleans executive accused of conspiring to murder President Kennedy.

In Detroit, Ruby's brother, Earl Ruby, asked about Garrison's announcement, said: "I don't believe it."

He said he didn't believe Jack Ruby had an unlisted telephone number. "I didn't know about any such listing for him and I believe he would have told me," Earl Ruby said.

Garrison's statement came in answer to motions by

Shaw's attorneys asking the return of Shaw's address book, which was seized March 1 along with five cartons of materials from Shaw's handsome French Quarter home.

Garrison said Shaw's address book "contains a unique address which exists also in the address book of Lee Harvey Oswald, as printed in the Warren Commission exhibits Volume XVI, Page 58."

He said both notebooks contain the same Dallas postoffice reference, "P.O. Box 19106."

"What makes even more significant this interesting concurrence of address is the fact that in 1963 there existed no such postoffice box number in Dallas," Garrison said.

"The fact is that P.O. 19106 has been found to be a coded description of an unpublished phone number in Dallas, Tex., in 1963," the District Attorney said.

[A photo copy of the Shaw

entry clearly showed what Garrison said it did, UPI reported, but the copy of the Oswald entry, which was carried in the report of the Warren Commission, shows the number 19106 preceded by two letters which are difficult to make out.

[While they could be taken for the English letters "P" and "O" they could also be taken for the Russian letters "A" and "D," "P" or even the Russian character which translates into English as a "T-S" sound.

[Many of the entries in Oswald notebook are in Russian.] Garrison, in his answer to the defense motion, said that with many five-digit numbers found in Oswald's notebook, the order of the letters A B C D E is transposed, for the purpose of coding, to A E B D C.

Referring to the prefix tele-

phone exchange letters, Garrison said:

"Oswald invariably uses the dial of the telephone as conversion machinery to convert letters into numbers and back again. He systematically adds the number values resulting in a sum which can be later broken down into the real exchange listing."

By using the telephone dial for conversion of letters to numbers, Garrison explained, the letters "P. O." becomes the digit 13. The only exchange which the number 13 converts to in Dallas, he said, is Whitehall.

The postoffice box number found in the Shaw and Oswald address books, 19106, when unscrambled, becomes 16901, Garrison said. By subtracting 1300 from 1-16901, he added, the result is 1-5601.

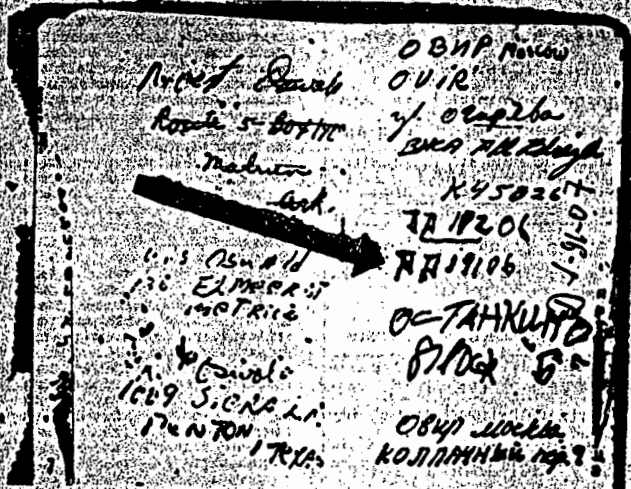
Garrison said Ruby's unpublished telephone number at Dallas in 1963 was Whitehall 1-5601.

RAVE

Garrison Says 'Code' Links Oswald, Shaw, Ruby

NEW ORLEANS (AP) — For Clay L. Shaw in conspiracy in the assassination of President Kennedy, Jim Garrison is the "old shell game" clues. Garrison had not copy of his pleadings and "all that we what we read in the ers on claims Shaw, the id W. Ferrie and Lee Oswald, who was shot by Jack Ruby two after Kennedy was onspired to assassi- President.

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Criminal District
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This is a portion of Lee Harvey Oswald's notebook published by the Warren Commission. New Orleans Dist. Atty. Jim Garrison interprets the notations indicated by the arrow as PO 19106.

tion, said it found no connection between Oswald and Ruby. Garrison said the code yielded a strong clue that both Shaw and Oswald had set up some communication with Ruby.

which Garrison interpreted as including a notation "PO 19106." And, said Garrison, a notation in a booklet seized in Shaw's home, read "Lee Odom, PO Box 19106, Dallas, Tex."

The Warren Commission was nothing significant about Oswald's notebook, but that Lee Odom was a th...

ness associate Shaw met in 1965 and the "PO Box 19106" referred to Odom's business address in Dallas. The defense attorneys viewed the similarity in numbers as a coincidence, and not a clue.

Awaiting Trial

But Garrison said that number was not an address, that there was no such post office box in Dallas, and that it actually was Ruby's telephone number disguised.

Garrison said that with many five digit numbers found in Oswald's notebook, the order of the letters A B C D E is transposed, for the purpose of coding, to A E B D C. Garrison said a reverse process is used in unscrambling.

Telephone Dial

Referring to the prefix telephone exchange letters, Garrison said:

"Oswald invariably uses the dial of the telephone as conversion machinery to convert letters into numbers and back again. He systematically adds the number values resulting in a sum which can be later broken down into the real exchange listing."

By using the telephone dial...

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Garrison said Ruby's unpublished telephone number at Dallas in 1963 was Whitehall 1-5601.

The district attorney said Oswald used two standard numbers in coding numbers in his address book. These numbers were 1300 and 4900, he said.

Shaw, retired New Orleans businessman, is awaiting trial on the conspiracy indictment. He has pleaded not guilty. His lawyers said yesterday Garrison had told the newspapers about his code theory before advising them.

Garrison's statement came in answer to motions by Shaw's attorneys asking the return of Shaw's address book which was seized March along with five cartons of materials from Shaw's hand...

Professor Says 3 Snipers Killed JFK

W.P. 16 Nov 67
A new assassination theory, suggesting that three snipers were involved in President Kennedy's murder in Dallas in 1963, is put forth by a Haverford College professor, Josiah Thompson, in a forthcoming issue of the Saturday Evening Post.

Thompson, like many previous students of the assassination, bases his theory on a study of the films made by an amateur photographer, Abraham Zapruder, who recorded President Kennedy's death.

Thompson theorizes that at least three assassins must have been involved because of the brief time that elapsed between the shots and because

of his conviction that at least one shot struck Mr. Kennedy in the front of the head.

The Warren Commission, on the other hand, concluded that Lee Harvey Oswald, acted alone in the murder.

As Thompson reconstructs the assassination, two snipers were stationed in buildings behind the Presidential motorcade in Dallas, while a third was in front of the motorcade on the grassy knoll in Dealey Plaza in Dallas.

The first shot, says Thompson, came from the Texas School Depository Building and struck Mr. Kennedy in the back. The second shot came from a nearby building and struck Texas

Gov. John Connally in the back. The third shot, he speculates, came from the School Depository and struck Kennedy in the back of the head. A fourth shot, he believes, came from the grassy knoll and hit Kennedy in the front of the head. (The Warren Commission concluded that only three shots were fired, that the first wounded both Kennedy and Connally, that the second shot struck the President in the head, and that the third shot missed.)

Thompson's theory will be set out in greater detail in a forthcoming book. The excerpt being published in the Saturday Evening Post prompted the magazine to declare that the "case is not closed."

JOHNSON-MACMILLAN, Priscilla

From a newspaper article, it appears that Subject (4) wrote up in Harper's of Apr 64, her interview with OSWALD, Lee H., which took place in Moscow in 1959.

In clipping of 2 Jan 65 under Marina OSWALD

By JEREMIAH O'LEARY

THE OSWALD AFFAIR: An Examination of the Contradictions and Omissions of the Warren Report. By Leo Sauvage. The World Publishing Co. 418 pages. \$6.95.

Star 110 of 66
The correspondent for Le Figaro in the United States has two sentiments about the way things are in America that may partly explain his disbelief in the findings of the Warren Commission.

About the U.S. press, he writes: "Personally, I don't see why it should be necessary for a reporter to limit himself to reproducing dispassionately everything said or done as if nothing affected him, leaving all comment to the editorial writers."

About the U.S. concept of courtroom justice: "Americans do have a rather extreme concept of the required impartiality of jurors; foreign correspondents who sat through the selection of the jury in the Ruby trial marveled at the procedure. It seemed to them that the perfect juror would be the village idiot who never read a newspaper, never listened to the radio or watched TV (except soap operas): . . ."

Perhaps this American correspondent might be permitted to observe that Lee Oswald was handled with considerably more circumspection by the Dallas police in connection with the murder of Kennedy than he would have been in Paris. He was not, in fact, charged with Kennedy's murder but with that of Policeman J. D. Tippit. The French people live with the Code Napoleon under which a suspect is presumed guilty until proven innocent.

It is also a fact of life that French newspapers are fairly free in labeling suspects as guilty parties in criminal cases while American newspapers in general adhere closely to the language of warrants, indictments and quoted statements by responsible officials. If Sauvage's theory that U.S. newspapers should speculate

on the guilt or innocence of parties in criminal cases is valid, would that not be even more reason to seek out juries that have not formed any opinion or read that of others about the facts involved?

Sauvage's book, like all the others, demonstrates an incredible facility at hair-splitting.

Item: Sauvage is fascinated by the chicken bones found near the window from which the death shot was fired at Kennedy and believes they could have been left there by an accomplice. But the commission identified the building employe who ate the chicken and left the bones.

Item: Sauvage questions that the rifle allegedly used by Oswald was capable of being fired with accuracy at a moving target in 5 or 6 seconds. But tests at the FBI laboratory proved that such a thing was possible. And it is important to point out again that although three shots were fired, the first bullet clearly could have been loaded and locked long before the target came into view. Therefore, the stop-watch starts with the pulling of a trigger and only two movements of the bolt had to follow the first shot.

Item: Sauvage claims a number of essential witnesses to the murder of Policeman Tippit were never interviewed. But the commission heard 13 witnesses to that slaying, including two eyewitnesses. All identified Oswald.

Item: Sauvage makes much of the idea that since Oswald did not order ammunition when he bought the assassination rifle, it therefore was not a lethal weapon "since an unloaded weapon is not a lethal weapon." The FBI laboratory established that the rifle Oswald bought fired the shots that killed Kennedy and that his palm-print was on the weapon.

It is Sauvage's conclusion that the assassination was the result of a plot by racial extremists, that Oswald was

their instrument and that Jack Ruby was assigned to be Oswald's executioner, possibly by a separate group of plotters.

Any reasonable person is entitled to wonder about genuine mysteries, notably that Oswald died without confessing and that no one saw him fire the shots that killed Kennedy. But it is strange for a Frenchman to find nothing in the evidence to show that Oswald was the assassin and to contend that any uncertainty should be interpreted to the advantage of the accused.

Napoleon would not have liked that idea at all.

I object when the critics depart from challenging evidence and come up with theories of plots that are totally the products of their imaginations. Sauvage is entitled to applause for the skill with which he demolishes the first in the series of critics, Communist-line American expatriate Thomas Buchanan.

It is such a masterful dissection of an irresponsible pipedream that it is difficult to comprehend that the same author (Sauvage) can postulate his own weird theory.

If Sauvage is right, why wouldn't it have been necessary to get rid of Ruby? I know Ruby could have killed Oswald several times on the night of the President's death because I brushed elbows with him several times as Oswald was led in and out of the Homicide Squad. It would have been easier in the turmoil created by the press mob in the hall than it was on the Sunday morning when Ruby did fire the fatal shot.

If Oswald had to be silenced, why would Sauvage's plotters have waited nearly 48 hours? I believe with the Warren Commission that Oswald was the lone assassin because I have read all of the evidence and prefer to accept it, even with its missing factors, to the dreamed-up theories of Sauvage, Mark Lane, et al.

U.S. Seeks to Block Subpoena By Garrison for FBI Agent

By George Lardner Jr.
Washington Post Staff Writer

The Justice Department ordered yesterday for dismissal a subpoena ordering an FBI agent to testify before a New Orleans grand jury about his work in investigating President Kennedy's assassination. District Attorney Jim Garrison quickly assailed the move, arguing that it amounted to "killing the Fifth Amendment," and obtained another subpoena directed this time at the Central Intelligence Agency.

"This isn't going to stop our investigation," the District Attorney declared. "There's no way in the world they can pull it. All they can do is slow it down."

Oswald Photo Sought

The new subpoena orders Attorney General Ramsey C. Clark to produce what Garrison claims is a photograph of Lee Harvey Oswald and a burly man in front of the Cuban embassy in Mexico City in the fall of 1963.

Garrison claimed several months ago to have "solved" the assassination, but in recent days he has been concentrating on charges that the

FBI and the CIA were covering up evidence he needs.

The District Attorney again had no comment on an offer of money and a job made by one of his investigators to a supposed witness — Alvin R. Beaubouef—for testimony in the case.

At a press conference in New Orleans yesterday, Beaubouef's attorney, Burton G. Klein, said Beaubouef "confirms in all details" Newsweek magazine's account of the offer.

Newsweek called it a "bribery attempt" and said that Beaubouef subsequently signed an affidavit disclaiming that interpretation of the offer only in the face of threats from Garrison's office.

Klein said Beaubouef was told he would be shot if he made trouble, or that photographs of him would be circulated "which would put him to shame," United Press International reported.

The 21-year-old Beaubouef had been picked up along with airline pilot David W. Ferrie in 1963 shortly after President Kennedy's assassination on rumors that Federal agents concluded were baseless.

Shortly after Ferrie died in

February, however, Garrison charged that Ferrie conspired with Lee Harvey Oswald and New Orleans businessman Clay Shaw to kill the late President.

Agent Questioned Oswald

The FBI agent Garrison sought to subpoena yesterday was Regis L. Kennedy, who questioned Ferrie and several others in New Orleans in 1963 in the aftermath of the assassination. Oswald spent six months in New Orleans in 1963.

U.S. Attorney Louis C. Lagoy told Criminal District Court Judge Bernard C. Bagert in New Orleans that Kennedy, who is still stationed there, had been ordered not to testify by Attorney General Ramsey C. Clark.

FBI agents, the Justice Department said, traditionally do not testify before state grand juries under long-standing departmental regulations forbidding them from disclosing information to sources outside the Department.

Judge Bagert set a hearing for Tuesday on the Government's motion to quash the subpoena.

Garrison was also reported to have obtained a grand jury



Associated Press

REGIS KENNEDY

... not to testify

subpoena for FBI agent Warren C. DeBrueys, who also investigated New Orleans aspects of the assassination in 1963, but the subpoena was apparently misdirected. The Justice Department said it had no knowledge of it. DeBrueys is now with the FBI in Washington.

Others subpoenaed to testify before the Orleans Parish Grand Jury were Carlos Quiroga, a former Cuban exile leader in New Orleans, and Oscar DesSlatte, a truck salesman who reportedly says he was approached in 1961 by a man named Oswald about buying a truck. (Lee Harvey Oswald was in Russia at the time.)

Garrison Probe Shifts to With Old Name

Wash Post 1/67

NEW ORLEANS, Miss. District Attorney Jim Garrison has been collecting names of people named Oswald for questioning this week.

Julius J. Oswald was subpoenaed to Garrison's office today in the District Attorney's investigation of the assassination of President Kennedy. Oswald refused to answer questions of newsmen as he arrived at the Standard Coffee Shop in New Orleans where Lee Harvey Oswald was briefly employed in 1963.

Yesterday it was Oswald's turn. A sandy-freckle-faced young man was questioned by Garrison's investigators for about 15 minutes.

William Oswald, in told newsmen that he is the uncle, also named William Oswald, who had once recommended Lee Harvey Oswald for a job at Standard Coffee.

The nephew said he never met Lee Harvey Oswald himself, but that his father had, apparently in 1963.

Both William Oswald and his brother, John Oswald, live in the New Orleans suburb of Metairie. Asked if the Oswalds were related to Lee Harvey Oswald, the younger William Oswald stammered, "Well, I don't know, I can't say."

The questioning of Oswalds produced no visible results. Meanwhile, Louisiana officials have been as-

urances that Gordon Novel, m Garrison has been seeking to extradite from Ohio, not be questioned about assassination.

Gov. James Rhodes in the request of Louisiana John J. McKeithen. Garrison has asked for Novel's extradition on the strength of a charge, but Garrison also described the 29-year-old Novel as a material witness in his assassination. Novel formerly operated a night club in New Orleans' French Quarter.

John M. McElroy, assistant the Ohio Governor, wrote McKeithen last week that "persistent press reports" indicated Garrison was really asking Novel's extradition for questioning in the investigation of the President's death.

McElroy suggested McKeithen's extradition request include a statement "expressly claiming" any such motive. Garrison wants Novel's testimony, McElroy said, then District Attorney should Ohio's Uniform Out-of-State Witness Act, which has been adopted by Louisiana.

Under that Act, Louisiana would have to grant Novel immunity from prosecution in order to get him back for questioning connected with assassination.

Garrison termed Rhodes' request "one of the most incredible things I've ever seen. The obstacles they have put in front of us are amazing."

Garrison Seeks to Connect Oswald to Munitions Cache

Even Star, A Mar 67

NEW ORLEANS, La. (AP)—Dist. Atty. Jim Garrison was reported today seeking a possible connection between Lee Harvey Oswald, the accused assassin of President John F. Kennedy, and a group of men involved in a 1963 FBI raid on a munitions cache in Lacombe, La.

The report came after Dante Marochini, 42, the fourth man subpoenaed in Garrison's probe of an alleged assassination plot, spent 90 minutes in the district attorney's office yesterday.

"I don't know what this darn thing is all about," Marochini told newsmen before he entered Garrison's office.

When he emerged, a crowd of newsmen pursued him. He ran away shouting, "What the heck! I know the freedom of the press — but this?"

Missile Plant Worker

Marochini works as a "planning and specifications man" at the Chrysler-Michoud missile manufacturing plant here.

The first report of Garrison's interest in the ammunition seizure came from WDSU-TV which said it had been informed by reliable sources that he was trying to trace the identity of at least one American — not Oswald — who was believed to have been in the group.



DANTE MAROCHINI

Among the items seized in the raid July 31, 1963 at an unoccupied house in Lacombe, about 20 miles north of here, were 20 empty 100-pound bomb casings, 48 cases of dynamite, napalm and firing caps.

The FBI said the explosives were designed for use by persons planning "a military operation against a foreign country with which the United States is at peace."

of the house as William J. Molaney of New Orleans. His wife was quoted in an interview as saying the house had been loaned to a Cuban exile friend she knew only as "Jose Juarez." She said she and her husband had lived in Cuba until 1960 and moved to New Orleans "because Castro made things impossible down there."

Mrs. McLaney was asked last night if Garrison's investigators or anyone else had contacted her recently about the incident. She replied "no" to both questions and refused to say anything further.

Marochini and Oswald once were employed here at the same time by the same coffee manufacturer though in plants a block apart, records show.

Marochini From Brooklyn

Oswald was an employe of William R. Reilly Co. plant in summer of 1963. Marochini worked that summer at Standard Coffee Co. Both firms were owned by W.B. Reilly.

Marochini lives in a middle class residential area near Pontchartrain. He speaks with slight accent. He was born Brooklyn and educated in U.S. He said he had operated a business in the French Quarter.

A-4
★

THE EVENING STAR

Washington, D. C., Wednesday, March 29, 1967

Novel Asking Dismissal Of 'Plot' Probe Warrant

Even Star, 29 Mar 67

NEW ORLEANS (AP)—Dist. Atty. Jim Garrison's Kennedy assassination conspiracy probe is moving back into courtrooms, here and in Nebraska.

Attorney Steve Plotkin was scheduled to appear here today before Criminal Dist. Judge Edward Haggerty to seek dismissal of Garrison's warrant for the arrest of Gordon Novel as a material witness.

Roommate Subpoenaed

In Omaha, Lillie Mae McMaines—known in New Orleans as Sandra Moffett—will decide whether to waive extradition after her arrest as a material witness in Garrison's case.

Her appearance in court today was solely on the matter of waiving extradition. If Mrs. McMaines, 22, decides to fight her return to Louisiana, a preliminary hearing will be held April 25 in Omaha's Municipal Court.

The New Orleans Parish grand jury subpoenaed Layton P. Martens, 24, a onetime roommate of the late David W. Ferrie, to appear today.

Garrison has charged that Ferrie, Lee Harvey Oswald and Clay L. Shaw, a prominent retired New Orleans executive, conspired to murder President Kennedy.

Shaw, 54, was indicted by the grand jury last week on a murder conspiracy charge and is free on a \$10,000 bond.

Denies Attending Party

Perry Raymond Russo, 25, of Baton Rouge testified at a preliminary hearing for Shaw two weeks ago that he heard Shaw, Ferrie and Oswald plotting in mid-September 1963 to kill Kennedy.

The plotting, Russo said, occurred following a party at Ferrie's home. Russo said Sandra Moffett was at the party and at one point referred to her as "the girl I brought."

Mrs. McMaines said she did



David Kroman, 43, to a mental institution examination after federal judge in N.D., that he was t

Subpoenaed

NEW ORLEANS, March 23 (AP)—Layton Martens, arrested here three days after the assassination of President Kennedy and held for "investigation of subversive activities," was subpoenaed by District Attorney Jim Garrison today in his investigation of the crime.

The District Attorney also ordered the arrest of Gordon Novel, 29, a former bar owner whom he described as an important material witness for the grand jury considering the case.

Martens, 24, was ordered to appear before the grand jury next Wednesday. He formerly roomed with the late David W. Ferrie, who Garrison says was a conspirator in the assassination.

Martens, Ferrie and one Roland Beauboeuf, then 19, were arrested by Garrison's men at the request of the Secret Service and FBI Nov. 25, 1963. Ferrie was booked for being a fugitive from Texas; Martens and Beauboeuf were booked for vagrancy.

3 Released Next Day

Police records show that Martens was held for the FBI and Secret Service "under investigation of subversive activities."

Garrison said at that time that Ferrie, Beauboeuf and Martens were picked up "in connection with some leads of our own."

All three men were released the next day.

Also subpoenaed today was Donald Dooty, a balding, red-bearded man about 35 years old. No background information was available on Dooty, and he declined to answer newsmen's questions when he went to Garrison's office.

Clay L. Shaw, former director of the International Trade Mart here, left for the Mississippi Gulf Coast today after his indictment by the Orleans Parish grand jury last night for conspiring to murder President Kennedy. Shaw will go on trial here at an undetermined date. Judge Edward A. Haggerty Jr. will preside.

In a television interview two weeks ago, Martens said he believed he knew all of Ferrie's friends and he had never heard Ferrie mention Clay Shaw or Clay Bertrand, Shaw's alleged alias.

John Volz, one of Garrison's assistants, said the District Attorney's office will extradite



Wash. Post, 24 Mar 64
GORDON NOVEL

Associated Press
DONALD DOOTY

... one Garrison witness sought, another summoned

Novel once he is found and arrested.

