

TM

Realist

## The Faithful and The Fact-Mongers

by Joel Lieber

They couldn't have found a more appropriate place for The Great Debate than Manhattan Center. Site of many boxing matches, it was an arena well accustomed to the ineffectual jab, the foul blow, the rowdy, jeering crowds. On October 19, the featured match was between battling challenger, Mark Lane, chairman of the Citizens' Committee of Inquiry, and the wise old champion, the Dallas destroyer, Melvin Belli.

As advertised on the CCI's tickets the battle was being fought over the question, "Lee Harvey Oswald—Guilty or Innocent?" (Or was the fight over another question entirely—"Was Oswald the Lone Assassin?"—as the CCI ads in the previous day's newspapers proclaimed?)

Whichever, both men were in top form: title-holder Belli defending Oswald's guilt and upholding the Warren Report, and Lane affirming Oswald's innocence and charging Warren Commission fraudulence.

The champion, Belli, who weighed in wearing black evening dress, was florid-faced and silver-headed: a heavyweight. The challenger, Lane, was younger, friskier, similarly tuxedoed, but at heart a middleweight: a light-heavy at most.

Lane was fresh from a series of spectacular exhibitions both here and on the continent and he was a crowd-getter. (The purse from Lane's solo lectures crossed \$25,000, according to the CCI.) But Lane had never confronted an opponent like Belli: it remained to be seen what he could do against a champion.

The syndicate backing the challenger was overwhelmed by the turnout. Manhattan Center (which rents for \$1,300 a night) was jammed solid, at \$1.50, \$2.50 and \$5.00 a seat; 3,500 were seated and 500, said the CCI, were turned away at the gates. It was clearly a youngish crowd, no question of that. There were plenty of middle-aged citizens, to be sure, and even some of the interested elderly, among them not a few trade union people who knew the Center from its former days of go-get-'em trade union rallies.

Outside on the sidewalk, on 34th Street, fiery young girls attacked the converging fans, hawking the *Workman's World*, screaming the 4-page newspaper's banner headline, "Warren Commission Report a WHITE-WASH." For 10¢, the curious were given a preview of Lane's criticism of the Warren report: the paper's pages 2 and 3 were entirely given over to Lane's charges and on page 2 itself a box decried the Report as the "Worst Cover-Up Since Reichstag Fire!"

A few seemed shocked and shied away from the paper-hawkers, regarding them disgustedly as if they were lepers. The truly eager snapped the papers up and even supplemented their reading by grabbing *Progressive Labor*, whose lead stories had a similar ring, but whose vendors lacked the boisterous salesmanship of the competition.

Inside, in the lobby, more souvenirs of the impending clash were available: stacks and stacks of a Broadside

label 33¢ record, *Mark Lane's Testimony Before the Warren Commission*; a book by Melvin Belli, *Dallas Justice*, printing-press-fresh and coincidentally enough, published by David McKay that very morning; piles of *The Minority of One*; and mounds of the *National Guardian*.

Refreshments were conspicuously lacking, and in view of the potential for commercial exploitation, it's a wonder that the Barton candy company didn't get into the act with their latest official offering: in their chain stores they recently started selling a 10¢ milk chocolate disk, showing a chocolate profile of President Kennedy, "1917-1963" on one side, and Barton's Bonbonniere \$25 (?) on the other side, the entire item prettily wrapped in gold foil.

Promptly at 8:10 feet-stamping and rhythmic clapping broke out.

Moderator William Kunstler took to the podium and hushed the anxious crowd. He announced that the battle would be fought along classic debate lines: the challenger would fire the opening salvo, the champion gets last licks—40 minutes for Lane, then 40 minutes for Belli's case, and a 10-minute Lane rebuttal followed by a 10-minute Belli rebuttal.

Any doubts as to whom the crowd came out to see were dispelled when the contestants were introduced: a mighty roar went up for the challenger—and a conservative, respected applause paid tribute to the out-of-town champion. Abruptly, throughout the prize fight arena, the young lawyers and law students stopped whispering about jurisprudence. They had come to see how a master practitioner handled an upstart.

The bell rang, and Lane came out of his corner to the podium.

