

# Lawyer Urges Defense for Oswald at Inquiry

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 Ex-State Assemblyman Files

Brief With Warren Unit

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By PETER KIHSS



The New York Times  
 Mark Lane

A former New York Assemblyman has urged Chief Justice Earl Warren's investigating commission to appoint a defense counsel for Lee H. Oswald in its inquiry into the assassination of President Kennedy.

Mark Lane, who has frequently been a defense counsel in civil rights and murder cases, submitted a 10,000-word brief to the Warren commission by mail Tuesday night.

The brief is being reprinted in full in today's issue of The National Guardian, which calls itself a "progressive newsweekly." Yesterday, Mr. Lane said in response to a question that he would be willing to take on such a defense role, but was "not offering" to do so.

On one hand, his brief analyzed and attempted to rebut points made by Henry Wade, Dallas District Attorney, and on the other offered what would be defense arguments on the possibility of Oswald's innocence in the assassination, based largely on published data.

### Rebuts Autopsy Report

Mr. Lane also cited what he said he knew were Federal Bureau of Investigation "off-the-record briefings" to newsmen.

One of his contentions was that a wound in the front of President Kennedy's throat could not have been made by a shot from the Texas School Book Depository Building, which was behind the Presidential car when the shot was fired.

Although new reports on still unannounced autopsy findings say the President was actually shot in the back, Mr. Lane argued yesterday:

An autopsy is "of less value many hours after death than an examination while the subject is still alive." Three physicians who examined the President at the hospital said the

throat injury was an "entry through the throat" and obviously therefore altered the bullet hole.

In rebuttal to District Attorney Wade, Mr. Lane put forward the following arguments:

¶Only one witness said he saw Oswald at the sixth floor warehouse window, and his testimony would be "speculative" and inadmissible because he said, according to Newsweek magazine, "I can't identify him but if I see a man who looks like him I'll point him out."

¶A palm print—such as the one the prosecutor said appeared on the murder rifle and a nearby cardboard box—"unlike a fingerprint is not always uniquely identifiable." The asserted off-the-record F. B. I. briefings said "no palm prints were found on the rifle." No Oswald prints were found on immovable fixtures.

¶The prosecutor's statement on paraffin tests on both of Oswald's hands showing that Oswald had "recently fired a gun" referred specifically twice to a "gun." This could have been a pistol, and The Washington Evening Star has said

## He Charges Many Gaps Exist in Data on Assassination

the tests found no gunpowder traces on Oswald's face, such as might have come from a rifle.

¶There are questions whether Oswald would have been permitted to leave the building after 500 policemen surrounded it within moments after the shooting, or whether he would have stopped first for a soda in the lunchroom.

¶After taking a bus for six blocks, Oswald allegedly hailed a taxicab driven by William Whaley, whose log says this was at 12:30 P.M. The President was shot at 12:31 P.M.

### Potential Questions

Mr. Lane set forth potential questions on whether Oswald actually ever had the alleged assassination rifle, on varying accounts of the murder of a policeman, and on conflicting statements about Oswald's presence in a movie theater and attempted firing at another policeman.

As to motive, Mr. Lane asked, "If Oswald were a leftist, pro-Soviet and pro-Cuban," had he not known that with President Kennedy's aid better relations were developing with the Soviet Union?

Also, Mr. Lane asked, did Oswald know that "within the last six months, Gus Hall urged the Communist party, which he leads, to endorse and support Kennedy again?"

THE DROPPING OF A LINE OF TYPE distorted part of a story in The New York Times yesterday on Lee H. Oswald, accused assassin of President Kennedy. The story should have read that Mark Lane, a New York lawyer, reported that three physicians who examined President Kennedy in a Dallas hospital had said his throat injury was an "entry wound." One physician, Mr. Lane went on, had begun surgery through the throat "and obviously therefore altered the bullet hole."

271