Novel, 29, reportedly was in Chicago when the order for his arrest was approved by Criminal Judge Matthew S. Braniff. Former owner of the Jamaican Village Lounge on the fringe of the French Quarter, Novel said in Columbus, Ohio, yesterday that he did not intend to return to New Orleans unless guaranteed freedom from "harassment."

Said He Aided Garrison

Novel told newsmen he had helped Garrison in the assassination probe, but now felt he was being double-crossed.

In the affidavit requesting the arrest order, Garrison's office said Novel severed his business ties here and left the city while under subpoena. The affidavit said Novel should be placed under sizable bond or the grand jury "will be deprived of a most important and material witness."

As an alternative to arrest, Judge Braniff set a bail of \$50,000 for Novel.

Novel's connection with the Kennedy probe has never been disclosed. When he was first subpoenaed to appear before the grand jury March 16, he said he thought Garrison wanted to question him about activities "during 1961 which are related to Mr. Sergio Arcacha Smith."

Arcacha, now living in Dallas, said he never heard of Novel. Arcacha headed an anti-Castro group in New Orleans in 1961 that had offices on Camp St. Some of the pro-Castro "Fair Play for Cuba" leaflets passed out by Lee Harvey Oswald in New Orleans in 1963 carried the same Camp St. address.

Novel said he knew Shaw "but not in connection with this." He said he "indirectly" knew a Dave Ferrie. Novel said he was working in New York at the time of the assassination.

Lawyers Battle Over 'Plot'; Witness Ch

NEW ORLEANS, La. (AP) — The Kennedy assassination conspiracy probe moved on to new fronts today — with legal fighting in the courtroom and secret sessions by a grand jury.

Defense lawyers for Clay Shaw accused the state of trying to bulldoze controversial testimony into the preliminary hearing.

The hearing, called by District Attorney Jim Garrison in a rare proceeding, decides only whether Shaw must go to trial on charge of conspiring to murder President John F. Kennedy.

However, the court record compiled here could automatically go into any subsequent trial. And the trend of testimony kept the defense in a lather of objections and argument.

Shaw, 54, a retired executive, showed signs of weariness as the hearing moved through its third day Thursday. His eyes were bloodshot, his suit rumpled.

Free under \$10,000 bond, Shaw was booked — but not formally charged — with conspiracy to



DEAN A. ANDREWS JR.

murder the President. He says he knows nothing about any such plot.

The Orleans Parish (County) grand jury, which has occupied Garrison's full time over the past two days, indicted a puzzling figure from the Warren commission hearing Thursday — charging Dean A. Andrews Jr., 44, with perjury.

The hefty, jive-talking lawyer posted \$1,000 bond last night. He said he had no idea what

led to the charge. He testified before the grand jury last week and again yesterday.

Andrews is an assistant district attorney in suburban Jefferson Parish. He was suspended from the post only hours before the indictment.

Asked about the indictment, Andrews told reporters:

"As you know, Dist. Atty. Garrison has under investigation an alleged plot that started here in New Orleans to assassinate the late John F. Kennedy. I have no knowledge of such a plot and I know no people in it.

Andrews Background

Andrews received his law degree from Loyola University here. He is married and has several children. He told the Warren Commission that he was an ordnanceman in the Navy.

The commission asked Andrews if he had considerable doubt about Oswald being the assassin. He replied:

"I know good and well he did not. With that weapon, he couldn't have been capable of making three controlled shots in that short time . . . this boy could have connived the deal, but I think he is a patsy. Somebody else pulled the trigger."

Andrews, who said he had advised Lee Harvey Oswald on some minor legal matters in 1963, told the Warren commission that a man he knew as "Clay Bertrand" telephoned him after the assassination and asked him to represent Oswald in Dallas.

The FBI was never able to find a "Clay Bertrand" and Andrews said he couldn't either.

Garrison contends that Shaw used Bertrand as an alias.

The accusation by the district attorney was backed up by the preliminary hearing testimony of Perry R. Russo, 25, who went through two days of tough cross-examination before the defense let him off the stand yesterday.

Russo said he knew Shaw as "Clem Bertrand." And he said he was present when Shaw, Oswald and the late David W. Ferrie plotted to assassinate Kennedy.

The occasion, said Russo, was after a party at Ferrie's apartment in New Orleans in September 1963. The President was killed in Dallas about two months later — with Oswald named as the assassin.

The Warren Commission report said it found no credible evidence that any conspiracy was involved. Garrison has vowed to prove otherwise.

In the final round of cross-examination, the defense brought from Russo this statement:

Q. Was it your understanding that these three men would actively participate in the assassination?

A. I didn't get that impression, no.

The defense also brought out that Russo had been hypnotized during interrogation by Garri-

son's investigators and implied that he might not be mentally stable.

This area of cross-examination had a kickback later, however. The state — claiming that the defense opened up the area — began trying to submit testimony concerning Russo's reactions and statements under the influence of hypnotism and sodium pentothal — the so-called truth serum.

TREATY

Continued From Page A-1
arrest of any U.S. citizen within three days and access within four days by any consular officer.

Secretary of State Dean Rusk told the Senate by letter that this provision would become effective without regard to the opening of consular offices.

For senators who had been subjected to a massive letter-writing pressure campaign by opponents of the treaty, and for an attentive gallery that watched the proceedings, there was the element of drama and suspense in the voting.

Before the roll call was ordered, Republican Leader Everett M. Dirksen took the floor to urge, in cadenced words, approval of the treaty.

Dirksen, hospitalized on doctors' insistence for a rest, returned long enough to argue that the treaty should be approved as "a small step" toward ending the world's ferment.

Sen. Karl E. Mundt, R-S.D., who led a fight against ratification, said the treaty would return to plague everyone. He saw it as prolonging the Vietnamese war, raising doubts among this country's allies and increasing the Soviet capacity to aid North Vietnam.

Majority Leader Mike Mansfield, who led the fight for ratification, said the treaty was in the interest of the United States and those who travel in the Soviet Union. The convention, Mansfield emphasized, was "an aboveboard agreement" that the United States had initiated during the Eisenhower administration.

The outcome of the vote came as a birthday present for Mansfield, who was 64 years old yesterday. Twice during the debate on the treaty attention was called to Mansfield's birthday and when Dirksen referred to it just before the vote, there was standing applause for the Democratic leader.

On the ratification vote, 44 Democratic senators and 22 Republicans voted for approval. Opposed were 15 Democrats and 13 Republicans.

Roll Call In Senate On Treaty

By United Press International

The 64-to-28 vote by which the Senate Thursday approved the consular treaty with the Soviet Union:

| | | |
|---|--------------------------|--|
| For the Treaty—64 Democrats for (44) | | |
| Anderson | McGovern | |
| Bartlett | McIntyre | |
| Bayh | Metcalf | |
| Burdick | Mondale | |
| Clark | Monroney | |
| Elelander | Morse | |
| Fulbright | Moss | |
| Gore | Muskie | |
| Harris | Nelson | |
| Hart | Pastore | |
| Hartke | Pell | |
| Hayden | Proxmire | |
| Inouye | Randolph | |
| Jackson | Ribicoff | |
| Jordan, N.C. | Smathers | |
| Kennedy, Mass. | Sparkman | |
| Kennedy, N.Y. | Spong | |
| Long, Mo. | Swington | |
| Magnuson | Twining | |
| Mansfield | Williams, N.J. | |
| McCarthy | Yarborough | |
| McGee | Young, Ohio | |
| Republicans for (22) | | |
| Alken | Griffin | |
| Allott | Hatfield | |
| Baker | Hickenlooper | |
| Bennett | Javits | |
| Boaks | Kuchel | |
| Carson | Morton | |
| Case | Pearson | |
| Cooper | Percy | |
| Dirksen | Prouty | |
| Dominick | Scott | |
| Fong | Smith | |
| Against the Treaty—28 Democrats Against (15) | | |
| Bible | Hollings | |
| Byrd, Va. | Lausche | |
| Dodd | McClellan | |
| Eastland | Montoya | |
| Ervin | Russell | |
| Greening | Stennis | |
| Hill | Talmadge | |
| Holland | Republicans Against (13) | |
| Cotton | Mundt | |
| Curtis | Murphy | |
| Fannin | Thurmond | |
| Hansen | Tower | |
| Hruska | Williams, Del. | |
| Jordan, Idaho | Young, N.D. | |
| Miller | | |

Paired—For, Brewster and Church; against, Byrd of W.Va.
A two-thirds majority is required for a treaty approval.

arged With Lying

It was at this point that the defense's vehement objections stalled the hearing. Judge Bernard Bagert told both sides to study the legal precedents overnight and return with the issue solved.

Garrison was not in the courtroom yesterday, leaving the case to assistants.

Russo, nervous the first day, seemed relatively relaxed in his final hours on the stand. At one

point, the interrogating lawyer complained to the judge: "The witness has candy in his mouth and I can't understand him."

Russo removed a candy mint and took a sip of water.

The controversial Garrison investigation drew a compliment from Roman Catholic Cardinal Cushing in Boston Thursday.

"I think they should follow it through," he said, adding that

Kennedy 'Plot' Discrepancies

Even Star 15 Mar 67

NEW ORLEANS, La. (AP) — Perry Raymond Russo, who testified he heard Lee Harvey Oswald and two others plot to assassinate President John F. Kennedy, faces cross-examination today by defense lawyers.

Counsel for Clay L. Shaw, a wealthy businessman arrested by Dist. Atty. Jim Garrison on a charge of conspiring with Oswald and David W. Ferrie to murder Kennedy, put off their questions yesterday until they could study scholastic and business records of Russo.

Before court reopened, mystery surrounding this "confidential informant" thickened.

Tells Newsmen Otherwise

There were these discrepancies:

Russo, 25, an insurance salesman from Baton Rouge, told the court he was in the apartment of Ferrie here in September 1963 and listened to the three men conspire to kill the President and escape.

But two weeks ago, shortly after Ferrie died of what the coroner termed natural causes and Garrison maintained was suicide, Russo told a newsmen from New Orleans television station WDSU that Ferrie never mentioned Oswald's name to him, adding, "I had never heard of Oswald until on television... ah, the assassination."

Russo gave detail in court of the meeting in Ferrie's apartment, saying the plot involved sacrificing one man to allow the others to make a getaway, a possible flight to Cuba, diversionary shooting and "triangulation of crossfire."

But in an interview earlier with a Baton Rouge television station, Russo said he never came forth with his information before because, "I left it to professionals... when they came out with Oswald was the man. Then I forgot it."

Russo told the court that Ferrie proposed flying the getaway plane into Mexico to refuel for a flight to Cuba. Russo said Shaw interrupted to say that as soon as the shots were fired "the world would know about it" and there would be no way to get the plane out of Mexico.

Russo quoted Oswald as telling Shaw to "shut up. Leave him (Ferrie) alone. He knows what he's talking about. He's the pilot."

But when Russo was asked by a newsmen earlier whether he thought Ferrie might have had anything to do with the assassination, he replied, "Well, that I don't know and it would be just speculation."

"Dave Ferrie had the ability because of a keen mind and ability to drive an airplane.

Now whether he would have used that is another thing... It's only conjecture."

Russo has said he did not get in touch with Garrison until two days after Ferrie's death—when he saw a newspaper picture of Ferrie. He said he had not then heard from Garrison.

That is the date on which Garrison announced he had "solved" the case. And Russo apparently is a major witness in Garrison's case—perhaps he's the "confidential informant" who, according to Garrison's application for a warrant to search Shaw's house, confirmed while under influence of "truth serum" that he overheard the plot to murder Kennedy.

Other ponderables: Russo told a newsmen that Ferrie jokingly posed the question of assassinating the president to him, "that if he and I could do it... it could be done." In the same interview Russo said he first met Ferrie when he broke off Ferrie's friendship with another boy. Russo added, "At that time Dave made a personal threat against my life."

Kennedy was killed in Dallas Nov. 22, 1963—two months after the alleged meeting in Ferrie's apartment. The Warren Commission decided that Oswald was the lone assassin and there was no credible evidence of any conspiracy.

Shaw Denies Charges

Shaw is the only alleged conspirator still alive. Oswald was shot to death by Jack Ruby two days after the assassination and Ferrie died in bed Feb. 22. The coroner ruled the death due to natural causes.

Shaw, 54, a onetime Army major who was decorated in World War II, has denied taking part in any conspiracy.

Russo's name does not appear in federal records of the investigation of the assassination.

Shaw was investigated and cleared by the FBI late in 1963, according to Atty. Gen. Ramsey Clark, who said Sunday he did not think Garrison would succeed in proving a conspiracy.

Russo was the fourth witness to testify yesterday at the opening of the preliminary hearing for Shaw. The hearing is being held to determine whether the district attorney has sufficient cause to hold Shaw for trial.

Speaking so rapidly and indistinctly that court reporters asked him to slow down, Russo told his story with his eyes fixed on Garrison.

He identified Shaw as a man he knew as "Clem Bertrand" in 1963.

Under Garrison's questioning, Russo described the meeting this way:

"The party dwindled away. Dave Ferrie began the conversation, pacing back and forth and talking to Bertrand and Oswald. Ferrie wore baggy pants, Oswald was dirty, as usual, and half shaven. He wore a pullover shirt that was not a T-shirt. Bertrand was the only one dressed what I'd call decent. He wore a maroon jacket."

This is Russo's account in court, basically in his own words.

Dave Ferrie began the conversation, pacing back and forth and talking to Bertrand and Oswald. The discussion centered around an assassination of President Kennedy and how it would have to use diversionary tactics. There would be two to three people involved.

One Would Be "Scapegoat"

One person would shoot the diversionary shot and the other would shoot the "good shot." One man would have to be the "scapegoat." Ferrie talked of "triangulation of crossfire."

Bertrand listened during this phase. Ferrie talked about the availability of exits. Ferrie had two proposals—one man sacrificed would give enough time for the the others to escape. Ferrie was the pilot. He said they would go to Mexico and on to Brazil and then on to Cuba. Or they would go direct to Cuba.

Bertrand interrupted to say as soon as the shot was fired the world would know about it and they could not get a plane out of Mexico. Bertrand said he and Ferrie would have to be in the public eye on the day of the assassination.

Ferrie then said he would make a speech at Southeastern Louisiana State College in Hammond. Bertrand said he would go to the West Coast for his company on business.

It was here, after Garrison had built Russo's testimony to a high pitch that he asked Russo to step down from the stand, walk to the man he knew as Bertrand and place his hand over that man's head.

Russo strode firmly around the defense table, stopped behind Clay Shaw and placed his hand palm downward about eight inches over Shaw's head. Shaw, holding a cigarette, gazed straight at the judges' bench. He was slumped in the chair, but rigid. The court recessed.

After the three-judge panel of Criminal District Court judges reconvened, Russo continued this story, backtracking under Garrisons' questions:

Oswald took part in the conversation about exits. Ferrie was talking about where and what stops would be made on the way to Brazil or Cuba. Bertrand said they couldn't leave

the country because the world would know of the assassination.

Oswald said, "Oh, shut up. Leave him (Ferrie) alone. He knows what he's talking about. He's the pilot."

Bertrand answered, "As far as I'm concerned, he's a washed-up pilot."

Tells of "A Solution"

Ferrie offered a solution that the people involved should be in the public eye and be around a lot of people who could testify later they were at such and such a place at such and such a time.

Bertrand said he would be on the West Coast. Oswald said nothing else.

Garrison stopped this testimony to ask whether Russo ever saw Oswald again. Russo said he saw Oswald twice more.

"The first time we met," Russo said, "Oswald made a crack about not wanting me up there (during the conspiracy discussion). He seemed disturbed about the fact I was there."

A Rifle Is Presented

"The first occasion I saw Oswald (after the meeting in Ferrie's apartment), he was wiping or cleaning a rifle—bolt action. It had a sight on it—for hunting it looked like."

Garrison stopped Russo, drew a rifle from beneath the prosecution table, and placed it on the table before Shaw's attorneys, F. Irving Dymond, William Wegmann and Edward Wegmann. The lawyers inspected the weapon.

"Tell us whatever similarities you may or may not see between this rifle and the one Oswald was holding," Garrison asked Russo.

"The difference to my mind," said Russo, "is one end of the sight (on Oswald's gun) was not nearly so bubble-shaped as this gun. It had the same bolt mechanism. This is a polished brown stock and Oswald's gun was a dull brown."

Russo said the last time he saw Oswald, he walked into Ferrie's apartment and Oswald was telling Ferrie about some trouble with Oswald's wife.

"Ferrie was telling Oswald, 'Don't worry, I'll handle it.' And I excused myself and left."

The hearing recessed after the defense filed three motions for writs of subpoena. Those subpoenaed were the registrar at Tulane University, where Russo did some undergraduate study; the registrar at Loyola University, from which Russo received his bachelor's degree and studied law for one year; and the personnel manager for Equitable Life Assurance Co., Russo's employer.

Key Witness Tells Court of Kennedy Plot

Evening Star, March 7
25-Year-Old
Describes Party,
Lists Conspirators

BULLETIN

NEW ORLEANS — Perry Raymond Russo, a witness for Dist. Atty. Jim Garrison, testified at a preliminary hearing today that Clay L. Shaw was one of the three men he heard plotting to kill President John F. Kennedy.

Russo, a 25-year-old insurance salesman, from Baton Rouge, said he heard the conversation in the apartment of David W. Ferrie in September 1963. Russo's testimony stamped him as the "confidential informant" cited by Garrison as the source who saw the conspirators and heard the plans.

Russo described the scene in Ferrie's apartment this way: "There seemed to be some sort of party in progress. They were drinking and talking. The party died out," Russo said, and the only ones left were himself, Ferrie, "Leon Oswald" and "Clem Bertrand." Clay Shaw has also been identified as Clay Bertrand.

NEW ORLEANS (AP) — A showdown hearing in Dist. Atty. Jim Garrison's controversial Kennedy assassination probe opened today before an unusual three-judge Criminal District Court panel which will determine whether executive Clay Shaw should go to trial.

The first witness for the district attorney was Police Det. Frank Hayward, who testified he arrested Lee Harvey Oswald after he awoke on Canal Street on Aug. 9, 1963.

Shaw, well-tailored and rugged-looking, age 54, looked nervous as he pushed past a throng of newsmen to enter the courtroom. He was accompanied by three attorneys.

Purpose of the preliminary hearing was to decide if Shaw, former managing director of the International Trade Mart here, should be held for trial. Garrison has accused Shaw of conspiring with Oswald and others to kill President John F. Kennedy.

Garrison's Arrival

A deeply suntanned Garrison, flanked by seven assistants, entered the courtroom just before the hearing began. It was Garrison's first public appearance in 10 days.

Fifty deputy sheriffs stood guard around the courtroom and building.

Bill Gurvich, the district attorney's chief investigator, carried a 4-foot-long bundle wrapped in brown paper. Sources in Garrison's office said the package contained a high-powered rifle with telescopic sight, presumably evidence in Garrison's case.

Charles Ward, first assistant district attorney, told presiding Judge Bernard Bagert the state had five witnesses ready to testify. Ward named them as

PROBE

Continued From Page A-1
Hayward; Coroner Dr. Nicholas Chetta; Dr. Esmond A. Fatter from the coroner's office; Peter Schuster, a photographer from the coroner's office, and John Reilly, a police photographer.

An officer — with a portable mine detector — inspected all persons entering the courtroom.

Tells of Photos

Schuster was the second witness. He testified that he took pictures of David W. Ferrie's apartment on Feb. 22, 1967 — the day Ferrie was found dead. Garrison has alleged that Shaw, Oswald and Ferrie met in Ferrie's apartment in September 1963 to discuss killing Kennedy.

Reilly took the stand next. A photographer from the Police Department, he testified also about photographing Ferrie's apartment on Feb. 22.

A total of nine photographs were introduced by the state, some of Ferrie's body, some of Ferrie's apartment, and some of Oswald.

An attorney for Shaw, F. Irving Dymond, showed Schuster a picture which he said was

a sketch of Ferrie's apartment and asked if he recognized it.

"No, sir, I don't," Schuster said.

The defense for Shaw introduced 16 photographs of Ferrie's apartment which were taken last weekend with court approval. Schuster was asked several questions pertaining to details of the apartment and its layout.

Schuster identified 15 of the 16 photos as showing various locations within Ferrie's apartment. Of the 16th photo, he said: "I don't familiarize myself with that photo."

The Warren Commission named Oswald, a former New Orleans resident, as the man who assassinated President John F. Kennedy. The commission said there was no credible evidence that a conspiracy was involved.

THE WASHINGTON POST

Clay Shaw Indicted For Conspiracy in Kennedy's Slaying

Wash Post 28 March 63
From News Dispatches

NEW ORLEANS, March 22 — Clay L. Shaw was formally accused by the Orleans Parish Grand Jury today of conspiring to assassinate President John F. Kennedy.

The businessman's indictment was unexpected. District Attorney Jim Garrison had indicated that he would lodge formal charges against Shaw by filing a bill of information.

Garrison, however, apparently chose to seek additional support for his claims by taking his case before the Grand Jury.

Perry R. Russo, the DA's star witness at a preliminary hearing on Shaw's arrest last week, spent nearly two hours with the Grand Jury before it handed down the indictment.

The 25-year-old insurance salesman from Baton Rouge declined comment as he walked out of the Grand Jury room with two of Garrison's assistants.

His memory supposedly jogged by hypnosis, Russo swore in open court last week that he heard free-lance pilot David W. Ferrie spell out an assassination plot to Shaw and Lee Harvey Oswald at the windup of a party in Ferrie's flat in mid-September of 1963.

The indictment charged Shaw with "willfully and unlawfully conspiring with David W. Ferrie and Lee Harvey Oswald to murder John F. Kennedy."

Shaw had been hospitalized, until his release today, since shortly after the conclusion of the preliminary hearing, in which a special three-judge panel, ordered him held for trial. His attorneys won court permission earlier today for him to take a vacation on the Gulf Coast this weekend.

In other developments, attorney Dean Adams Andrews Jr. pleaded not guilty at his arraignment on a perjury charge handed down by the Grand Jury last week.

Andrews had told the Warren Commission he was asked to do legal work for Oswald, both before and immediately after the assassination, by a "Clay Bertrand."

Garrison has accused Shaw of using "Clay Bertrand" as an alias, but Andrews has refused to state that the two are the same man. The basis for his perjury charge has not been disclosed.

The Grand Jury subpoenaed bar operator Gordon Novel for questioning. Novel, who was said to have sold his recently opened Jamaican Village night spot, said in Columbus, Ohio, that the Garrison investigation was "a fraud" and a "political-state inquisition."

Novel, who disappeared from New Orleans last week, gave no reason for being in Columbus.

