

# A Profile of Political Assassins: The Common Denominators' Exclusion of Lee Harvey Oswald

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## INTRODUCTION

A pioneer of American literature, Washington Irving, noted that "there rise authors now and then, who seem proof against the mutability of language, because they have rooted themselves in the unchanging principles of human nature." Irving's attestation of a poet's grasp on the universality of humanity perhaps inspires my confidence in the following observation by the acclaimed novelist Henry James: "What is character but the determination of incident? What is incident but the illustration of character?" James, a literary artist who imbued his gallery of fictional characters with the flesh and bone of living creatures, posed these rhetorical questions to demonstrate the predictable nature and disposition of the human personality. Certainly the authenticity of Henry James' art confirms his perspicacious understanding of the human soul. Thus, his conclusion that character and incident are irrevocably intertwined warrants serious consideration.

The Henry James concept that a personality's conduct may be accurately anticipated by established behavior patterns also forms the basis for a ground-breaking and highly proficient crime-fighting tool known as profiling. Even the words used by John Douglas, the father and architect of modern behavioral profiling, to describe profiling seem strikingly similar to those of Mr. James: Profiling operates "on the principle that behavior reflects personality." The criminal personality program Douglas conceived and originated has spawned an internationally recognized crime detection system that tracks recurring links between behavioral traits and personality types. Douglas has orchestrated the evolution of a widely acclaimed investigative tool employed by such preeminent law enforcement agencies as the Federal Bureau of Investigation ("FBI") and Scotland Yard.

Criminal personality programs have earned their esteem with an unbroken chain of successful results. Now that the practical application of profiling has dispelled the reservations of many skeptics, both state and federal courts are beginning to recognize profilers as bona fide experts in criminal proceedings. Indeed, momentum seems to be pushing the US legal system towards an expanded use of profile evidence.

Given the sweeping possibilities of profiling, one finds it tempting to ask whether adept profilers could settle the question of Lee Harvey Oswald's involvement in the execution of President John F. Kennedy. Does Oswald's demeanor and actions on November 22, 1963 match the profile of a political assassin? The key to finding an answer rests upon a personality profile of that rare oddball known as a political assassin. As part of this theoretical inquiry, Oswald will be compared to the idiosyncratic markings of an assassin. This experiment will help to dispel the accusations that have besmirched his name for the past thirty-five years.



Oswald under arrest

## JOHN DOUGLAS: PROFILING TRAILBLAZER

Some of the most notorious and vicious criminals have been arrested, tried, and convicted through the innovations of behavioral profiling and criminal investigative analysis. Yet this proven crime fighter was not even considered legitimate until the death of long-time FBI director, J. Edgar Hoover. The Bureau likened the profile approach to black magic or witchcraft. With Hoover's demise, John Douglas began perfecting a new and sometimes controversial technique called investigative profiling. During his productive years with the FBI's National Center for the Analysis of Violent Crime, Douglas achieved sufficient success to win his investigative profiling system the endorsement of top criminologists everywhere. The respect and regard afforded John Douglas manifests itself in legendary proportions. For instance, numerous novelists have modeled their detectives and investigators upon the Douglas mystique. Most notable among such tributes is the amazing likeness of Douglas to Thomas Harris's Jack Crawford, the brilliant FBI agent in *The Silence of the Lambs*.

### A. The Evolution of Behavioral Science into Criminal Personality Profiling

As an innovator in behavioral science, Douglas has watched the gradual silencing of his critics. He reflects on when profiling was in its burgeoning stage: "What had been an informal service without official sanction was developing into a small institution. I took on the newly created title of "criminal-personality profiling program manager" and started working with the field offices to coordinate the submission of cases by local police departments."

The Douglas profiling philosophy is comparable to a doctor's diagnosis. He states that by

"studying as many crimes as we could, and through talking to the experts - the perpetrators themselves - we have learned to interpret those clues in much the same way a doctor evaluates various symptoms to diagnose a particular disease or condition. And just as a doctor can begin forming a diagnosis after recognizing several aspects of a disease presentation he or she has seen before, we can make various conclusions when we see patterns start to emerge."

"To define is to  
exclude and negate."

Jose Ortega Y Gasset

Douglas has devised a scheme for interpreting the clues of the criminal mind. The implementation of this scheme has produced profiles for serial killers, rapists, spouse beaters, sexual murderers, assassins, sadomasochists, pedophiles, and other deviants. Douglas firmly believes that “the more behavior we have, the more complete the profile and analysis we can give to the local police. The better the profile the local police have to work with, the more they can slice down the potential suspect populations and concentrate on finding the real guy.”

With tremendous success in the investigative arena, many local law enforcers wanted to transfer their field success to the court room. State and federal courts, however, barred admission of profile testimony based on legal restraints set forth in federal and state rules of evidence. Some prosecutors attempted to clear these legal hurdles in a rather unorthodox manner to accommodate the complexities of a lust murderer case in Tennessee.

## B. A Circuitous Route to Legal Acceptance of Profiling Evidence

Before profile evidence was admitted by any court, resourceful prosecutors indirectly took advantage of the emerging science. In prosecuting a highly publicized murder case in Memphis, Tennessee, the District Attorney sought the advice of John Douglas. Although Douglas would be prohibited from presenting profile testimony, he was invited to observe the proceedings for two purposes. First, if the defendant got into the witness box, he would ingratiate himself with the jury through a deceptive display of a meek and mild demeanor. In that event, Douglas could coach the District Attorney on probing beneath the defendant’s facade with a prod guaranteed to provoke a self-betraying outburst. The Douglas technique worked like clockwork. The defendant lashed out with a fury so vicious that his carefully crafted persona of a gentle soul lost all credibility, and his loss of composure proved to be a turning point in the trial that ended with his conviction.