Lane didn't waste a second. He waded right in, lashing out with blows to the head and blows to the heart. He quoted Bertrand Russell ("Faith means having a firm belief in something for which there is no evidence"), he discredited the Warren Commission as being stacked with reactionaries, he berated the closed-door secret approach to gathering information, and he charged that since it wouldn't permit a defense counsel to plead Oswald's innocence, the Commission was suspect from the very start.

The challenger fired salvo after salvo: implications of the mix-up over the rifle identification; Mrs. Hill and Mrs. Norman, standing opposite Kennedy's car, who said that more than three shots were fired and that they came from the grassy knoll; the bullets really being fired from in front of the car because the doctors first said the throat wound was an entrance wound; the innuendo of chicanery as the federal pathologists later developed the wound-from-the-rear theory.

"If a German Mauser can suddenly become an Italian 6.5 rifle, then an entrance wound to the throat can conveniently become an exit wound," Lane flurried in a burst of vehement sarcasm.

The crowd loved it. Laughing and cheering, the spectators hollered and clapped their approval of Lane's oratorical device.

Proofs were introduced. He cited how a sharpshooter in the American Rifle Association told him that the alleged murder weapon could not fire three shots in ten seconds, how the Warren Commission called in three riflemen who fired 18 shots and missed several of them. As further evidence, Lane cited how novelist

and big-game hunter Robert Ruark said that his friend Walter Johnson, "the Rhodesian rifle champion who could hit a bird at 700 yards," told him that the alleged murder rifle couldn't hit anything.

The law students snickered. Even the faithful crowd seemed to withhold its enthusiasm for something more substantial.

Lane, mixing jabs and round-houses, unleashed blows in every direction: he discredited the testimony of Howard Brennan, the steamfitter who had seen Oswald firing from the 6th floor window, and in the next breath he discredited the Warren Commission for refusing to acknowledge Mr. Frazier's testimony when he said the paper bag was cupped between Oswald's hand and his armpit.

Louise Markham, the only known witness to the murder of Tippett, was portrayed as inconsistent in her story about Oswald's bushy-hairedness and yet the Commission could find her "a reliable witness."

He mocked the Commission's reliability, ticking off what he considered flagrant inconsistencies. And what about the mysterious woman witness Lane claimed to have on tape who said the Dallas Police told her, "You'd better not ever tell your story to anyone. The murderers of President Kennedy are still here in Dallas." And why did the Commission never consult certain "witnesses": the *Dallas News* reporters who heard "ear-splitting" shots from behind them on the grassy knoll; the woman who called the ambulance for Tippett, and her husband who saw a man in a long coat jump into a grey car and drive off (for a detailed account see *The New Leader*, Oct. 12).

"The *New York Times* called it the most massive detective work in history," cried Lane. "Yes, on the details of Oswald's sexual relations with his wife, but not on the facts that prove his guilt. . . . We are going to continue to ask questions," he roared.

Round one was over and Lane, impetuous, fleet-footed, sometimes too fast to follow at all, sat down as a cheering crowd affirmed that he had told them what they came to hear.

The defending champion took over. Right from the start he showed the style with which he has toppled the mighty, from insurance companies to the AMA. Effervescent, blessed with a rich, dramatic voice, Belli could have been an aging matinee idol. But he had one rare skill that took him way beyond the matinee idol: Belli was a logician par excellence.

He challenged the fundamental precept of Lane's argument, unspoken by Lane himself but intimated every step of the way. The recital of fouls: trials, snots-from-the-grassy-knoll theory, trickery with the changing rifles, the unstable testimony of Mrs. Markham and Mr. Brennan, the sharpshooters, doctor's autopsy reports, scientific data, 25,000 FBI interviews. Asked Belli: can one seriously believe that an ulterior motive was involved in all this?

That, declared Belli, is what Lane would have the audience think, since to suggest that the entire FBI, ballistics experts and scientists all were covering up and lying is certainly to imply a conspiracy. "But where are we then? Mark Lane said there was no conspiracy."

To this there came shouts of *no, no* from the audience, and a few hisses which drew a pained look from the challenger seated in his corner.