When first called before the Grand Jury last week, Novel



Dean Andrews, left, leaves co

said he expected to be questioned about Sergio Arcacha Smith, former Cuban exile leader now living in Dallas who was associated with Ferrie here. The jurors did not get around to hearing his testimony, however.

'64 Florida Death Probed For Link to Kennedy Case

PENSACOLA, Fla. (AP) — Authorities are investigating the death of a Florida man two years ago at the request of his brother who said he wanted a new probe because of the current investigation in New Orleans of the Kennedy assassination.

The brother, Earl Killam, said the dead man, Thomas Henry Killam, told him he fled Dallas in December 1963, because he was being harassed by "agents." Killam said his brother didn't specify whether the agents were federal, state or some other type. He said his brother told him two days before his death:

"I'm a dead man. I've run as far as I'm going to run."

Widow's Doubts

Wanda Killam, the dead man's wife, reached yesterday in Dallas by the Pensacola News-Journal, said her husband had been questioned several times about the assassination by federal agents. She doubted the suicide idea.

Killam died beside a broken shop window on a Pensacola street March 19, 1964. His throat had been slashed, apparently by glass from the window.

Police said the death was an apparent suicide. The coroner called it accidental.

Earl Killam, 38, a car salesman, has asked Escambia County Solicitor Carl Harper to exhume his brother's body to determine the exact cause of death.

Harper said he took a statement from Earl Killam yesterday morning and would investigate immediately. He would not discuss his investigation ex-

cept to say he was seeking concrete evidence, "not suspicions."

Harper said he planned to talk to New Orleans Dist. Atty. Jim Garrison, who is conducting an assassination probe.

Ruby, Oswald Links

Wanda Killam said her husband returned to Florida in early December, 1963, saying he was going to look for a job. She stayed in Dallas, where she had been employed for several years as hostess in a night club owned by Jack Ruby.

Ruby, who died of cancer while in custody, was charged with the slaying of Lee Harvey Oswald, accused of killing President John F. Kennedy in Dallas on Nov. 22, 1963.

Mrs. Killam said she, too, favored an investigation of her husband's death and said of the suicide ruling: "No, Hank wouldn't do that."

She said her husband was briefly employed in Dallas as a house painter by a man named Jack Carter. Earl Killam said Carter once roomed in the same Dallas boarding house as Oswald.

Killam said that after his brother returned to Florida he spent four months in Tampa and then returned to Pensacola March 15 to live with her mother.

Two days later, he was dead.

Killam said: "Did you ever hear of a man committing suicide by jumping through a plate glass window?"

The Death

Thomas Killam received a phone call at his mother's home at 4 a.m. March 17, 1963, ac-

cording to his mother. She said he dressed and left the house.

She heard a car pull away, although Killam did not own a car.

About a half hour later, two street sweepers heard a crash on a city street. Police said they turned their truck around and saw a man staggering in front of a broken display window.

Killam died before he could be hospitalized. The police report said that, based on the presence of blood four feet inside the show window, it was concluded "the expired jumped through the window and then crawled back to the sidewalk."

Coroner A. H. Northrup said Killam died of a long, three-inch deep laceration over the lower left side of the neck. The coroner added: "Apparently sustained deep laceration in throat when he fell through plate glass window."

Convention of 1864 Regulated Warfare

GENEVA—When the European powers framed the Geneva Convention in 1864 they set up humane rules for treatment of the sick or wounded in wartime.

To protect those who care for the wounded, the Geneva cross, a red cross on a white background, was chosen as the emblem for hospitals, ships and litter bearers. A second conference in 1868 led to the formation, in 1870, of the Red Cross Society.

FERRIE

New Orleans' Death Widens 'Plot' Probe

Continued From Page A-1
needed about South Vietnam, members of the organization said yesterday.

WUS has received funds fears for his life, Garrison said he provided him a temporary hideout at a motor hotel here.

"Evidence developed by our office had long since confirmed that he was involved in events culminating in the assassination of President Kennedy," Garrison said.

Body Found in Bed

The nude body of Ferrie, who operated a flying service here, was found in the calm posture of sleep, covered to the chest by a bedsheet.

His second floor apartment was in disarray and disorder. An American flag was in the living room. Although 15 bottles of various pills were on a table, the coroner said no drugs were found other than those used for vascular disease. He said Ferrie was born with a weak blood vessel at the base of his brain. It ruptured, producing a massive cerebral hemorrhage. Dr. Chetta said. Ferrie also suffered from high blood pressure and recently told a friend he had encephalitis (sleeping sickness).

The unsigned, undated note was found on the dining room table. The first paragraph said:

"To leave this life is, for me, a sweet prospect. I find nothing in it that is desirable, and on the other hand everything that is loathsome."

Dr. Chetta said the time of Ferrie's death had to be before 4 a.m. yesterday because of the rigor mortis condition.

But a reporter for the Washington Post, George Lardner, said he had visited Ferrie in his apartment until that hour.

Garrison said the conflicting statements constituted "one of the mysteries we don't understand."

Lardner said Ferrie "seemed in good spirits, not like a man about to kill himself" at the time they talked.

"Ferrie said he never knew Oswald and had no recollection of ever having met him," Lardner reported. He said Ferrie told him that Garrison's inquiry would turn out to be a "witch hunt."

Was Questioned

Ferrie was brought into the scope of the assassination probe within 72 hours after Kennedy was slain. Garrison said he pulled Ferrie in for questioning at that time and subsequently turned him over to the FBI, which took a statement and released him.

The FBI had no comment today.

A New Orleans florist, Edward Voebel, had seen Lee Harvey Oswald's picture on television and reported that he and Oswald had served in a Civil Air Patrol squadron under Ferrie. When authorities sought to question Ferrie, they found he had gone to Texas.

Ferrie told a newsman recently that he and two friends took a short vacation trip to Texas the day of the assassination "on the spur of the moment." He said they visited Houston, Galveston and Alexandria, La., before returning home. They did not go to Dallas, he said.

And Ferrie said he and Voebel were in separate CAP squadrons.

Ferrie said he never knew Oswald.

A native of New Orleans, Oswald lived in New Orleans the summer of 1963.

Garrison said Ferrie's name figures in 40 pages of Warren Commission material—36 of which he said are classified secret and unavailable. In Washington, it was reported that 19 of the pages were available for public examination.

Mrs. Marguerite Oswald, mother of Lee Harvey Oswald, said she was amazed that Ferrie had not been interviewed by the Warren Commission.

"I'm shocked and dismayed that another life may have been forfeited for lack of a thorough investigation," she said in Fort Worth, Tex., after learning of Ferrie's death.

Although Garrison said he considered Ferrie's death a suicide, he added, "I am not ruling out murder. I'm not ruling out anything. We have gone far beyond the point of the Warren Commission. We have made more progress in three months with a handful of men than the Warren Commission with 3,000 men made in three years."

A New Orleans police detective, Frederick S. O'Sullivan, told the Warren Commission he knew of no evidence that Oswald was acquainted with Ferrie. However, the district attorney hinted that he was close to finding a thread connecting Ferrie and Oswald.

Asked if he believed Oswald alone killed Kennedy, Garrison said: "I have no reason to believe that Lee Harvey Oswald killed anyone in Dallas . . . this is my personal feeling."

Ferrie had termed Garrison's investigation "a big joke." He said Garrison had him "pegged as the get-away pilot in an elaborate plot to kill Kennedy." Ferrie was described in sym-



DAVID W. FERRIE



DR. NICHOLAS CHETTA

pathetic tones by Garrison as a man who had suffered private pain and was tortured by his appearance. He had lost his hair and eyebrows in an explosion several years ago, Garrison said. He did not reveal the details. Ferrie wore a shaggy toupee and Mascara eyebrows.

A native of Cleveland, Ferrie resided in New Orleans in the last 15 years. In 1961, he lost his job as an airline pilot after being arrested on a morals charge in suburban New Orleans. He was never tried on the charge. There were indications in a Secret Service report that Ferrie was reported to be a homosexual.

There was no indication of burial plans. The body remained in custody of the coroner's office.

David Lewis, who said Monday he feared for his life because of what he knew about the local probe into the death of Kennedy, was reported today to have left town with his family for an undisclosed location.

The disclosure came after a routine check for Lewis for comment on the death of Ferrie.

Lewis, a 26-year-old bus station baggage clerk, formerly was a private detective. In that role he claimed to have met Oswald.

Second Assassin Theory Is Probed by Garrison

Even Star 3 Mar 67

By HAYNES JOHNSON

Star Staff Writer

More pieces in the "New Orleans Kennedy death plot" story are falling into place today.

From sources familiar with the investigation, it now appears that Dist. Atty. Jim Garrison believes that:

1. Lee Harvey Oswald shot Texas Gov. John B. Connally in Dallas, not President John F. Kennedy.

2. A second assassin, supposedly a swarthy, heavy-set man, was on an overpass in front of the presidential car and fired the shot that killed Kennedy.

3. A laundry truck was used as a transporting vehicle for some of the plotters, including David W. Ferrie, the former airlines pilot who died last week in New Orleans.

Confidence in Washington

The "second assassin" theory has been widely examined in the past and was discredited by the Warren Commission. The commission concluded that Oswald, acting alone, killed the President. Government investigators, for instance, questioned at least 15 persons about the overpass in Dallas and came up with nothing to back up the allegation that a gunman had fired from there.

While still maintaining an official "no comment" policy in connection with the series of sensational stories and state-

ments coming almost daily out of New Orleans, government sources here privately continued to express complete confidence in the Warren Commission findings.

Garrison, in the meantime, has made the first arrest in the case, Clay L. Shaw, a retired New Orleans businessman. And, for the first time, the 6-foot-6-inch district attorney has made public official charges linking Oswald, Ferrie, Shaw and "other persons" in a plot to kill Kennedy.

In an affidavit filed for the granting of search warrant in connection with Shaw's apartment, Garrison's office said:

"Affiant has evidence that meetings were held in the apartment of David W. Ferrie at 3200 Louisiana Avenue Parkway and the people present were David W. Ferrie, Clay Shaw, alias Clay Bertrand, and Lee

See PROBE, Page A-2

Mart Aide Quizzed In JFK Death Probe

1 Mar 67

By George Lardner

Washington Post Staff Writer

NEW ORLEANS, March 6 (AP) — A weary-looking, gray-haired bookkeeper from the International Trade Mart was summoned for questioning today in District Attorney Jim Garrison's investigation of the assassination of President Kennedy.

J. B. Dauenhauer, who once served as an assistant to Clay Shaw at the Trade Mart, was subpoenaed by Garrison's men as the American Civil Liberties Union of Louisiana accused the District Attorney of producing "a Roman circus."

Dauenhauer was the fifth witness subpoenaed in the investigation. He and his attorney, F. Irvin Dymond, left the District Attorney's courthouse suite after about an hour of questioning. Dymond told reporters that his client had "cooperated to the utmost," but "unfortunately has not been able to shed light on anything actually material to the investigation."

Dymond said Dauenhauer had "nothing to do with any conspiracy, if any existed." The attorney also said he was unaware why his client had been subpoenaed rather than quietly invited to the courthouse.

The Civil Liberties Union, which has cited Garrison before, denounced him for what it calls "serious breaches of professional ethics" in his investigation of the President's death.

The District Attorney's shenanigans, A.C.L.U. said, show that "Mr. Garrison is either unaware of what is currently being demanded of

prosecutors (by the Supreme Court) or he simply doesn't care."

Garrison's office gave no explanation of why Dauenhauer had to be brought in under a subpoena. Shaw was arrested by Garrison last week on a charge of conspiring to assassinate the late President.

Dauenhauer worked as Assistant Sales Manager under Shaw, Trade Mart director for 18 years before his retirement in 1965.

Now a bookkeeper and assistant building manager at the new, 3-story Trade Mart, Dauenhauer and Shaw were said to have served together in the Army in World War II. Like Shaw, Dauenhauer comes from an old Louisiana family; his father was Sheriff of near-by Jefferson Parish in the 1920s.

Garrison plans a string of separate trials for Shaw and any others who might be arrested on charges of plotting to murder Mr. Kennedy, according to private Detective William Gurchich who has been aiding Garrison in the investigation.

"We'll present only as much evidence as we need to show probable cause," Gurchich declared. "If we need two witnesses, we'll have two. If we need 10, we'll get 10."

"Shaw is not the biggest man we have (to arrest) yet," he added. "As far as people who are known prominently, he might be the heaviest but as far as participation in the plot goes, he might not necessarily be the heaviest."

Shaw Tied To Oswald By Garrison

Wash. Post
DA Charges They
Plotted With Ferrie
To Kill Kennedy

3 Mar 67
By George Lardner Jr.
Washington Post Staff Writer

New Orleans District Attorney Jim Garrison accused businessman Clay Shaw yesterday of plotting President Kennedy's assassination with David W. Ferrie and Lee Harvey Oswald in the flat where Ferrie died last week.

Garrison made the allegations in an affidavit filed to back up a Wednesday night search of Shaw's luxurious bachelor apartment in New Orleans' French Quarter.

The 54-year-old Shaw, former managing director of New Orleans' International Trade Mart, has been booked on a charge of "conspiracy to commit murder."

Asserts Innocence

Released on \$10,000 bond, Shaw called the arrest "fantastic." At a news conference in his attorney's office, he protested that he was "completely innocent" and said he never knew Oswald or Ferrie.

Shaw also denied ever using the name "Clay Bertrand." Garrison said this was an alias he used as part of the conspiracy.

In the affidavit made public yesterday, Garrison's chief investigator, Louis Ivon, said Oswald, Ferrie, Shaw and "others" he did not name met several times in September, 1963, in Ferrie's cluttered rooms on Louisiana Avenue Parkway.

Informant's Account

Ivon said "a confidential informant" at the meetings heard them "agree to kill John F. Kennedy and heard these subjects discuss the means and manner of carrying out this agreement." Ivon said the informant's statements were checked out under sodium pentothal (truth serum).

The Warren Commission concluded that Oswald was the assassin. It also said there was no credible evidence to show that he was part of a conspiracy.

Ferrie, a flight school instructor, part-time private detective and former Eastern Air Lines pilot dismissed because of a record of homosexual arrests, died in bed last week while under investigation by Garrison. Before his death, he denied knowing Oswald.

Attorney General Ramsey Clark told newsmen here that the FBI had already investi-

See ORLEANS, A6, Col. 1

Maryland author Harold Weisberg sees Garrison following script in his book.
Page A6

PROBE

The 2nd-Assassin Theory

Continued From Page A-1
Harvey Oswald and an informant and other persons.

After searching the apartment, Garrison's investigators carried off a weird assortment of material including five whips, pieces of chain, a black hood and cape, and a shotgun.

Shaw, free on \$10,000 bond, apparently was in San Francisco on the day of the assassination, Nov. 22, 1963.

J. Moproe Sullivan, executive director of the San Francisco World Trade Center, told the Associated Press that Shaw was touring the center with him and other businessmen that day. At that time, Shaw was the managing director of the International Trade Mart in New Orleans. He is now retired.

Garrison claims that an informant—who since has voluntarily submitted to questioning while under the so-called "truth serum," sodium pentothal—was present in Ferrie's apartment and "saw the conspirators and heard the plans."

In fact, Shaw, 54, had been questioned extensively by the FBI as one of many suspects in New Orleans acquainted with Ferrie, who had been interrogated after he lost his airline job because of his arrest as a homosexual.

One unconfirmed report had Shaw claiming at one point to have talked with Oswald while he was in a New Orleans hospital. But, the story goes, investigators determined that Shaw was under heavy sedation at the time and could not have taken such a call. He is said to have later denied the story as a figment of his imagination.

Ramsey Clark, the new U.S. attorney general, told reporters

here yesterday that the FBI had investigated Shaw late in 1963. "On the evidence that the FBI has," he said, "there was no connection found" with the assassination.

Since his release, Shaw has told newsmen that he is "completely innocent." He also said he never saw Oswald. And he denied using the name of Clay Bertrand. The arrest added, however, one more twist to an already bizarre story.

In the two weeks since Garrison's investigation became public, attention has focused on as strange a cast of characters as ever people any "underground" novels: neurotics, homosexuals, militant anti-Communists, private detectives, and conspiratorial Cuban refugees involved in an attempt to free their homeland.

Now, more and more of those whose names have been mentioned seem to want to talk publicly. Two personal incidents yesterday were illustrative.

Both Jack S. Martin and David Lewis, two of the original sources for Garrison's investigation, called this reporter from New Orleans and talked at great length about the case.

Both men once worked for the late W. Guy Banister, a private detective, and both said they saw anti-Castro Cubans in Banister's office with David Ferrie on many occasions. Lewis flatly said he had seen Oswald there several times; Martin was less positive, indicating he might have, but was not sure. However, he promised to be able to divulge "hot leads" to help the cause of what he called "sensational journalism." Martin talked about Jack

Ruby and Oswald, strippers and nightspots, tape-recordings, "spike-mikes," photographs, weapons, and, often, about his "good friend," Jim Garrison.

He claims, among other things, that Ferrie had mentioned Clay Shaw to him. He also talked, disparagingly, of government investigative agencies, the FBI, the CIA, and others.

Secret Service men who questioned him were "kind of country—you know, squares." FBI agents "twisted around what I said" because they think "I'm a jerk and a bum and an alcoholic."

Martin also claims that "I haven't told them everything"—but that he has told Garrison.

After considerable verbal fencing, Martin was asked:

"Do you have any knowledge of any plot or any conspiracy to assassinate President Kennedy?"

He answered:

"No sir, only circumstantial." Lewis said he "may know several who were connected with the plot."

"A lot of strange stuff went on in that office," he said, referring to Banister's office, where he worked in 1961 and 1963. "But I didn't know anything about it."

Both men seemed to enjoy the attention they are receiving.

Lewis said he had just been interviewed by NBC television personnel, and said to be sure to watch him on Huntley-Brinkley.

Martin offered to work on a retainer basis for The Star and provide further "sensational" information.

They both must have been somewhat disappointed. Lewis was not on Huntley-Brinkley last night; The Star declined to retain Jack Martin.

Ferrie, Oswald Linked Reported in Louisiana

Even Star 28 Feb 67
NEW ORLEANS (AP)—Dist. Atty. Jim Garrison has been given information that Lee Harvey Oswald and David W. Ferrie were picked up together by police in New Orleans in 1963, the States-Item reported today.

Before he was found dead last Wednesday, Ferrie had insisted he did not know Oswald, named by the Warren Commission as the man who killed President John F. Kennedy Nov. 22, 1963, in Dallas.

Ferrie, a former airlines pilot, has been called "one of the most important men in history" by Garrison, who launched his own investigation of the assassination last October and now claims to have "solved" it.

Garrison's investigators, the newspaper said, were told by a New Orleans law officer that he was making a routine check near Lake Pontchartrain early one morning in the fall of 1963 when he found two men sitting in a parked car.

One of the men identified himself as Oswald, the officer said.

The officer was not clear about how the other man identified himself, but he has since positively identified Ferrie as the man he saw in the car, the paper said.

Not Arrested

The officer took the pair to headquarters, the newspaper said, where his superior declined to arrest them on the grounds there was insufficient evidence they were guilty of any wrongdoing.

After the Kennedy assassination, the officer said, he recognized Oswald's face and name from pictures. He said he took no action because it was widely known that Oswald had lived in New Orleans.

Last week, when Ferrie's name was prominently linked to the Garrison probe, the officer gave the district attorney his information, the States-Item said.

Federal investigators are known to have found no evidence linking Ferrie with Oswald or any conspiracy to kill Kennedy.

A typewritten note found in Ferrie's apartment after his death contained a bitter indictment of law enforcement officers, courts and American justice in general.

The first paragraph of the note, released on the day Ferrie died, referred to death as a "sweet prospect." Garrison maintains that Ferrie committed suicide, although Coroner Nicholas Chetta has ruled death resulted from natural causes—a ruptured artery in the brain.

Tests revealed that the note was typed on a typewriter found in Ferrie's cluttered apartment.

Never Convicted

It contains numerous references to the writer's irritation at police methods.

Ferrie apparently had never been convicted of any crime. He lost his job as an airline pilot in 1961 after being arrested on a morals charge in suburban Jefferson Parish (county), but the case never went to trial. No charges were known to be pending against him at the time of his death.

Ferrie was interrogated by both local and federal authorities after the assassination. He had left for Texas on the day of the slaying and said later he and two friends visited Houston and Galveston before returning to Louisiana.

New Orleans Man Ex-Director Booked in Probe of Kennedy Slay

Wash Post 29 Mar 67
of camera lights. District attorney's men flanked him on both sides.

District Judge Thomas M. Brahney set bond at \$10,000, which was posted. Brahney said he felt that Garrison's recommendation of \$25,000 bond was excessive.

Shaw was booked—but not formally charged. In Louisiana, a charge is not formal until it has been accepted by a district attorney.

Garrison also gave no immediate indication of what connection he thought Shaw had with the Nov. 22, 1963, assassination of Kennedy in Dallas. Shaw is not mentioned in any of the 29 volumes of the Warren Commission report on the assassination.

The Warren Commission said Lee Harvey Oswald, acting alone, shot and killed President Kennedy and wounded Texas Gov. John B. Connally. Oswald had lived in New Orleans before moving to Dallas, where the assassination occurred.

Shaw and James R. Le-

wallen, 38, a quality control inspector for the Boeing Co. at a Saturn rocket plant in New Orleans, were the first two men subpoenaed in the probe.

Lawallen left the District Attorney's office after lengthy questioning earlier today.

Shaw was questioned for more than four and one-half hours. At 6:30 p.m. EST, aides in Garrison's office handed the statement to newsmen. It said:

"The first arrest has been made in the investigation of the New Orleans District Attorney's office into the assassination of President John F. Kennedy.

"Arrested this evening in the District Attorney's office was Clay Shaw, 54, of 1313 Daphne st., New Orleans, La.

"Mr. Shaw will be charged with participation in a conspiracy to murder John F. Kennedy.

"It should be pointed out, however, that the nature of this case is not conducive to an immediate succession of arrests at this time. However,

other arrests will be made at a later date."

A fellow resident of the French Quarter, who lived in a remodeled house, described the man as a quiet, intelligent person.

During World War II, he served as aide-de-camp to Gen. C. O. Thrasher and both the Belgian and French governments and was charged in 1946 with the murder of a major.

He was managing director of the International Mart here for 18 years before his retirement in 1954.

Before today's arrest, he was nominated Attorney Ramsey Clark proposed inviting Garrison to testify to Federal authorities. Evidence he has on the assassination of President Kennedy, Clark told newsmen today that he was never that Garrison had anything really new

How to Oswald

gated and cleared Shaw in the weeks following the assassination on Nov. 22, 1963.

"He was checked out and found clear?" Clark was asked after a hearing on his nomination to become Attorney General.

