

"THE TRUTH ABOUT THE WARREN REPORT"

Excerpts from
Dec. 4 Forum

On December 4, Mark Lane, New York civil rights and criminal lawyer, presented his doubts about the accuracy of the Warren Commission Report on the assassination of President Kennedy at a public meeting at Beverly Hills High School.

Lane appeared on a platform with three attorneys of opposing views -- Joseph A. Ball, Long Beach attorney who was one of the consultants to and senior trial counsel for the Presidential Commission to Investigate the Assassination; Herman F. Selvin, attorney and past president of the Los Angeles city board of police commissioners and 1965 chairman of the ACLU lawyers' division; and A.L. Wirin, chief counsel for the ACLU in Los Angeles.

The following article was prepared from a transcript of that meeting.

MARK LANE:

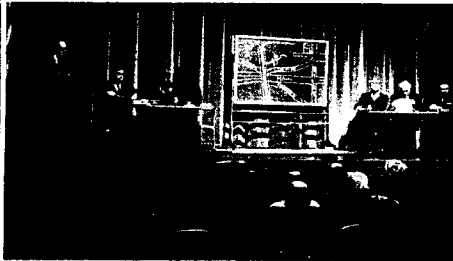
"Ladies and Gentlemen of the Jury -- for you are the only jury -- the American people -- the only jury that Lee Harvey Oswald, shot to death in the basement of an American Courthouse in Dallas while handcuffed to law-enforcement officials, the only jury that he will ever have. This is the document for which we have waited so long: over which the Warren Commission has labored so long. ... We were told that 25,000 separate interviews and re-interviews were conducted by agents of the FBI alone to produce this magnificent document. ...

"We have found it difficult to discuss this question on the media. More than a year has passed since the death of our President but not one radio or television network has presented a single program... anywhere in America which in any respect challenges the conclusion of the government in this case. ...

"...when I said 'the Warren Commission Report is a fraud from the first page to the last page' I had never made that statement prior to the time that the 26 volumes upon which it is allegedly based were released and we had an opportunity to read some of the important testimony before the Commission.

"First let's find out where the shot came from." To determine this, Mr. Lane refers to the statements of Drs. Perry, Clark and McClelland, who attended the President at Parkland Memorial Hospital. At the time of the President's death, not 13 days later at the autopsy, they said that the wound in the President's throat was an entrance wound and that the bullet entered the throat and ranged downward, indicating that the shot was fired from the front and not from the book depository building which was above and behind.

To support this further, Lane points out that when the FBI reconstructed the shooting, the agent playing the President turned around to face the Texas Book Depository building. But when films showed the



Lane stated that "the final story presented by the government to the Warren Commission Report was that the wound in the throat was transformed miraculously from an entrance wound to an exit wound."

According to Lane, the confusion resulting from the disagreement about the angle of entry caused even the New York Times to suspend judgment until the Warren Commission released the preliminary notes of Commander James J. Humes, the Marine Corps doctor who acted as chief autopsy surgeon at Bethesda Naval Hospital. The notes, however, were not forthcoming.

Mark Lane quoted "Volume 17, Commission exhibit 397, page 48, on the stationary of the U.S. Navy Medical School, National Naval Medical Center, Bethesda, Maryland -- 24 November 1963 -- Certificate: 'I James J. Humes, certify that I have destroyed by burning certain preliminary notes related to the autopsy performed on President Kennedy.'

"And," continued Lane, "not one of the attorneys, the inquisitive attorneys, asked him why he burned the notes. So remains one of the dark secrets.

"There were some very serious questions which the Commission indicated it was going to resolve, but unfortunately never did."

One of them, according to Lane, was the discrepancy between the initial statements of police officials describing the murder weapon as a German Mauser 7.65 mm. and the statements of the following day, describing it as an Italian Carbine, caliber 6.5.

According to Lane, "After the FBI issued its public statement which said that Oswald purchased a rifle, our records show back in March of 1963, that he purchased it from an advertisement which appeared in the February issue of American Rifleman."

