

6      OSWALD IS "ALL RIGHT"

It is appropriate at this point to know these things about Assistant Counsel Wesley J. Liebel: He wrote me a letter referring to what he termed "not entirely complimentary" references to him in WHITEWASH: THE REPORT ON THE WARREN REPORT; he was silent when he got a letter accompanying a copy and asking pointed questions; and his participation in another book, Inquest: The Warren Commission and the Establishment of Truth.

There is, of course, no requirement that Liebel respond to the letter he inspired, or that, having read WHITEWASH, he in any way make further comment on his original answered complaint.

Likewise, there was no requirement that Liebel assist Edward J. Epstein in the preparation of Inquest. This, however, Liebel elected to do. The result is a portrayal of Liebel in that book as little short of heroic. He is the legal finger in the hole in the Commission dike through which truth was pouring; he is the one who prepared lengthy memoranda warning of the shortcomings and deficiencies in the work of others on the Commission's staff, and especially of its chairman. In fact, Liebel opened his files to Epstein. This in itself provokes wonderment at the private possession of classified materials relating to the investigation of the assassination and after the conclusion of that investigation at the lack of public, official protest over the unauthorized use of restricted documents.

In Epstein's pages Liebel is painted with bravura strokes. The portrait is a handsome composite of the Dutch boy and Perry Mason.

There is no doubt of the deficiencies in the work of others on the staff of the Commission, nor is there of the errors of the chairmen and other members. There is doubt, however, that Epstein's attribution of fault was as fair and neutral as one might expect in such a work, especially because it began as one of impartial scholarship, a thesis by a student of government under the tutelage of an eminent, learned, wise and respected professor of international reputation.

It therefore becomes appropriate to examine the work of Liebel the assistant counsel as he led Epstein to scrutinize the performance of his associated assistant counsel and others of the Commission. We shall consider his handling of the photographic witnesses in Part III. Here we shall look into evidence and witnesses who could have been handled with ease and competence by students of Liebel the professor of law at the University of California.

Let us begin with a quite comprehensible but hitherto unpublished bit of evidence. It is a simple and direct police investigative report dated February 17, 1964. It is captioned, "Subject: Criminal Intelligence (6) Teofil Meller". Actually, it relates as much to Mrs. Meller. The Mellers are among those

in the Dallas-Fort Worth Russian community who befriended Marina Oswald. This necessitated occasional visits to the Oswald home.

Two sentences in this report are of considerable import:

Mrs. Meller also said that she saw the book "Capital", which was written by Karl Marx during one of these visits at Oswald's house and became very worried about it. Subject said he checked with the FBI and they told him that Oswald was all right.

Here, with simplicity and directness, is set forth one of the central answers in any honest investigation of the assassination. It addresses itself to the relationship, if any, between Oswald and the police and intelligence agencies of the federal government. There is an abundance of information on this subject already in WHITEWASH, especially in the chapter, "The Oswalds' Government Relations". There is the unresolved question about whether or not FBI Special Agent Hosty told the police, almost at the moment of Oswald's apprehension, that the FBI knew Oswald had a capacity for such a crime. There is the failure of the FBI, which knew of Oswald's presence in Dallas, to alert the Dallas police and the Secret Service. He was then an "active" FBI case. From what was publicly known at the time of the assassination, clearly Oswald seemed not to be an object of FBI concern, although he was well known to it. And there was, from the very beginning, a public suspicion that Oswald had some kind of relationship with the FBI or the CIA. He was, after all, a defector to the Soviet Union who redefected to the United States. He was under regular FBI surveillance that was, immediately prior to the assassination, extended to his wife.

Meller's statement to the police, therefore, means that with this public history Oswald was still "all right" to the FBI. There are others considered Marxists who are also "all right" to the FBI. They surface from time to time in various proceedings as FBI witnesses against left-wing groups. These people are acting as agents for the FBI. Meller's statement to the police, at least by implication, classifies Oswald in such a relationship with the FBI.

