

... with her briefly when she brought it by

of the

APPENDIX H

Scobey Televised Appearance of January 31, 1967*

*. Transcript, January 31, 1967, Kennedy Assassination Series, Assassination Commission (correspondence) 1967, Richard B. Russell Collection, Richard B. Russell Memorial Library, University of Georgia Libraries, Athens.

January 30, 1967

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Attached hereto is a copy of Miss Scobey's proposed transcript for her television appearance in New York.

I talked with her briefly when she brought it by the office and she indicated that she wanted to especially bring out three things in her appearance:

1. She wanted to say something agreeable to the Senator in regard to his participation in the work of the Commission
2. She wanted to bring out the weaknesses and distortions in Mr. Lane's method of analyzing the Commission's work since Mr. Lane is also to be a member of this panel.
3. She wanted to include her closing remarks as a plea to President Johnson and Senator Robert Kennedy to release the autopsies in the National Archives to dispel Lane's contentions in regard to the existence of a conspiracy.

Miss Scobey is to be staying at the apartment of Mrs. Felder Heflin here in Washington until early tomorrow morning. She requested that Senator Russell, if possible, call her sometime today between 4 & 7:30 after she has had an opportunity to review this transcript. I told her that I did not know what time the Senator would get out of committee but that between 4 and 7 either the Senator or some member of the staff would be in touch with her. The telephone number is 521-3093.

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Each of these distortions is insignificant in itself. They are chosen at random. But one or more per page, multiplied by the number of pages, add up to something in the realm of fiction.

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the-throat-was-not-a-wound-of-entrance
and "could no longer view the throat wound caused by the
exit of a bone or metal fragment." The Commission never
entertained such a view, and I don't know how it could be
forced to abandon a theory it never had.

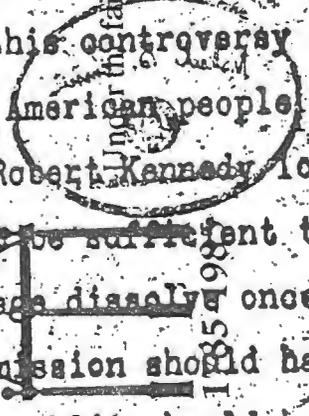
On one point I agree with the dissenters. There are
in existence, in the National Archives, two rolls of film which
establish beyond any peradventure of a doubt the location of
the bullet wound in the back of President Kennedy's neck.
On the mere absence of these photographs has grown the whole
theory that the shot might have come from the front, which
would prove the two-assassin theory, otherwise ridiculous on
its face. Why argue with a fact that can be so easily established?
I would like to see this controversy ended and these pictures
made public. If the American people called upon President
Johnson and Senator Robert Kennedy long enough and loud enough,
their influence might be sufficient to lay the ghost and let
the two-assassin mirage dissolve once for all into the
atmosphere. The Commission should have had access to them
at the time, and the public should have access to them now.
I have not the slightest doubt but that they unequivocally
support Commander Humes' autopsy findings and the Commission's
conclusions.

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again, the book of Tea Lee Bowers, a railroad towerman, for authority that three cars entered the area immediately before the assassination. He omits the facts (1) that all the cars were watched until they left, (2) that the car descriptions do not tally with the description of another automobile another witness claims to have seen, and (3) Bowers said he could not tell where the sound of the shots came from because of the reverberations in the area which makes a similarity of sound is a street noises from either direction.

Mr. Lane as a lawyer knows that to use a false name to create an identity separate from oneself is to create a fictitious person, whether the name is in fact that of a person who really exists or not. Oswald used the name A. J. Hidell to create an identity for the purpose of ordering a rifle and a pistol for the Fair Play for Cuba Committee. Because the Commission, combing every area to find whether A. J. Hidell was a real person or a pseudonym for Oswald, found a John Heindel, sometimes nicknamed Hidell, whom Oswald knew in Japan years before, Lane says, as to the purported person by whom the rifle was ordered:

EVIDENCE

in the Commission's possession disclosed both his existence and the fact that he was a former Marine who resided in New Orleans." Let the reader beware. Mr. Lane didn't actually say that John Heindel ordered the rifle, but some readers understandably thought that was his intention.