"...Mr. Wade, the Dallas D.A., jumped in front of live TV cameras to pronounce that in that holy city of Dallas a miracle had taken place. The rifle in their hands had changed both its nationality and its size and it had become an Italian weapon, no longer German; a Carbine, no longer a Mauser; caliber 6.5, no longer 7.65 millimeters.

"And this error," Mr. Lane pointed out, "was made by a police officer, who gave testimony to Mr. Ball to the effect that he was a graduate engineer, had a connection with a sporting goods store and sold rifles and was familiar with them."

Mr. Lane added that this

same policeman, Mr. Weitzman, told Mr. Ball that he was standing at Main and Houston when the shot was fired, climbed over a wooden fence located ahead of the President's car, and met a railroad yardman, he said -- page 109, Vol. 17 -- and he asked... if he had heard or seen anything and the yardman... pointed... and he said, 'that's where,' he thought, 'the noise of the shots came from' -- behind the wooden fence.

"And he said also, after the shots were fired, he thought 'he saw somebody throw something through the bush over there'" (behind the fence.)

"But at this point," Mr. Lane stated, "Mr. Ball ended Mr. Weitzman's testimony and the identity of the railroad man was never made known and consequently he was never questioned.

"The only witness to the murder of Patrolman Tippit who is able to identify Lee Harvey Oswald as the person who fired the shot, the only one who actually saw the shot fired, and who could say, 'I saw Lee Harvey Oswald fire the shot' is a woman whose name is Helen Louise Markham.

"Mrs. Markham passed out on the scene shortly thereafter. After the shots were fired she was taken to Parkland Memorial Hospital in a state of hysterics and treated there. After she was taken to the Dallas police station to view the lineup. She told that Oswald was number 2 in the lineup."

Mark Lane then read from Volume 3, page 310 -- the questioning of Mrs. Markham by attorney Ball. Mr. Ball asks Mrs. Markham five different ways whether she recognizes any of the men:

"Not one of all four?"

"No, sir."

"And now, ladies and gentlemen, the magic question," Lane continued,

"Was there a number 2 man there?"

"Mrs. Markham -- 'Number 2 is the one I picked.'"

"Shortly thereafter, Mr. Ball asked Mrs. Markham if she'd recognized him from his appearance and she said, 'Alas, yes. I looked at him and when I saw this man I wasn't sure, but I had cold chills run all over me.'

"A rather mystic identification, I would suggest. But the Warren Commission concludes that Mrs. Markham, in terms of the probative value of her testimony... is 'a reliable witness.'"

Lane then cited a conversation between Mrs. Markham and the Dallas

police in the presence of Hugh Ainsworth, a Dallas Morning News reporter, and carried in a number of newspapers -- as well as his own (Lane's) subsequent conversation with her.

"...the man she saw kill Tippit was short, he was stocky, he had bushy hair."

Lane pointed out that others -- Sergeant Hill, an eye witness, and the police report -- originally described the killer of Tippit as a man of about five feet, eight inches, weighing 170 pounds, and having brown bushy hair. This was the original description of the killer despite "Oswald's description: medium or a little taller, almost painfully thin, with thin light colored hair which was receding. Not exactly the same description Mrs. Markham gave to the police, to the reporters or even to me many weeks thereafter.

"So," Lane went on, "I went before the Commission and told them what she had told me and of course the Commission called Mrs. Markham back and she denied for page after page after page that she had ever talked with me.

"... The Commission called me back and the Chief Justice, a very moderate man for whom I have the greatest respect, came to the conclusion which he released publicly: 'I have every reason to doubt the truthfulness of your statement, Mr. Lane.

"I asked the Chief Justice and the Commission to take my testimony and Mrs. Markham's testimony and submit it to the U.S. Attorney's office for possible prosecution for perjury.

"...Of course, the Commission declined to do that... because I have a tape recording of my conversation with Mrs. Markham."