Suppose Meller were in error, or suppose the police misunderstood him or had in their own right made an error in this report? Members of the Commission staff knew that a great many of the witnesses previously interviewed by the FBI complained of its inaccurate reporting. Vocal complainants included the Dallas police and the Secret Service. If the FBI erred in reporting, could not the police? If the "errors" of the FBI were deliberate, would not the police have similar motive? Aside from the portentous meaning of Oswald's being "all right" to the FBI, how about the record and public image so jealously and vocally fostered and guarded by its director?

So, one way or another, once the Commission knew of Meller's statement that the FBI said Oswald was "all right" even though he was a self-proclaimed Marxist who had been a defector to the Soviet Union, the Commission could not avoid this police report of February 17, 1964.

But it did.

Wesley J. Liebeler did it.

He must have known of this report. It was his job and his responsibility to know of it. And the document itself - part of Commission Document 950 - bears on its face the intelligence that it was "indexed". It and other documents, many, like this, suppressed from the Report, should be seen and studied by as many people as possible. They can then better understand how their Commission functioned. While it was called the President's, it

was theirs also     How their Secret Service and FBI investigated and reported on the President's assassination should also be understood

The official roster of Commission witnesses does not list "Teofil" or George Meller as a witness     In itself, with the existence of this police report, such an omission is perplexing. However, Mrs Anna Meller, his wife, is a witness     She gave a deposition to Liebelier beginning at 9 a.m. March 25, 1964, but five weeks after the police report     It should not, by now, confuse the reader to learn that the March 25, 1964, testimony of Anna Meller appears in Volume 8 of the testimony, whereas Liebelier's July 22 interrogations of the photographic witnesses, four months later, appear in Volume 7

And although Teofil Meller was not a witness, it is not because he was unavailable or in any way inaccessible to Liebelier     He was, in fact, present when Liebelier interrogated his wife - he was actually in the very room during the interrogation - without himself being asked about this important police report!     It is quite unusual for any fourth party to show as "present" during these interrogations     Mostly, there were only the Commission lawyer, the witness and a stenographer     Meller's presence is almost as exceptional as his silence     That he was present can be shown only because of Liebelier's warm and cheery greeting, also not typical of the transcripts of his interrogations     His very first words, in this case, are, "Come in, Mr and Mrs Meller, and sit down" (8H379)

How long Mrs Meller - really both Mellers - were on the stand is not immediately apparent, and with the difficulty of tracing the appearances of Liebelier's witnesses in the record, as we see in coming chapters, it really is not worth the time required to learn.     The witness who follows Mrs Meller in the printed transcript of Liebelier's interrogations of the Russian community is Mrs. Elena A Hall, who appeared in the very same room, but at 5 p.m. the day before, March 24, 1964.     In any event, Mrs. Meller's testimony required 12½ pages, ample time, more than required for some of the most significant testimony     In all of this space and all of these words, Liebelier never once asked her about the police report     Nor did he ask her husband, who was present and who made the statement to the police

Not, however, that Liebelier did not get close to it     For example, when Mrs. Meller was rambling in response to a question that did not in any way relate to the statement that Oswald was "all right" to the FBI:

Mrs. Meller.     On the third time, probably, I noticed in the living room on what you will call that table that the lamp was sitting near the divan. I notice several books; it was "Kapital" book Karl Marx and literature about Communism. It caught my eye and I was real upset

Mr. Liebelier     Did you say anything to Oswald?

Mrs. Meller     I said to Marina "What's this book doing here", something like that     I mentioned something and she said Lee takes all those books from the library and reading them. I did not say much after but I was real upset (8H382)

Having come this close, Liebelier avoided the subject of the FBI's attitude toward Oswald, or their relationship, by simply changing the subject, asking, of Oswald, who clearly had not been home, "Was that the last time you saw him?"