The confusion over whether or not Lane said there

was no conspiracy was largely subjective. Lane did, a few moments before, distinctly say that he didn't think there was a conspiracy. But such a detail gets easily befogged since Lane and some of his supporters don't see eye-to-eye on everything: the *Workers World* being sold outside the Center stated categorically on its page 1 Whitewash story, "It is [these] inconsistencies and contradictions . . . that inescapably lead to the conclusion that a broad conspiracy of ultra-rightist politicians, extreme racists, and militarists was responsible for the assassination."

Belli, displaying his classical gifts in ripples of rhetoric and flourishes of arm-waving, jumped into the overwhelming welter of detailed, scientific evidence. Contrary to documented proof, Oswald denied he owned a rifle or that he ordered one under an assumed name. And what was Oswald doing in the movie theatre at that hour when he should have been working? What was the bus transfer doing in his pocket? Why else the \$170 and the wedding ring left at home? What about the threads from Oswald's shirt stuck in the gun barrel? What about Oswald's palm prints on the book cartons at the 6th floor window? And the brown threads from the garage blanket under which Marina said her husband kept the rifle?

Visual recollection at an excited moment is subject to distortion, error and rumor, Belli counseled. But the scientific, technical, circumstantial evidence, the piles of it that indisputedly link Oswald to the murders in every way: that is precision, that is fact.

It's the old lesson from your sociology class all over again, Belli told the crowd. A man runs into the classroom, knocks over an inkwell, raps twice on a certain desk, and runs out again. And when the students try to write down what they saw, what the man looked like and what he did, you get a whole gamut of diverging 'eyewitness' reports.

But because one or two people claim they heard shots from the grassy knoll is no reason to jump to conclusions. He challenged his audience: how many times have you heard a car back-fire outside and turn around trying to figure out which direction it came from. Echoes, ricocheting sounds: you can't know for sure.

"Human recollection is unreliable." We know this. But scientific evidence, circumstantial proof—this is something else. The cartridges found near Tippett's body that match the pistol found on Oswald. The trajectory of the bullet. Oswald's handwriting on the order forms for the guns.

Belli drew on his experience: "I have seen men convicted of murder on far, far less than the tremendous circumstantial proof that ties Oswald to the two slayings." There is overwhelming evidence to convict Oswald under the standard criteria, "beyond a reasonable doubt and to a moral certainty." Moreover, he said, I've never seen any case where some witnesses didn't come forth with a rumor or two. After all, no murder case is air-tight.

This combination of punches brought mild applause from the respectful law students.

Still, even an old pro like the champion can misjudge where to throw his knockout punch. It was a seriously point-losing miscalculation when he said, "Oswald was tried by the Dallas police and found guilty of 8 or 9 lies."

Booing, hisses and angry snarls rippled through the

husband was innocent. Three weeks in secret, ladies and gentlemen; and Marina knows the power of the federal police: she was brainwashed, scared, and she changed her story.

"How can we have faith in federal institutions who do things like this? The answer is *we can't!*"

The crowd was on its feet. It was a crowd with a cause and their spokesman had not failed them.

Respectable in his tuxedo, Lane, no matter how disrespectful of the facts and the rudiments of sound logic, rang out the loaded impeno—and a fiercely anti-officialdom crowd loved it and gave him encouragement.

It was Belli again. Last night. The FBI, the CIA, the Secret Service—I don't like them, but they are part of the modus operandi of our land. Can you honestly believe that the vital police institutions are so corrupt that they are trying to hide something. . . .

His words were lost in the hissing and *yeah-yeahing* that answered him.

Maybe it's your love of the underdog, Belli tried, crazed.

The crowd hissed again. "You must tremble in your beds at night to believe we have sunk so low in our democratic processes that all the federal agencies, the Chief Justice. . . ."

More hissing. Belli was dazed-eyed for a moment as he tried to focus on the crowd. Apparently he had never encountered such police harassment.

"I'm not a prosecutor, but I can't put this man who shot the president on a pedestal!"

Booing and jeering and hissing.

He quickly switched his tactics. He went after rumormongering. How do rumors get started? One twig on top of another, building a nest, and if you pull out the bottom twig, the whole nest collapses.

Straighten out these rumors now; in 10 or 15 years, the witnesses may be dead, memories hazy, and the rumors more difficult to answer accurately.

Someone from the Dallas News saw a court stenographer at the interrogation. Well, it so happens that no reporters were permitted there. And not one iota of evidence can show there was a court stenographer present.

