

that the moment they heard shots they looked at the grassy knoll, because the shots seemed to originate there. And each one of these three men, independently, said he saw a puff of white smoke coming from behind the wooden fence. A Dallas police officer, who was among the first to arrive behind the fence just after the shooting, said he smelled gunpowder there, and Senator Ralph Yarborough of Texas stated that when his car passed the grassy knoll after the shooting, he also smelled gunpowder. In fact, the majority of witnesses to the assassination who could place the shots said—to the Federal or local police, or in their testimony—that the shots came from behind the wooden fence.

PLAYBOY: The majority? Can you give us a numerical breakdown?

LANE: There were 90 witnesses to the assassination who were questioned and who were able to give an assessment of the origin of the shots. Of those, 58—or almost two thirds—said the shots came from behind the wooden fence on the grassy knoll. I think the most significant fact here is the immediate reaction of witnesses to the shots. Twenty-five witnesses gave statements to the FBI or the Dallas police on November 22 and 23, and of those, 22 said the shots came from behind the wooden fence on the knoll, not from the Book Depository. And there were many others who never made statements but by their own actions indicated that the shots came from the knoll. For example, 17 Dallas deputy sheriffs ran right past the Book Depository just as the shots were fired, and rushed behind the wooden fence to begin their search. One Dallas policeman, J. M. Smith, ran to the parking lot behind the knoll and there encountered a stranger who produced credentials to show he was a Secret Service agent. Smith couldn't subsequently recall the man's name, but his account is more or less corroborated by two other Dallas officers. However, Sylvia Meagher, an independent investigator, found after painstaking research that there were no Secret Service agents around the knoll or parking lot at that time and suggested that an assassin may have escaped using fake Secret Service credentials. Certainly something was going on in that area. The Dallas police even established a command post behind the fence on the knoll, and they maintained it for more than two and a half hours. So there is overwhelming evidence that at least one shot came from the knoll.

PLAYBOY: But didn't the Commission have eyewitness evidence that shots did come from the sixth-floor window of the Book Depository?

LANE: The Commission had one "star" witness who testified that a man fired from that window. He was Howard L. Brennan, a 45-year-old steamfitter. There was some other evidence that

shots came from there, but it was vague and frequently contradictory, so the Commission relied largely on the testimony of Brennan. He told the Commission he was seated on a concrete wall across the street from the Book Depository, 107 feet from the building and about 120 feet from the sixth-floor window. The Commission concluded that this placed him "in an excellent position to observe anyone in the window." Brennan said he heard a noise he at first thought was a motorcycle backfire—so, naturally, he looked up to the sixth floor of the Depository, and saw a man standing behind the window firing a rifle. Brennan signed an affidavit to that effect on November 22, swearing that the man in the window "was standing up and resting against the left window sill." However, the Commission concluded the window was open only at the bottom. So if Oswald, or anybody else, fired through that window from a standing position, he would have had to fire through the glass—which was unbroken. The Commission slied out of this one by determining that "although Brennan testified that the man in the window was standing when he fired the shots, most probably he was either sitting or kneeling." The reason they gave was that the window ledge was only about a foot and a half from the floor, thus creating the illusion from the street below that a person was standing rather than sitting or kneeling behind the window. But Brennan himself invalidated this explanation, for he swore he saw the man both stand up and sit down—and withdraw from the window more than once. In any case, here we have the Commission contradicting its own star witness on a vital point of his testimony—the position of the assassin at the time of the crime.

PLAYBOY: Important as it may be, this is just one point, on which anyone could be mistaken. Was Brennan's testimony inconsistent in other respects?

LANE: Yes, it was. When Brennan was taken to the police line-up on November 22, to pick out the man he claimed to have seen in the window, Oswald was in the line-up, but Brennan failed to make a positive identification. When Brennan later testified before the Commission, he said he had known it was Oswald all along—but didn't select him from the police line-up because of his fear that the assassination was a Communist plot and "if it got to be a known fact that I was an eyewitness, my family or I, either one, might not be safe." In other words, Brennan admitted to the Commission that he had deliberately lied to the Dallas police on November 22 when he told them he could not definitely identify Oswald in the line-up. And yet the Commission chose to believe his subsequent identification of Oswald as the man in the window. In any court of law, Bren-

nan would almost certainly have been discredited as a witness. The Commission concluded that Brennan was able to identify a man standing behind a half-closed window 120 feet away from him. This was the Commission's star witness to support their conclusion that Lee Harvey Oswald fired at the President from the sixth-floor window of the Book Depository.

PLAYBOY: Do you think that no shots actually came from the Depository?

LANE: It's not as simple as that. I believe there is no convincing evidence that Oswald fired a gun from the sixth-floor window of the Book Depository or anywhere else on the day of the assassination; but I'm not contending that it was impossible for any shots to have come from that window. Certainly some shots were fired from a location somewhere behind the limousine. All I'm saying is that shots also came from the grassy knoll, and to prove that shots came from the knoll is not to disprove that shots may have come from elsewhere as well. But this is most inconvenient for the Government's case, because it means there must have been at least two assassins, since Oswald couldn't fire at the President from both the grassy knoll and the Depository Building. So even if he was involved—and there's not sufficient proof that he was—he must have had an accomplice. This means the Commission's "single assassin" theory flies right out the window—along with, I might add, their conclusion that there is no credible evidence that the shots came from anywhere but the Book Depository. The evidence proves that some shots—including the fatal one—came from behind the wooden fence on the grassy knoll.

PLAYBOY: Is there any physical evidence to back up this assertion?

LANE: Yes: the effect of the fatal shot on the President himself. The spectator perhaps closest to the President when the fatal bullet struck was Charles Brehm, a Dallas salesman. He was standing about 20 feet away, to the left of the limousine, facing the grassy knoll. Brehm was interviewed on television in Dallas, and I spoke with him later. He told me in a filmed interview that a portion of the President's skull was driven back and sharply to the left, over the rear of the President's car. Unless the laws of physics were temporarily suspended, this offers impressive corroboration for those who say the shot came from the right front of the car—in substantially the opposite direction from the Depository. **PLAYBOY:** Did the Commission call Brehm as a witness?

LANE: No, he was never called as a witness, and no Commission lawyer ever questioned him.

PLAYBOY: Is there any photographic evidence to support your contention that