Douglas served another role, too. The District Attorney feared that the jury might acquit the accused murderer simply because a reasonable or logical motive had not been proffered. Finding a motive acceptable to the jury would be impossible unless the jurors could comprehend an almost unfathomable moral degeneration that had obliterated all sense of decency. Douglas educated the prosecution on the behavioral characteristics of a “lust murderer.” Once the abnormalities manifested by a lust murderer were divulged to the jury, many elements of the crime that confused the panel emerged from the dark and slid neatly into place. While the criminal profile was not officially admitted into evidence, the reliability of the profile enabled the prosecution to convince the jury that in light of personality types a motive behind such a heinous crime could be explained.

This indirect use of profile evidence signaled the inevitable toppling of legal resistance to behavioral science in the courtroom. As illustrated in the discussion below, the legal barriers no longer prohibit the introduction of profile evidence. As these once formidable barricades crumbled, John Douglas found himself seated on the stand as an expert.

## CRIMINAL PERSONALITY PROFILES IN THE US COURTS

The acceptance by US courts of profile evidence is continuing to evolve and “whether such evidence will be admitted depends upon the particular facts and issues of the case.” Unfortunately, the likelihood that federal and state courts will reach a unified consensus on criminal profiles appears remote. Of course, the US Supreme Court could resolve the

conflict by ruling on the issue. Even amid sharp divisions between federal circuit courts, the Supreme Court has declined to settle the matter with a definitive opinion. In fact, the Supreme Court has denied every Petition for Certiorari presenting this controversy.

While the Supreme Court remains silent, federal circuit and district courts, along with state courts, admit specific types of profile evidence on substantive questions of fact. The majority of courts have also recognized exceptions to the prohibition against profiling testimony, and the trend among federal and state jurisdictions is to expand the use of exceptions.

In the legal decisions surveyed below, profiling proves to possess ample persuasive powers to sway the ultimate outcome of a jury’s deliberations.

## A. US Law Accepts Criminal Profiles as Valid Evidence

Before the convincing powers of profiling are permitted in front of a jury, the court must determine whether profile testimony may be admitted into evidence. Featured below is a brief examination of laws relevant to deciding the admissibility of profile evidence.

### 1. Common Law

The mere mention of common law spark some law professors into a fiery and impassioned dissertation on the origin and meaning of this ancient legal precedent. A simple definition will suffice here. The common law is a collection of rules recognized since time immemorial as the dictate of wisdom and experience. In the absence of written law that is applicable to a singular situation, courts, even today, may turn to the common law for guidance and direction in reaching a decision.

The sanctity of common law has been desecrated by America’s seditious preference for legislation. Early American jurists gave birth to a new legal philosophy more attuned to employing the court’s authority to advance societal interests rather than paying homage to ancient rules.

As part of the revolt against traditional common law, American courts dramatically reformed the

legal process for criminal suits. This system commanded the judiciary to dispassionately adhere to procedures prescribed by statute for conducting a trial and sentencing a convicted defendant. Inevitably, the rules controlling the admissibility of evidence at trial were formalized through codification. If the codified rules of evidence failed to address the proffered evidence, a judge could resort to the common law to support a ruling on admissibility. Recourse to the common law during an Oswald trial seems highly improbable.

### 2. Rules, Codes, and Statutes

Previously the rules of evidence strictly limited admission of character evidence. These limitations appeared to be carved in stone, but the incorporation of Rule 413 and 414 into the Federal Rules of Evidence grant courts greater flexibility in entertaining the merits of character testimony. The rules also mark a departure from the preclusion against propensity or profile type evidence. For instance, the rules now allow a federal prosecutor to rely upon propensity evidence to prove the defendant’s guilt of sex crimes. While the rules do not entirely obliterate previous restrictions on propensity type or character evidence, the break with tradition signals a growing acceptance of profile evidence in criminal prosecutions.

To combat the legal community’s reluctance to lift the bar against admission of certain types of psychological evidence, some state legislatures have enacted into law specific code provisions that require the judiciary to admit expert testimony based on social behavior science. For example, the State of Illinois has revised its evidentiary rule to expressly allow evidence of post-traumatic stress syndrome in criminal sex cases. The State of Missouri’s legislature passed legislation mandating that state courts admit testimony on the battered woman syndrome when self-defense is an issue. Ohio lawmakers have adopted similar language to its state code to permit

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testimony on battered woman syndrome.

The fact that states are boldly engaged in the enactment of formal rules of evidence demonstrates the confidence vested in profiling. The assertive invasion of judicial territory also symbolizes a drive to liberate evidentiary rules from legal technicalities that preclude behavioral sketches as evidence.

### 3. Case Law

When an opinion from the field of psychology might determine a defendant's fate, the courts try to substantiate the reliability of the scientific evidence proffered. Prior to the Supreme Court's 1993 decision in *Daubert v. Merrell Dow Pharmaceuticals*, federal and state courts applied the Frye test to decide if the scientific formula espoused found general acceptance in the relevant scientific community. The Frye test did not measure the soundness of a formula, but certified that the formula in question commanded the respect of the expert's colleagues. Courts' application of the Frye test to different factual scenarios resulted in the admission of evidence on 1) rape trauma syndrome; 2) rapist profile; 3) child abuse accommodation syndrome; 4) battered woman syndrome; and 5) and other types of "soft sciences."

The *Daubert* decision rejected the "general acceptance" test of Frye in favor of a scientific validity standard. In other words, the judge must ascertain whether the reasoning and methodology underlying an expert's proposed testimony is scientifically valid. Undoubtedly, this more rigorous standard imposes a troublesome burden upon courts. Despite *Daubert's* mandate that courts flex their scientific muscle, profile evidence continues to gain admission in criminal proceedings.