"That's right," Clark replied. The FBI, however, neither investigated nor cleared anyone named Shaw. It did check briefly into allegations surrounding a "Clay Bertrand" and decided they were without substance.

The Attorney General's remarks consequently amounted to an acceptance of Garrison's charge that Clay Shaw and "Clay Bertrand" are one and the same. "It's the same guy," said one source in the Justice Department.

The FBI, it was understood, pursued some leads on "Bertrand" but abandoned them fruitless before he could be located. The information came from Dean Adams Andrews Jr., now an assistant district attorney in Louisiana's Jefferson Parish. Andrews testified before the Warren Commission and yesterday was subpoenaed for questioning by Garrison.

He testified that Oswald came to his law office several times in 1963 for help on his "yellow discharge" from the Marines, his citizenship status and that of his wife.

On the first visit, Andrews said Oswald came in with "some gay kids. They were Mexicanos. . . we saw him three or four times subsequent to that, not in the company of the gay kids. He (Oswald) had this Mexicano with him. I assume he is a Mex because the Latins do not wear a butch haircut."

Andrews said he assumed Bertrand—"he's the one who calls (me) in behalf of gay kids normally"—had sent Oswald to him.

Shortly after the assassination, Andrews also testified that "Clay Bertrand" called him up and asked him to go to Dallas to defend Oswald. Andrews was under heavy sedation at the time for pneumonia, however, and the Warren Commission showed it was skeptical of his testimony.

The Commission said it could find no record of Oswald's visits or locate "the person who supposedly called Andrews on Nov. 23."

Andrews by his own account was feeling "squirrely" and said he called another New Orleans lawyer, Monk Zelden, since he was unable to go to Dallas himself.

Zelden was not called by the Warren Commission. But in a Dec. 2, 1963, report, the FBI confirmed that Zelden had talked to Andrews about representing Oswald. Zelden could not be reached for comment yesterday.

After Andrews' meeting today with Garrison, Zelden, who is representing him, said Bertrand was pointed out to Andrews once "at a certain place" in the French Quarter, but "over a period of time we have trouble remembering." Zelden said neither he nor



United Press International
DEAN A. ANDREWS JR.
knew Oswald

Shaw's home indicated that Garrison's men carted off paraphernalia including five whips, pieces of chain, two pieces of leather, one black hood and cape, a shotgun and case and Army cartridge belt.

A preliminary hearing for Shaw was set for March 14.

Shaw insisted that "I don't know any Clay Bertrand and I have never in my life." He said he knew "of" Andrews, but was not acquainted with him personally. Shaw described himself as "incapable of plotting the death of a President he admired highly."

Wash Post Times Herald
Orleans District Attorney J.R. Garrison's investigation of Kennedy assassination plot has focused attention Washington on a report CIA plan in 1963 to assassinate Cuba's Fidel Castro which according to some sources may have resulted in a counterplot by Castro to assassinate President Kennedy.

Sen. Russell Long (D-La.) has told us that Lee Harvey Oswald the accused Kennedy assassin trained with Castro revolutionaries in Minsk during his Soviet stay. This information, which Long swears is reliable, was never revealed by the Warren Commission.

Other highly placed sources have confirmed that an anti-Castro plot was cooked up within the CIA, but they differ on whether it actually was approved.

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Md. Author Happy Over JFK 'Script'

The scenario guiding New Orleans District Attorney Jim Garrison in his investigation of President Kennedy's assassination can be glimpsed in any bookstore.

The investigation is Garrison's, but the script apparently started with Harold Weisberg, Maryland poultry farmer, former Senate investigator and author of "Whitewash," a paperback attack on the Warren report.

"It's sure following my book," Weisberg said delightedly yesterday of the District Attorney's conspiracy theory.

Before "Whitewash," Weisberg was perhaps best remembered for his "Geese for Peace" project to send a flock of geese abroad under the auspices of the Peace Corps. They wound up chewing weeds on banana plantations in the West Indies. Weisberg still bills it as "the first good publicity break" for the Peace Corps.

Weisberg contends that Lee Harvey Oswald was not the real assassin that day in Dallas. So does Garrison.

Weisberg maintains that Oswald didn't kill Dallas police officer J. D. Tippit either. So does Garrison.

Called 'Fall Guy'

In a recent interview with a French journalist, the District Attorney labeled Oswald "a lecoy, a fall guy and a vicim." Weisberg says he said as much, more than a year ago.

Weisberg charges that the President's assassination was also deeply wound up with the lottings of anti-Castro Cuban exiles, anxious to kill Cuban Premier Fidel Castro but also angry at Kennedy for the failure of the 1961 Bay of Pigs invasion.

Garrison is taking the scenario

timony of Louisiana lawyer Dean Adams Andrews Jr., who told the Warren Commission that a "Clay Bertrand" had asked him to represent Oswald after the assassination.

The FBI found the leads supplied by Andrews and others fruitless, and concluded, without locating "Bertrand," that he had no part in the assassination.

Businessman Held

Garrison has charged that "Clay Bertrand" was actually Clay Shaw, New Orleans businessman arrested Wednesday by the District Attorney and now accused of plotting the President's death with Oswald and David W. Ferrie, a pilot who died of a cerebral hemorrhage last week while under investigation by Garrison.

Weisberg, who has also written a book styled "Whitewash II," says he feels that what attracted Garrison's men to his notions was his noting in "Whitewash II" that Secret Service agents questioned Marina Oswald about a "Mr. Farry" shortly after the assassination. Apparently she was being asked about David Ferrie.

Weisberg said he was first contacted by a Garrison investigator by letter Jan. 1.

Since then, Weisberg said, he and Garrison's men have met three or four times in Washington.

"I directed their attention to things I plan to publish myself," said Weisberg, who is working on "Whitewash III."

Weisberg had a hard time getting "Whitewash" printed at all. He sent it to 63 U.S. publishers, finally put it out in a limited edition at his own expense, calling it "The Book That Couldn't Be Printed." He darkly suggested that the publishers were afraid to risk Governmental wrath. Dell Publishing Co. subsequently picked it up last fall as a

Secrecy Clouds Assassination Evidence Claim

Even Star 20 Feb 64
NEW ORLEANS, La. (AP) —

A district attorney is keeping secret the details of an investigation he says he is making of the Kennedy assassination. He says federal intervention might only slow him down.

Jim Garrison, betting his investigators can prove a conspiracy in New Orleans led to the death of President John F. Kennedy, spurned a suggestion he give his facts to the U.S. attorney general who could pass them on to President Johnson.

"I am running this investigation, not the President, not the attorney general," said Garrison.

"I'm in charge of the operation and we've made a lot of progress working this way. So I don't propose to make any changes that might result in a slowdown and make us less effective."

FBI Has No Comment

Asked what the Federal Bureau of Investigation is doing about Garrison's probe, an FBI spokesman said, "the only thing I can say regarding any questions about that is, 'no comment.'"

Garrison, 44, has been consistently controversial in his two terms as district attorney.

After New Orleans newspapers broke the story of his investigation on Friday, Garrison said "irresponsible release of so many details" would delay the arrests he said would be forthcoming.

The release of a few details and names, he said, "has now created a problem for us in finding witnesses and getting cooperation from other witnesses and in at least one case has endangered the life of a witness — a possible witness — so that whatever timetable we might have had before is somewhat extended now."

What Does He Know?

Just what does he know at this point?

"Well, I can't sum it up in terms of individuals or what might turn out to be evidence. I can say that we have been investigating the role of the city of New Orleans in the assassination of President Kennedy, and we have made some progress — I think substantial progress. At least we were making progress until the newspapers revealed a number of details."

The district attorney refused to go into the question of whether only Lee Harvey Oswald was involved in the assassination of Kennedy in Dallas Nov. 22, 1963.

"I'd rather not comment on that," Garrison said.

"I will say this that from our inquiry into the matter there is no question at all that other individuals were involved in the initial planning in the New Orleans area which culminated in the death of President Kennedy."

ref: FERRIE sw 66B01AS

Jack MARTIN sw 61C06AK

(United Press International quoted David Lewis, a former private detective, as saying five persons now in New Orleans were involved with Oswald and he knows their identities.)

Waits Garrison Okay

Lewis, a bus station express handler who worked as a private investigator here in the months before the assassination, said he has the names of the five but would not disclose them until permitted to do so by Garrison.

In Miami, a Cuban exile, Bernard Torres, 32, who helped the Secret Service guard President Kennedy in Miami four days before the assassination, said Garrison had engaged him to look into the background of some Cubans reported to have been with Oswald shortly before the shooting in Dallas.

Torres said he believes the Warren Commission — which said its exhaustive investigation showed there was no credible evidence that anyone else was implicated — will be proved incomplete.

Torres said he had seen photographs of Oswald with some Cubans reportedly taken in New Orleans shortly before the assassination.

Torres said he had made several trips between Miami and New Orleans in connection with the Garrison investigation and would leave today for New Orleans.

He declined to discuss a report that Oswald had visited Miami to talk with Cubans.

Took Part in Invasion

Nor would he talk about reports that some exiles angry at Kennedy's failure to take action which might have saved the unsuccessful 1961 Bay of Pigs invasion, were talking about killing the President.

Torres was a member of the invasion brigade. He now is military coordinator of its veterans organization, called Brigade 2506.

In San Diego, Melvin Belli, an attorney, said Oswald and Jack Ruby, the man who slew Oswald after Kennedy's death, were in New Orleans at the same time but it was just a coincidence.

Belli, who defended Ruby in his trial for the slaying of Oswald, said he does not believe there was any plot to kill Kennedy.

He added that he knew Ruby had activity in New Orleans and with Cuba, but he was just trying to ingratiate himself with a wealthy Mafia type who was involved in Las Vegas gambling activities.

This was typical of Ruby's efforts to be identified with the wealthy and powerful Belli said.

Investigation Is Examined

By HAYNES JOHNSON
Star Staff Writer

NEW ORLEANS—Off Lafayette Square, across the street from the magnolia trees, the azalea bushes, the statue of Benjamin Franklin, and the newspaper plant of the Times-Picayune and States-Item, are two vacant offices which now carry "For Rent" signs.

One office, on the Camp Street side, once housed Cuban exiles involved in anti-Castro activities after the Bay of Pigs invasion; the other, on the Lafayette Street side, was the headquarters for Guy Banister Associates, Inc., a private detective agency.

In the days before and after the Bay of Pigs in April, 1961, the Cubans met often in Banister's office. And there two people are reliably reported to have informed Dist. Atty. Jim Garrison, Lee Harvey Oswald was seen with the Cubans and the group around Banister.

3 in Group Named

That group included three of the persons whose names have surfaced since Garrison's investigation of President John F. Kennedy's assassination became public a week ago Friday. They are: Jack S. Martin, David Lewis, and David William Ferrie.

Martin and Lewis were employed by Banister's firm. Martin as an investigator and Lewis as a messenger and office man. Ferrie, who died last week, had been working closely with Banister in anti-Castro activities and also had retained Banister's firm to help him in a morals case with which he had been charged.

One of the Cubans who used to go to Banister's office told this reporter, in the course of a seven-hour conversation ending early yesterday morning, that Garrison had questioned him a number of times in the past month. Garrison told him, the Cuban said, that witnesses have stated they saw him there with Oswald and the others.

The Cuban flatly denies it, and says he has offered to take a lie detector test and truth serum if necessary to substantiate his position. He has not been asked to take such tests, he says.

Met Oswald in 1963

That same Cuban, who wants to remain anonymous, in fact did meet Oswald at Oswald's apartment on Magazine Street in August 1963. He had gone there in an attempt to learn about Oswald's pro-Castro dealings in New Orleans and about Oswald's supposed Fair Play for Cuba Committee organization in the area.

They talked for about half an hour, and Oswald gave him some literature as they left, he said. Then the Cuban promptly reported his contact with Oswald to the New Orleans Police Department.

After President Kennedy's assassination on Nov. 22, 1963, the Cuban repeated his account of meeting with Oswald in the

Continued on Page A14, Col. 1

Murder: Improbable World of Ferrie

By George
Washington

NEW ORLEANS, Nov. 25 (AP)—Some six years ago, on Aug. 30, 1961, two young men in a Plymouth coupe were embraced by police in a residential neighborhood near the New Orleans lake front. In the car, officers reported, were found a fully loaded .38 caliber Smith and Wesson pistol and a makeup kit with human hair, sealing gum and scissors. Both belonged to one David W. Ferrie. One of the young men in the car said they were waiting for him.

The police were, apparently, skeptical. The neighborhood had been plagued with burglaries. The two young men led the officers to a neighborhood home occupied by Sergio Arcacha Smith, local head of a Cuban liberation group. Arcacha's wife said Ferrie had been there earlier.

The connection between Ferrie and members of a Cuban exile group, appears to be a key link in the controversial investigation District Attorney Jim Garrison is conducting into the assassination of President Kennedy.

Nothing has surfaced connecting Ferrie or anyone else on Garrison's list to the assassination. Garrison has yet to disclose a shred of evidence. But he flamboyantly claims to have "solved" the assassination and, an investigation by Newsweek and The Washington Post found, he is looking for Sergio Arcacha Smith for questioning.

It is a strange, murky, improbable world that the district attorney's office is reconstructing. The prosecutor has even stated that he does not believe Lee Harvey Oswald killed anyone in Dallas Nov. 22, 1963. Instead he is concentrating on Cubans.

So far the only signs of where all this may be leading is a Jim Garrison lie in the tangled life of David William Ferrie—who died last week of what the police and the coroner have said were natural causes. Characteristically, Garrison disagrees, insisting it was a suicide.

With his bizarre red wig and painted eyebrows, Ferrie who once studied to become a Catholic priest but was considered too unstable and arbitrary, played many roles—pilot, philosopher, private detective, medical expert, building inspector, high school teacher, and confidante and molder of young men. Another was Cuban freedom fighter.

Born in Cleveland 49 years ago, Ferrie insisted he had never been to Cuba, but that didn't keep him from talking about it. In July 1961, for example, he spoke to the New Orleans chapter of the Military Order of the World Wars on "Cuba—April, 1961, Present and Future" but he was

cut off by a chapter official who found the remarks offensive.

Just what Ferrie said is unclear, but one man present is reported to have said Ferrie complained sharply about "the President of the United States and the Commander in Chief of our Armed Forces," apparently for the failure of the Bay of Pigs invasion. Ferrie, it was also recalled, had brought with him a 17-year-old Latin American boy as a show of part of the work he had been doing for "Cuban liberation."

At one point, Ferrie was also alleged to have been "working out of" the New Orleans office of the Frente Revolucionario Democrático headed locally by Arcacha who, Newsweek news reporter Philip D. Carter found, moved from New Orleans well before the assassination and wound up in Dallas.

In the police investigation of the Aug. 30 incident revolving around Sergio Arcacha Smith's home here, the New Orleans intelligence division reported, several months later, that "apparently this group (the Cuban Revolutionary Democratic Front) was legitimate in nature and presumably had the unofficial sanction of the CIA although this could not be determined locally."

Sergio Arcacha Smith, it was also reported, had been removed as New Orleans head of the group.

Ferrie's continued interest in the group, if any, remains unknown. Several hours after President Kennedy's assassination, Ferrie and two youths—Alvin Roland Beauboes and Patrick L. Martens—left for a weekend drive to Texas that brought them first to Houston on Nov. 23, at 4:30 a.m. (One "Layton Martens" had been at Arcacha's apartment when police rapped on the door back in 1961; he had furnished them then with identification saying he was second in command here of the Cuban group headed by Arcacha.)

Ferrie and the two youths subsequently drove to Galveston and made their way back to New Orleans by way of Alexandria, La., on Nov. 24.

Ferrie found his rooms had been searched—a monumental job if they were as cluttered then as they were at his death—and found the district attorney's office was looking for him.

They had been alerted by Jack S. Martin, now 53, one-time private detective, newsman, deputy sheriff, and what have you, according to Mrs. Martin. Martin was also a bishop of an obscure and dissident Catholic sect who once ordained Ferrie into the order. Martin gave authorities a batch of rumors about Ferrie, including allegations that

he had once taught Oswald to shoot that he had "monitored" Oswald, and that he may have been the "unfamiliar" "getaway" man who would have to meet Jack Martin repetitively, to appreciate him. Ferrie said wryly in an interview shortly before he died. He said Martin—now "somewhere in Mexico," according to his wife—delighted in stirring up trouble. Mrs. Martin said her husband has "a violent temper" and often "drinks heavily."

Of Ferrie, an FBI agent told Newsweek's Hugh Aynesworth in Dallas several months ago, "We picked him clean. You won't find anything there."

Nonetheless when District Attorney Garrison launched his investigation last November, his men called in David Ferrie once more. "They used the names Martin gave them," Ferrie charged in the interview. He also asserted that he had been trying to see Garrison directly for months for a face-to-face talk about what the District Attorney wanted.

That Garrison's theories revolve around Cubans was clear from an interview with private detective William Gunch, one of Garrison's chief aides in the investigating. He referred several times to the testimony before the Warren Commission about a "powerful" Cuban which conflicted with the preponderance of testimony pointing to Oswald.

After acknowledging from

Garrison Calls Ex-Aide of Trade Mart for Quizzing

Even Star (Mar 67)
NEW ORLEANS (AP)—A former managing director of the International Trade Mart here was subpoenaed for questioning today in Dist. Atty. Jim Garrison's 5-month-old investigation of the assassination of President John F. Kennedy.

Clay Shaw, now retired, was summoned while the first man to be subpoenaed, James Lewallen, was undergoing questioning.

Lewallen's lawyer, George Piazza 2nd, told reporters that Lewallen, a pilot and David William Ferrie roomed together several years ago.

Ferrie, 48, who was found dead in bed a week ago today, has been described by Garrison as a participant in an alleged conspiracy here that resulted in the assassination at Dallas Nov. 22, 1963.

entary doubts, a theory that there might be a second assassin, said he was convinced was no plot. He said Garrison try a new for size "I've got a for him," he said in an interview, opening his in mock horror. "Thogy magazines—they in 1960 that whoe elected—and they cou whether it would be or Nixon—would die Maybe the astrologe Kennedy."

Not even Carlos F a firm believer in a theory of the assass seems to think that C quest for Arcacha wi more fruitful. A Cut leader here and a fir er that Fidel Castro hind the assassinat guer called Arcacha because of an obscur out they had. But "I'm completely sure had nothing to do y thing"

No One Has Found the

WARREN, From Preceding Page

what he may of this suggested link between Ruby and the Dallas right wing. For clarification, however, he might turn to a commission exhibit. Not 2270. Try 2291.

It also is a statement by Miss Trammel, now Mrs. Penny, to the FBI. In it, she says she once had a long talk with Ruby when she and some classmates from the University of Texas visited his Dallas strip club. Ruby asked if she wanted to work for him. She didn't. But Ruby kept asking. The last time was Nov. 21, 1963.

During that phone conversation, Miss Trammel mentioned that she was seeking a public relations job at a bowling alley that she had read Lamar Hunt owned. She had an appointment to see him that very day. She said she didn't have a car. Ruby offered to drive her to the bank building where Hunt had his office, since he had business to transact at the bank.

"During the trip . . . to the bank, Ruby seemed impressed with the amount of money that Lamar Hunt had made," Miss Trammel told the FBI, "and had mentioned that he knew most of the prominent people in Dallas. . . but did not know Lamar Hunt."

Ruby left her at the ground-floor elevator. He never did get to go up and meet Hunt. Miss Trammel didn't get the job. But the reader might get a clearer picture of the Ruby-Hunt "association" from Commission Exhibit 2291 than from "Rush to Judgment."

The Club Meeting

CONSIDER THE alleged meeting in Ruby's Carousel Club Nov. 14, 1963, between Ruby, J. D. Tippitt, the policeman the commission says was shot by Oswald, and Bernard Weissman. Weissman was the young Easterner who had arrived in Dallas Nov. 4 and had helped place an ad critical of President Kennedy in the Dallas Morning News the day of the assassination.

Lane himself told the commission about the meeting. He declined to reveal his source for the story because the source had not given him permission to do so.

"But," he wrote in his book, "if the commission had wanted his name, it need only have asked one of its witnesses, Thayer Waldo, a reputable journalist. Counsel, however, did not ask Waldo about the meeting."

Not in so many words, for how was counsel to know what Waldo knew since Lane had refused to tell the commission about Waldo or any other source? But at the end of Waldo's interrogation, which covered other matters,

having heard Ruby mention the name Weissman, that he believed Weissman was a Dallas detective whose first name may have been Johnny and that he "could have my recollection of a Mr. Weissman mixed up with someone else."

Lane does not mention that Crafard thought Weissman was a "white male American" 38 to 43 years of age. Bernard Weissman was a white male American who was 26 in 1963 and who, if he had been at the Carousel on "a number of occasions," had nonetheless been in Dallas only ten days.

The Three Tippitts

LANE REPORTS that several witnesses said Ruby knew Tippitt. One whom he cites was Dallas Police Lt. George C. Arnett. What Arnett actually told the FBI was that he did not recall to what extent Ruby may have known policeman Tippitt but that "he does not believe he was more friendly with Tippitt than the average officer."

Arnett, in other words, did not say positively whether Ruby did or did not know Tippitt.

Lane says Crafard and Andrew Armstrong, Ruby's bartender and handyman, both heard Ruby say he knew Tippitt when he learned that the policeman had been shot. Lane does not say that Armstrong also told the FBI: "From what I gather later on, Mrs. Grant (Ruby's sister) told me it was a different Tippitt that he knew. In other words, there was two officers that had the name of Tippitt."

Actually, there were three, and Ruby did know one of them. He said he knew a detective, Gale Tippitt, who worked in Special Services. Lane's book has this; it mentions that Gayle Tippitt said his "contacts in recent years with Ruby have been infrequent."

That is taken from Committee Exhibit 1620, in which Gayle Tippitt also said that in the 1950s, he "became very well acquainted with Jack Ruby." Lane does not quote that part of Exhibit 1620.

Lane writes that the commission might also have interrogated Harold Richard Williams. Williams told Lane he had seen Ruby and a policeman he identified as J. D. Tippitt in a patrol car when he was arrested in November, 1963.

Lane warns his readers that Williams's testimony "should be assessed with a degree of caution" since he was not a witness and under oath. He might also have told his readers, but didn't, that Tippitt was stationed in the Oak Cliff section of Dallas, all the way across town from where Williams said he was arrested.

counsel: "Did you at any time while you were in Dallas ever have a meeting with or sit in the Carousel Club with officer Tippitt?"

"No," he answered. He said he had never been in Ruby's club and didn't know him.

Mrs. Tippitt was less exact. She said she had never heard her husband mention being in Ruby's club.

The point is not so much whether such a meeting could have taken place. The point here is that Lane, who presented the rumor to the commission, did not present all the evidence to his readers. For instance, neither Weissman's denial nor Mrs. Tippitt's lack of knowledge of the meeting is presented in his book.