Mark Lane then stated that he mailed the tape to the Commission which played it for Mrs. Markham, page 501, who in the course of questioning stated that Mr. Lane, when she spoke to him, represented himself as a policeman and that she did not recognize the lady's voice on the tape, (which was her own voice.)

"The Commission concluded," Mr. Lane continued, "in terms of the identification of Lee Harvey Oswald, that Mrs. Markham is a reliable witness."

The next point Lane made was:

"If the rifle is incapable of the performance that the Commission claims it gave, then the case against Oswald as the lone assassin must disappear -- and I do not mean to imply by that that the rest of the case is sound at all."

Lane questioned the method by which the gun was tested. He suggested that 100 marines on the 6th floor of the book depository with rifles containing three shells; aim at a sandbag in the back seat of a radio-controlled car passing the building in order to score two hits out of three in six seconds.

This was not done, Lane claimed, because even Hubert Hammerer, the world

Olympic champion freestyle rifle shot said, Lane quoted, "In my hands it could not be done."

"Instead," Lane said, "the Commission obtained testimony from Major Anderson, page 192, stating that Oswald was a good to excellent shot, despite that in comparison to servicemen's performance in the last 20 years, he was a rather poor shot.

Then Lane, reading from page 193, continued:

"In an effort to test the rifle under conditions which simulated those which prevailed during the assassination, the infantry weapons evaluation branch of the ballistics research laboratory' chose three certified master riflemen (National Rifle Association) ... (whose skill Oswald presumably equalled) ... who fired from a tower 30 feet above the ground, and the experts were given stools to sit on, and they were, all given a 2 x 4 wooden arm rest to rest their rifles on ... (although Oswald fired) from a book depository window 54 feet above the ground and he didn't have anything to sit on ... and he had a little, we're told, ... cardboard box to rest his rifle on."

"But, most important, ... Oswald allegedly was firing at a moving target. Three times he fired, and at least twice he hit, possibly three times he hit."

"... These gentlemen fired at three still targets; ... Oswald had, at the most, eight tenths of a second to fire the first shot ... and the best rifle shots in America, ... took as much time as they wanted for the first target and they hit six out of six. Each fired two rounds. How about the next one? They just had to move the rifle a little bit, not at a moving target. ... they took the rather inconvenient rifle range and they didn't have room to move the target out, but they did the best they could under the circumstances.

"They hit seven and missed five. Still targets larger than the one Oswald allegedly fired at. This poor shot, the Commission says, this test proves that he could have used the weapon in that fashion. If that is not a fraud ... perpetrated upon the American people in indicating that that test was in any way comparable to the conditions which existed allegedly on November 22, then I do not know the meaning of the word.

"Why," continued Lane, "was Oswald's description sent out in the first place? ... It was sent out by the Dallas police ... page 144. The Commission concedes it is unable to find the basis for which the Oswald description was sent out."

From the Report Lane quoted the Commission speculation that the report was initiated by a Howard Brennan who claimed "he saw a man standing, firing at the President, and that man was five feet ten inches tall, 165 pounds, light and slender."

But Lane argued that if he fired from a half-closed window, how was the glass unmarked? And if he was

Continued on Page 4)

(Continued from Page 3)

Knelling, how did Brennan know his height?

The Commission's answer, Lane said, was on page 145:

"Brennan could have seen enough of the body of a kneeling or squatting person to estimate.

Then, Lane continued, during subsequent questioning by the FBI and police, Brennan both affirmed and denied that he could positively identify Oswald as the man who was firing. And therefore the Commission itself says 'that because of this it does not base its conclusion concerning the identity of the assassin on Brennan's subsequent identification of Oswald as the man who fired the rifle.'

"Yet," Lane said, quoting page 250, "Howard L. Brennan made a positive identification of Oswald as the person at the window' is the Commission's conclusion. ..."

Following this was a discussion by Lane of what he called 'one of the great mysteries of the case -- how it is possible that Oswald carried the alleged murder weapon into the book depository building unnoticed.'