## B. Conformance to a Criminal Profile has Resulted in Convictions

### 1. Drug courier profiles - Convictions Obtained

To assist the surveillance of drug couriers, a nationally recognized profile has been created to reasonably narrow the field of suspects. This profile consists of characteristics and behaviors ordinarily exhibited by drug couriers. Federal and state courts acknowledge the practicality of using profiles to fight the nation's drug epidemic, and, where allowed as evidence, conformity to a drug courier profile significantly amplifies the potential for a conviction.

For example, in an Eleventh Circuit case, two customs agents explained to the jury that the defendant's packages were examined when his actions mirrored the classic signs of a narcotics dealer. The defense objected to the profile evidence. The court stipulated that the profile evidence could not be used as substantive proof of guilt, but was admissible to clarify the performance of the customs officers. In this case, the defendant's similarity to a typical drug courier induced a verdict for possession with intent to distribute.

Consider the Seventh Circuit case where the government's proof of intent to distribute was supported solely by circumstantial evidence. The prosecution established that the defendant possessed a large assortment of telephone beeper numbers. This fact was augmented by experts who stated that drug couriers routinely retain numerous beeper numbers. The court held expert profile testimony could be weighed by the jury as an indicator of guilt. Again, a resemblance to a stereotypical drug courier resulted in conviction for possession with the intent to distribute.

### 2. Abusive profile - convictions

Both the defense and prosecution find profile evidence helpful in cases surrounding abuse, battery, rape, or other crimes of violence. The prosecution may find expert testimony on a victim's reaction pattern to be instructive. From the prosecution's perspective, such testimony helps remove doubt from the jury's mind that the victim fabricated her story. The defense may also utilize profiling to demonstrate that defendant's behavior stands diametrically

opposed to the accepted demeanor of a violent criminal.

A specific instance of a court embracing an abusive profile is found in a Delaware Supreme Court case in which it held that evidence of child rape patterns could be admitted. The defendant argued that the alleged behavioral model of child molestation victims lacked broad support among the professional community. The court rejected the argument and concluded that the doctor's specialized knowledge helped the jury to understand some of the victim's actions that initially appear inconsistent with the object of sexual molestation.

The Delaware decision finds support among jurisdictions throughout the nation. One court effectively articulated the basis for admitting victim profiles:

"[T]he purported common knowledge of the jury may be very much mistaken, an area where jurors' logic, drawn from their own experience, may lead to a wholly incorrect conclusion, an area where expert knowledge would enable the jurors to disregard their prior conclusions as being common myths rather than common knowledge."

Rape trauma syndrome may also be admitted into evidence to establish lack of consent or refute consensual intercourse. Courts allow battered child syndrome to validate that certain types of bruises and lacerations found on the victim emanate from beatings. The courts also consent to admitting a batterer's profile when the accused introduces character witnesses on his behalf.

### 3. Murder - convictions

The discovery of a murdered prostitute's body in 1987 prompted police in Delaware to undertake their typical homicide investigation. The inquiry became more complicated when a year later an arrest for the 1987 murder still had not been made, and another prostitute was slain in a similar fashion. Several months later, yet another prostitute was added to the list of murder victims.

In the course of the investigation, police arrested Steve Pennell who had displayed an unusual interest in a female police decoy parked along the roadside. The officers searched his vehicle and found a blood stain along with other clues that suggested the motorist had been engaged in foul play. The available evidence plainly

implicated Pennell in the murder of one prostitute, but the prosecution charged him with the murders of all three women.

At Pennell's trial, the prosecution characterized the murders as serial killings. In order to convincingly connect Pennell with all three murders, John Douglas, Director of the FBI's Behavioral Sciences Unit, was introduced as an expert on serial killers. The trial court accepted Douglas as an expert. Douglas imparted to the jury his understanding and knowledge of serial killers. Specifically, he testified that all three murder victims were slain by the same person. Douglas' opinion was extremely detrimental to Pennell as confirmed by his conviction on all three counts.

On Appeal to the Supreme Court of Delaware, Pennell argued that serial killing is not a proper topic for an expert. The Delaware court justified the admission of Douglas' opinion because any "specialized knowledge that will assist the trier of fact to understand the evidence or to determine a fact in issue" may be admitted as evidence. The court further explained that Douglas' extensive experience with signature crimes and crime analysis was indeed specialized, as mandated by Rule 702, and, if accepted by the jury, could be helpful in determining whether all three murders had been committed by the same person.

The Pennell decision effectively demonstrates the persuasive impact profile evidence may have on a jury. Arguably, Douglas alone convinced the jury that Pennell was guilty of the other two murders. In support of this supposition, consider that Pennell also argued before the court that the prosecution lacked sufficient evidence on the two other murders. In refuting that argument, the court itself relied upon profile testimony to justify the ultimate verdict: "[T]he injuries sustained by DiMauro and Ellis were so strikingly

"Why does an individual want to kill the nation's leader?"

similar that there was expert testimony to the effect that they were inflicted by the same person.”

In an Ohio rape case, profiling yet again proves the deciding factor in the jury’s final judgment. The State of Ohio had been terrorized during the 1980’s by a lunatic whom the press dubbed the West Side Rapist. When Ronny Shelton was identified and arrested on a charge of rape, the police suspected that he might be a perpetrator of numerous sexual assaults. Not a shred of evidence could be uncovered to link Shelton with the other crimes. John Douglas compensated for the scarcity of evidence by presenting a rapist profile.

Douglas traced the various crimes to one another and helped the jury perceive Shelton’s modus operandi. By the time Douglas completed his testimony, little doubt remained in the jury’s mind that an unbroken trail leading from one crime to another ended at Shelton’s door. The jury returned a guilty verdict on 49 counts of rape. Douglas not only convinced the jury, but the judge was swayed, too, as demonstrated by his imposition of the maximum sentence for each crime committed. When the judge finished, Shelton had been given the longest sentence in the history of Ohio - 3,198 years.