Let's look at President Kennedy's neck wounds. You remember the Parkland Hospital doctors did not turn his body over. They saw the wound below the Adam's apple and thought that is where he was shot. They destroyed that wound by making a slit for a tracheotomy. On the other hand, the autopsy doctors at Bethesda found the wound in the back of the neck and were unaware at first of the wound in front. This confusion was cleared up within 14 hours, that is, by November 23. Yet Lane says "the Commission was compelled [by the Zapruder film] to abandon this explanation", that the wound in the front of

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did it at a fast walk which took us a minute and 14 seconds. That's 78 seconds less the time it took Baker to reach Truly which means Baker went the rest of the way on Houston from Main to Elm by motorcycle, bounded the corner, stopped in front of the building, got off the motorcycle, and located Truly. I would think that that amount of time subtracted from 78 seconds still left "a matter of seconds" as Mr. Truly says. Why, Mr. Lane, do you say this testimony was ignored? Weren't you the one doing the ignoring when you failed to state how many seconds it was?

Let's go back to Howard Brennan. Brennan was mistaken in thinking Oswald was standing when he shot the rifle in the sixth floor window. The most probable reason for the mistake was that the window base was only 18 inches from the floor. Oswald, sitting by this window, showed the same amount of body as a man standing by a normal window whose base is 36 inches from the floor. Says Mr. Lane: (45) Brennan himself invalidated this explanation, for he swore he saw the man both stand and sit down. But -- Vol. III p. 14 -- Brennan saw him as he "sat sidewise in the window sill." When the man is sitting ON THE SILL, the distance from window base to floor becomes immaterial.

Another contention is that if so many people, immediately after the shots, rushed to the grassy knoll and the railroad yard, the shots must have come from there. Ignored is Dallas Police Chief Curry's testimony (IV-160) that at the instant of the first shot, as he was approaching the railroad underpass in the lead car, he gave the radio order to the police: "Get someone up to the radio yard", and this was followed by an order from Sheriff Decker, also in the lead car, to move all available men from his office to the railroad yard. Police men and sheriffs descended upon this area and the crowd followed. Lane's statement in his book (2): "Many officers said that as soon as the shots were fired they ran directly to the knoll and behind the wooded fence and began to search the area", but the author fails to explain why it is true.

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cycle backfire -- so naturally he looked up to the sixth floor.
(Sixth floor in italics).
Now that's very clever. A man who naturally looks up in the

air to find a motorcycle that backfired on the ground does startle
our senses. His credibility is badly dented, and also his sanity.
He is the man Lane calls "the Commission's star witness."

To play this do-it-yourself game, one looks to volume
III, p. 143 of the evidence and finds that what Howard Brennan
said was: "...this crack I positively thought was a backfire.
Well, then something just right after this explosion made me
think that it was a firecracker being thrown from the Texas
Book Store. And I glanced up." Brennan speculates that perhaps
the second shot, subconsciously heard, that made him think a
firecracker being thrown from the window.

My question at this point is not what made Brennan
look up. It is: What made Mr. Lane misquote Brennan and
say that he looked up to find a motorcycle?

Mr. Lane is pretty good with sarcasm. When the
interviewer asked: "Didn't Oswald pull a gun on the arresting
officer in the theater?" Lane replies (56): "A Dallas police
officer said he did." (Italics). Not just a police officer,
Mr. Lane. Several police officers -- Hutson, Hawkins, Baggett,
Walker, Hill and Westbrook, Add Brewer, who worked in a nearby
store, and Gibson, a theater patron.

Again, p. 54: "Roy Truly, an executive of the Book
Depository, said in an early television interview that when the
shots were fired he immediately raced inside with a Dallas
police officer; according to him this took only a matter of
seconds... [The Commission] did what they've done so many times
before with other witnesses: They simply ignored Truly's original
statement. Lane says this to discredit the time test establishing
that Oswald could have gotten to the lunchroom in 89 seconds
without running. He omits to tell us that Truly and the police
officer also timed their movements, starting with Baker a block
away on his motorcycle when the first shot was fired. I quote
from his testimony, Vol. III, p. 154. "The first run with not
walking took us a minute and 18 seconds; and the second time

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context statement" (44). I can and do. I have time for only a couple, but anyone who is interested can do it for himself. You have only to take a sentence at random from Mr. Lane, and then read the testimony he cites as his authority.

Let me begin with a personal reference. I wrote a bar journal article the thesis of which was that the evidence before the Warren Commission was like the brief of evidence on the trial of the case, but that, had Oswald been on trial, much of this testimony (for example, that of his wife) could have been excluded by defense counsel, but that nevertheless Oswald could not have been acquitted because his guilt was so overwhelmingly proved by physical, documentary and circumstantial evidence. After stating what defense counsel might delete I wrote -- here is the language -- "This is NOT to say that what would be left would leave room for a reasonable doubt of Oswald's guilt."