And what about the rumor that Marina was the daughter of an NKVD colonel, an item that fostered one of the plot theories? The fact is that Marina's father, a lowly inconspicuous citizen, died when she was an infant.

And the rumor that a police officer with a girl in his car stopped to talk to Ruby on the street and said, "We don't tolerate police-killers in Dallas." And the girl said, "Where I came from, we'd lynch him." Did such a conversation take place? Maybe. But does it necessarily mean there was a plot?

Waving at the crowd, Belli charged, "How many of you heard people say, on November 23, 'If I could get my hands on the assassin, I'd kill him?'" Were they each part of the plot?

Don't put your stock in rumors. Don't make wild generalizations. Remember the \$170 on the dresser, the threads in the gun stock, the prints on the carton, the cartridges.

"If you will believe in facts for your verity, you will find them here. If you are going to believe rumors, not

facts, if you will believe that American institutions are no good, there's nothing I can do for you."

He ended on the theme that had moments ago brought boos. But it showed that in the end he didn't care any more about convincing the pre-convinced, or recouping his lost popularity. He looked disgusted, and he seemed to know the true believers would go on believing what they chose to believe, regardless of the facts. By telling them the truth, he had nothing to lose, and nothing to gain.

At one point earlier, Belli briefly noted that "had we checked Oswald out earlier in his life, our president could be alive today." He waited for more, but no more was forthcoming. He hoped that Belli might have said something more about the society that produced a weak, confused Oswald and is in the process of producing millions of other frustrated, hostile Oswalds who may one day do something—themselves, others, a thing they need as they strike out blindly in fear and pain. The overwhelming realization that something is wrong with the society that produces frustrated men who can act out brutally and purposelessly—isn't this vital to debate on John F. Kennedy's assassination? Isn't it more vital, more terrifying than all the half-cocked theories about a plot?

Belli gave only a hint of concern for these issues. The subject at hand was so demanding: he was expected to confront his opponent with the facts and the details, that's all. The audience, judging from its professed attitude, would probably have greeted any such lofty digressions with boos and hisses.

No winner was formally declared. The evening fizzled out in a series of tedious questions put to each man from the audience, which was pointless. By that time, everyone knew the main answers in advance. To Lane, everything suggested a covering up, ulterior motive, the innuendo of a conspiracy. To Belli, inconsistencies could be answered by citing chapter and verse in the Warren Report and pleading for common sense and faith in our democratic processes.

Afterward, to a reporter, Belli said that, all things considered, the crowd challenger and more bearded at the Lane-Belli debate in Berkeley on October 9th (the CCI said the Berkeley house was 2,700 strong). Still, Belli said he had "plan to go through this again."

Lane added that the proceeds of the evening would go to the Citizens Committee for the investigation; Belli, displaying the frankness for which he is famous, said his share of the proceeds (not a percentage of the gate) would go right into his pocket.

To the logician, Belli unquestionably won the debate. His approach was sound, rational and heavily documented. But for the audience that night the challenger was the winner, regardless of the wild, round-house punches he threw and the fact that his gloves were so often empty.

For those few who came into the debate open-minded, Lane was seen to show an utter disregard for the facts of the Warren Report. His once highly valued good sense and reasoned judgment continually gave way to fancy and astonishingly exaggerated implications of minor inconsistencies.

Of Lane's 20 basic charges, only 2 or 3 can stand up under close scrutiny: the strange lack of tape recorder

tightly packed rows. Lane, again, looked embarrassed: he gestured to the crowd with a calming hand—"please, don't be rude, my friends. Belli looked surprised. He waited until the anger subsided. A Sunday punch had glanced off.

"Listen, I'm no defender of Dallas police institutions. Read my book *Dallas Justice* and you'll see I have no brief with the Dallas police." Then the champion, ruffled and upset by the crowd's displeasure, descended to the crowd's unbecoming level, mumbling off-mike that he didn't get any fees in Dallas and maybe this book would make up for that.

But he was never off stride for very long. He knew the human heart, its capabilities, its frailties, its follies. "You can make a case either way. The Left says the Right did it, and the Right says the Left did it.

