

Brennan was the source for the previous Dallas police radio description broadcast at 12:45 p.m. Yet Brennan himself stated he gave his first description of the man in the window to a Secret Service agent who arrived on the scene at approximately one p.m.—15 minutes too late to explain the all-points bulletin describing Oswald. And so we are left with the Commission's "most probably" assumption that the bulletin was based on Brennan's identification—which, when confronted with the evidence, doesn't seem very probable at all.

PLAYBOY: Why do you challenge the eyewitness evidence that Oswald shot Officer Tippit?

LANE: It's not the witnesses' original statements I challenge. It is the Commission's use of them that is so disquieting. The eyewitness evidence shows that Oswald did not shoot Tippit.

PLAYBOY: What evidence?

LANE: Well, there were three witnesses to Tippit's murder close enough to identify the murderer. The Commission sought to obscure this fact by writing that "at least 12 persons saw the man with the revolver in the vicinity of the Tippit crime scene at or immediately after the shooting," but it was able to present the testimony of only two who said they had seen the shooting. The others saw a man fleeing from the scene or from the general neighborhood. Their efforts to identify a fleeing man, whom they had never seen before and had seen just briefly then, are to be weighed with caution. This is particularly so in view of the nature of the police line-ups conducted by the Dallas police. At least one witness said that he could pick Oswald out of the line-up—since he was loudly protesting his placement in the line-up with a group of teenagers. In addition, witnesses said that they signed the affidavit identifying Oswald as the culprit from the line-up even before they were taken to the line-up. The Commissioners said only that they were satisfied with the line-up—leading one to believe that they were too easily contented. Of the eyewitnesses to the actual murder, however, one was a Mexican-American mechanic named Domingo Benavides, who was parked in a pickup truck only 15 feet from the murder scene. Benavides told me that on November 22 he told the Dallas police that the man who killed Officer Tippit was short and somewhat heavy. After Benavides gave this description of the killer, the police evidently decided there was no use bringing him down to the line-up to view Lee Harvey Oswald, who was extremely thin and above middle height. The second witness was Mrs. Arquilla Clemons, an Oak Cliff housewife, who told me in a filmed interview that she heard shots, then ran out of her house and saw a man with a pistol in his hand walking over Patrolman Tippit's body.

She described the man as short and heavy. Mrs. Clemons further said that this man with the pistol then waved to another man across the street and the two men ran off in opposite directions. Mrs. Clemons said neither man was Lee Harvey Oswald. The Commission never called her to testify, and she was never questioned by the Commission lawyers. Now the third witness, Mrs. Helen Louise Markham, became the Warren Commission's star witness in this aspect of the case, because she eventually identified Oswald as the murderer. The only problem is that on November 22 Mrs. Markham gave a statement to the police—which the press picked up—that the man who shot Tippit was short, heavy and had bushy hair. Lee Oswald had thin and receding hair. After Mrs. Markham had changed this initial identification and told the Commission that Oswald was the murderer, I phoned her in Dallas and tape-recorded our conversation. She repeated her original description to me, reiterating that Tippit's murderer was short, on the heavy side—but not too heavy—with somewhat bushy hair.

PLAYBOY: This tape recording of your conversation with Mrs. Markham caused quite a furor during the Commission proceedings. At one point, after you refused to hand over the tape, Earl Warren said, "We have every reason to doubt the truthfulness of what you have heretofore told us." Why didn't you want to give the tape to the Commission?

LANE: That remark you quoted is just one of the many excessive statements made by the Chief Justice during the hearings. First of all, since the recording of my conversation with Mrs. Markham was made without her knowledge and consent, for me to make and divulge such a recording voluntarily would constitute a Federal crime. If the Commission ordered me to surrender the tape, however, I would no longer be liable for prosecution, since the responsibility for divulging the contents would then be theirs. I really wanted them to have it, because Mrs. Markham was then denying she had ever talked to me. But the Chief Justice refused to direct me to hand it over, and then he told the press that I had refused to give the Commission the tape. This unfair accusation was widely printed, deftly conveying the impression that I did not really possess such a tape. I returned to my office to think the whole thing over and decided that even though I could be sent to jail for voluntarily handing over the tape, a case such as this justified the risk. So I did give the tape to the Commission, and they subsequently published a transcript of it as an exhibit. When Mrs. Markham was confronted with the recording, she broke down and admitted that she had talked to me. So here we have the Commission's star witness admitting she gave

me a description of Tippit's murderer that could not have told Oswald—and thereby also indicated that she had apparently committed perjury in her previous testimony. And what did the Commission do about this? It chose to believe that Mrs. Markham had really seen Lee Oswald shoot Tippit. She is the sole eyewitness support for the Commission's allegation that Oswald killed Patrolman Tippit. Somewhere a short, stocky murderer with bushy hair may be walking our streets.

PLAYBOY: Why do you think Mrs. Markham changed her initial identification of the killer?

LANE: You should ask her that. I don't wish to be hostile to the poor woman. As she told me, she had been ordered by the FBI, the Secret Service and the Dallas police not to discuss the case at all. Her son told the FBI that she "had lied on many occasions, even to members of her immediate family." He said that she was frightened to death of what would happen if she didn't testify that Oswald was the killer. And if you'll look at the Commission proceedings, you'll find that after Mrs. Markham finally admitted she had repeated her initial non-Oswald description of Tippit's murderer to me, she asked the Commission lawyer anxiously, "Will I get in any trouble over this?" and he reassured her that she wouldn't. The Commission's lawyer was simply conveying the idea that if you commit perjury on the side of the Warren Commission, you'll be protected. If Mrs. Markham had told the truth, she'd have a very good reason to worry.

PLAYBOY: What do you mean?

LANE: To live in Dallas and contradict the official version of the assassination can prove to be an invitation to violence. For example, shortly after our investigators visited the Markham home, Mrs. Markham's son was arrested for car theft, and, according to the Dallas police, he "fell" from a third-floor window "while trying to escape." Fortunately, he survived. Mrs. Arquilla Clemons, to whom I referred a few minutes ago—another witness who said Tippit's murderer was not Oswald—was threatened. Mrs. Clemons told me in a filmed and tape-recorded interview that she was visited by a man she believed to be a plain-clothes policeman, who wore a gun in a holster at his waist. According to Mrs. Clemons, "He just told me it'd be best if I didn't say anything because I might get hurt." Mrs. Clemons said the man intimated she could easily be killed on her way to work.

PLAYBOY: Your book skips abruptly from the Tippit shooting to Oswald's arrival at the Dallas jail. Why did you leave out details of Oswald's arrest in the Texas Theater—such as his statement to arresting officers: "Well, it's all over now?"

LANE: The press reported, on the basis of information supplied by the Dallas

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