### C. Exoneration of the Accused Based Upon Profile Evidence

In a story that is becoming far too familiar, Mrs. Koss returned home late one night and was physically struck by her husband upon entering their shared bedroom. The next thing Mrs. Koss remembered was a noise. What Mrs. Koss had forgotten was that she had shot her husband through the head and killed him. The police arrested Mrs. Koss for homicide.

As part of her defense, Mrs. Koss sought to introduce expert testimony on battered woman syndrome. The court permitted expert testimony in support of the affirmative defense of self-defense. Based on the profile evidence depicting the emotions and reactions of a battered woman, the jury acquitted Mrs. Koss of murder and found her guilty of manslaughter. Reliance upon profile evidence in this case saved Mrs. Koss from prison time that she otherwise would have served under a murder charge.

The battered woman syndrome has been accepted as evidence in a variety of other courts and has been the key to successfully protecting the defendant from a murder conviction.

## SELECTED PROFILES OF A POLITICAL ASSASSIN

The Bible promises that in the mouth of two or three witnesses shall all things be established. In keeping with that tradition of validation, three profiles prepared by three different experts have been joined together to attain a composite of traits irrevocably affiliated with a political assassin. These three profiles arise from essentially three areas of expertise: 1) historical precedent and examples; 2) professional profiling techniques employed by the FBI and other law enforcement organizations; and 3) psychological analysis of an assassin’s social distortions in the context of his crime. In addition, a summary of historical attacks upon US Presidents enhance the credibility of the three profile composite by revealing assassin characteristics that correspond with the composite.

### A. The Historical Archetype

Assassination researcher Lee Davis has explored and analyzed a diverse spectrum of political assassinations that range from the 1793 stabbing of Jean-Paul Marata, despised member of the French National Convention, to the 1991 slayings of Indira and Rajiv Gandhi, Prime Ministers Kennedy Assassination Chronicles

of India. Based upon an exacting examination of the perpetrators themselves, Davis has designated the key attributes of a political assassin. Supporting his conclusions with a plethora of historical evidence, Davis paints a composite portrait that captures a persistent and repetitive figura-tion that merges together to create the profile of a political assassin.

Whether labeled by royalty as regicide or legally defined as homicide, the aberrations that distinguish an assassin from a garden variety murderer start with the selection of the crime scene. Because most killers prefer absolute anonymity, they secretly skulk about in dark alleys. Not the assassin. As the Davis research documents, an assassin demands an open and public arena. A spectacle before millions is preferred, but a generous gathering of one hundred plus people will suffice.

In a community-like forum, the political assassin’s next step is killing a person of prominence. The target may be a celebrity or a political leader, but fame and renown are indispensable ingredients for the victim. When unreserved pandemonium arrests the crowd’s attention, that previously elusive elixir known as recognition emboldens the assassin to step forward and proclaim his message. This

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declaration of belief or purpose contributes another feature to the assassin’s make-up. The validity of the assassin’s message is irrelevant. Because the end-goal of a political assassination is capturing an audience, the assassin willingly assumes the role of martyr. Hence, the killer shows more interest in reading his manifesto than escaping the scene of the crime.

This brand of murderer insists upon taking credit for his action. Indeed, assassins are known throughout history for brazenly seizing center stage and assuming blame for the horrendous execution of a world leader. Interestingly, Davis concludes that the absence of these defiant pronouncements of guilt signals a conspiracy. Specifically referring to Lee Harvey Oswald, Davis asserts that Oswald’s denial of guilt, in contrast to history’s catalog of other assailants, exhibit “classic patsy behavior” that “give credence to the theories that the supposedly one-man-one-gun” assassination of John F. Kennedy was really a conspiracy.

The following behavioral patterns synthesize the essential elements of Davis’ assassin profile: 1) a public 2) act of violence designed to kill 3) a noted personality 4) in order to advance the personal, political, religious cause 5) of an individual who seeks recognition for his crime and voluntarily confesses guilt 6) and neglects an escape plan or alibi because the assailant is 7) resigned to his ultimate destiny of incarceration or death.

### B. The Professional Profiler

The consummate authority on profiling, John Douglas, accumulated extensive information from interviewing celebrity stalkers and political assassins. Based upon his highly acclaimed expertise and unparalleled experience, Douglas has sketched a political assassin profile. The Douglas profile proved instrumental in locating and capturing a young man threatening Ronald Reagan after John Hinckley’s failed assassination attempt. Thus, the Douglas profile boasts a unique distinction of independent collaboration through its application to a real-world situation.

Douglas finds similarities between political assassins and celebrity stalkers. He noted that both the celebrity stalker and political assassin target a person that assumes larger-than-life proportions. He also confirms the assassin’s need for recognition. Douglas, however, believes that the quest for attention stems from emotional deficiencies rather than promotion of a sacred mission, and he even suggests that the deep rooted sense of insignificance encourages a futile effort to transfer some of his victim’s importance to himself. “The construct of a ‘cause’ for the killing” and a declaration of that cause are crucial features to include in an assassin’s portrait.

The Douglas profile offers a glimpse into an interior life haunted by overwhelming inadequacy. These socially retarded beings fear communication with other people, so to compensate for a dearth of human discourse, they engage themselves in vivacious dialogue and spirited debate. This internal conversation may evolve into written harangues in journals, diaries, manifestos, or letters. The importance of such compositions should not be overlooked for they usually reveal the rudimentary antecedents propelling the writer towards an act of savagery.