The points Lane made were these:

1. The Commission explained that he carried the rifle in a brown paper package. But Oswald's defense was that he had carried rods and that he told Curtin Wesley Frazier (the fellow employee who drove him from Dallas to Irving and back) that he was going to buy the rods and that Frazier's testimony before the Commission quoted Oswald as answering Frazier's question, "What have you got there?" with, "You know, I told you I was going to get curtain rods."

But when the Commission reprinted this testimony, they (Lane said) "just left out the words, 'You know,' but reprinted the rest of the testimony."

2. While the Commission Report summation of the testimony of Jack Dougherty (the only one who saw Oswald enter the building) was, page 133, "One employee Jack Dougherty believed that he saw Oswald come in to work, but does not remember that Oswald had anything in his hand as he entered the door," the actual testimony given to Mr. Ball -- Volume 6, page 376 -- was more specific. Mr. Ball said, "In other words, you would say positively he had nothing in his hands?"

"I would say that."

3. Both people (Mrs. Randall and Frazier) who saw Oswald carry a package claimed the package they saw him carry was smaller than the brown paper package which an agency of the government fabricated to duplicate the package found on the floor in the book building and which was tested and destroyed by the FBI. And further, that "the Commission concludes that Oswald carried the bag containing the assassination weapon into the book depository and that Frazier and Randall are both mistaken as to the length of the bag."

Lane's speech concluded on the following notes:

"When I first became involved in this matter it was just as an attorney writing an article, taking the same position that Mr. Wirin...took...that had Oswald lived, he could not have received a fair trial anywhere in America because of the massive publication of the charges against him, released unethically by the FBI and the Secret Service and the Dallas police. It was the only reason I wrote an article, but when I started to amass the information that was available, it seemed clear that there were questions which were unanswered, ...

And Mrs. Oswald called me and I became involved. ... Had I known at the outset ... that I would close my law practice, abandon my political career, be attacked by the very newspapers in New York City which used to hail my election to the state legislature; had I known that I was going to be placed in the 'lookout book' so that when I come back into the country I am stopped by the immigration authorities ... that my phones would be tapped, that not only would the FBI follow me around at lecture engagements but present to the Warren Commission extracts of what I said at various lectures, I am not sure I ever would have written that article in the first place.

"But I assure you of this: having come this far and now knowing what is at stake in this country, in reference to this case, no matter what the obstacles, and no matter what the liberal establishment says, or any other establishment says, we're going to remain with this matter until such time as the American people secure that to which we are entitled in a free open and democratic society -- and that is some intelligible answers to the thus far unanswered questions of Dallas on November 22."

After Mark Lane's speech, moderator Nathan Schoichet made the following statement to outline the procedure for the rest of the meeting.

"Mr. Selvin will go first. He will not be limited to one question. He can proceed to pursue a line of inquiry. At the time that I think he has had a fair chance to examine, I will ask him to stop for a time and let another man go on. The panelists will have the privilege if they want to make a preliminary observation before they direct a question, to do so. The panelists and Mr. Lane will observe any ruling which I will make on the time and the response of these inquiries so that a man may ask his question or make his observation without any interruption.

"And now is the time for you to test your own liberality -- which is to listen attentively to views which perhaps you may disagree with so that, perhaps, you may be persuaded one way or the other."

Mr. Selvin: "My preliminary statement is a very simple one. It comes to me as considerable of a shock to hear one who apparently is proud and justifiably proud of his activities in Dallas, the ACLU to be echoing and parroting the accusations against the Chief Justice of the US that are made by those who finance and post the Impeach Earl Warren signs.

My other observation is that it comes as nothing new to lawyers who have had some trial experience notwithstanding that they themselves may stoop to such tactics. It comes as nothing new to see a point made by taking a few bits of evidence here and there out of context, emphasizing, disregarding everything else in the record. There are some 4 volumes, I think, of testimony, that has been taken by the Warren Commission. You've heard a few snatches here and there from volume 14 was it? Maybe one other volume.