But what if, evidence to the contrary, such a meeting did take place? What was its purpose? Lane doesn't suggest one. Neither does any evidence in the Warren volumes.

Nor is there evidence in the volumes to indicate a conspiracy in New Orleans. The commission and the FBI investigated several of the people who have figured in Garrison's case. They found no conspiracy.

This is not to deny the possibility of one. It should be mentioned, however, that the indictment against Clay Shaw, a New Orleans businessman, says he conspired with Oswald to assassinate Mr. Kennedy. But it does not say the assassination was the one that took place Nov. 22, 1963, in Dallas. Nor does it say it wasn't. Garrison has said he doesn't want to get involved in "semantics" over wording.

A Tardy Accuser

IT SHOULD be mentioned that the chief witness against Shaw so far is a man who first contacted Garrison two days after the District Attorney said the case was solved. The witness testified after being given "truth serum" and undergoing hypnosis.

It should be mentioned that another witness reportedly said he was offered a bribe by the District Attorney's office to give favorable testimony. The witness's lawyer said that a lie detector test verified the bribe attempt.

Garrison has said he has evidence that Oswald was working for the Central Intelligence Agency. Others have said that Oswald was working for the FBI for \$200 a month after his return from the Soviet Union.

That rumor apparently came from a Houston reporter, Alonzo Hudkins. Hudkins has since told Charles Roberts of Newsweek that he believes J. Edgar Hoover's denials that Oswald was an FBI informant. But Epstein takes the commission to task for relying solely on

said no, he couldn't.

The commission did inquire into the Carousel meeting with other witnesses. One was Larry Crafard, a carnival worker hired by Ruby to do odd jobs around the club. The commission volumes have a statement by Crafard in which he told the FBI he recognized a

TWO WITNESSES said that on Nov. 14, the night of the alleged meeting, Weissman was in their home trying to sell them carpeting until 9:30 or 10 p.m. Mrs. Tippitt said her husband was a homebody devoted to his family. Lane says the commission should have asked her what Tippitt was doing the night of

Why, he asked in "Inquest," didn't the commission on its own interrogate Hudkins and his reported source for the story, Dallas Deputy Sheriff Allan Sweatt? It is a legitimate question. But it is also legitimate to ask how Epstein can state that "no efforts were made by

she denied it. Hall later altered his

idence to Prove It



swearing in of Lyndon B. Johnson by Judge Sarah T. Hughes aboard Air Force One.

erts said. When she saw she told the FBI, she king at television.

Jimmy Valentine had ernoon. He was at head- he heard of the assassi- 45 p.m. He drove to the the way across town traffic. This would put lding close to the mo- wald dashed into the several miles away. Val- he keys over to a ser-

t mean, Lane argues, ldn't have been driven Mrs. Roberts saw two he men would have had from the sergeant, who lease them until 3:30 igh traffic around the e rooming house in sub- , honk twice and drive

purpose? Lane doesn't

INSPIRACY: Ruby was Communist activity. Lane

some Jeeps to sell Cuba. The deals never came to pass.

McKeown told the FBI he "feels strongly that this individual was in fact Jack Ruby. . ." Lane quotes this. He does not quote another part of the statement in which McKeown "remarked he is not certain that the above-described telephone caller from Dallas or the man who personally appeared . . . was identical with the Jack Ruby who killed Lee Harvey Oswald."

Lane takes a partial quote to show strong identification of Ruby by McKeown rather than a whole one which shows something less. He need not have. Ruby said he once was interested in a Jeep deal. He thought, though, that the intermediary's name was Davis. His sister, Eva Grant, told the FBI she believed her brother had an option on eight war surplus Jeeps some time around 1960.

This could be corroboration of McKeown, but is it of Nancy Rich? And if one interprets it as such, where does it all tie Ruby into an assassination super-plot? Do surplus Jeeps in 1959 and an unverified meeting in 1962 add up to assassination in 1963?

disregards Mrs. Odio's testimony. She said the visit occurred Sept. 26—when Oswald had already crossed the border—or the 27th, when he had reached Mexico City and registered at a hotel.

Were someone's dates wrong? Epstein doesn't mention that there is a conflict between him and the testimony.

He does not mention a commission statement from E. P. Hammett, a Houston bus ticket agent. Hammett told the FBI that in late September, a man "strongly resembling" a photograph of Oswald asked him about bus travel to Laredo and Mexico City. Epstein does not mention that the man eventually bought a ticket to Laredo. Epstein does not mention that it was the only such ticket sold that night to Laredo or that it was the only one of its kind sold from Sept. 24 through Sept. 26.

If Oswald had been in Dallas on the 25th, he could have caught a bus from there to Alice, Tex., in time to be on the Houston-Laredo bus on which he was seen. But no tickets for Laredo were sold by the bus line connecting Dallas and Alice between Sept. 23 and 26.

He could, the commission concedes,

said that in 1962, she and her husband met several times in Dallas with others, including an Army whose name she did not recall ne one named Dave C.—"I think Cole, but I couldn't be sure." Mrs. husband had asked \$25,000 to

A the admitted Marxist who wanted fair play for Cuba, was actually in the anti-Castro underground.

The source of this was Sylvia Odio, an anti-Castro Cuban. On Sept. 26 or 27, 1963, two Cubans or Mexicans called at her apartment in Dallas with a third

Report says it "would have been difficult." Tight scheduling again for the superplot.

Ultimately, the FBI located a Californian, Loran Eugene Hall, who said he had called on Mrs. Odio in Dallas in September with two other men. The

picture of Weissman as a man he had seen at the club "on a number of occasions."

Lane has this quote. He does not mention that Crafard also told the FBI he had a "very vague recollection" of

Nov. 14 and asked Weissman what he did after 10 that evening.

Lane says the question was "never even posed" to Weissman. It may not have been posed to his liking, but Weissman was asked by commission

the commission or its staff to investigate the rumor itself." That simply isn't true.

The commission did investigate in some detail reports of money orders Oswald reportedly received while in Dallas. The story turned out to be baseless. The commission did inquire why FBI agent James Hosty's name was in Oswald's address book. Oswald told his wife to take it down after Hosty had visited her at Ruth Paine's, where she was living.

The commission did investigate through the Internal Revenue Service, Oswald's finances after his return from the Soviet Union. His known and assumed outgo remarkably approximated his income down to the cash balance he had when arrested.

The Plot Against Oswald

ANOTHER CONSPIRACY rumor: Ruby entered Dallas Police Headquarters to shoot Oswald not by accident but by design. In accord with some superplot, the assassin had to be assassinated. One incontestable fact of time, however, must be considered.

The exact time of Oswald's transfer depended on when police were done questioning him. At the time that was decided, Ruby was driving downtown to send a money order to one of his strippers.

The time when he handed the money order across the Western Union counter was punched by a time clock: 11:17 a.m. Oswald was shot at 11:21 a.m. It takes several minutes to walk from Western Union to the police basement where Oswald was slain.

A commuter catching a train would scarcely cut his corners so finely. Would a man engaged in a superplot do so, particularly if he knew in some unexplained way that his only chance would come at 11:21?

The superplot was running a very tight schedule elsewhere. When Oswald dashed in and out of his rooming house a half-hour after the assassination, Lane says a "rather mysterious" incident occurred. A Dallas police car stopped, honked twice and drove off, said Earlene Roberts, the housekeeper.

Dallas police said there was no patrol car in the vicinity at the time. Lane says the investigation consisted of nothing more than the statements of police regarding car and officer assignments. One might ask who would know better than police the whereabouts of a police car.

Lane notes commission evidence that a patrolman drove Car 207 to the Depository "just after 12:45 p.m.," gave the keys to a sergeant and remained in the building several hours. The log of Car 207 should, however, include this information, which the report provides—and Lane does not.

• Police Car 170, driven by acquaintances of hers, often honked outside the



Negotiations stalled. on the door and who y little friend Jack Rich, who had been a Carousel Club. "Ruby s pocket. He went into d returned minus the ch assumed that the t money, although she t money had changed

Improved, but Mrs. Rich d my old man and when she thought she ew participant as Vito She based this on his a photograph she had fia chieftain.

counsel Leon Hubert s. Rich if Dave C., who een a bartender at the ty Club, could be one "That's it," she replied. why this potentially cor-ness was not called to FBI's summary of an in- Cherry was in the commis- sion, but Cherry was not mess," he says.

Cherry was not. But the FBI hich Lane does not quote, why. In it, Cherry denies colonel "who was sup- ee been running guns into d know Nancy Perrin Rich, had been barred from the he thought was "mentally

he commission record is a y Dallas detective Paul Ray- new Mrs. Rich and thought hopathic liar who got great of telling wild tales." And report of an interview with Victorson, who represented on a vagrancy charge. He ld stories "so ridiculous that d possibly believe them." is not ask why Paul Rayburn erson were not called by the a. He did not use their state- her. After all, they did not by or gun-running.

for Prisoners

ANE: "About so clandestine eration as smuggling weapons ad evacuating exiles, however, i expect to find corroboration the greatest difficulty, if at indicates that he found it in cKeown.

wn had been arrested in 1958 racy to smuggle guns to Fidel cKeown told the FBI that in an who identified himself as n (Ruby's original name) had im offering \$15,000 to get Cas- ease three of his prisoners. weeks later, McKeown said, a ed him to write a letter of in- n to Castro because he had

said. The men told her they had re- cently come from New Orleans and were friends of her father, a prisoner of Castro.

The next day, one of the men, who said his name was Leopoldo, phoned Mrs. Odio and said he wanted to intro- duce Oswald into the Cuban under- ground. Leopoldo said Oswald had been in the Marines, was an excellent shot and felt that "the Cubans didn't have any guts . . . because President Kennedy should have been assassinated after the Bay of Pigs and some Cubans should have done that . . ."

After the assassination, a stunned Mrs. Odio recognized pictures of Lee Harvey Oswald as the man who had come to her home. So did her sister. The commission maintained that Os- wald could not have been in Dallas Sept. 26 or 27. He was in Mexico.

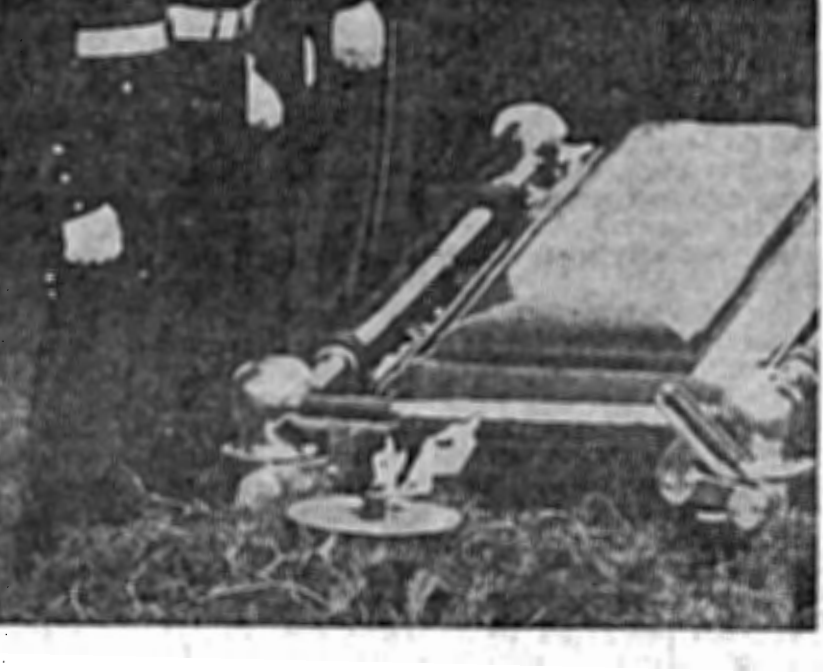
" . . . The issue was never resolved," wrote Epstein. That is debatable.

Records show that Oswald crossed into Nuevo Laredo, Mexico, between 6 a.m. and 2 p.m. Sept. 26. Two passengers on a Houston-Laredo bus said they saw Oswald on board shortly after they awoke at 6 a.m. Sept. 26.

The commission said there was strong evidence that Oswald had left Houston on a bus for Laredo at 2:35 a.m. that day. It noted that a bus had left New Orleans, where Oswald had been living, at 12:30 p.m. Sept. 25, arriv- ing at Houston at 10:50 that evening. Oswald made a phone call to a woman in Houston that same evening. It can't be determined whether the call was local or not.

The Only Ticket

EPSTEIN SAYS the visit to Mrs. Odio occurred "the day before he (Os- wald) left on his trip to Mexico." This



story. In its report, the commission said that the FBI had not completed its in- vestigation of Hall at the time the re- port went to press. Yet it concluded in the report that Oswald had not been at Mrs. Odio's that September.

"Is it too fastidious to insist that con- clusions logically follow, not precede, an analysis of all evidence?" Lane asks. The point is well taken.

A Commission Choice

DESPITE THE vast scope of the War- ren investigation, the Odio matter has given the critics ammunition to charge the commission with haste, with lack of thoroughness.

Haste? Quite possibly, although the commission denies it. But thorough- ness? Who was thorough in detailing the Odio investigation? The commis- sion? Or Epstein?

The Hall evidence neither proves nor disproves the commission conclusion about Mrs. Odio. Epstein says the mat- ter was never resolved. But, in effect, it was, as much as it ever can be. The commission was faced with a choice: the testimony of Mrs. Odio and her sister against the evidence that they were mistaken. It chose the evidence.

Yet it was the commission that pre- sented all the evidence pro and con about Mrs. Odio. The critics did not. It was the commission that presented all the evidence about Lamar Hunt and Ruby, about Nancy Perrin Rich, about Jeeps, about McKeown, about Oswald's finances. The critics did not.

One may interpret what the commis- sion found, and the critics have — abundantly. But while, as of this date, there may be doubters, books and spec- ulation, the critics have yet to produce that one essential of proof: evidence.

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If There Was a Plot a



The fatal shooting of Lee Harvey Oswald by Jack Ruby in the basement of the Dallas City Hall.

WARREN, From Preceding Page

... slightly to his left but behind the
... limousine.

... heard a noise like a fire-
... "I looked toward the arcade
... trees and saw a puff of smoke
... from the trees." That is what Hill-
... told sheriff's deputies right after
... assassination, and that is how Mark
... quotes him in "Rush to Judge-
..."

... if there is more to the sentence, al-
... gh Lane does not include it.

shots after the first shot, but that was
the only puff of smoke I saw."

If one puff of smoke suggests that
someone shot a gun from the knoll,
what does the absence of three subse-
quent puffs suggest? Lane decided not
to raise the question.

... policemen." Who, does it seem, is
... eliminating what?

The other four who Lane says saw
smoke—Richard Dodd, Walter Wind-
born, Simmons and Murphy—were in-
terviewed by him in 1966. Whatever
they told Lane then, only Simmons
mentioned smoke to the FBI when
questioned during the assassination in-
vestigation.

Simmons said he thought he saw "a
... puff of smoke" near the en-
... bankment in front of the Depository.
He ran toward that building with a po-
... litan, "ever-looking over the knoll

rumes" by the Depository have become
"a puff of smoke" near the fence.

Whether they saw smoke or not, it
apparently did not aid Dodd or Wind-
born in placing the source of the shots.
They told the FBI they couldn't tell
where they came from.

... for the shooting since they thought
... the possibility of the knoll. He said
... why the commission did not call the
... witnesses who stood between the knoll
... and the President's car, because none of
... them thought the shots had come from
... the knoll, directly behind them.

If the commission did call them, they
... would have their statements. This is
... what they said.

A. J. Martin. He said he heard three
shots from the Depository area, two
from the arcade and three more from

the arcade but farther away.

Charles Haskin said the shots
... around the Depository building.

Abraham Zapruder: "I thought the
shots came from in back of me. Of
course, you can't tell when something is
in line—it could be from anywhere."
Mary Elizabeth Woodward. She told
the FBI the shots came

... Herald
... Vol. 24

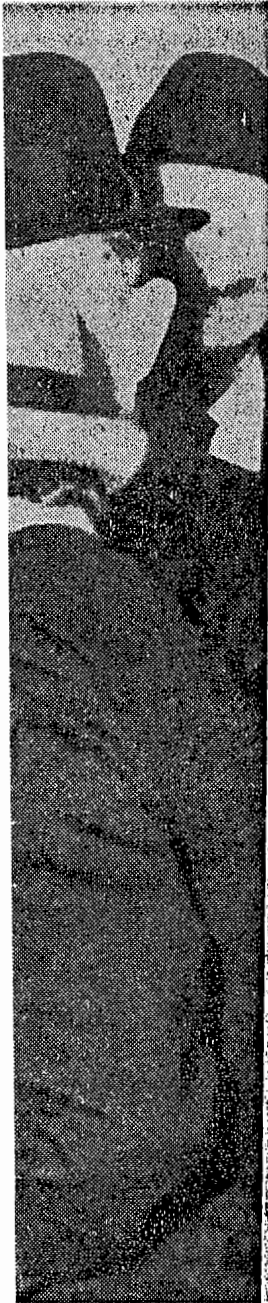
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And Another Assassin,



id Photographer Bob Jackson
1963.

ing just about in—just above the assassination site." Lane has this quote from Bowers. He doesn't have this one. "He left this area just about 12:25 p.m." The assassination occurred at 12:30 p.m.

Bowers also said he saw two men watching over the fence about the time of the shots, which arouses Lane's suspicions. Not, however, to the extent of mentioning that Bowers saw "at least" one of them still there as police began fanning out over the area.

Patrolman Charles Polk Player searched cars in the lot for two hours. He didn't report finding anything. Several hoboes found in freight cars were questioned. "Holland saw muddy footprints on a car bumper. Had an assassin stood there?" No one had seen one. No rifle was found. Nothing...

After searching the knoll area for a while, Seymour Wetzman went over to help at the Depository. On the sixth floor, behind some boxes, he found a rifle with a telescopic sight. The gun had been purchased by someone named A. Hidell whose handwriting was identical with Lee Harvey Oswald's.

Weakening the Case

TWO PERSONS said they saw a rifle being fired from the sixth floor of the Depository. One was Howard Brennan. To weaken the case for the Depository, it is important for the critics to weaken Brennan's testimony.

Epstein says Joseph Ball, a commission lawyer who investigated the identity of the assassin, "had several reasons to doubt Brennan's testimony": Brennan's "difficulty seeing a figure" in the Depository window during a re-enactment of the assassination; Brennan's failure to identify Oswald on "prominent points" of his clothing; Brennan's "major error" in testifying that the assassin was standing while firing, and "the fact that Brennan had lied at the police lineup."

Epstein notes, correctly, that Brennan testified that the assassin was standing in the window as he shot. He does not note that Brennan also thought that three onlookers a floor beneath the assassin were also standing. They weren't; they were kneeling. So must the assassin have been to fire through the window. A small point, a small rebuttal—too small, evidently, to include in an inquest.

At a police lineup, the day of the assassination, Brennan said he could not positively identify Oswald as the assassin. Four months later, he told the commission he could. He said he hadn't done so earlier because he feared Com-

Finally, the critics question Brennan's ability to see anything.

"Perhaps poor eyesight accounted for Brennan's inability to identify the man at the window," says Lane. Brennan admitted that his eyesight was "not good" when he testified before the commission.

Brennan indeed, so testified. He said this was so because his eyes had been accidentally sandblasted. That happened two months after the assassination.

In a footnote on Page 90 of the hard-cover edition of "Rush to Judgment," Lane mentions the injury. Seemingly, there the matter would rest: that Brennan testified he was farsighted up until an injury two months after the assassination and that thereafter his eyesight was "not good."

Yet by Page 269 Howard Brennan has become "weak-eyed." Brennan, who claimed he saw Oswald in a window." After 170 pages, maybe the author had forgotten when Brennan became "weak-eyed." Or maybe the reader had.

Conspiracy

THE WARREN COMMISSION never said: Lee Harvey Oswald, alone, murdered John F. Kennedy, period.

It actually said: "The commission has found no evidence that Oswald was involved with any person or group in a conspiracy... If there is any such evidence it has been beyond the reach of all the investigative agencies and resources of the United States and has not come to the attention of the commission."

There the matter has not rested. In New Orleans, District Attorney Jim Garrison has claimed to have found what the commission did not: conspiracy. On the bookshelves of the Nation are volumes that claim the same: that Oswald was innocent; that he was a fall guy; that he was involved with Jack Ruby or Bernard Weissman or the FBI or Communists or Texas oil interests or racists.

A court of law will decide in New Orleans. But the other versions of conspiracy are not and quite possibly never will be before a judge and jury, rather than the jury of public opinion. The Warren Commission, unfortunately, did not answer all the questions.

this regard to Lane or didn't mention it.

Ran

What witnesses heard ear from the knoll, Lane chance to what they did. rs said that as soon as fired, they ran directly nd behind the wooden an to search the area, he Book Depository on onle converge on the

er from the gunfire. Patricia ence, who had been standing d Houston, ran "along with ' to where the President's car when he was hit. So did Mrs. avis. "I just ran along with

crepancy to attack Brennan's credibility. He doesn't mention that the commission agrees with him.

Because Brennan declined to identify Oswald positively at the lineup, the commission said it "does not base its

some are not questions at all. eney are innuendoes—false scents that confuse the hunt for truth.

What other construction can one put, for instance, on Mark Lane's innuendo

... Six out of seven of these witnesses on the overpass who gave an opinion as to the source of the shots indicated that the shots had come from a 'grassy knoll.' They did?

The six cited are James Simmons, Austin Miller, Thomas Murphy, Frank Reilly, J. W. Foster and Holland. This is what they say in the Warren Report volumes:

Simmons (paraphrased by the FBI): "He advised that it was his opinion that the shots came from the direction of the Texas School Book Depository."

Miller: "It sounded like it came from the, I would say from right there in the car. Would be to my left, the way I was looking at him, over toward that incline, the knoll."

Murphy: "These shots came from a spot just west of the Texas School Book Depository."

Reilly: "The shots came from that park where all the shrubs is up there, to the north of Elm Street, up the slope."

Foster: "It (the sound) came from back in the corner of Elm and Houston Streets." The Depository is at the corner of Elm and Houston.

Holland, who also picked the knoll, testified that he immediately ran to that area. He saw no one suspicious.

Those are the six who "indicated the shots came from a 'grassy knoll.'" Two, actually, picked the Depository area. One who indicated the knoll also thought the shots sounded like they came from Mr. Kennedy's car.

Smoke Abatement

BESIDES HOLLAND, Lane says that six others on the overpass saw smoke. Austin Miller is one. In an affidavit Nov. 22, 1963, he said he saw "smoke or steam" coming from the knoll area. When Miller was later questioned by commission counsel, Lane writes, Miller was "dismissed before he could mention the crucial observation contained in his affidavit."