Sometimes through the senseless and incoherent scribbling, the narrative will reveal a hunger for public recognition so intense it expels an energy force that propels and hurls the future assassin towards a boundless abyss. In the midst of these rumblings, Douglas discerns the instigation of plans leading up to an assassination. As the assassination project evolves, the assailant gradually prepares for that day by abdicating his freedom and resigning any hope of escape at the murder scene. The densely scripted pages also fantasize over the accolades from an admiring crowd with such vividness that the assassin becomes numb to the harsh realities of captivity and prison. In the acquiescence to incarceration or death, the assassin embraces the inevitable need to confess and assume responsibility before the world.

Granted this type of thinking seems incongruous for a criminal. Undoubtedly, the assassin is a rare breed of criminal. To illustrate an assassin's distinct and separate class among criminals, contrast the Tylenol poisoner who, like most outlaws, committed his crime clandestinely with a political assassin who, unlike any other lawbreaker, committed his crime openly to satiate his craving for publicity. Every step taken seems predestined to deliver the aggressor under the spotlight on center stage with a supporting cast played by an inquisitive news crew and the perennially curious multitude.

### C. Psychiatric Diagnoses

Psychiatrists raise suspicions with the average citizen simply because an opposing psychiatrist always seems more than happy to dispute the professional findings of another doctor. Despite a mistrust that dates back to Freud, the assassin profile created from field of psychology by Dr. James W. Clarke should be given full consideration.

Consulting numerous professional sources and reconstructing the lives of various American assassins, Dr. Clarke discerned certain patterns among political assassins. Clarke further segregates assassins into categories. This compartmentalization is rather misleading because, in the final analysis, all of the assassins have fixed features in common.

Clarke distinguishes the categories by analyzing subtle differences in motivation. For example, Clarke concludes that all assassins suffer from frustration that evolves into violence, but the source of that frustration may stem from personal or political antecedents. If, for instance, an assailant's aggravation stems from an oppressive political situation - Collazo and Torresola (Truman's attackers) illustrate this scenario - that individual would be distinguished from someone whose discontent emanates from personal problems. John Hinckley may be an appropriate example of the personal problem category.

In the midst of a meticulous dissection of the intricacies of emotional motivations, Clarke gleans a number of solid and reliable characteristics common to all assassins. For example, Clarke recognizes that all assassins claim a motive for acting out their aggression. Clarke's research also validates that the assassin's target must be a figure of notoriety. Clarke found that another shared characteristic emerges from an assassin's surrender to a fate of inevitable capture and likely death. All assassins in Clarke's categories seek acknowledgment for their actions.

While Clarke believes that the mental condition of an assassin may alter the underlying impetus for relinquishing their freedom to law enforcement officials, the element of capitulation and confession remain a constant behavioral pattern. For example, one assassin may submit to electrocution as attestation of political convictions. Another assassin may be just as willing to sacrifice his life, but no glorious belief beats within

his breast. This assaulter has simply lost his grasp on reality, and his comprehension of execution's consequences is so tenuous that he unwittingly greets death without complaint.

Clarke imparts his professional judgment on voluntary confessions by asserting that "in every instance, the exercise of power in a public manner generates the attention that had been denied in the past." The public setting opens the curtains to the stage upon which a statement of purpose or motive will manifest itself.

Interestingly, Clarke concludes that Oswald fits the description of his second category. In order to reach this conclusion, however, Clarke ascribed motives to Oswald that do not exist in Oswald's personal history. Specifically, Clarke contends that Oswald killed Kennedy "in an attempt to establish himself as a sympathetic figure to the only significant entities, beyond his children, in his embittered life - his wife and his revolutionary hero, Fidel Castro."

Clarke's premise is fallacious because it originates from pure speculation. Clarke does not nor can he connect such emotional needs as the propelling force behind Oswald's supposed assassination of Kennedy. If, like all other political assailants, Oswald sought to awaken Marina to a greater awareness of his worth, why did Lee Harvey Oswald keep Marina in the dark about his aim in executing a President? He apparently declined to express his sentiments with the written word. Otherwise Marina, Dr. Clarke, and the people would have knowledge of such a letter. When Marina came to visit her husband in jail, why did not Lee take her in his arms and dedicate his daring deed to the acquisition of Marina's sympathy and regard. Instead, Oswald assured Marina that he had not shot Kennedy. Neither did Oswald avail himself of the opportunities to speak to Fidel Castro or the world in general when live television cameras were shoved in his face.

If Clarke is correct, Oswald purposely sabotaged his plans for glory. Aborting his original objective and abstaining from the spoils of notoriety, Oswald inverts the core behavioral patterns ascribed to an assassin. Clarke offers no explanation for Oswald's non-action.



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### D. A Brief History of Presidential Assailants in the United States

Why does an individual want to kill the nation's leader? Thus far, attacks upon a President have not been personalis actio - an act against the person. Rather, the assaults have been perpetrated because of the President's position or to retaliate for action he undertook in his official capacity. Assassinations in the United States have consistently been triggered by the assassin's belief - personal, social, religious or political. Certainly the following synopsis of American history confirms that political murders follow a readily identifiable pattern.

#### 1. Abraham Lincoln

In a single leap from Abraham Lincoln's private box, John Wilkes Booth, brandishing a dagger, landed on the stage of Ford's Theater and declared to the audience assembled to see An American Cousin, "Sic semper tyrannis! [thus ever to tyrants]. The South is avenged."

Booth, a familiar face to theater crowds, now stood upon the stage fearless that his famed visage would be associated with the

act of violence that had just occurred. Booth displayed no inclination to disguise himself. As an ardent Southern sympathizer, he was in his moment of glory.

To guarantee that full credit was afforded him Booth took no chances that fame would rob him of his due. He recorded in his memorandum book that "our country owed all our troubles to him [Lincoln], and God made me the instrument of his punishment." Still not completely confident that he would receive proper notices for his act of courage, Booth penned a letter to the editor of the Washington National Intelligencer. Unfortunately that epistle no longer exists, for Booth asked an actor friend, John Matthews, to deliver the sealed envelope to the newspaper. Once Matthews heard that Booth had been implicated in Lincoln's death, he opened the envelope. After reading Booth's confession, Matthews feared his possession of such a document would incriminate him, so he burned it. Although the contents of the letter were destroyed, Matthews conveyed the substance of Booth's admission to the public.