On the very next page, almost playing cat-and-mouse with us, Liebelier himself returns to the visit to the Oswald home:

Mr Liebeler Let me go back to the time that Oswald lived in Fort Worth. You said that you and Mr Bouhe had given groceries to the Oswalds and helped them in other ways Would you tell me approximately, and take your time to think about it, how much groceries and what other things were given to the Oswalds during that period by friends? (8H383)

How careful the interrogator was, how diligent in his search for the fundamental truth - about the entirely inconsequential matter of "how much groceries were given to the Oswalds"! About this he wanted her to "take your time to think about it" Here, indeed, he was getting to the bedrock fact of the assassination of the President Why intrude upon such vital information as was it one loaf of bread or two, one bottle of milk or more, by inquiring about such trivia as the relations between Oswald and the FBI!

At the very end of his prodding and probing, of his exercise of all the wiles and skills of the persevering lawyer digging for the hidden essence, Liebeler again gets the reader of his interrogation on the edge of the chair, coming boldly right up to the question again:

Mr Liebeler Do you remember being interviewed by the FBI?

Mrs Meller Yes, sir; three times

Mr Liebeler Three times?

Mrs Meller Yes, sir--oh, I mean from FBI one time; Secret Service another time, and third time it was from police I cannot recall name but it was three times together

Mr Liebeler. As fas (sic) as you can remember the FBI only interviewed you once?

Mrs Meller Yes; once FBI, once Secret Service, and once Dallas group

Mr. Liebeler. Was it the Dallas police force?

Mrs Meller Yes

Mr Liebeler Dallas police officers?

Mrs Meller. Yes, yes (8H390)

"Yes, yes," Mrs Meller says, as though in excitement, as though she understood what was to follow, that at last this long-buried secret was to be wrested from her, if not her husband

Liebeler once again changed the subject, asking, "Did you ever form an opinion as to who was responsible for these marital difficulties the Oswalds were having?"

To this he got an indeed earth-shaking response, that Oswald beat his wife because she did not keep the tub full of water so that, whenever he felt the urge or the grime of his day's toil heavy upon him, "he can take bath before he sit down to eat"

Thus we have another portrait of Wesley J Liebeler - "and the establishment of truth" And of the things of which Presidential investigations are made, crimes "solved" - and the FBI protected

The nature of Oswald's relationship with the FBI was regarded as important by Epstein, for whom Liebeler was perhaps the major single source of information. Inquest is a rather slight book. The pages of its wide-margined and heavily spaced text number but 154. And of these few pages, as many as three between the various parts of the book are blank. Others are taken up with charts and pictures "Oswald's alleged association with the FBI" appears on 12, or approximately ten percent of the printed pages Yet not once on these pages does the name of Wesley J Liebeler appear

This is hardly a real "inquest" Nor is it how "The Warren Commission" sought "the establishment of truth" It is, however, a graphic representation of the effort of its heroic and crusading assistant counsel and what he did - or did not - do

Here there was not merely a third-hand rumor, as reported by Epstein, coming to the Commission from Texas Attorney General Waggoner Carr who had been told by newspaperman Alonzo Hudkins, who had been told by Allan Sweatt, chief of the criminal division of the Dallas Sheriff's office, neither of whom was called as a witness:

Three days earlier Chief Justice Warren and J Lee Rankin had met secretly with Texas Attorney General Waggoner Carr and Dallas District Attorney Henry Wade. The Texas officials related a story alleging that Oswald had been working for the FBI as an informant since September 1962; that Oswald was on the FBI payroll at \$200 a month on the day he was arrested; and that Oswald had been assigned an informant number, 179. The source of the story seemed to be Alonzo Hudkins, a Houston newspaper reporter (Inquest 33-4)

There is further information from Hudkins in the Commission's files, and it relates to another of the pressing questions about the assassination and the investigation of it: How Jack Ruby fits into the entire picture. We have been led to believe that Epstein virtually ransacked the Commission's information, to use the word of one enraptured reviewer; that his "is a public service of the kind one wishes were unnecessary", who did the entire job, all by himself, because "the press left it to a single scholar to find the news", in the restrained language of Richard H. Rovere, the eminent journalist-critic whose accuracy is of an order equaled only by his restraint.