Mr. Lane as a lawyer knows that if there is no room for a reasonable doubt, the defendant in a criminal case must be convicted. If the jury believes there is a reasonable doubt he must be acquitted. I emphasized I was NOT saying there was room for a reasonable doubt.

Mr. Lane, on page 59 of the current issue of Playboy, writes about this: "Let me add that there is no doubt in my mind that HAD OSWALD LIVED TO FACE TRIAL HE WOULD HAVE BEEN ACQUITTED." A Commission attorney, Alfreda Scooby, CONCEDED THAT in the January, 1964 issue of the American Bar Association Journal.

said the admissible evidence on a trial would not leave room for a reasonable doubt of guilt. Mr. Lane quotes me as saying I concede his acquittal. Does Mr. Lane find his position so precarious that it's necessary for him to do this to gain the appearance of support in his public interviews?

Here's another. William Brennan, seated on a retaining wall across from the School Book Depository, said he saw Oswald with the gun in a sixth floor window. What made him look up at the crucial moment? Mr. Lane on page 4 of Playboy sneers: "Brennan said he heard a noise he at first thought was a noise"

ticity of the investigation.

Senator Russell remained active throughout. He approached the evidence from the standpoint of the devil's advocate. He sought the omission, the concealment, the self serving remarks, the contradictory circumstance. When not satisfied with the cross examination of Marina Oswald on her second appearance before the Commission, he personally took time off to go to Dallas and re-examine her. It was he who demanded and received the complete re-examination of Tippit (the policeman's) background from the FBI which strenuously refutes Mr. Lane's contention that Tippit and Oswald had connections with each other. His questions probed every angle -- did the Rubenstein family speak Russian, what was the source of our reports in early government radio stations in Europe, was the single bullet theory reliable, what value could be put on our foreign sources of information, and a hundred questions from carnival characters to conspiracy. His independent conclusions changed, like those of other members, developed the areas of stress, and helped mould the final report. He refused to say that the single bullet theory was conclusive but was willing to say that it was credible. He accepted the single assassin conclusion but placed it on the negative ground that no evidence could be found to the contrary, rather than saying no contrary theory was possible, for human knowledge is always fallible. The fact that the intervening years have failed to unearth any further positive evidence strengthens the conclusion.

Any person familiar with the material must read the present space of critical material with a sigh of relief, and the feeling a judge has when after deciding a case, he receives a motion to rehear and is able to say: "The losing party may differ with my conclusions, but he has advanced no new arguments. My quarrel tonight is not with the direction of public attention to the contradictory testimony in the evidence before the Commission, but to the use being made of it. Mr. Lane said in an interview in the current Playboy magazine that no one can charge him with a single inaccuracy, distortion, or cut of

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I'm happy to be here to defend the Report, but not on the basis that it is Holy Writ. I think the public has in the last two years made two understandable emotional errors. When it was first published many, especially those who had not read it, accepted it as a sort of Gospel on the assumption not only that it correctly pictured the events surrounding the President's assassination, which it did, but that there was no conflict in the evidence sustaining its many conclusions. Two years later it is being encouraged to look only at the conflicts and ignore the substantive evidence. Some are inclined to throw the baby out with the dishwasher.

The 15 volumes of evidence and the 11 volumes of exhibits can be likened to the brief of evidence on the appeal of a lawsuit. I have spent most of my own professional life in this sort of work. All the evidence remains subject to examination, but the court in writing the opinion necessarily relies upon and cites with particularity that part of it which it has determined preponderates to a given conclusion.

Insofar as the charge is concerned that Commission members were not personally active, the contrary is true. Senator Richard B. Russell of Georgia, when approached by the President, declined to serve because of the tremendous demands on his time during the summer of 1964 in Senate legislation combined with his duties on the Armed Services and Military Appropriations Committees. He was nevertheless appointed, and spent many nights, after returning from the Senate chambers at 10:00 or 11:00 in the evening reading the day's Commission evidence. When I was employed he asked one thing only of me: "Look for contradictions."

Due to the thoroughness of the investigation the evidence is of course replete with contradictions. Someone has said that after listening to three eyewitness accounts of an automobile collision, a lawyer begins to wonder about history. If there were no contradictions in the evidence before the Commission, then you might wonder about the author

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