## 2. James A. Garfield

Charles J. Guiteau, an itinerant preacher with political aspirations, began appealing to President James A. Garfield for a political appointment as Consul to Paris. When his importunate petitions did not cease, the White House had him banned from the premises. Incensed by this political bluntness, Guiteau sought solace through prayer. While enraptured in devotional supplication, Guiteau, according to his later trial testimony, was visited by God, who instructed him to save the republic and publicize *The Truth* - Guiteau's autobiography - by executing Garfield.



Guiteau fired several shots into Garfield on Saturday, July 2, 1881 at the Baltimore and Potomac Depot. A Washington, DC policeman wrestled the assailant to the ground. To assure the officer of his willingness to cooperate, Guiteau said: "It's all right. Keep quiet, my friend. I wish to go to jail. Now Arthur is President of the United States. I am a Stalwart of Stalwarts."

Among Guiteau's possessions was a copy of his autobiography, and a speech to the American citizens in which he bequeathed his gun to the State Department Library and granted the New York Herald publication and serialization rights for *The Truth*. Attached to these items was a note from Guiteau explaining God's hand in Garfield's assassination and disclaiming monetary greed as a motive for his actions: "I am clear in my purpose to remove the President. Two points will be accomplished. It will save the Republic, and it will create a demand for my book, *The Truth*. . . This book was not written for money. It was written to save souls. In order to attract public attention the book needs the notice the President's removal will give it."

When the President died, Guiteau wrote to Garfield's successor, Chester A. Arthur: "My inspiration is a God send to you & I presume you appreciate it. . . It raises you from a political cipher to President of the United States. . ." Moments before the hangman slipped a noose around his neck, Guiteau harangued the crowd with one last dissertation on his divine calling to slay Garfield.

## 3. William McKinley

In the late 1890's and early 1900's, Emma Goldman, an effective agitator for American anarchy, stirred enough ferment within an anonymous disciple, Leon Czolgosz (pronounced "Colgosh"), to prompt the assassination of the twenty-fifth President of the United States, William McKinley.

After his arrest, Czolgosz told police: "I killed President McKinley because I done my duty. I don't believe one man should have so much service and another man should have none." Czolgosz was found guilty and sentenced to the electric chair. Before he faced death by electrocution, Czolgosz affirmed his manifesto for the gathered spectators: "I killed the president because he was the enemy of the people - the good working people. I am not sorry for my crime."



## 4. Theodore Roosevelt

Theodore Roosevelt ascended to the Presidency upon the death of William McKinley. Ironically, Roosevelt's means of ascension would serve as the catalyst for a later attempt on his own life. During the 1912 Presidential campaign, Roosevelt was in Milwaukee, Wisconsin to deliver a speech before a rally. Roosevelt stood up in his open automobile to acknowledge the well-wishers when a man stepped forward and shot him with a .38 Colt revolver. The bullet penetrated Roosevelt's overcoat, a steel spectacles case, the fifty page manuscript of his speech, and eventually lodged beneath his ribs. Dazed, but not critically wounded, Roosevelt demanded that his assailant be brought before him. After a penetrating examination by Roosevelt, John F. Schrank was taken into custody.



Schrank, like Guiteau before him, had a visitation from beyond the veil. The ghost of William McKinley appeared to Schrank and denounced Roosevelt for complicity in his shooting. McKinley, according to Schrank, demanded revenge and appointed Schrank as his avenging angel.

## 5. Franklin D. Roosevelt

Shortly before Franklin Roosevelt's 1932 inauguration, Giuseppe Zangara fired five shots at the president-elect's open motorcade in Miami, Florida. Quickly arrested, Zangara assured the police that he did not hate Roosevelt personally, but explained that "I hate all Presidents, no matter from what country they come, and I hate all officials and everybody who is rich." While Zangara failed to even wound the President-elect, he did hit Chicago Mayor Anton Cermak and other bystanders. While Cermak was on the operating table, Roosevelt visited the other gunshot victims. Cermak died on March 6, 1933. Zangara was charged with murder and was eventually electrocuted.



## 6. Harry S. Truman

White House renovations forced the Trumans to take up residence a short distance from the Executive Mansion at Blair House. On November 1, 1950, Harry Truman, after a particularly contentious meeting with the CIA, needed a rest. He retired to his private quarters at Blair House.

Outside Blair House, Puerto Rican patriots Oscar Collazo and Griselio Torresola rushed towards a secret service agent, positioned beneath the front entrance canopy, from opposite directions. What could have been a bloody assault was foiled because Collazo had forgotten to release his weapon's safety trigger. An incongruously silent pistol eked out a tiny click against the hammer. That almost inaudible small noise sent Collazo into a panic. A frenzied Collazo fumbled with his revolver, but his attempts to correct his mistake triggered a comedy of errors that featured misfired gun that hit a guard in the leg.

The discharge of a bullet alerted the guards stationed within Blair House, who charged out of their assigned posts with guns blasting. Torresola and Collazo returned fire and wounded several secret service agents and killed Leslie Coffelt, one of Truman's favorite officers. In the ensuing gun battle, Torresola was killed. Collazo wounded himself at the outset. With his compatriot slain, Collazo bravely declared the articles of faith upon which the Puerto Rican Nationalist movement was instituted. Ironically, Truman, a strong supporter of Puerto Rico's autonomy, appointed the first native Puerto Rican as governor of the island. When confronted with these facts, Collazo defiantly asserted that Truman was a symbol of the system and he was attacking the system, not the man.



