

DEBATE ON WARREN REPORT

It's Lane (doubts)
vs. Belli (faith)

By Jack A. Smith

MARK LANE, in a debate with Melvin Belli before a capacity audience at New York's Manhattan Center Oct. 19, reduced the former trial lawyer for Jack Ruby to such statements as: "My client would never have killed your client if your client didn't kill his President."

Belli was defending the Warren Report against a man who is devoting his life to exposing its inconsistencies. A trial lawyer of renown, the San Francisco attorney has been reported as saying: "My investigative staff is better than the Attorney General's, and I know as much about the assassination as any man alive."

Lane perhaps summarized Belli's role better than Belli himself when he declared in rebuttal: "Melvin Belli is a brilliant man who is doing tonight what a talented lawyer must do when saddled with an impossible case—that is, discuss something else." Essentially, Belli's argument was based on faith in the Warren Commission and the government ("If you can't believe in them, who can you believe in?") and on the absence of any other suspect in the assassination ("If Oswald was not guilty, then who? Mr. Lane hasn't suggested that someone else did it.")

AS LANE PROCEEDED to dispute sections of the Report—the missing witnesses, absent testimony, contradictions in evidence—Belli declared: "God help us all if we can't rely on the FBI" to which the audience responded with a roar of laughter. Later, he said: "The only thing you can do in a case like this is to make a vote with your conscience as to whether or not you believe in the institutions of your country."

Thus the real doubt as to whether the Warren Report contains the answers to all the questions about the assassination—a doubt, according to the latest Harris Poll, maintained by the majority of the American peo-

ple—was reduced into a question of faith in governmental apparatus.

Lane rejected "faith" in the Warren Commission as a criterion for judging Oswald's guilt or innocence and the Report in general. "How can we have faith," he asked "when the hearings were held in secret, with no counsel for the accused? What of the concept that we need proof of guilt beyond doubt before declaring a man guilty of murder? The Report is the prosecutor's case against Lee Oswald. We are attempting to

present the defense case. The American people must judge... The Report contains page after page of neighbors' gossip, but in the list of testimony, the Commission failed to call many of the most important witnesses."

LANE NAMED two of the "missing" witnesses as Jean Hill and Mary Morman, the two women who were probably closest to the Kennedy motorcade when the President was assassinated outside the Texas School Book Depository building. Lane played a tape recording of a conversation he had with Mrs. Hill. In it she said she had told Secret Service agents she had heard more than three shots. The agents informed her that they, too, were aware of this but, she said, told her that "we have three shells and three wounds—so we're saying there were three

shots." (If more than three shots were fired, Oswald could not have been the "lone and unaided assassin.") Though a deposition was taken from Mrs. Hill, the Commission never asked her to testify. Miss Morman, who also believes she heard four shots, were never even asked for a deposition.

Lane also made the following points, among others:

- "The Secret Service, FBI and Dallas police questioned Oswald for 12 of the 48 hours he was in police custody, yet the Report says no transcript or recording is available of statements Oswald undoubtedly made during this time. If you believe this you might as well believe the whole Report. The FBI takes notes. According to the Dallas Morning News soon after the assassination, a Dallas police stenographer was in the room when Oswald was questioned. We are not allowed to see what Oswald said because it is not consistent with his guilt."

- One question of extreme import, "Why did Oswald leave the Depository just after the assassination," was discussed by Lane in this manner: "Oswald is quoted by police as having said he left because he assumed the building would be closed for the day after what had happened. He could have been told to leave. Another employe was quoted by a reporter as saying, 'I was told to leave because the building would be closed.' A whole slew of employes left early that day for this reason—why not Oswald?"

- On pages 526-527 of the Report, Dr. Robert N. McClelland, one of the doctors who treated Kennedy in Dallas, stated in contradiction to the Commission finding that the President suffered a gunshot wound in the right-rear portion of the head that "the cause of death was due to massive head and brain injury from a gunshot wound of the left temple."

- The Commission stated that Oswald had obtained the alleged murder weapon—an Italian Mannlicher-Carcano 6.5-millimeter—by clipping an ad placed by Klein's Sporting Goods of Chicago in the Feb. 1963 issue of American Rifleman magazine. Lane produced a copy of the magazine which proved that the rifle advertised in that issue was 36 inches long and weighed 5½

pounds. The rifle said to have been Oswald's was 40.2 inches long and weighed eight pounds.

• Lane noted that the Commission "proved" Oswald was capable of firing such a rifle accurately at a moving, seated target from a six-story window by conducting a test of three master marksmen who fired at full-figure, still targets—and still missed five of the 18 test shots. (Oswald was a mediocre marksman in the Marines.) The test, Lane said, "was a fraud." Lane also quoted a world rifle champion as stating it was impossible to fire three bullets with the accuracy attributed to

Oswald in the time available.

• Lane charged that aspects of the film used by the CBS television network during its program about the assassination the night the Warren Report was made public had been "doctored" by the FBI. He said that the FBI refused to allow the network to film its own re-run of the alleged flight of Oswald

from the sixth floor to the street, but instead offered CBS the FBI film which, Lane maintained, "had been speeded up to make it seem Oswald could make the run in the allotted time."

In conclusion, the attorney said amid thunderous applause: "Let the government prove Oswald's guilt in an open and public trial." *CM*