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On the Aisle

Preview of Mark Lane's 'Rush to Judgment,' an Inquiry Into the Evidence's Other Side

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[Critic at Large]

ointed to protect Oswald's interests, attended three of 44 sessions and spoke once, "not in behalf of Oswald."

Lane's investigation, once started, continued "for more than two and one-half years." It led him to two flat statements. The first: "The force



Mark Lane

of the evidence is inescapable—the case against Oswald as the one assassin is refuted by the very witnesses upon whom the commission relied." The second: "I have no theories as to who killed the President or why it was done."

Hugh Trevor-Roper, who wrote "The Last Days of Hitler," is Regius professor of history at Oxford university—that is, professor of royal foundation, often appointed by royal mandate. His introduction is as fascinating as a closely reasoned detective story with a sealed solution, as disturbing as any suggestion of the miscarriage of justice in high places.

Mr. Trevor-Roper is a hard man not to quote at length. Perhaps we can boil it down to this. He says of the writers of the report, "The pattern which they have extracted from the evidence is certainly a pattern which can be made to emerge from it; but it does not emerge naturally, or from all the evidence; it has been coaxed and forced by a process which, had there been an advocate on the other side, might well have been totally discredited before judgment could be given. The worst that can be said of Mr. Lane is that he is the necessary advocate; and who can deny that his advocacy might have prevailed?"

Lane wrote an article on the subject and was asked by Marguerite Oswald to be her son's lawyer before the Warren Commission. He accepted, but was denied the post. The brochure states that Walter Craig, ap-

Among the questions asked by

Mark Lane

IN "YEARS OF Lightning, Day of Drums" the fatal attack is a whirling, spiraling descent into chaos, as if cameras recoiled and the world reeled in uncomprehending space. This is perhaps generally accepted as a symbol of horror too lacerating in memory to bear explicit reminder. In a documentary most moving because of its restraint, the blur of imagination reprieves the eye, not the imagination.

Yet do we really know what happened in that exploding blur? Some inquiring minds think that we do not know, because both sides have not been heard. On Sept. 8, Holt, Rinehart & Winston will publish Mark Lane's "Rush to Judgment"—"A Critique of the Warren Commission's Inquiry into the murders of President John F. Kennedy, Officer J. D. Tippit and Lee Harvey Oswald, with an Introduction by Hugh Trevor-Roper."

A 14-page advance brochure sent out by the publishers makes thoughtful reading. It holds a statement by the author, and facts about him, the Trevor-Roper introduction, and a preface by Arthur A. Cohen, the publishing firm's editor in chief, which asks these questions:

1. "Did President Kennedy and Officer Tippit die in the manner assumed by the [Warren Commission] Report or does the evidence point in another direction?"

2. "How was it possible for Jack Ruby to have been able so easily to kill Lee Harvey Oswald?"

3. "Did the Warren Commission fulfill its task with thoroughness and impartiality?"

Mark Lane is a New York lawyer who found "grave and inexplicable contradictions" in the Dallas district attorney's "proof" of Oswald's guilt. He notes that the Warren Report subsequently concluded that the district attorney "lacked a thorough grasp of the evidence and made a number of errors."

these advocates "on the other side" are these: could that "antiquated Italian carbine" have been the murder gun, how many bullets actually were fired, why did early testimony of Parkland doctors and many onlookers say that the firing came from in front, not from behind, why were requests by Jack Ruby to give testimony outside the state of Texas never granted? Trevor-Roper contends that "When both sides have been heard, and not before, posterity may judge."

While we wait for the hook, and I for one am waiting with great interest, remember still another advocate, who gave "Rush to Judgment" its arresting title. He was England's Lord Chancellor Thomas Erskine, described in his formidable career as an advocate without equal in ancient or modern times.

In the late 18th and early 19th century, when charges of libel and treason were even more dangerous because of the French revolution, Erskine was a great jury lawyer renowned in defense of personal liberties. He usually won. But he lost when Pitt charged Tom Paine with treason for "The Rights of Man," even lost his job as attorney general to the prince of Wales. He won, tho, when the house of lords tried to deny Caroline her rights as George IV's queen. Anyway, their lordships paid her an annuity, tho they kept her away from the coronation.

Perhaps the most extraordinary victory of all had to do with George III. Insanity must have been a delicate topic at any trial concerning that monarch, but Erskine successfully established the insanity of James Hadfield, charged with his attempted assassination. Erskine's speech at the trial, long considered an important contribution to the law of criminal responsibility, gives Mark Lane his title, thus:

"An assassination is an act of patricide in which the witness, jury, and even the judges are the children. It is fit on that account that there be solemn pause before we rush to judgment."

Or, having rushed, that we hear the other side.