ATTORNEY HERMAN SELVIN

"...He (Mr. Lane) has practically nothing to say except to accuse the Warren Commission of fraud, of deliberate suppression of evidence, and why? For what purpose and for what motive? Now I'd like to ask Mr. Lane just a few questions...

Selvin: "Is it your position that Oswald did not shoot President Kennedy?" Lane: A man is presumed innocent until such evidence has been amassed to prove beyond a reasonable doubt that he is guilty. Utilizing that yardstick, which some of the country has forgotten ... I say that the Commission by amassing not 24 volumes of testimony sir, but 15 volumes of testimony and 11 volumes of exhibits for a total of 26 volumes, by amassing that information, have not presented sufficient evidence which would prove Oswald was in any way associated with the assassination of the President."

SELVIN: "Is it your position, Mr. Lane, that no shots came from the Texas Book Depository building at the time or about the time that the President was killed?"

LANE: "I don't know whether or not any shots came from there."

SELVIN: "I'm asking for your position."

LANE: "I leave the area of speculation to the Commission. ... I'll deal with facts. We know that the vast majority of the witnesses present at the assassination were never even called before the Warren Commission but even those who were ... and others who were there agree that shots were fired from behind the wooden fence.

WARREN REPORT

"There was a concentration of Dallas police officers, FBI agents and Secret Service agents behind the fence. Two of them reported they smelled gunpowder back there. One person... saw wisps of smoke come up from behind the fence... There were those who said that they saw a man with a rifle in the book depository building. But the majority of those on the scene felt that the shots they heard came from the area high on the grassy knoll."

After these remarks by Lane, Selvin and he engaged in an argument involving particulars like the location of the fence, the distance between it and the car, the angle of fire, size of the gun, the question of reverberation, etc. They found no common point of agreement. Then Selvin asked permission to make his statement.

"Anyone," he said, "familiar with the workings of the human mind, familiar with the possibility for errors of perception, understanding, narration, or relation, will understand that human testimony ... is sometimes fallible. But physical facts ... speak much more eloquently than the most garrulous or loquacious eye witness. The physical facts which demonstrate, in my opinion beyond any reasonable doubt, that the shots which killed the President came from above and behind are these:

1. The President suffered two wounds -- one in the back of the neck and one in the throat. The neck wound was shown at Bethesda to be a clean and bevelled wound, i.e., an entrance wound. The throat wound was not there at Bethesda because it had been used as the starting point of the tracheotomy. But the trajectory of the bullet from the back of the neck to the front was at a downward angle.

"Now," he argued, "if that were the only wound, perhaps it would not be so conclusive that the shots came from above and behind, but ... the fatal wound ... the temple wound ... was a small clean bevelled wound just about the kind that would be made by a 6.5 caliber shell entering at a somewhat downward angle. No, there is no way ... that (this) wound could have been made by a shot entering from the front. ..."

2. The shot, if fired from behind the fence, would have been extraordinarily difficult for the assassin. He'd have had to avoid shooting the fence, spectators, windshields, Governor Connally and Mrs. Connally to hit the President.

3. While cartridges and a gun were found in the book depository building, no gun and no cartridges were found behind the fence.

4. No bullets were found which, upon ballistic examination, could have come from any gun other than Oswald's carbine. "It is not enough," Selvin concluded, "in the face of evidence that has been accumulated about where (etc.)...to say 'Oh, well, it didn't happen that way.

"It happened. Somebody shot and killed the President. The shots that killed him came from a 6.5 Italian carbine ... that gun was found on the 6th floor ... Oswald was there and it was his gun. Nothing else in the way of a weapon that could have produced the results has been found by anyone. ... And in the face of that evidence, who is indulging in speculation? The Warren Commission heard, analyzed and collated the evidence while Mr. Lane simply says 'tain't so, 'tain't so."