Actually, at the end of his interrogation, during which he indeed did not mention any smoke, Miller was asked if he could add anything "that might be of any help to the commission or to the investigation of the assassination."

Miller: "Offhand, no sir, I don't recall anything else."

Maybe he forgot the smoke, maybe not. But it is hardly accurate to convey the impression that the commission turned Miller off before he could give testimony against the Depository theory.

Lane goes on. "Clem Johnson told FBI agents that he had observed 'white smoke.'" That is all he says about Clem Johnson. But Johnson's full statement as paraphrased by the FBI was: "Johnson stated that white smoke was observed near the pavilion arcade but he felt this smoke came from a motorcycle abandoned near the spot by Dal-

200 Missed It

THERE ARE THREE other aspects of smoke not dwelt upon by Lane or Epstein in connection with the knoll:

- There was a steam pipe in the area.
- FBI tests showed that the alleged assassination rifle produced only a "small amount" of smoke when fired: modern military gunpowder is smokeless.
- None of the approximately 200 assassination witnesses questioned other than the four on the overpass mentions seeing any smoke anywhere.

"Many other persons scattered throughout Dealey Plaza, through which Elm Street runs and the knoll and Depository overlook, placed the origin of the shots on the knoll," Lane observes. And so they did.

Jean Hill did. Billie Joe Lovelady did. William Newman did. John and Faye Chism did. Roy Truly did. At least 34 people did, although it is difficult to pinpoint from some of their statements.

It is also not always easy to pinpoint the more than 60 witnesses who thought the shots came from the Depository, such as:

F. Lee Mudd—"From the direction of the Depository."

Charles Hester—"It appeared to be a building on the corner of Elm and Houston Streets."

Charles Brehm—"One of two buildings on Elm and Houston."

Marion Baker—"High up, pretty sure from the Depository."

T. E. Moore—"From a high area."

Allan Sweatt—"Vicinity of Elm and Houston."

... Or the 15 people in the motorcade itself who thought the shots came from the "right rear."

Some Other Witnesses

SINCE ALMOST NONE of such witnesses is mentioned in Lane's book, perhaps that is why he felt no need to mention others whose testimony is helpful in locating the source of the shots.

Such as Mrs. Earle Cabell, the Dallas Mayor's wife, who looked toward the Depository at the sound of shots and "saw a projection" in an upper window.

Or Bob Jackson, a press photographer, who also looked up at the Depository and told colleagues in a motorcade press car: "There is the gun!" Or James Crawford, who looked up at the sound of the third shot, "saw a movement" in the southeast window of the sixth floor of the Depository and told a friend: "If those were shots, they came from that window!" and then advised police to search around some boxes he saw in the window.

Epstein thinks there is "compelling" evidence that shots were fired from the Depository but faults the commission

behind them, or from the knoll. "However, because of the location she could not say where the shots came from other than they came from above her head."

Mrs. Hester: She was standing on the overpass approximately in front of Mr. Kennedy's car and the Depository. She said she could give no positive opinion on the shots other than to tell the commission she believed she and her husband were in the line of fire.

The other four of the nine witnesses identified the knoll as the source. "I think the shots came from the knoll."

Further Disagreement

EPSTEIN CONTINUES: "Epstein's witnesses were standing across the street from the knoll; all of them thought the shots had come from the knoll."

Actually, four of them did. Lane couldn't determine the source of the shots, she thought the shots came possibly from the Depository area. One witness came from one of two buildings on the corner of Elm and Houston; three buildings there, one the Depository.

In the second chapter of his book Lane writes: "Twenty-five witnesses known to have given statements on Nov. 22 and Nov. 23—of and the day after the assassination—about the origin of the shots. Two said they believed that the shots came from the knoll."

The commission volumes reveal that 23 people did give statements to the commission on those two days. Nine cited the knoll, 12 cited the Depository.

Indicated that it could have been the knoll. There is a witness mentioned in other context by Lane whose testimony has some relevance as to where the shots came from. He is Lee E. Bowers, who was working in a signal tower on the railroad area behind the knoll. His testimony is in Volume VI.

Bowers: "The sounds came from up against the School Depository Building or near the triple underpass."

Q: "You were not able to tell Bowers: 'No, I could not.'"

Q: "Well, now, had you had any experience before being in the tower with sounds coming from these places?"

Bowers: "Yes, I had worked in the same tower for some ten or 15 years and was there during the time the building were renovating the School Depository Building, and had noticed at that time the similarity of sounds occurring in either of those two locations."

Bowers' testimony doesn't rule out the knoll. It doesn't rule out the Depository. It does help those investigators trying to explain why witnesses on the overpass gave conflicting testimony as to the sound of the shots. If

Curtis Bishop, on the overpass, saw people running in every direction." Geneva Hine, on the second floor of the Depository, saw people running east on m, away from the knoll. Ralph Walters, a deputy sheriff, ran toward the overpass, where he had last seen the presidential limousine. "We couldn't get any information."

L. S. Smith, another deputy, ran toward the Depository. A woman said the shots came from the knoll, so Smith was there. John Wiseman, a deputy, ran toward the knoll, where he saw police having trouble with a motorcycle. Then a woman pointed to the Depository, so he was there.

Deputy W. W. Mabry saw people running toward the overpass area, "so I ran that way." Motorcycle patrolman Clyde Haygood drove toward the overpass area "because people were pointing. Then a man mentioned the Depository, and at 12:34 p.m., four minutes after the assassination, he radioed the police dispatcher:

"I just talked to a guy up here who was standing close to it, and the best he could tell, it came from the Texas School Book Depository."

Deputy Allan Sweatt couldn't tell which way to run because one man told him the shots came from toward the knoll and another said the Depository. A colleague with him stayed at the Depository while he ran toward the knoll. Deputies Jack Faulkner and A. D. McCurley ran toward the railroad yards behind the knoll because they saw other officers running there. Officer J. V. Harkness went to the railroad yards because he saw "everybody hitting the ground" there.

Search Was Fruitless

IN OTHER WORDS, people were running in many directions for many reasons. Most of the sheriff's deputies had been in front of their office around the corner when the shots were fired and ran in the directions they did because of what bystanders told them, because they saw others running that way or because of where they thought the sounds came from.

Undeniably, the knoll area was widely searched by officers immediately after the shots. And what was found?

"We didn't see anything there," said Deputy Luke Mooney, who thought the shots came from the knoll.

Bowers said he had seen three out-of-state cars driving around the parking area behind the knoll just before the assassination. Two drove off before the shots. Lane mentions this. And the third? Lane leaves it near the knoll and leaves the reader to conjecture what the driver might or might not have done there.

"The last I saw of him, he was paus-

the assassin on Brennan's subsequent certain identification."

Tangible Corroboration

THE COMMISSION, however, does not question Brennan's credibility in saying that he saw a man firing a rifle from a Depository window, because near that window were found not only a rifle and shells but fingerprints of Lee Harvey Oswald.

It might also be noted, although Epstein does not, that while on Nov. 22 Brennan said he could not make positive identification, he did then say that man No. 2 in the lineup "most closely resembled" the man he saw in the window. Lee Harvey Oswald was man No. 2.

There is also more to Epstein's allegation that Ball was "extremely dubious" about Brennan's testimony.

"Epstein says that I told him when we reconstructed the episode that Brennan 'had difficulty seeing a figure in the window.' I never said that. In the first place, we didn't have Brennan at the reconstruction to see whether he could see. We had him there so that he could mark positions on a photo. Epstein quotes me as being 'extremely dubious.' I never said that. It didn't happen."

tion between Jack Ruby and the right wing of Dallas?

The commission made an hour-by-hour study of Ruby's actions from Nov. 21 to Nov. 24, 1963, to determine if he was involved in a plot.

"The commission found that Ruby's activities and associations were innocent," Lane writes in "Rush to Judgment." "An objective analysis of the record might yield a somewhat different evaluation of Ruby's conduct."

The Job-Hunter

LANE MENTIONS an instance on Nov. 21 when the commission said Ruby "visited with a young lady who was job-hunting in Dallas."

"Contrary to the commission's unassuming summation," says Lane, "Ruby did not merely visit with a young lady who was job-hunting. Commission Exhibit 2270, an FBI report of an interview with Connie Trammel, the young lady in question, divulges the fact that Ruby drove with her to the office of Lamar Hunt, the son of H. L. Hunt."

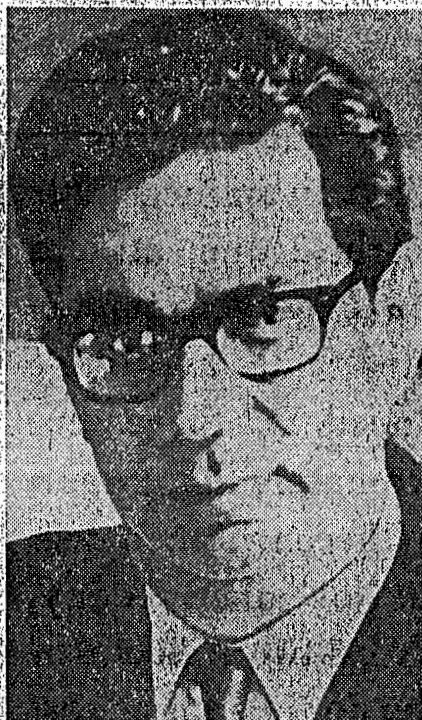
Lane drops the matter at that point. Ruby is left at the office of Lamar Hunt, whose rich father is a strong supporter of ultraright causes. The reader of "Rush to Judgment" is left to make

See WARREN, Next Page

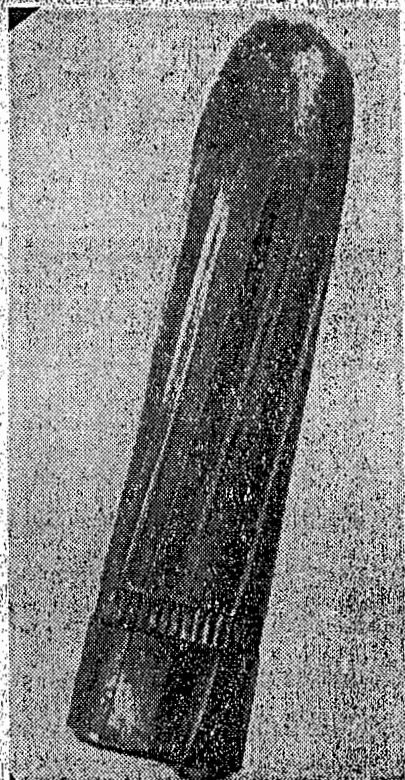


A Dallas policeman holds up the rifle later traced to Oswald shortly after it was found in the Texas School Book Depository.

An Exact Reconstruction



Above are three of the men who have written books challenging the Warren Report: Leo Sauvage ("The Oswald Affair"), Mark Lane ("Rush to Judgment") and Edward Jay Epstein ("Inquest"). At right is Bullet 399, which figures largely in their criticism of the inquiry.



WARREN, From Page C1

critics of the Warren Report use to topple the theory and discredit the report.

The theory was reached after the commission staff was confronted with two pieces of conflicting evidence:

1. That the first wounds suffered by President Kennedy and Texas Gov. John B. Connally evidently occurred within a span of 1.8 seconds; 2. that the

does the testimony of the pathologists as well as the autopsy report itself.

Connally's Recollection

THEIR ATTACKS have had telling effect, but the most jarring challenge to the single bullet theory came from one of the victims, Gov. Connally. "I am convinced beyond any doubt that I was not struck by the first bullet," says the Governor. He recites his recollection of the sequence in which

the camera, which exposed 18.3 frames per second.

Other evidence—the shells and rifle in the Depository, the rifle seen protruding through the window, the nature of wounds and so on—established that the sixth floor of the Depository was one fixed point. The almost foot-by-foot movements of the presidential limousine, as demonstrated by the Zapruder movie and other photographs, provided other fixed points.

But the Zapruder film had one drawback: the progress of the limousine was obscured for approximately seven tenths of a second by a road sign. So there is no pictorial evidence in the film showing exactly when Mr. Kennedy was first hit. The fatal shot is clearly seen later in the film.

Investigators, positioning themselves in the sniper's window perch could determine when Mr. Kennedy for the Governor were probably in position to be targets. Since the foliage of an oak tree blocked the line of fire until the limousine had gone past the Depository on its way to Stemmons Freeway, it was determined that the President could not have been struck at the base of the neck until frame 210 of the Zapruder film. At this point, the limousine was already behind the road sign, traveling at a rate of 112 miles an hour.

Welsberg says the computations are meaningless. He says there is evidence that the President was hit earlier. He cites Zapruder's testimony in Volume VII, Page 571.

The Word 'Here'

ZAPRUDER WAS

murder weapon could not be fired faster than once every 2.3 seconds.

What was the answer? The commission decided that one bullet went through Mr. Kennedy's neck, traveled

he heard a shot and then felt himself shot—and since a bullet travels faster than sound, how could he have heard the same shot that hit him?

But the commission found it could not be so certain. There

L by Liebeler and was describing details regarding different frames. In reference to the movement of the limousine, Zapruder says: "It reached about

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tends to confuse the misinterpretation of the Zapruder film showing that because foliage of the car blocked the view, "the commission concluded that the earliest time the President could have been hit was film Frame 207." No; if that happened, the President would have had a head wound then, and his neck was blocked from a line of sight in film Frame 210.

The commission did say that 207 was the earliest time at which Connally could have been hit, consistent with his movements, but when, then, was the Governor hit? On the basis of computations of the visible movements of the President, it was determined that he would have been hit after Frame 210 and the Governor after Frame 240, it would have been within a span of 1.6 seconds.

Limitation

TIME ELEMENT is important to the commission—and the critics—of the Mannlicher-Carcano rifle. If three master riflemen could fire it, then work the bolt and chamber round in less than 2.3

seconds, the time span between the Kennedys' wounds is reduced to the critics' argument might cause the shorter time would reduce the plausibility of one bullet hitting both men. But the critics tend to dismiss Connally's contention that he was likely hit during Frames 210 to 225.

Dr. Specter, now District Attorney in Philadelphia, was the commission's chief spokesman. He generally described as chief argument the single bullet theory. He and the other members of the commission

show that on Frame 230, the President's right arm can be seen above the car and that he was in his delayed reaction to his fall at that point. On that premise, the time between the President's fall and the time the President and the Governor were hit. It can be reduced to 1.6 seconds when it is considered that the bullet may not have been hit until Frame 225.

The agreement among critics of the commission about one thing is clear: under film does show the shot of the President. The impact of the bullet is clear in Frame 313. The run of the film from Frame 210 to Frame 225 is 15 seconds.

The agreement ends there. Because of the limited firing capacity of the Mannlicher-Carcano rifle, the critics say, (1) the President and Governor could not have been hit within 1.6 seconds by two bullets fired from that rifle, and (2)

aim is taken and there is the first shot. Then 2.3 seconds pass while the bolt action is worked and the next shot is fired. Then another 2.3 seconds for the third shot. The three shots can be fired within 4.6 seconds range of time.

Lane, Epstein and Weisberg also introduce another element in challenging the capability of the Mannlicher-Carcano rifle: a fourth shot. Patently, the rifle, as tested, could not have delivered four shots in 5.6 seconds. But where is their evidence? The commission considered such a possibility but found no credible evidence for more than three shots.

It might seem that the commission would find added support in the firing demonstration by a British Royal Marines sergeant appearing on a BBC television show, Jan. 30, 1967. Lane and Specter were there as participants in a debate about the controversy and saw the sergeant, using a Mannlicher-Carcano of the same vintage as Oswald's rifle, aim at a target and get three rounds off in 2.6 seconds.

By that measure, it could have been possible that separate rounds could have hit the President and Governor in close order. But if that happened, more riddles are posed: if one bullet alone went through the President's neck, how did it vanish without striking anyone else or anything else? If the Governor was hit separately, what sort of wounds would he have suffered, and could they then have been from Bullet 399?

The 'Magic' Bullet

THIS WAS the bullet, in an almost undamaged condition, which was found in Parkland Memorial Hospital, where both the President and Governor were taken. The commission says it is the bullet that passed through the President's neck and struck the Governor in the chest, wrist and thigh.

Lane describes it in a chapter entitled "Magic Bullet." Epstein calls it "The Stretcher Bullet." The so-called "magic" bullet, Weisberg says, "could, for example, have been planted in the hospital."

Experts put the bullet under scientific tests which they said proved it was fired by the Mannlicher-Carcano rifle.

The 6.5-mm. copper-jacketed bullet weighed 158.6 grains. Its standard weight would be 160-161 grains. This would mean that Bullet 399 lost between 1.4 and 2.4 grains. Lane and Epstein each cite three witnesses for their conclusion that Bullet 399 lost too little weight to have caused the wounds received by Connally.

One is Col. Pierre Finck, one of the autopsy surgeons who ruled out the bullet for the reason that there are too many fragments described in Connally's wrist. Another is Cmdr. James J.

cover that Shires said that any knowledge he had about damage to the rib was "only hearsay from Dr. Shaw, that's all."

Shaw, who treated the Governor's chest wounds, testified about this in no uncertain terms. "We saw no evidence of any metallic material in the X-ray that we had of the chest, and we found none during the operation." Shaw had also testified that an X-ray made seven days after the shooting disclosed nothing except evidence of healing.

Shaw was responsible for the statement that there were three grains of metal in the wrist wound. But as he stated in his testimony, he did not accurately examine this wound. That was Gregory's job.

None of the critics mentions, incidentally, that the discovery of Bullet 399 was not entirely unanticipated. For it occurred to Gregory during the operation that such a search should be made.

Found at 1 p.m.

BULLET 399 had already been found, unknown to Gregory, when he said this. It was discovered shortly after 1 p.m., when the President was pronounced dead on a stretcher in the corridor near the ground floor emergency rooms.

At first, it was thought that this bullet came from the President's stretcher, and that fit in with the speculation that a bullet had hit the President in the back and exited during external heart massage. But the autopsy was to show that this didn't happen. The commission determined that the bullet came from Connally's stretcher.

Epstein here goes back to Col. Finck, saying that his testimony "cannot be dismissed merely because it collided with the hypothesis that Bullet 399 was found on Connally's stretcher." Since Finck's categorical statement that this bullet could not have caused Connally's wrist wound was never challenged, disputed or corrected, it can only be concluded from the evidence that Bullet 399 did not come from Connally's stretcher.

Epstein should turn to Volume V, Page 90, where he will find the testimony of Dr. Alfred G. Olivier, an expert on bullet wounds. This exchange took place:

Q: Do you have an opinion as to whether, in fact, Bullet 399 did cause the wound on the Governor's wrist, assuming if you will that it was the missile found on the Governor's stretcher at Parkland Hospital?

A: Dr. Olivier believes it was. That is my feeling.

There also was testimony from Drs. Shaw, Shires and Gregory that they thought one bullet caused all of Connally's wounds. Shires testified that

Epstein, examining the firing tests by the experts, says they used stationary targets and that the time was measured from the sound of the first report to the sound of the third report, and thus

intact; its jacket appears to me to be intact, and I do not understand how it could possibly have left fragments in either of these locations (wrist and thigh). A third is Dr. Robert Shaw,

and Ralph Don Patman concurred.

Which Stretcher?

THE CRITICS each say that because of the movement of the stretchers, it could not be determined which stretcher inflicted the wounds in his chest and thigh.

Finally, inflicting wounds in Connally's chest and thigh, striking Gov. Connally forward and struck Gov. Connally's chest and thigh.

...stepped forward and struck Gov. Connally, inflicting wounds in his chest, wrist and thigh. A second bullet struck Mr. Kennedy at the back of his head and killed him. A third bullet missed.

Any argument that Lee Harvey Oswald was the lone assassin or he wasn't stems from this theory. It is central to these commission conclusions:

1. That all the shots fired at the President and Governor were fired from Oswald's sniper's perch on the sixth floor of the Texas School Book Depository, overlooking Dealey Plaza in Dallas—and from no other place.
2. That all the shots were fired from a 6.5-mm. Mannlicher-Carcano rifle owned by Oswald and found on the sixth floor after the assassination—and from no other weapon in the world.
3. That all the shots were fired by Lee Harvey Oswald—and no other person.

'Very Persuasive'

IN ARRIVING at the single bullet theory, the commission itself laid the groundwork for its possible challenge by saying in the report:

"Although it is not necessary to any essential findings of the commission to determine just which shot hit Gov. Connally, there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Gov. Connally's wounds."

But if that didn't happen, the theory teeters—and so does the case against Oswald as the lone assassin.

The critics have assaulted the theory, but not with new evidence. They have used conjecture instead of fact. And when they dig into the report for evidence, they do not describe all that is on the shovel. For example:

Mark Lane contends that the "alleged" assassination rifle—the Mannlicher-Carcano—was planted. His evidence: the Depository rifle was first described in press reports as a "Mauser." Lane also relies heavily on an affidavit by Constable Seymour Weitzman as describing the weapon as "a 7.65 Mauser bolt action." Lane emphasizes that Weitzman was a rifle expert.

What is the fact? Weitzman testified that he never handled the weapon and has since said that the word "Mauser" describes the bolt action. The Italian Mannlicher-Carcano, as mentioned, was manufactured with the patented German Mauser bolt action and the Italians rechambered it for 6.5-mm. ammunition.

Epstein claims that the autopsy report on Mr. Kennedy is suspect. His evidence: a dot on an autopsy sketch indicates a bullet entry below Mr. Kennedy's shoulder, which means the bullet couldn't have emerged to hit Gov. Connally.

What is the fact? The dot is off the mark, but the descriptive detail with it locates the neck wound precisely. So

...there was other evidence which indicated that the Governor could be in error about his reconstruction.

He was clear about being hit in the chest, but he did not know until the next day that a bullet had gone through his wrist and hit his thigh. He thought there were 10 to 12 seconds between the first and last shots. But analysis of the Zapruder film indicated that there were 5.6 seconds during which one shot wounded Mr. Kennedy and another killed him.

There also was uncertainty due to the testimony of Connally and his wife Nellie. The Governor testified that Mr. Kennedy was hit and had his hands at his throat. And then, he said, he was hit by a second shot. His wife agrees.

"I immediately, when I was hit, I said, 'Oh, no, no, no.' And then I said, 'My God, they are going to kill us all,'" Connally testified.

But Mrs. Connally testified: "As the first shot hit, and I turned to look at the same time, I recall John saying, 'Oh, no, no, no.' Then there was a second shot, and it hit John, and as he recoiled to the right, just crumpled like a wounded animal to the right, he said, 'my God, they are going to kill us all.'"

If the Governor is correct that he said "Oh, no, no, no" as soon as he was hit, and if Mrs. Connally is correct that he said this before she heard a second shot, then the commission's assumption stands on reasonable ground.