This second Hudkins document is one of the Commission's earliest. It is dated December 11, 1963, and reports an interview of the previous day. While seemingly not important in an appraisal of "the Warren Commission and the establishment of truth", it is important, especially in any appraisal of the police. This is particularly true because, as WHITEWASH shows (chapter 8), Oswald was murdered only because the police made it possible.

In the document the Secret Service reports that Ruby customarily traveled armed with a gun; that it was common knowledge that he was usually armed; that he was recognized and known to have no business in the police station; that, to his lawyer's knowledge, he was armed and present the night of Oswald's so-called "press conference" (WHITEWASH 66-8,88); and that this lawyer, Tom Howard, "arrived at the County Sheriff's Office for the purpose of obtaining the release of Ruby two minutes before Oswald was delivered to the hospital".

Twice in a single paragraph the Secret Service quoted Hudkins as stating "this is significant to him". If it was significant to Hudkins, it apparently was not to the Commission, and others.

Any "ransacking" of evidence, by the Commission or others, should certainly have included the confirmation or refutation of this Secret Service report of Hudkins's personal observations. This document, among other things, addresses itself to both premeditation in Oswald's murder and the possible complicity of the police in it. Hudkins, therefore, was a prime witness on the question of conspiracy, especially a conspiracy to murder Oswald, the accused assassin and the man whose mouth above all others should not have been closed were the assassination to be solved; or, conversely, whose mouth had to be shut were the crime to be pinned on him.

Attorney Howard, during the Commission's life, was also alive. Today he is one of the astounding number of people associated with the assassination who have died under circumstances properly considered mysterious. They number well over a dozen.

Some were killed in "auto accidents", some died of ostensibly "natural causes" but in violation of all actuarial tables, and some were even killed "accidentally" in police stations (see Forgive My Grief, by Penn Jones, Jr )

But the Commission did not call Hudkins as a witness either to Oswald's connections with the FBI or to the strange disinterest of the police in the unauthorized and improper presence of the violent Ruby, who was known to travel with a gun, on all the earlier occasions on which he could have murdered Oswald; or to the remarkable and immediate presence of his lawyer to seek his release once the murder was done

This document is in the Commission's own files, where it is in the fifth folder of File 87, folio 640 This file is a five-volume Secret Service Report forwarded January 8, 1964. It is among the earliest evidence available to the Commission. The same information is duplicated in another Commission file, 81, from the Texas Attorney General, where it also contains a covering note, unsigned and on a blank piece of paper, reading, "If this office can be of further help to you, please contact us " It is page 326 of File 81.

Ruby's connections were of as little interest to the Commission staff as those imputed to Oswald Liebel's heroic proportion in Inquest, through which he assaulted his former Commission associates in its "establishment of truth", exceeds the record he made for himself as the assistant counsel who left unanswered and unpursued Teofil Meller's statement that before the assassination Oswald was "all right" to the FBI

Captain W. P. Gannaway  
Special Service Bureau  
Dallas Police Department

Thru:  
Lieutenant Jack Revill  
Criminal Intelligence Section  
Special Service Bureau  
Dallas Police Department

February 17, 1964

Sir:

SUBJECT: CRIMINAL INTELLIGENCE (6)  
TEOFIL MELLER

Pursuant to the instructions of Captain W. P. GANNAWAY, SUBJECT was interviewed by the undersigned officers and the following report submitted.

OSWALD. One of BOUHE visited OSWALD at 2703 Mercedes in Fort Worth two or three times after that to take them food and clothing. OSWALD became very belligerent on these occasions, saying that he didn't need or want help from anyone. MRS. MELLER also said that she saw the book, "CAPITAL", which was written by KARL MARX, during one of these visits at OSWALD'S house and became very worried about it. SUBJECT said he checked with the FBI and they told him that OSWALD was all right.

SUBJECT stated that a friend of his, MRS. CUNNINGHAM with the TEXAS EMPLOYMENT COMMISSION, helped OSWALD get a job with a photo engraving company in Dallas in October of 1962. When SUBJECT told OSWALD that he should thank her for getting him the job, he said, "Why should I thank anyone for getting me a job where I only make \$1.00 an

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INITIALS S

Respectfully submitted,

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