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REPORT TO READERS

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Dallas: Rush to Judgment

In an analysis of the civil liberties aspects of the assassination of Lee Harvey Oswald, the American Civil Liberties Union said "the public interest" would be served if the commission named by President Johnson were to make "a thorough examination of the treatment accorded Oswald, including his right to counsel, the nature of the interrogation, his physical security while under arrest, and the effect of pre-trial publicity on Oswald's right to a fair trial."

In the public interest the GUARDIAN is devoting one half of its issue this week to a lawyer's brief in the Oswald case . . . The GUARDIAN's publication of the brief presumes only one thing: a man's innocence, under U.S. law, unless and until proven guilty . . .

—Precede to Mark Lane's "Defense Brief for Oswald," NATIONAL GUARDIAN, Dec. 19, 1963

TWO YEARS and eight months after the Lane brief appeared in the GUARDIAN, its author has published a book (*Rush to Judgment*, by Mark Lane, Holt, Rinehart & Winston, 478 pp., \$5.95) which proves, to this writer's satisfaction, that the Warren Commission did none of the things the ACLU said it ought to have done. In a carefully



MARK LANE AND DALLAS AREA MAP
He points to Kennedy assassination scene

annotated, footnoted and indexed book with innumerable references to the exact text of the Commission's Report, Lane presents an irrefutable case that the commission did not ask, "Who killed Kennedy?", but accepted Oswald's guilt and deliberately set about to dismiss any evidence that would dispute its own prejudged finding. Compounding

its incredible performance, its 26 volumes of testimony are found to be replete with contradictions of material contained in the Report itself.

It is no wonder that Hugh Trevor-Roper, British historian, says in his introduction to the Lane book: "What most dismayed me, on reading the Report, was not the minor inconsistencies which can be found in it . . . It was the evidence, rather, of a subtle but discernible process: the process whereby a pattern was made to emerge out of the evidence, and having emerged, seemed to subordinate the evidence to it."

A SECOND BOOK published within days of the Lane volume goes over much of the same ground. It is called *The Oswald Affair*, and was written by Leo Sauvage (World Publishing Co., 418 pp., \$6.95). It examines the omissions and contradictions of the Warren Report from the viewpoint of well-informed French newspaperman who knows the U.S. and its people well. Sauvage, correspondent for the conservative Paris newspaper *Figaro*, covered the Kennedy assassination and its aftermath with unflinching zeal and wrote several troubled and troubling magazine articles in the months that followed. His book's major contribution is to demolish the contention in attorney Louis Nizer's panegyric introduction to the Report (as published in a paperback by the *New York Times*) that the Report closed the case once and for all. It was an opinion expressed with relief by many others. The Commission, Nizer asserted in an alleged "analysis," had rendered an "incalculable service" in "effectuating domestic tranquility and overcoming foreign skepticism. This is its contribution to history."

The American public may have been doped into tranquility (a doubtful proposition, as anyone who inquires into feelings about the assassi-

nation to this day can testify; but the affair is as untranquill as ever beyond the borders of the U.S. This Sauvage makes clear in a book that offers, among other things, a devastatingly scornful description of the antics of U.S. newspapers in the Kennedy-Oswald-Tippit murders.

MUCH OF THE GROUND covered by Lane is at least superficially familiar to the GUARDIAN readership; but the development of the material is accomplished with the skill of an able counsel for the defense going over a mass of evidence as he would have prepared the case—if he ever had a chance. Many lawyers tend to ensnare their readers in legal verbiage and pyrotechnics, Lane does not.

It will be a rare reader who will not conclude that if the Warren Commission in the "national interest" sought to allay rumor and speculation, it succeeded only in increasing the suspicion that the truth is not yet known and the unyielding investigation needed to present the truth has not yet been made. The Commission therefore by its report made the ground even more fertile for rumor and speculation. Lane cannot be faulted when he writes in his summation:

"Hearsay evidence was freely admitted, while crucial eyewitness testimony was excluded. Opinions were sought and solemnly published, while important facts were rejected, distorted or ignored. Dubious scientific tests were said to have proved that which no authentic test could do. Friendly witnesses gave testimony without fear of criticism or cross-examination, were led through their paces by lawyers who, as the record shows, helped to prepare their testimony in advance and were asked leading questions; while those few who challenged the government's case were often harassed and transformed for the time being into defendants. Important witnesses with invaluable evidence to give were never called, and the secrecy which prevailed at the hearings was extended, in respect to many important details, for another 75 years."

SHORTLY AFTER the assassination in November, 1963, of President Kennedy, Lee Harvey Oswald and Dallas police officer J. D. Tippit, in a

conversation with a reporter for a great metropolitan daily newspaper, this writer expressed his considerable dissatisfaction with the investigation of the murders and his belief that any newspaper with the manpower and the resources required for such an effort could blow the whole Dallas story wide open. The equally skeptical reporter listened quietly and then said: "Don't look to my paper." The remark was made with anguish based on bitter previous experience.

The role of the press in the Dallas affair continues flabby. To this writer's knowledge, there have been no news stories based on the Lane book (compare this with the frenzy that accompanied Truman Capote's million-dollar exercise called *In Cold Blood*, a book which involved the murder of an obscure family in Kansas). The reviews of the Lane book have been carefully contained within the book pages and for the most part given the literary treatment. An exception was a review in the New York Times Book Review Aug. 28 written by Fred Graham, a reporter with a law degree who covers Earl Warren's Supreme Court for the Times. The review—of both the Lane and Sauvage books—turned out to be a brief for the Warren Commission and its admiration was tempered only by an assertion that the Commission's work was flawed by its setup.

"These flaws in the Commission are unfortunate," Graham wrote, because the recent criticism of the Commission itself may confuse the public and create the mistaken impression that the Commission's conclusions have been disproved."

Whose mistaken impression? Graham's judgments read precisely like those of the Commission. And his biased and inadequate description of Lane's involvement with the Commission itself—an involvement which Graham implies led to the Commission's decision not to permit "any effective adversary voice in the proceedings" (translated, that means a voice to represent Oswald's interests)—is nothing short of reprehensible.

If you want the facts, read Lane, not Graham. The government, the judiciary and the communications media are unrelenting in their efforts to smother any real inquiry; but so long as there are persons like Lane around, who are not afraid to present an unpopular, rasping image—let alone offer themselves as a target for much worse—there is still hope that one day the true national interest will be served. —James Aronson