The Governor, viewing frames of the Zapruder film, picked Frames 231 to 234 as those representing the moment he believes he was hit. Scrutiny of these frames shows the Governor's hands are rather high, certainly above the point at which the bullet exited from the Governor's chest—a point two inches below the center of the right nipple. Since the bullet caused a chest wound from back to front at a 25-degree downward angle, it would have been necessary for the bullet to then make an upward turn to go through the top of his right wrist and then come down to a point five inches above his left knee.

A Simple Equation

HAD THERE NOT been the Zapruder film, it is possible that investigators might have reached a simple equation: three wounds, three bullets. Three used shells near the sixth-floor window of the Depository fortified the conclusion that there were three shots. And of the 205 persons who gave statements regarding the number of shots, 119 said they heard three, seven heard two or more and 39 heard "some." Eleven said they heard four and a handful said there were even more.

In analyzing the Zapruder film, the commission found that at the most there was a 1.8 second time span during which Mr. Kennedy and the Governor were first wounded. This was determined from the operating speed of

...was around here—I heard the first shot and I saw the President lean over and grab himself."

"Lawyers know very well that such words as 'here' in testimony relating to a location reflect nothing on the printed page," says Weisberg. "When they want the testimony clear, they ask the witness to identify the spot meant by 'here.' Zapruder was not asked to explain where 'here' was."

And then Weisberg says: "But the startling meaning of Zapruder's testimony is this: He saw the first shot hit the President! He described the President's reaction to it. Had the President been obscured by the sign, Zapruder could have seen none of this. Therefore, the President was hit prior to Frame 210, prior to Frame 205, the last one that shows the top of his head."

Turn to page 574 of the same volume, and there is Zapruder being specific. He is shown Frame 225, which is the first one in which the President can be seen as the limousine emerges from behind the sign. The President appears to have his hands moving toward his throat, and Zapruder, looking at this frame, says:

"Yes; it looks like he was hit—seems—there—somewhere behind the sign. You see, he is still sitting upright."



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This is a significant factor. For example, if it is assumed it took the assassin one second to react, aim and pull the trigger, then he had only 4.6 seconds, not 5.6 seconds, to fire," Epstein says.

The Best Evidence

WESLEY LIEBELER says that "if you assume Lane is right on all of us, what does it change? The fact is that that rifle was owned by Oswald, he was in the Depository, the empty shells were fired by that weapon, the recovered bullet was fired by that weapon. The best evidence that the rifle was capable of delivering the shots and that Oswald was capable of hitting the President and Governor is that it did and it did."

Speyer challenges the time interpretations by the critics, saying: "The usual critics of the commission report all make the same mistake in interpreting the possibility of fitting three shots in a 5.6-second time span cause they count the first shot."

"When you fire three times, the first shot is not taken into account in the firing sequence. Look at it this way:

and who testified that there were three grains left in the Governor's wrist."

These conflicts were cleared up in other testimony, but the commission was remiss in not resolving the conflicts when they arose.

Postage Stamp Weight

THE CRITICS do not detail the specific testimony regarding these fragments. What was it?

Dr. Charles F. Gregory, who treated the Governor's wrist wound, testified that X-rays disclosed "three metallic flakes" there, and he added: "I would estimate that they would be weighed in micrograms, that is, something less than the weight of a postage stamp." Not three grains, as Dr. Shaw said.

Dr. George T. Shires, who treated the thigh wound, testified that no bullet fragments were recovered from it but that a small one, discernible on X-ray, remained in the femur. He was asked its weight, and answered "Maybe a tenth of a grain."

Critic Weisberg says that "the report refers to no fragments elsewhere. Shires says there is still one in the chest." But examine Shire's testimony in Volume VI, Page 111, and you dis-

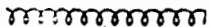
certainly that the bullet came from Connally's stretcher, or didn't come from the President's. Darrell Tomlinson, the Parkland Hospital engineer who found the bullet, could not identify the stretcher positively. There were two stretchers in the corridor where the bullet was found.

Epstein says: "Since all stretchers were eventually returned to this area to be remade, the key question was: Was Kennedy's stretcher returned before or after the bullet was found? This question was never answered." Not so.

Tomlinson testified that he went to the elevator area around 1: p.m. and found a stretcher which had some sheets on it. He pushed it from the elevator into the corridor. Then he took the elevator to the second floor, brought down a man who picked up two pints of blood and returned with him to the second floor, where Connally was in surgery. He then made several trips between the ground floor and second floor before discovering the bullet.

Nurse Diana Hamilton Bowron testified that she was in Trauma Room 1 with the President until his body was taken off the stretcher and placed in a

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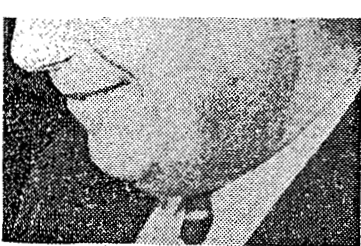


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Washington Post Staff Writer

*"The sun was shining on the sea,
Shining with all his might;
He did his very best to make
The billows smooth and bright—
And this was odd, because it was
The middle of the night."*

—Through the Looking Glass

IN NEW ORLEANS, it is still the middle of the night. District Attorney Jim Garrison's baroque investigation into the assassination of President Kennedy continues. And no one, not even Garrison, who claims to have found the truth even as he looks for it, knows when or where it will end.

Thus far, a civic leader has been indicted for conspiracy, an attorney has been accused of perjury, a minister's dimpled wife has been arrested as a material witness and a peripatetic night club operator wanted for questioning has been shouting that it is all a monstrous fraud.

JIM GARRISON

With a booming voice to match his 6-foot-7 frame, Garrison claims to have traced the President's death to a series of plots concocted in a world of homosexuals, Cuban freedom fighters and assorted screwballs.

It is a cast that defies credibility, and a "conspiracy" that so far seems to defy the cast.

A public official with a literary bent, Garrison, 45, insists that he has been able to make sense of it all. All you have to do, he has said, is know how to peer "Through the Looking Glass."

He has been straining his eyes day and night and he has made the world sit up and take notice.

Before his election in 1962, Garrison was known at the Orleans Parish courthouse as an assistant DA with a fondness for arriving at noon and quitting at 2, but since then he has made a career of assailing politicians and the press, and coming out on top.

He ridiculed the criminal court judges as "sacred cows," attacked the police for "brutality" and before long, Jim Garrison, who always admired the late Huey Long, was undisputed kingfish in a grimy stone courthouse where DAs before him had come and gone

case against Marcello (acquired) until several hours after the assassination in Dallas.

Then he left for Texas with two of his always present, always changing young companions, Alvin R. Beauboeuf, then 18, and Melvin Coffey, then about 26.

LEE HARVEY OSWALD

The three didn't go near Dallas, but during their absence, authorities began receiving a wild array of second-hand reports about Ferrie: that he knew Lee Harvey Oswald and trained him to shoot, that he may have hypnotized Oswald, that he may have been stationed in Dallas as a "getaway pilot" for a presidential assassin.

In the confused aftermath of the assassination, it must have sounded good. Ferrie was a pilot. He had played around with hypnotism for years. He knew how to handle a rifle (although not, he insisted to the FBI, a telescopic sight).

And for years, he had been active in Civil Air Patrol units, some reportedly counterfeit, where he could serve as a moldier of young men. Oswald was briefly a member of the CAP in New Orleans in 1955, although Ferrie said he never met him; adding shortly before his death that Oswald was in a different unit.

Even before Ferrie got back to New Orleans, Secret Service agents in Dallas were alerted about him as they were questioning Marina Oswald. Over the phone, it came across as "Farry." Did she know "Mr. Farry?" She said she didn't.

JACK S. MARTIN

From there on, the reports began to crumble. Ferrie's trip (to Houston and Galveston) was checked out thoroughly. The FBI traced the rumors to Jack S. Martin, 51, sometime private detective and courthouse hanger-on who had known Ferrie for several years and even reportedly ordained Ferrie into an obscure and dissident Catholic sect (Martin was a bishop).

The Secret Service reported that Martin had "every appearance of being an alcoholic" and added that he admitted calling Garrison's office with his tales during a drinking spree.

Secret Service agents also said that

The FBI is understood to have interviewed 19 persons about Ferrie. It failed to turn up any positive sign that Oswald and Ferrie knew each other. The Government concluded that Ferrie had nothing to do with the assassination and closed the books, in the process excluding from the public record some 55 pages sprinkled with rumors and allegations about Ferrie's homosexual tendencies.

Summoned again after Garrison started his investigation last fall, Ferrie found himself quizzed once more about his activities in 1963. "I was the first one they questioned," he said in an interview with me shortly before his death. "It was Martin's list they were using."

DAVID F. LEWIS

Garrison has scoffed at suggestions that he would rely on Martin's information. But it seems clear that this, plus the paperback attacks on the Warren Commission, is largely what he started out with. Associated with Martin is David F. Lewis, a flappy-tongued freight handler who once worked as a private detective in the Guy Bannister Detective Agency in downtown New Orleans where Martin used to hang his hat as a private detective.

Ferrie and various Cubans are said to have met there and elsewhere to talk of various anti-Castro schemes. Despite reports by both the FBI and the Secret Service that he recanted, Martin still insists that Ferrie knew Oswald. Lewis has chimed in that he knew Oswald, too.

The DA, however, has assiduously sought to avoid identification with the Martin and Lewis team. Nor has he made any recent reference to Miguel Silva Torres, a 26-year-old Cuban who was serving three concurrent nine-year terms for burglary in Angola State Prison until Garrison had him moved to the Orleans Parish Prison Jan. 30 in connection with his investigation. Torres once lived a block from Oswald's old New Orleans address on Magazine Street, but what he may have told Garrison remains unknown.

Instead, the District Attorney has been grasping for new leads, searching for "proof" that might perhaps be more

He denied any plans to announce his findings in a magazine article, although the New Orleans States-Item subsequently said that it was his original intention to do so, under his own byline, until news of the investigation spilled out.

PERRY RUSSO

All of that was on Feb. 24. Not until the next day did Garrison's men meet their star witness, in Baton Rouge: Perry Russo, 25, insurance salesman and college graduate.

Once under psychiatric care for unspecified problems, Russo learned of Ferrie's death on television and finally, he later testified, it dawned on him that the David Ferrie he had known since 1960 was the same David Ferrie that the papers were saying Garrison was investigating. With Ferrie dead, Russo decided to write a letter to Garrison.

The pace picked up. Hypnosis, sodium pentothal (so-called truth serum) and two-way mirrors came into play. Russo had told a television newsman that he didn't know Lee Harvey Oswald "until television of the assassination."

But under questioning by Garrison's men—his memory supposedly sharpened by sodium pentothal and hypnosis—he recalled a party in Ferrie's flat in mid-September of 1963 that wound up with Ferrie, a "Leon Oswald" and a "Clem Bertrand" plotting to assassinate the President.

"Mr. Russo regressed very beautifully," said the doctor-hypnotist, who testified that he put Russo into a "time tunnel" back to September, 1963.

Enter "Leon Oswald," beatnik with a beard. The FBI never uncovered any evidence to suggest that Lee Harvey Oswald affected such poses—and Oswald's wife, Marina, told investigators that her husband had spent the night away from home only once, in July, during their six months in New Orleans in 1963.

Russo, however, said he tentatively selected a photo of Lee Harvey Oswald, handed to him by Garrison's men in Baton Rouge, as Ferrie's "roommate." Brought to New Orleans Feb. 27, Russo said he grew "positive" after Garrison's men drew a picture of a bearded, unkempt Lee Harvey Oswald for him.



DEAN ANDREWS JR.
... consulted under sedation



SANDRA MOFFETT
... not quite under the thumb



JUDGE EAGER



PERRY RUSSO

... the star witness.



'LEON OSWALD'

... a bearded beatnik.



CLAY SHAW

... "I'd better get a lawyer."

ly found his image sagging in a public brawl with the prestigious New Orleans Crime Commission over a buxom Bourbon Street stripper named Linda Brigitte.

Miss Brigitte had twice been convicted of obscene and lewd behavior for her gyrations on a couch (at her second trial, when asked if she was still using the couch, she testified sweetly, "Yes sir, Jim Garrison gave me permission to use it. . . . He saw the act and he said, 'Use the couch' . . .").

She was convicted nevertheless, but Garrison said prison for Miss Brigitte would be unfair for "an unjustly convicted mother of small children" and won her a governor's pardon despite the Crime Commission's loud protests.

It was around the same time that Garrison told a reporter that he was "disgusted with politics" and intended to quit. At one point in the interview, reported in the magazine New Orleans, Garrison grumbled that he never even got any credit for cleaning up Bourbon Street.

"You must be getting paranoid about it," the interviewer joked, pointing out that Garrison had gotten plenty of publicity for the erstwhile crusade.

"Paranoid! Paranoid?" Garrison said, bristling, and called his chief assistant, Charles Ward, into the office on the double. "Do I get credit? Am I paranoid?" he demanded of Ward.

Ward assured his boss that he wasn't paranoid.

It took only a month for Garrison to perk up again. "Me quit?" he said in October. "Oh, no. People are talking about me running for governor. If McKeithen's second-term bid fails, I'm a possibility."

For reasons best known to himself, it was also in October that the District Attorney decided that the "truth" about the assassination remained untold by the Warren Commission but was still within his grasp. To Jim Garrison, there are no such things as questions that can't be answered or problems that can't be resolved.

DAVID W. FERRIE

Among the first to be called to answer was the late David W. Ferrie, a vain, nervous pilot who launched a career of instability as a dropout from a Catholic seminary where his superiors decided he was too much of "a paradox" for the priesthood.

Dismissed from Eastern Airlines in March, 1963, because of a record of homosexual arrests, Ferrie had been interrogated shortly after the assassination by Garrison's men, the Secret Service and the FBI.

Employed as a private investigator by attorneys for reputed Mafia kingpin Carlos Marcello, Ferrie had been sitting outside a Federal courtroom in New Orleans awaiting the outcome of the

sought to shield the identity of informant Martin. (Also known as Edward Stewart Suggs, Martin has at least one acquaintance that a murder charge was lodged against him in Dallas in 1952 and later dropped.)

PATRICK L. MARTEN

Ferrie turned himself in for questioning at Garrison's office. Booked on charges fabricated to hold him were Beauboeur, who recently inherited Ferrie's possessions, and Patrick Martin Martens, now 25, who had met in as Ferrie's roommate five months before the assassination.

A cellist in his senior year at Southern Louisiana State University, now Martens told investigators that he knew of no association between Ferrie and Oswald. Last week, Martens was subpoenaed before the Orleans Parish grand jury at Garrison's behest but apparently with no different results.

For his part, Ferrie acknowledged the FBI in 1963 that he had been sharply critical of President Kennedy for failure of the Bay of Pigs invasion, that he might have stated on occasion that Mr. Kennedy ought to be shot.

But he said he never meant that should actually be done, a qualification that seems believable enough in light of Ferrie's lifetime history of rageous talk and pitiful performance. (He once was linked with an outfit called the Omnipotents, a teen-age group with the avowed purpose of planning an invasion of Cuba; on other occasions, Ferrie is known to have suggested, apparently with a straight face, raids on Castro's shipping lanes in a homemade submarine equipped with foot pedals and bombing Cuba with drone planes from the safety of a mother ship, with none other than David Ferrie in the pilot's seat.)



JACK RUBY

... His deed set the stage.

the death of Ferrie Feb. 22 propena search. A failure but not without tks of brilliance, Ferrie saw himself standing in the investigation's way, ar, if he played it right, to what he was a "witchhunt."

Ferrie died at 49 of a cerebral morrhage, perhaps brought on by ss, the coroner ruled and the police need.

undaunted, Garrison called it the tide of "one of history's most impor- n individuals," and calmly suggested ere were more to come.

Ferrie's greatest worry, apparently, emmed from his deep-seated and oft- expressed conviction that justice was on to be found in a courthouse. This eeling stood out in a bitter note found his apartment, typed in a mood of pgression, but no one knows when.

"When I was a boy," Ferrie said, "my ather preached you were innocent ill proven guilty. (There is) no great- ible. A man on trial has flat got to prove his innocence. Truth and false- ipod, right and wrong have no place n the courts. All the state needs is evidence to support a conviction. If his is justice, then justice be damned."

Two days later, with newsmen pour- ing into town, Garrison outdid himself by announcing to the world that the assassination had been "solved beyond an shadow of a doubt." Oswald, the DA declared to a French newsman, was "a decoy, a victim and a fall guy." And Garrison said to reporters who ppled into an elevator with him, "It's my personal belief that Oswald did not kill anyone that day in Dallas."

At the news conference, Garrison also allowed that "Life magazine has helped me in several instances" during the investigation, although he said it would be unfair to single out Life for special mention since other news media had helped, too.



LEE HARVEY OSWALD
... Was he hypnotized?

rand" was done Gangbusters style. Garrison's men drove Russo to the French quarter home of businessman Clay Shaw and sat in the car and waited.

Neighbors of Shaw say they're sure they saw what looked like a tommygun on the lap of one of the DA's men during the vigils that week.

Eventually, Russo, posing as a Mutual of Omaha salesman, got out of the car and knocked, bringing Shaw to the door. Russo said it was "Clem Bertrand."

Shaw, a 54-year-old bachelor and socialite who pioneered the 33-story International Trade Mart in New Orleans, was subpoenaed to Garrison's office the next day, March 1. His questioners, according to friends of Shaw, did not advise him of his rights. Shaw got the message before long. Garrison's men reportedly told him they had evidence of a meeting with Ferrie and Oswald.

"Gentlemen, I thought I was coming down here to help you," Shaw reportedly replied, apparently referring to Oswald's distribution of Fair Play for Cuba leaflets outside the old Trade Mart in 1963, "but this is getting serious. I think I'd better get a lawyer."

Shaw got a lawyer. He also got arrested, apparently after a fuss over lie detector tests that his attorney would let him take only under certain conditions. He was booked on a charge of conspiracy to murder John F. Kennedy.

That night, Garrison's men swooped into Shaw's apartment with a search warrant and carted off all sorts of paraphernalia, including whips, chains, a black net cap, cape and hood—their relevance yet to be explained.

Russo, meanwhile, had been standing in another room of Garrison's suite during the questioning, peering at Shaw through a two-way mirror.

He again identified him as "Clem Bertrand," and left the courthouse, pausing on the way to tell a television interviewer, "Clay Shaw? No, I don't know Clay Shaw." He testified later that he did not want to make the identification to "someone who was not legal."

DEAN ANDREWS JR.

The Warren Commission had heard of a "Clay Bertrand" from jive-talking Dean Adams Andrews Jr., an attorney who said "Bertrand" had called him after the assassination and asked him to go to Dallas to defend Oswald. Andrews also said he assumed it was "Bertrand" who had sent Oswald to him for legal help earlier in 1963, the first time in the company of some "gay kids . . . Mexicanos . . . They swish."

Andrews, however, told the FBI that "Bertrand" was 6 feet 1 or 2 with brown

See PLOT, Page C4, Column 1



WILLIAM GURVICH
... a thimthumb



GORDEN NOVEL
... staying out of reach.



AARON KOHN
... no Garrison fan.

What Was Lee Oswald's Motive?

Even Star 29 Oct 70

By REED J. IRVINE

THE ASSASSINATION OF JOHN H. KENNEDY, THE REASONS WHY. By Albert H. Newman. Clarkson N. Potter, Inc. 621 pages. \$10.

Any reader of murder mysteries knows the importance of establishing a motive in determining the identity of the murderer. It has been recognized some time that one of the serious weaknesses of the Warren Commission Report was its failure to show clearly why Lee Harvey Oswald wanted to kill John F. Kennedy.

Albert H. Newman, a veteran journalist, recognized that the failure of the Warren Commission to establish a convincing motive for Oswald's action was responsible for much of the suspicious reaction to the commission's conclusions.

Newman has written this book to show why Lee Harvey Oswald tried first to murder Edwin Walker, a passionate advocate of the far right in

political philosophy, and then murdered President Kennedy, who represented a very different segment of the political spectrum. In doing so, he has produced a brilliant piece of detective work, one that would do credit to a Perry Mason or Sherlock Holmes.

Like any great detective, Newman recognizes the importance of trying to understand exactly how the mind of the murderer functioned. This requires careful examination of all the factors that influenced his thought and action. Newman set out to obtain as accurate a picture of the way Oswald thought as he possibly could. He did this by sifting with great care the mass of material assembled by the Warren Commission and by adding to this analysis of the material that Oswald was reading and listening to with his short-wave radio.

Developing a very credible map of Oswald's mind, Newman deduces how his overt acts were triggered by what he read in the papers and by what he heard on the radio. Oswald's consuming interest in life was politics, or more specifically the politics of Marxism. While the Warren Commission suggested that he was motivated to kill the President by his maladjustment to his environment, his hatred for American society, his desire to be a great man and his commitment to communism, it failed to make a credible case for any of these factors as motives for murder.

Newman painstakingly unravels the mystery of Oswald's peculiar conduct from the time he returned from the Soviet Union in June 1962 until he was shot down by Jack Ruby on Nov. 24, 1963.

Newman clearly establishes the fact that Oswald, after his 32-month sojourn in Soviet Russia, became a devotee of the Trotskyite brand of communism. He was disillusioned with communism as he had seen it in Russia, but Marxism remained his religion. He tried to join the Trotskyite Socialist Workers Party, and he subscribed to its publication, *The Militant*. He came to share its ardent admiration of Fidel Castro.

Newman shows, quite persuasively, that Oswald's deci-

sion to murder Gen. Walker was triggered by Walker's strongly hawkish position on Cuba and his designation by the Communist press which Oswald read as America's leading "fascist."

Newman develops some interesting evidence that Oswald had several accomplices in his effort to kill Walker. For example, a snapshot that Oswald made of Walker's home in preparation for the murder attempt shows an automobile, and for some reason Oswald made a hole in the picture to obliterate the license tag. The inference is that Oswald was driven to the Walker residence by an accomplice, since he himself had no car and could not drive. Newman does not think these presumed accomplices were involved in the attack on President Kennedy, but he strongly criticizes the Warren Commission for not doing more to try to establish their existence and their identity.

The Warren Commission did not attach the same significance to Oswald's attack on Walker as does Newman. Newman shows that many of Oswald's seemingly inexplicable actions fit into a carefully conceived plan to murder Walker, flee to Cuba and be accorded a hero's welcome for having done away with this leading "fascist." Newman is convinced that Oswald continued to plot the murder of Walker even after his initial unsuccessful attempt. In fact, he believes that after killing the President, Oswald set out with his pistol to shoot Walker. By sheer chance police officer J. D. Tippit ended up being shot by Oswald instead.

But why the murder of John F. Kennedy? Newman shows that Kennedy too was a great enemy of Fidel Castro's. Shortly after Oswald returned to the U.S., the Cuban missile crisis broke out. The outcome was a defeat for Castro. Radio Havana was constantly heaping abuse on the United States and its President.