## 7. Gerald Ford

Twice within one month, Gerald Ford was the target of failed assassination attempts. The first occurred on September 5, 1975 in Sacramento, California. President Ford was walking between the Senator Hotel and the state capitol where he was scheduled to deliver a speech against crime. Across his path stepped Lynette "Squeaky" Fromme, who pointed a colt .45 at his stomach. "The country is in a mess. This man is not your president," she proclaimed as she pulled the trigger.

"Squeaky" was flustered that her effort had been foiled and explained that she had simply "wanted to get some attention for Charlie and the girls." Fromme was a follower of cult leader Charles Manson, who was imprisoned for the grisly murder of actress Sharon Tate and others.

The Second attempt on Ford's life occurred on September 22, 1975, as he emerged from the St. Francis Hotel in San Francisco, California. Sara Jane Moore was situated approximately forty feet from President Ford. She aimed her .38-caliber Smith & Wesson at the President and fired.

"There comes a point when the only way you can make a statement is to pick up a gun," she confided to reporters. Precisely what statement her conduct was suppose to declare is not certain, but at no time did Moore disclaim her action. She pleaded guilty to attempted murder and was sentenced to life in prison.



## 8. Ronald Reagan

Ronald Reagan had been in office less than three months when John Hinckley attempted to assassinate him. Hinckley's motivation for attacking the President is no more bizarre than the ghost of a martyred president demanding vengeance, but Hinckley's obsessive attraction for a Hollywood movie star - Jodie Foster - was rich in irony due to Reagan's career in Hollywood as a professional actor.

Hinckley had fallen in love with the child actress Jodie Foster when she portrayed a 12-year-old prostitute in Martin Scorsese's *Taxi Driver*. Foster ignored Hinckley's overtures of love and admiration. Enormously distressed by Foster's rejection, Hinckley was determined to gain the attention and adoration of Jodie Foster by firing six shots at President Reagan. Hinckley was immediately apprehended. Prior to the shooting, Hinckley wrote one last love letter to Jodie Foster in which he swore his allegiance to her and as proof of his devotion he would kill the President. After being sentenced to a mental institution, Hinckley again iterated his motivation by describing his action as the greatest love offering in history.



## A. Elements of a Political Assassin Profile

Profiling can be compromised by subjectivity, but cautious documentation from authoritative sources limit the likelihood of bias slanting the outcome. To amplify the impartiality and fairness of this analysis, a composite of four profiles has been consulted.



A comparison between these four profiles demonstrate a consistent repetition in an assassin's conduct. By assembling the assassin criteria common to all four profiles, a reliable composite emerges to forge an investigative tool possessed of unparalleled probity. The combined attributes show an assassin 1) violently attacking a 2) famous or noted person 3) in order to attract notice and attain a national platform to 4) announce the purpose behind the violent assault (which necessitates the assailer being apprehended and acknowledging responsibility). Lastly, the 5) assassin anticipates capture or death and is resigned to it.

## B. Admissibility of Political Assassin Profile in Court

The admissibility of profile evidence actually depends upon the intrinsic facts and issues of each case. Thus, legal precedents and trends in case law only permit a reasoned forecast on the probable admission. The non-existence of a bright line rule on profile evidence precludes reliability in predicting court rulings.

The admission of personality sketches increases in likelihood when the defense utilizes the special evidentiary exceptions provided by the Federal Rules of Evidence. To strengthen the odds on admission of profile evidence in the Oswald case, the following tactics should be employed:

Federal and state rules of evidence allow admission of scientific evidence where such will assist the jury in determining a fact in issue. The defendant should espouse, as a defense, the existence of a conspiracy to kill John F. Kennedy. By creating conspiracy as a factual issue, profile evidence outlining the signature aspects of a political assassination becomes admissible on a substantive issue. Another factual issue centers around motive. Maintaining throughout the trial the viability of factual issues to which profile evidence might be relevant preserves the avenue through which profile evidence can find admission.

The expert presenting the profile evidence must qualify by knowledge, skill, experience, or training. Psychological profiles of political assassins must be offered by a bona fide psychiatrist, criminologist or someone with similar professional distinction in the field of behavioral science.

Careful attention should be afforded the selection of venue.

## C. The Impact of Profile Evidence on Oswald's Verdict

Some critics discard tentative conclusions or calculated guesses as unreliable and the product of a lazy mind. Some proponents of the fertile hypothesis assert that such theoretical thinking accounts for the very knowledge that has stimulated progress. Regardless of which school the reader belongs, speculation on the capacity of profiling to manipulate an Oswald verdict is simply that - speculation. A definitive answer remains elusive.

Nevertheless, certain incontrovertible facts establish a compelling case for profiling obstructing any jury from rendering a guilty verdict. Consider that juries today are obviously influenced by profile testimony. Defendants have been exonerated and convicted by profile testimony. Numerous legal precedents support introduction of profile testimony. A competent presentation of the core components constituting an assassin's personality sketch effectively exculpates Oswald because his conduct following his arrest on November 22nd fails to match a single trait identified

## PROFILE EVIDENCE AND THE CASE OF LEE HARVEY OSWALD

Creating a hypothetical trial for Lee Harvey Oswald is partially justified by John Douglas, who engaged in an exhaustive study that employed his profiling techniques to discover the true identity of Jack the Ripper. Douglas applied the "same rules and strictures as a current investigation . . ." Based on his immense skill and vast experience, Douglas surmised that Jack the Ripper was in reality Aaron Kosminski, a Polish immigrant and frequent resident of mental asylums. Douglas acceded that he "can't be sure that Aaron Kosminski was the Ripper. . . But what I can state with a high degree of confidence is that Jack the Ripper was someone like Kosminski."