## Yes, Aviation Week . . . There IS a Cape Kennedy

Last Thanksgiving, while America was sitting home with mournful turkey dinners and the ghost of John F. Kennedy, President Johnson went on television and announced that he had worked out an agreement with the governor of Florida to change the name of Cape Canaveral to Cape Kennedy.

Since then, Cape Kennedy has been a name used all over the world—except on the pages of *Aviation Week & Space Technology*, the world-circulation magazine of the aerospace industry.

Exactly one week after the November 2nd eulogy to JFK by *Aviation Week* editor Robert B. Hotz, the McGraw-Hill magazine noted in its anonymous Washington Round-Up that "many" Floridians were complaining to their Senators about Johnson's "high-handed" name change with its "extremely fuzzy" legal basis.

At no time, then or now, did *Aviation Week* ever come right out and said it was like Cape Kennedy. It simply kept its Cape Canaveral dateline and its Cape Canaveral Bureau staff box.

Soon, readers' comments on this practice began to fill up the Letters page. The first letters published were in support of the *Aviation Week* dateline, with arguments that the Cape Canaveral name had a 400-year tradition dating back to ancient Spanish maps, and that it fired its first rockets during the Eisenhower Administration. ("How would you like your hometown renamed Kennedydale?" was one query.)

In later weeks the Letters page became more balanced, and even more preoccupied with the Cape controversy. For a week at the end of January, the battleground shifted to Idlewild-Kennedy International Airport. *Aviation Week* was attacked for not acknowledging that change either, but an editorial note on the page explained that the boycott of the Kennedy Airport name was a printer's mistake.

Finally, on March 23rd, *Aviation Week* made its big move. Former Cape Canaveral Bureau Chief George Alexander had his territory expanded into a Florida Bureau, and his stories are now datelined: Cocoa Beach, Fla.

*Aviation Week* is obviously determined to let John F. Kennedy rest in peace.

—D. F. LAND

And everything is based on rumor."

Of rumor, Belli thanked Dallas District Attorney Henry Wade for contributing more of it than his fair share. Wade, Belli said, was incessantly egged on by reporters who were writing not for history but for the daily and weekly deadline, who were grabbing at straws, at any scrap that someone else might not have.

Belli summed up: As Mark said, you are the jury. Do you really have so little faith in the institutions of this country that you seriously believe that all the FBI, Secret Service, scientists, doctors and statesmen are lying, that all the institutions and all the men are lying? If you believe that, then the struggle is with your own conscience.

A powerful punch, an excellent way of putting it: the blow landed with impact. But since it wasn't what the crowd wanted, it had no sting. The young lawyers cheered; the rest of the crowd buzzed angrily, whispering retorts to each other.

Lane returned for his rebuttal. The hall was now hotter, emotionally and intellectually. A curtain of smoke fairly hid the ceiling. Guards came through to clear the aisles. Exit doors were opened for the purpose of ventilation. There wasn't an empty seat anywhere, and on the staircases leading up to the balcony, long-haired young girls sat taking intense drags on their cigarettes and the intense young men next to them awaited Lane's vindication.

Lane didn't keep them waiting.

"There is no proof offered that can lead a reasonable human being to believe that Lee Harvey Oswald shot the president," Lane cried. The crowd roared its approval.

Do they expect the American people to believe that when they were questioning Oswald hour after hour, the Dallas police, the FBI, the Secret Service—that none of them made tapes and that no stenographer was present? Well, Jim Gould, the *Dallas Morning News* police reporter, was there and he said he saw a stenographer go inside. Why isn't Oswald's testimony released? Or isn't it consistent with the case put forth?

How can we have faith in the police, the FBI and the Secret Service when they do things like that?

The faithless crowd cheered faithfully.

And the famous *Life* cover picture of Oswald holding the rifle? A composite, Lane charged, and even Oswald himself said it was a fake: my head and a different body. Lane had the crowd going now, just as sure as the fledgling light-heavyweights who came before him on former smoke-filled evenings in Manhattan Center. He was throwing his Sunday punches, jolting uppercuts, swinging recklessly wide and the hell with telegraphing the punches and leaving himself wide open.

French scientists studied the *Life* picture and told me it was a composite, Lane cried. He flashed an image on the screen. Look, how else can the shadow fall straight under his nose and then slant behind him down at his feet. Lane summoned up other such documentation: an inconclusive and incoherent tape of Mrs. Hall's viewpoint, slide-projected affidavits of paraffin test results that agreed with the Warren Report findings.