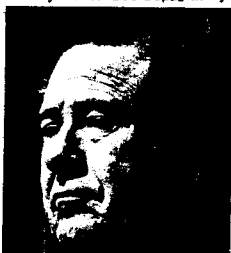
To this Lane replied: "We understand that the price of raising any question against the establishment is to be associated with the Impeach Earl Warren movement..."

Lane questioned the reliability of the evidence from which the Commission drew its conclusions--pictures drawn by an artist at the direction of Dr. Humes, ballistic reports which are subject to interpretation by attorneys, and added "Where was the defense before the Warren Commission? ... I was retained to represent his interest by his mother and the Commission said, 'No, he is not entitled to counsel.' We raised that all over, with the ACLU, and finally the Commission reversed itself and...appointed counsel--Walter Craig, President of the American Bar Association ... but he (Mr. Craig) did not present and he did not defend the interest of Oswald.

Lane was followed by Mr. Ball who began:

"I'm a country lawyer from Long Beach. I was asked to go back to Washington to take a job as senior counsel for the Warren Commission. I stayed there, gave up my practice and went back there and handled the job as a lawyer would handle it. And let me tell you something,

"I never received one bit of instruction or order from any member of the Commission including the Chief Justice... Now, I don't know if Mr. Lane is assaulting my honesty or my integrity when he says that this is a fraud. It just so happens that the things he talked to you about tonight were in my field. I had charge of the investigation. I personally examined ... many witnesses separately



ATTORNEY JOSEPH BALL

... I took over a hundred depositions in Dallas ... I examined everyone who knew anything about this because I wanted to find out what were the facts. It doesn't make any difference to me whether I found that Oswald was the

(Continued on Page 6)

WARREN REPORT

(Continued from Page 4)

assassin or not... everything I discovered in Dallas I put down on paper... I wrote chapter four.

"I was not assisted in the field or when I brought witnesses to Washington... (etc.)... by any FBI agents. I never talked to an FBI agent about my investigation... I never talked to a witness in the presence of a Secret Service agent or an FBI agent.

"The group of men I worked with tried to make this the most impartial investigation."

The dialogue which followed between Lane and Ball was of a highly technical nature. Allegations of fact were followed by accusations. "That's a lie," was cried several times by both attorneys.

Mr. Ball considered the 12 persons who claimed to have seen Oswald within the vicinity of the movie-house as witnesses, while Lane claimed there were only two witnesses, one of whom was Mrs. Markham.

Mr. Ball asked Lane if he believed the evidence showed that Oswald purchased the gun through the Klein ad.

"Absolutely not," Lane responded. He charged that the Commission would never call Klein as a witness because Klein does not believe the gun comes from his store.

Mr. Ball referred to the gun order in the handwriting of A. Hidell, but Lane claimed that the order was hand-lettered and not written, and therefore not subject to accurate analysis.

He discussed the ballistics report of the cartridges found at the depository building, which linked them to the bullet in the President and his car and the report on the gun carried by Oswald at the time of his arrest which matched the partially mutilated bullets in Tippit's body.

Ball then enumerated the number of witnesses who either saw the murder or saw Oswald flee the scene.

"I never saw," said Ball,

"a case which was so conclusively supported by evidence under oath. We don't take newspaper articles or what the chief of police says, we didn't take a single bit of evidence into consideration unless it was under oath.

In the rebuttal by Lane which followed, he pointed out that there was an inconsistency between the Commission's opinion that Mrs. Markham was a reliable witness and Ball's opinion that she was "some kind of a nut."

Lane said, "She's a nut," says Mr. Ball, but she's a reliable nut because she says Oswald did it."

Challenging Ball's statements further, Lane asserted that:

1. The weapon which killed Kennedy is not advertised in the February American Rifleman.

2. The Commission would not read American Rifleman or interview Mr. Klein because they would not "clutter up their minds with facts."

3. If the gun was sent to A. Hidell and reached

Oswald at a P.O. box in the name of Hidell, then a federal employee must have committed a felony.