In similar fashion, the application of profile evidence to Lee Harvey Oswald will authenticate his assertion of innocence and condemn the Warren Commission's conviction without due process.

by the four profile composite. Non-conformity to the assassin profile also betrays the prosecution's greatest weakness - absence of motive.

The most important element in any criminal proceeding and a feature identified as an undeviating attribute of a political assassin is the identification of the criminal's purpose in violating the law. Motive, an integral, indeed critical, factor for the prosecutor's case, contributes to courts and juries that piece of the puzzle that unfolds the rationalization adopted by the criminal for committing an offense. John Douglas assures his reader that "all crimes have a motive, all crimes make sense according to some logic, though that logic may be a strictly internal one with no relationship to any "objective" logic." The prosecutor's key to a conviction remains inextricably entangled with selling the alleged motive to a jury. Without that logical link with a crime, the case is fatally flawed, and the jury remains shrouded in mystery.

The great Irish poet William Butler Yeats, in his poem *The Countess Cathleen*, spoke of the blurred resolution of mysteries when motive remains hidden: "Look always on the motive, not the deed, The Shadow of Shadows on the deed alone." Certainly a variety of incentives propelled assailants to attack American presidents, yet the diversity in motive does not alleviate the common denominator that binds them all together - a bold statement of purpose. Regardless of whether the design behind their rash and violent act is imperceptible, unreasonable, obscure, or insensible, political assassins articulate their intentions. They could never be fulfilled by secretly disclosing their diabolical deed to an intimate associate. Political assassins yearn for a prominent platform, megaphones if accessible, to present their explanation for altering history.

Many motives have been assigned to Oswald, but assignment, particularly by conjecture, of a plausible motive cannot withstand scrutiny. The motive must come from the assailant himself either verbally or in writing. Oswald was subjected to hours of police grilling, yet at no time during that interrogation did Oswald volunteer information even remotely resembling a confession. Nor were those with Oswald able to coerce a profession of guilt out of him. He was paraded in front of live television cameras. International news coverage is the most high-profile forum ever offered to a presidential assailant. Yet no proclamations were barked into the staring lens of countless cameras. Instead, Oswald insisted upon his innocence. "I emphatically deny these charges," he shouted to reporters.

The unavoidable truth is that Oswald's behavior does not fit the profile of a political assassin. By failing to conform to the *modus operandi* of past presidential assailants and international assassins, he defies the standard classification of a political assassin. Oswald cannot legitimately be classified as a political assassin. Carefully apply the profile features to Oswald. First, Oswald did not openly shoot Kennedy. The gunman were obscured.

Second, Oswald never at any time or place articulated a rationale for killing the President of the United States. One of the essential elements in establishing a *prima facie* case for political murder is a public declaration of the perpetrator's motive and purpose. Without a proclamation of purpose or advancement of a cause, Kennedy's murder lacks another quintessential element of a political assassination. The death of a leader cannot be labeled a political murder when an announcement of purpose is absent. The omission of a declared purpose also invalidates Oswald as a candidate for political assassin.

Third, Oswald's refusal to acknowledge any wrongdoing is far too significant to be ignored. The lack of any confession is not merely a distinction from all other Presidential assassination cases, before or since Kennedy, it is an unprecedented break in the pattern of history. The poet T.S. Eliot wrote that "history is a pattern." History most definitely has a pattern. Assuredly the role assigned to Lee Harvey Oswald by the Warren Commission was meant to fit the pattern of other crazed American politi-

cal assassins. Oswald's verbal refutation of allegations that he killed Kennedy, however, clashes with the rhythm and flow of that pattern. When the pattern of history is disrupted, a reevaluation is merited in order to learn whether some unique variable modifies or explains the interruption in consistency. Arnold Toynbee's conviction that "there must be some common element of regularity in human nature" further supports suspicion when the pattern of predictable behavior is broken. As emphasized again and again, not only did Oswald not confess, he insisted on his innocence.

Fifth, Oswald does not appear to be a person who graciously embraced his fate and resigned himself to the death chair or life imprisonment. Oswald showed definite signs of interest in the outcome of his case. He plead before television cameras for legal counsel to come forward to assist him. Oswald's request for an attorney displays his fighting spirit, not a quiet submission to fate as exhibited by other political assassins.

In reality, the only operable explanation tendered thus far is the one Oswald himself provided: "I'm just a patsy." Many resist such an epilogue because its spells conspiracy.

"Oswald's refusal to acknowledge any wrongdoing is far too significant to be ignored."

## CONCLUSION

Lee Harvey Oswald was denied a trial in 1963. Had Oswald survived Jack Ruby's attack to face charges of homicide, profiling evidence would not have been available in 1963 and 1964. Today, how-

ever, the judiciary in virtually every jurisdiction in the United States has resorted to the use of profile evidence in one form or another. Thus, in a hypothetical trail of Lee Harvey Oswald today, profiling could join his defense arsenal. Some may sneer at the mention of a theoretical day of judgment and ask, "What difference does it make? He's dead!" John Douglas challenges these cynics. Perhaps as a rationale for devoting his time and aptitude to solving the mystery of Jack the Ripper, Douglas reminds his reader that "sometimes the Dragon wins." In other words, sometimes people get away with murder. By using the advantages of his profiling expertise, Douglas reached back in time and identified with reasonable certainty the real Jack the Ripper. By snatching away the Ripper's cloak of secrecy and exposing him as a brutal murderer, Jack the Ripper did not, after all, get away with murder. From history's seemingly eternal vantage point, a promise looms on future's horizon that the mysteries that perplex us today may eventually be resolved.

As the debate rages on about Oswald's guilt or innocence, profile evidence can absolve him of Kennedy's slaying. And by proving that Oswald was not a lone gunman, the Dragon has been denied his scapegoat. Without Oswald as a shield, an increased probability of detection heightens the Dragon's vulnerability and endangers the security of his seclusion.

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