Marina was held incommunicado for nine weeks, given a lawyer by the Secret Service, and then reversed her statements of the first 48 hours when she said her

or court stenographer at the Oswald interrogations, and the two or three seemingly important witnesses who were not questioned or contacted by the Warren Commission. These are valid and deserve reckoning with.

But it seems unlikely that former New York Assemblyman Mark Lane will give them any more attention than the subject of whether or not Mrs. Markham said Oswald was bushy-haired and short. (And once and for all, even if she did say *short*, Oswald's 5'8" is not exactly tall, and he had certainly been doing a lot of running so his hair could certainly have taken on a bushy appearance.) Lane will probably go on about the doctored rifle, the switching of the rifles, and the testimony of Robert Ruark's Rhodesian rifle champion.

He seems destined to discredit his cause when he continues to deliberately distort facts and evidence to suit his own needs, as he did at the debate. (There weren't but three riflemen, as Lane charged, who tested the murder weapon, and missed several shots, but rather many experts who evaluated the rifle, fired 100 rounds with it, and rang up perfect and near-perfect scores. The experts, cited in great detail in the report, testified that the rifle was an excellent one for firing rapidly and accurately. Dragging in the likes of Robert Ruark is equivalent to citing Paul Bunyan as an unimpeachable source.)

To anyone who has read the Report (as Lane has), Lane's errors of omission are shockingly transparent, as is his easy capacity for implying a wholesale conspiracy based on the flimsiest evidence, involving literally thousands of people.

And to what avail? If Oswald is innocent, as Lane believes, then what? Who else? After the debate, the executive director of the CCI noted that part of its continuing investigation involved "watching certain groups in Dallas," but that thus far they have no evidence incriminating another party. The tone is serious, sincere, and the style uncomfortably familiar: the patriotic red-hunting groups also take their case to the American people, and in all their years of verbal Communist-hunting and conspiracy-mongering, they too, it is worth noting, have uncovered next to nothing.

The lack of good judgment that Lane displayed in his obsession over Carlino\* has apparently found an outlet in a nationwide cause. To some Lane is a respectable man, following out the CCI's purpose, "conducting an independent investigation . . . and making the results known as publicly as possible." But to others, Lane is putting on a sideshow, packing in the crowds, loving their attention and delighting in having such endorsers as Dick Gregory and Bertrand Russell.

No one can know Lane's motivations, but his approach seems confoundedly, embarrassingly sincere. One almost wishes, for Lane's sake, that he wasn't sincere.

That he is now clearly playing on the emotions of the

\*Several years ago, after he had won many admirers for his backing of liberal causes, then-Assemblyman Lane accused the N.Y. State Speaker of the Assembly, Joseph Carlino, of being involved in pay-offs on an impending fallout shelter-building program. The charges could not be proved, and, instead of dropping them once the shelter issue subsided, Lane continued pursuing Carlino. As a result, Lane lost many of his followers who thought he exercised poor judgment in his obsessive pursuit of Carlino.

crowd is evident to anyone who sees him. That he is developing his own dangerous brand of liberal demagoguery is also clear. And, sadly enough, it is also clear that the type of audience who applauds his plot-implying, simplistic generalization is guilty of the same mistakes as the most extreme followers of the Right.

However, the people shall judge, so don't take any of this on faith.

For the faithful as well as the faithless, and even for those whose motivations for pursuing the presidential murder can't seem to get beyond mere contempt for the police and the FBI, the Warren Report 800-page citation is here to be read.

Belli's "no more of this for me" probably meant he wouldn't make the scheduled return bout at the University of Nevada. But the calendar was fully booked for Lane's continuing performances. He could be seen shortly at Cornell, Yale, Rutgers, CCNY, Queens College, in Canada, and on the West Coast. At the end of November, he went to Europe where, in appearances sponsored by newspapers and student associations, he was quite likely to duplicate the crowds he brought in there last spring in Florence, Milan, Rome, Paris and Copenhagen.

All of these aforesaid appearances are one-man exhibition bouts, where spectators can observe Lane feinting, hooking, jabbing and, so to speak, shadow boxing.

END