Newman points out that the Warren Commission was so unconcerned about the kind of ideas Oswald was ingesting that they did not even establish the fact that the radio he owned was capable of picking up the nightly broadcasts from Cuba. Oswald's radio did have a shortwave band. Newman discovered, and his habits suggested that he listened to Ha-

vana regularly. If he missed Castro's bitter diatribes against the U.S. and its leaders on the radio, he could frequently read them in full in *The Militant*.

There is a weakness in Newman's presentation in that it is not clear what led Oswald to abandon his long-range plan to kill Walker and escape to Cuba in favor of a plan to kill both Walker and Kennedy with almost no hope of escape.

I think Newman did not give adequate attention to the contents of *The Militant*, Oswald's favorite reading matter.

He should have noted that this publication was not only publishing Castro's inflammatory denunciations of Kennedy, but it was also caricaturing

Oswald's Widow Wins

Kennedy as "a determined partner" of Mississippi Sen. James Eastland and as one who was "clinging" to the "Dixiecrats."

Newman suggests that the only thing Oswald had against Kennedy was his Cuba policy, but *The Militant*, which strongly influenced Oswald's thinking, played on many keys to inspire hatred of the President. And strangely, Newman, for all his attention to detail, overlooked a very significant passage from a Castro speech printed in a copy of the *Militant* that was found among Oswald's possessions. Castro said: "With the rifle and the work tool, the work tool and the rifle, with these both we

must bring about our victory."

Newman points out that Oswald once told a friend that in reading the Communist papers you could tell what they wanted you to do by reading between the lines. Here was his idol, Castro, denouncing John F. Kennedy and in the same speech suggesting the use of the rifle to achieve victory. There was surely a message there for expert rifleman Lee Harvey Oswald. At least, that was the way he took it.

Even if one does not accept all of Newman's deductions and theories, his book makes highly interesting reading. It

is a valuable contribution not only for the light it sheds on the slaying of John F. Ken-

neddy, but for its demonstration of the impact that ideas have on human conduct.

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Succumbs In His Sleep At Hospital

Slayer of Oswald
Insisted to the End
There Was No Plot

By Richard Harwood

Washington Post Staff Writer

Jack Ruby, the most celebrated executioner of the decade, died of a massive blood clot yesterday at the Parkland Memorial Hospital in Dallas.

He was, in his own troubled mind, "just a nobody from the ghettos of Chicago" until Nov. 24, 1963. On that day, before a television audience of tens of millions, he murdered Lee Harvey Oswald who had 48 hours earlier, the Warren Commission later concluded, assassinated President John F. Kennedy in the streets of Dallas.

By his bizarre act, Ruby secured for himself a dubious place in American history and made more credible the unproved hypothesis that the President's murder was the product of a conspiracy.

Dies While Asleep

Ruby's death at 10:30 a.m. yesterday was more serene than the 55 years of his life. He was asleep when he stopped breathing in the same hospital in which both Oswald and President Kennedy died.

The cancer that riddled his body was discovered Dec. 9, when he was taken to the hospital from the Dallas County Jail. He was so ravaged by the disease that he looked, one of his lawyers said, like a man of 80 years. Doctors said they doubted they could have saved Ruby from cancer even if the blood clot had not occurred.

In his last weeks he was incoherent much of the time and was tortured, his brother Earl reported, by the delusion that millions of American Jews were being executed in retaliation for his impulsive act of violence against Oswald.

'Hear Them Screaming'

He was told by his brother, "That is not true, Jack. It is not true."

"Don't tell me! Don't tell me!" the stricken man replied. "I hear them screaming from the basement every night."

He had heard screams all his life and they were not all

See RUBY, A3, Col. 1

Ruby, Oswald Slayer Dies of Blood Clot

Wash Post 4 Jan 67

imaginary. As a child in Chicago, his home was a place of violence and abuse, presided over by a drunken father who had deserted from the Czarist army in Russia in 1897, and an illiterate, mentally disturbed mother.

His whole childhood had a nightmarish quality. He grew up in a dilapidated Jewish-Italian neighborhood, where little boys became street-fighters to survive.

His sister, Eva, called him "Sparky" because of his quick temper and his brawling habits. By the time he was 10, said his brother Earl, "he was always getting into fights and winnin' em." His father, in those years, drank heavily, worked rarely, and not infrequently assaulted his wife with his fists. She was later confined to a mental institution.

When Ruby was 12, welfare authorities placed him in a foster home, although he later rejoined his parents and got an eighth grade education before he quit school.

Thereafter he lived by his wits on the streets, as a peddler, a ticket scalper and odd-jobs boy. During the Depression he sold newspapers in San Francisco, and later returned to Chicago as an organizer for the Junkyard Workers Union.

Ruby was drafted in 1941 at the age of 30, was trained as an aircraft mechanic, but never left the United States. After he was mustered out, his sister Eva invited him to come to Dallas as her partner in the nightclub business. They opened two striptease joints, one of them, "The Carousel," which Ruby managed until his rendezvous with Lee Harvey Oswald in the basement of the Dallas police station more than three years ago.

As the entrepreneur in a seedy, after-hours club, Ruby tried for a place in the sun. He changed his name from Rubenstein to Ruby, ingratiated himself with policemen and newspaper reporters and became protective, in his own fashion, of the girls who worked in his club.

On at least 15 occasions, he beat up people who offended him and customers who got out of line. Once, the Warren Commission discovered, he pistol-whipped a man severely. On another occasion, he threw a customer down the stairs at his club.

For all that, he desperately wished to "be liked," to have "class" and distinction, to prove something to himself and to the world. That, in any case, is how his family, his friends, and his lawyers explained him. His murder of Oswald, he declared, was intended as much as anything to "show the world that Jews have guts."

He also said at the time that he had great admiration for Kennedy and deep sympathy for his widow and children.

Whatever his motives, he made his history on Nov. 24, 1963. A little before 11 a.m. he went to a telegraph office near the Dallas police headquarters to send \$25 to a stripper down on her luck in Fort Worth.

From there he walked to the basement of the city jail, where a large crowd of reporters and policemen were assembled to witness Oswald's transfer to another jail.

Ruby slipped through the crowd and faced Oswald from a distance of only a few feet as he came through an office doorway.

Ruby darted forward and fired one shot into Oswald's stomach from a .38 caliber Colt revolver. The time was 12:20 p.m. Within less than two hours Oswald was dead and Ruby was in a jail cell.

In the aftermath of that incredible moment, Ruby was convicted of murder in 1964 and was sentenced to death in the electric chair. But last October his conviction was overturned and a second trial was scheduled for February of this year in Wichita Falls, Texas.

In the days before his death, Ruby insisted as he had insisted since Nov. 24, 1963, that he was not part of any conspiracy, that Oswald was a total stranger, and that he acted

out of motives he himself could not explain.

The Warren Commission agreed with Ruby's story. But that was not the unanimous reaction. Profound doubts arose and the belief that Ruby and Oswald were joined in a conspiracy gained wide currency, especially overseas.

In his statement to the Warren Commission, Ruby said, "All I did was walk down there, down to the bottom of the ramp (below the police station) and that's when the incident happened—at the bottom of the ramp. . . . It happened in such a blur that . . . before I knew it I was on the ground. The officers had me on the ground. . . . I can't recall what happened from the time I came to the bottom of the ramp until the police officers had me on the ground."

Elmer Gertz, one of Ruby's unpaid lawyers, said he was satisfied that this was a faithful account of what happened. "When he shot Oswald," said Gertz in Chicago yesterday, "he was in a blackout. He knew he shot Oswald, but he had no real memory of the experience."

One of Ruby's last requests was to be given a new lie detector test to prove his story. But it was denied. Instead, Ruby made a tape recording in which, according to his brother, he said: "I'm not hiding anything. I'm not protecting anybody. There is nothing to hide, no one to protect. Believe me." As for Oswald, he "had never known him or seem him before."

At the hospital yesterday, Dr. Earl Rose, the Dallas County health examiner, said the blood clot that took Ruby's life was in his lungs, and may have been brought on by his cancerous condition.

"Cancer robs the body of energy and vitality," he said. "This led him to be bedridden. Tumors themselves may predispose to cloth. He developed a blood clot in the leg. . . . This breaks loose and travels and causes death."

Dr. Rose and Dr. Eugene Frankel, who treated Ruby at the hospital, said his cancer was so widespread it probably could not have been stopped, even if there had not been a clot.

"The autopsy findings showed extensive tumor involvement of both lungs and the regional lymph nodes," said Dr. Rose. "The tumor had traveled to his liver."

Dr. Frankel said, "Yesterday

he was quite comfortable. In the evening there was some increase in shortness of breath, bringing up the question of a condition change. He received oxygen.

"This morning, he awoke, had his bath and seemed very jovial and comfortable. He ordered eggs for breakfast. . . . He had a seizure this morning between 9:10 and 9:12 a.m. (OS) and was not responsive after that."

Since Dec. 9, Ruby had lost 20 pounds, the doctors said.

When he died, 20 persons, including members of his family, were at his bedside.

He will be buried in Chicago.

Belli Calls Ruby's Death Ultimate Shame of Dallas

Special to The Washington Post

PARIS, Jan. 3—Melvin Belli who defended Jack Ruby at his murder trial called Ruby's death "the ultimate shame of Dallas."

"That poor little son of a bitch," Belli said. "Those god-dam Texans. They never gave him a chance."

Belli is vacationing in Europe.

The flashy 69-year-old lawyer said:

"It was bad enough the way they tried him. It was worse the way they let him die. Dallas brags about its hospitals and its great medical treatment. And there the world's most famous prison under a 24-hour suicide watch was dying of cancer."

"And they didn't do a thing, they didn't even examine him until it was too late. Incompetency is incredible."

2d Assassin Theory Cited, New Probe Ur

NEW YORK, J. The Saturday Evening Post published today an article by Richard concluding that circumstantial evidence port the theory assassin in the President Kennec

In a companion the Post called f lous reexamination puted findings" ren Report.

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Arrests Are Promised In Assassination Plot

Wash Post 19 Feb 67

NEW ORLEANS, Feb. 18 (AP) — District Attorney Jim Garrison said today that a plan was developed in New Orleans that culminated in the assassination of President Kennedy. He added, "Arrests will be made."

"There were other people besides Lee Harvey Oswald involved," the prosecutor said in an interview. "New Orleans as a factor in the planning is beyond a shadow of a doubt." Garrison said an investigation by his office shows the Warren Commission report is accurate in stating that Oswald acted alone in the assassination of President Kennedy on Nov. 22, 1963.

"We already have the names of the people in the initial planning," Garrison said. "We are not wasting our time and we will prove it. Arrests will be made. Charges will be filed, and convictions will be obtained."

Garrison said the Warren Commission was "composed of the highest type of men" but "did not have sufficient evaluation machinery."

[Garrison said his investigation has covered ground not covered in the Warren Commission's probe, United Press International reported.]

The Secret Service, the Justice Department and the FBI in Washington said there would be no comment.

In Stamford, Conn., John J. McCloy, a member of the Warren Commission, said: "We did not say that Oswald acted alone. We said we could find no creditable evidence that he acted with anyone else."

Garrison said that a prisoner in the Orleans parish jail now possibly has his life in jeopardy as a result of New Orleans newspaper publicity given the probe. He did not name the prisoner.

The New Orleans States-Item said yesterday that Miguel Torres, a 26-year-old Cuban who formerly lived only a block from Oswald's last known New Orleans address,

was taken from the Louisiana State Prison at Angola to the Orleans parish jail on Jan. 30. It said, "He is known to be connected with the DA's investigation."

The States-Item said Garrison's office is seeking a "physically powerful and dangerous" Cuban man who is "believed to be one of a group of Cubans who reportedly hid behind a billboard on the (Kennedy) parade route in Dallas Nov. 22, 1963."

POST, 26 Nov 63

DALLAS, Nov. 25 (UPI)—Marina Oswald, widow of accused assassin Lee Harvey Oswald, is a welcome guest in the home of Ruth Paine any time she wants to return, Mrs. Paine said today.

She had lived there in suburban Irving, Tex., with her two children until put in Federal custody after Friday's assassination.

Marina's husband was slain in the basement of the Dallas police building yesterday by night club operator Jack Ruby.

Marina Nicholaevna Oswald and her two infant children have made their home with Mrs. Paine intermittently since April. Oswald, accused of murdering President Kennedy, visited them on weekends at Mrs. Paine's home.

Oswald would help with the feeding of his oldest child, June, 22 months, Mrs. Paine said, but for the most part he preferred to read newspapers and watch television programs.

She was high in praise of Mrs. Oswald, a Russian pharmacist who married Oswald during his stay in the Soviet Union nearly five years ago. "She's a very good mother, a thoughtful person," Mrs. Paine said.

Mrs. Paine said her open invitation to the 22-year-old widow produced no unpleasantness among her suburban neighbors.

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IRVING, Tex. Nov. 27—The living room had just been cleared of the clutter made by very young children—the boys and the tumbled blocks. On the sofa there was still a mound of freshly laundered diapers.

It was in this suburban Dallas home that Lee Harvey Oswald came in the final weekends of his life to play with his infant daughter, to watch football on television and—more rarely—to expound his political beliefs.

"At first I found it difficult to believe that Lee assassinated the President. The act was irrational and he didn't seem violent," said Michael Paine, a 35-year-old engineer. Paine and his wife, Ruth, extended to Oswald and his young Russian wife the only friendship they knew in Dallas. "Now," he continued, "the evidence seems conclusive to me."

Calls Actions Characteristic

Paine munched at his half eaten apple and then went on. "After the assassination there were reports that the killer took his time and aimed his rifle deliberately. That would be characteristic of Lee Oswald.

"He was nimble and assured. He had little respect for people. He thought of them as pawns locked into a system."

Paine, a quietly articulate man of 35, is a Unitarian. His wife is a Quaker. Both are college educated and originally

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as truth. Most common of these is that Lee Oswald was a Russian secret agent trained by his wife's uncle, supposedly a big shot in the Soviet secret service. The Russians point to these stories as examples of "the dishonest capitalist press."

Marina Nicolaevna Prusakova Oswald, born in Leningrad during World War II, spent most of her life in that city, where she was graduated from a pharmacy training school. Her father, Nikolai, was killed during the war when she was only 2; she has no memories of him. Several years later her mother married Alexander Medvedyev. But in 1957 her mother died, and Marina, then 16, moved away and found quarters for herself.

Because she had an uncle on her mother's side, Ilya Prusakov, in Minsk, she made inquiries concerning a job there. She was offered a position as a chemist in the Third Clinical Hospital in Minsk and thus left Leningrad. In Minsk Marina lived with her uncle Ilya, who is still a bookkeeper there. In Minsk, too, she met Lee Harvey Oswald and married him. When her stepfather heard of Marina's marriage to Oswald, he immediately disowned her, declaring, "We now have nothing in common."

But Medvedyev, who used to subscribe to the two local Leningrad newspapers, now queues up in front of the newsstand each afternoon and waits for the Moscow papers to come in. He buys a copy of every publication which carries news of his stepdaughter and her two little daughters, who, like their mother, will grow up never having known their father.

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MARINA OSWALD—THE FACTS. Ever since President Kennedy's assassination, Marina Oswald, 23-year-old widow of the alleged assassin, has been "back-page" news in the Russian press. In Soviet Russia, all important foreign news appears on the back pages. Rarely, however, has any woman received the constant news treatment accorded Marina Prusakova Oswald. She's been back page for six consecutive months.

The basic reason, of course, is that Marina is Lee Oswald's widow and was born in Leningrad in 1941. Another reason is that U.S. journalists, politicians and rabble rousers know nothing of Lee Oswald's activities inside Soviet Russia and have conjured up a myriad of fantastic stories which they've attempted to palm off on the American public.

married Kenneth Jess PORTER in '65



MARINA OSWALD PORTER
widow of presidential assassin Lee Harvey Oswald, sued the U.S. Government for \$500,000 as compensation for the Government's seizure of his personal effects.

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'Tell Me, Am I Insane?'—Ruby

By Ronnie Dugger

Special to The Washington Post

DALLAS, Dec. 4 — When Jack Ruby's spiritual adviser visited him in his cell here, Ruby broke down crying "every three minutes," and at one point, when the question of his psychiatric examination came up, he looked at Rabbi Hillel E. Silverman and said, "Tell me, am I insane?"

Ruby is a member of the Shearith Israel, the large conservative Jewish congregation in Dallas. Dr. Silverman has visited with him twice since he was locked up for killing Lee Harvey Oswald.

"All he remembers is seeing a crowd of people, and Oswald; and Oswald was just leering, there was a smirk on his face, and he just lost his head—as an American, he just had to shoot the man that shot the President," Dr. Silverman said.

"I'm convinced it was not premeditated." He saw crowds, he saw people around, he saw this man, this assassin, the man had a smirk on his face, as if he was proud of what he did."

Ruby told him, Dr. Silverman said, "I kept thinking of Mrs. Kennedy coming back for the trial, and the poor children." Ruby never mentioned to Dr. Silverman, as an element in his motivation, indignation against Communists. Ruby's defense lawyer, Tom Howard, has been quoted alluding to such feelings.

Doubts Rightist Link

"It would be awfully convenient if he, Ruby, represented the right wing, but I'm afraid it just wasn't that way," Dr. Silverman said.

"To me, he was very shallow intellectually. I don't think he knew the difference between a Republican and a Democratic platform. All he knew was he loved Kennedy, he loved Eisenhower, he loved every President — it was a symbol of his America.

"It's incredible that there could be any connection

between Ruby and the Communists, Ruby and Oswald, or Ruby and the right wing."

A related conclusion is stated here also by the first trial assistant in the District Attorney's office, Bill Alexander, to whom a large role in Ruby's prosecution will be assigned, if Ruby is tried. "As of this point, I don't know of anything to connect the guy with Oswald," Alexander said.

Ruby was not deeply religious, but was sentimentally so, Dr. Silverman said. He did not attend weekly services, but went to the temple on two or three religious holidays a year. When, four or five years ago, his father died, he attended 20-minute memorial services at the synagogue every morning and evening for 11 straight months. That was when Rabbi Silverman came to know him.

Congregation Member

"He is a member of this congregation. I'm not proud of that fact," Dr. Silverman said. "It's a dastardly crime by a person who was obviously deranged."

A bachelor, Ruby had a "morbid attraction" for dogs and once drove by Dr. Silverman's house with six little dachshunds in the back of his car. Apparently he wished he had some children. "He suffered a tremendous emotional instability," Dr. Silverman contended, illustrating this with this story:

On Jewish New Year's this year, one of the high holy days, about two months ago, Ruby called the Rabbi, "crying on the telephone," because he and his sister had had a spat, and asked the Rabbi to intervene for him with her. He did, and the next day they had made up.

Ruby was not exactly a status-seeker, but a seeker of "the plaudits of the crowd,"

Visiting Rabbi Says He Recalls Only Crowd, 'Leering' Oswald

Dr. Silverman said. Raised in abject poverty in a tough part of Chicago, and failing to finish high school, he lusted after notoriety, and "he wanted to be a martyr," Dr. Silverman said.

People have been writing him on his deed and even sending him money for his legal defense. "His mind is not working," Dr. Silverman said, citing, as an example, his request that the Rabbi see that instead of sending money to help in his defense, his admirers buy advertisements in their local newspapers saying "that they approve of what he's done and that he's done the American thing."

At Divine Service

Rabbi Silverman saw Ruby at divine services Friday night after the assassination. "You could see tears. He was very disturbed, you could see," he said. Ruby told him he had been very upset in conversations with his sister and by watching the television on the assassination; that he had closed his own two clubs and asked other operators why they did not close theirs.

Ruby was most concerned with what people, and what the Rabbi, particularly, thought of him. "I tried to comfort him, first of all," Dr. Silverman said.

He told Ruby that he had deprived the Government of an opportunity to bring Oswald to trial, and that this was not right. "It didn't occur to him. It wouldn't occur to a man like him," Dr. Silverman said.

Speculation was abroad, too, Dr. Silverman told Ruby, that he had some tieup with Oswald or Communists. He quoted Ruby: "I don't know these people. I have no Communist background. I'll swear on this Bible that you gave me."

"He was in a terrible emotional state," Dr. Silverman said. "Every three minutes he would start to cry, and then he would say that he did the patriotic thing. He thought he was doing the American thing . . . This guy has a kind of a hero complex."

He had read a column linking him to some Chicago underground characters. "He said 'It's fantastic. I don't know these people,'" Dr. Silverman said.

No Reply from Chicago

Dallas police wrote Chicago police on Nov. 25, sending them Ruby's fingerprints and picture and asking for his record there, but have not received a reply so far.

Ruby's record with the Dallas police has been exaggerated. According to police information, he was accused in 1949 of disturbing the peace, in 1953 of carrying a concealed weapon, and in 1954 of

mitting consumption of beer after hours.

No disposition is shown in the 1949 case; Texas law permits a businessman to carry a gun if he is going home from his place of business with money on him; the liquor case should not have been filed in the first place because no one saw anyone consuming the unfinished bottle of beer in question, according to information here.

This year he was arrested in connection with a case of simple assault. Nothing came of the matter.

"Jack blew in here in 1947," Alexander said. He ran a couple of lounges "wide open for a while, but then decided to cooperate with the police while maintaining a tough-guy atmosphere to attract customers, Alexander continued.

"You can't exactly say I was a stool pigeon, but if character drifted into his place, he would call the police," Alexander said. Night one or two police cars would stop by his place. Alexander thought Ruby had probably "avoided some problems because of his cooperativeness."

Offered Free Beer

Ruby would make a grand entrance at the boxing matches after the preliminaries, when the lights went up, and would invite police and newspapermen to his place for free beer, Alexander said. "The police wouldn't go. The press would," Alexander contended.

Alexander confirmed that Ruby was in the hallway Friday when Oswald was brought through it. "I saw him," Alexander said. Thus, had he been of a mind, Ruby could have tried to shoot Oswald Friday instead of Sunday, when he did shoot him.

How did he get in? "He got a pocketful of credentials," Alexander speculated. As to Ruby's motive in shooting Oswald, Alexander, one of his prosecutors, said, "I think he thought he was going to be a national hero." The contention that Ruby was temporarily insane is "pure baloney" in the judgment of the Dallas prosecutor, who had just spent \$25 for two books on psychology.

A club operator who has known Ruby for years adopted an attitude as skeptical as Alexander's. The club manager asked why, if Ruby so loved Mr. Kennedy, was he placing a business ad at the Dallas Morning News at the time of the President's motorcade in Dallas.

The old associate of Ruby jeered an interpretation that Ruby could have been actuated by distress about the assassination. "Jack Ruby is for Jack Ruby," he said.

Several Dallas people whom Ruby casually said he had made a fairly good impression on them. One said he was not ostentatious; another that he was almost shy. Yet a third casual acquaintance said him as "a typical Chicago fellow down here to run