4. Lane claimed that what the Commission asserts about the gun is possible -- but there are questions to be answered which were not because Klein never gave his testimony. These were questions, he stated, which were entitled to be answered."



ATTORNEY A.L. WIRIN

The statement of A.L. Wirin, ACLU attorney, followed:

"I want to address myself to Mr. Lane's statement that the report of the Commission is a fraud and that the Commission in its report has indulged in a deception of the American public. I do not agree with that conclusion... it is an opinion which Mr. Lane gave and I disagree with it. I disagree with that opinion for the following reasons, to be quickly stated.

"Although I have tried all my life not to rely upon authority and to arrive at judgments and opinions on my own, I have learned that in many instances I too have had to rely upon the integrity and the good judgment of others. Now I consider Carey McWilliams and The Nation as an individual and a newspaper, respectively, whose judgment I respect. I do not consider Mr. McWilliams or The Nation a person or a newspaper which would participate in a fraud or which would condone it. Mr. McWilliams in The Nation expressed a view which has great weight with me.

And the Nation said, 'In our view, the Commission did its work well, the report is an admirable document, and the Chief Justice, his associates and the staff merit the praise they have received.' Now that carries a lot of weight with me.

"I have known all my life a man by the name of I.F. Stone. I'm sure Mr. Lane has known him. Mr. Stone is an observer in Washington and a reporter of the highest integrity. Politically, he is where I am, left of center, as is the Nation. ... and where I will continue to be. And I will differ with my friends who are left of center when they are grossly mistaken in their judgments as is Mr. Lane here tonight. Now, Mr. Stone who has defended the rights of the left, of the communists, and others, to fair treatment and freedom throughout his life, who is no apologist for any rightists, said:

"I believe the Commission

has done a first-rate job." Very rarely does Mr. Stone ever commend a governmental agency, very rarely. And very rarely do I. But I believe the Commission has done a first rate job on the level that does our country proud, and is so worthy of so tragic an event. He said this. I don't know if I would go so far as this, but he said,

"I regard the case against Lee Harvey Oswald as the lone killer of the President as conclusive." Now I am reading this to you merely to say to you: this carries a lot of weight with me. Because I respect Mr. Stone and I think Mr. Stone in making that conclusion does it in terms of integrity and high honor. Mr. Stone in making that conclusion does it in terms of integrity and high honor.

"Now let me tell you what someone is reported in the Los Angeles Times to have said, and whom I disagree with. ... I read this without being personal to Mr. Lane, I respect him. I think he's grossly mistaken, but he thinks I am probably more mistaken, so we'll pass that. But in any event, let's see... if what I am about to read to you... doesn't sound pretty much like Mr. Lane:

"The Warren Commission Report," according to this quote, "on Mr. Kennedy's murder does a remarkable job of crime analysis. But when it comes to telling why and who is responsible, then I feel it does not fulfill its function."

"Indeed, this is a more conservative criticism of the Warren Commission than we heard from Mr. Lane tonight. This is the criticism of Herbert Philbrick, a stool pigeon and a rightist. And that's what the rightists are saying about the Warren Commission.

"Now I cannot agree with Mr. Lane that the report is a fraud. Because there are portions of it which I think are honorable and which I think have done a great service to the welfare of the nation and the rights of all people in the nation. Now let me tell you about two or three of them. And I shall be brief, and I shall be done.

"Well, I was going to read, but there is no time to read now. That portion of the report which criticizes the conduct of the Dallas police and the district attorney of Dallas, though not criticizing them as vigorously as I would, is, nonetheless, worthwhile.

... Now, finally, the Commission says, that men on the left, neither the Soviet Union nor Cuba, had anything to do with the assassination of President Kennedy. Now this statement by the Commission, a statement in which the entire Commission, including Mr. Dulles, joined, this statement, saving all of us here who are left of center from the venom of the rightists, this statement protects the rights of us all. Now, had the Commission been irresponsible it might have failed to say that which resulted in, not in an intensification of the Cold war had the commission not given this clear-

ance, as it were, to many against whom the rightists were pointing the finger, we might have had, following the assassination of President Kennedy, a real unleashing of terror against persons on the left.

"So, from my point of view, the Commission, instead of perpetrating a fraud upon the American people, has rendered a service of major importance to the American people, particularly by protecting the rights from hysteria and hostility, the rights of Americans who are, as I say, in the left, or left of center.

"So I respectfully disagree with our distinguished guest from New York in his statement as to the import of this report. I think his statement, that this report is a fraud perpetrated upon the American people, is utterly irresponsible."

After Mr. Wirin's speech Mr. Ball and Mr. Selvin were both given five minutes to answer Lane. Ball recounted once more the chain of events which connected Oswald with the Italian carbine. Ball concluded,

"This is so simple, ladies and gentlemen, it is unbelievable that anyone would draw a contrary conclusion."

The final remarks of Mr. Selvin were, "It is easy to say 'no.' It is easy to characterize evidence as being fraudulent or meaningless or mistaken, but when you get all through with special pleading, when you get all through the advocacy (and I do not say this disrespectfully for I am an advocate...) you get down to the fact that the physical facts -- the gun, the shells, the nature of the wound, and all those circumstances, point to only one conclusion: Lee Harvey Oswald alone shot and killed

John Fitzgerald Kennedy."

The final statements of the evening were made by Lane:

"I mean no disrespect to Mr. Selvin when I say that because his reputation did not precede him to the East, I did not know him. Therefore I can not pretend to be surprised at his remarks, associating anyone who dares question the Warren Commission Report with the impeachment of Earl Warren movement.

"The same disclaimer can not be made for Mr. Wirin, who is known to us in New York and is known throughout the nation. And I had never thought that the day would come when I would share a platform with Mr. Wirin and hear him read a statement from Herbert Philbrick and say, 'If Mr. Philbrick said that and Mr. Lane said that, what does that make Mr. Lane?'"

"... Now, I know that it is only because of the extreme pressure of this establishment which Mr. Wirin so well emphasized in quoting Carey McWilliams, or I.F. Stone, that this unusual statement was made by Mr. Wirin. I know that he would not make it ordinarily and I know that it does not reflect his thinking generally. I have too much respect for Mr. Wirin, for the organization with which he is associated, to believe that it represents his thinking. And I know that the day will come in America, as it came in France, 12 years after the conviction of Dreyfus. The whole liberal establishment and the rest of the establishment said, 'guilty, guilty, guilty, for 12 years. Dreyfus was not guilty when the government said it. Dreyfus was not guilty when the Minister of Justice said it. Dreyfus was not guilty when the liberals in the Parliament of France said it any more than he was

guilty 12 years later when the French government had the courage and the honor to reverse its position.

"And Oswald is not guilty now -- any more guilty than he will be when the U.S. government has the courage and the honor to state that it was wrong.

"The reasons afforded by Mr. Wirin are sound ones. There might be an unleashing of activity against the right and unleashing of activity against the left. There would indeed be divisive days in America if that killing remained unsolved.

Mr. Wirin states them. There is no reason for anyone to speculate any longer.

"... Mr. Wirin tells us 'we must have a man who did it.' ... I tell you this-- I don't believe we must have a man.

"First of all, I don't know what the politics of the people here are this evening. I don't think it's relative, quite frankly. ... nor are my politics relevant. Nor Mr. Wirin's politics relevant, nor anyone else's politics relevant. I tell that this man was condemned to death after his death. Condemned as the assassin in order that the country might breathe easier, so that there would be no unleashing of the terror....

"That will not work. When justice is denied to one, be those of us here this evening left, right, or center, justice is denied to each of us, to every one of us.

"... I advocate that the American people are entitled to the facts. The Chief Justice said when he was first questioning witnesses, 'You may never get the facts in your lifetime.'

"And then they issued the Warren Commission Report which tended to prove that his estimate was an accurate one." END