

October 17, 1964

LANE, JOESTEN AND BUCHANAN ASSAIL COMMISSION'S FINDINGS ON ASSASSINATION

3 critics of the Warren Report

By Jack A. Smith

THE THREE most outspoken critics of the premise that Lee Oswald "alone and unaided" assassinated President John Kennedy—attorney Mark Lane, author Joachim Joesten and mathematician Thomas Buchanan—are more convinced than ever, following publication of the Warren Commission Report, that the complete truth about America's crime of the century has yet to be told. They are agreed, in fact, that far from demolishing all doubt, the Report raises more questions than it answers; that it is a substantiation of their skepticism. They believe that the Report, paradoxically, has simplified the task of disproving Oswald's guilt as charged because the evidence used posthumously to convict the 24-year-old former Marine can no longer be changed as, they maintain,

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present views

EACH CRITIC was emphatic in declaring that the Report appeared to confirm the existence of a fourth bullet—which would have made it virtually impossible for Oswald alone, or anyone else alone for that matter, to have accomplished the deed in the brief seconds in which the shooting took place. This conclusion was based on disbelief that Gov. John Connally of Texas, who was sitting in front of Kennedy, was struck by the same bullet that penetrated the President. Connally himself has stated that he was wounded by a third, separate bullet. Thus, if Kennedy were struck by two bullets, and Connally a third, what of the bullet which the Commission now implies (after having denied it for almost six months) was discovered along a curb near the motorcade? "A cross-fire, most certainly," says Joesten, "with at least one bullet issuing from or near the railroad overpass in front of the Presidential motorcade."

Lane, who is chairman of the Citizens Committee of Inquiry and whose "Brief for Lee Harvey Oswald" (GUARDIAN, Dec. 19, 1963) was almost totally vindicated by the Report, says that President Johnson "made what is perhaps the most intelligent description of the Report when, as Chief Justice Earl Warren handed him a copy, the President declared: 'It's heavy.'"

LANE CHARGES that the Report's "most glaring fault is its tone. It is the prosecutor's case against Oswald and, as such, is not measured, scrupulous or fair." He continued:

"The Commission has selected witnesses whose testimony would tend to prove its case against Oswald, while leaving out those who would tend to prove otherwise. For example, even though the FBI is said to have 'conducted approximately 25,000 interviews and re-interviews,' four persons extremely pertinent to the defense of Oswald have been omitted entirely from the Commission findings and apparently have never been questioned. These four were

Belli-Lane debate Oct. 19

MARK LANE will debate Melvin Belli, Jack Ruby's trial lawyer, on the question of whether Oswald was the lone assassin. The contest will take place at 8 p.m. Monday, Oct. 19, at Manhattan Center, 8th Ave. and 34th St., New York. Tickets (at \$5, \$2.50 and \$1.50) are available from the Citizens Committee of Inquiry, 156 5th Ave. (YU 9-6850) or, if any remain, at the box office.

it has been in the past whenever irreconcilables become embarrassing.

Lane, Joesten and Buchanan gave their views to the GUARDIAN in separate interviews two weeks after the Report was published.

There is a disagreement among the three as to Oswald's exact role.

- Lane holds that he has "never seen any evidence that Oswald was involved in the assassination" and that, regarding the conspiracy theory widely held in Europe, "the evidence tends to show that more than one person was involved, though I cannot with certitude go beyond that."

- Joesten, whose 26th book, *Oswald: Assassin or Fall Guy?* was published last June, is of the opinion that "Oswald, who killed nobody, was the preordained scapegoat of a tremendous conspiracy of which it is absolutely impossible to exempt the Dallas police."

- Buchanan, author of *Who Killed Kennedy?* which is scheduled for publication on the anniversary of the assassination, believes that Oswald "was implicated in a conspiracy to kill Kennedy, though not as the assassin."

employees of the Dallas Morning News who were standing before and to the side of the Kennedy motorcade at the moment the shots were fired. According to an article they wrote in the Morning News the following day [Nov. 23], all four agreed at least one shot came from behind them—that is, from a grassy knoll near the railroad overpass.

“Neither was O. V. Campbell, vice president of the Texas School Book Depository, called to testify. Campbell said soon after the assassination that he, too, had been under the impression that the shots issued from near the knoll and in fact [he] ran in that direction. These are just a few of the witnesses a defense lawyer would have called had the Warren Commission been interested in exploring the other side of the Oswald case. Some others, of many, might have included Mary Morman, the bystander closest to Kennedy when he was shot—a woman who insists she heard more than three shots. Or the ambulance driver who was called to transport policeman Tippit [allegedly shot by Oswald during his escape] to the hospital. Or the woman witness to the shooting of Tippit who the Commission says doesn't exist—though I have a statement from her to the contrary—that incidentally describes the killer of Tippit as a man different in appearance from Oswald.

LANE, WHOSE own book on the assassination will be published next spring, contends that the reason there was no direct record of the remarks made by Oswald during his two days in police captivity was that the accused assassin probably “said something that would have imperiled the case against him.” It is known that Oswald strongly denied any participation in the assassination, but this is about all that is certain.

In his preface to the Bantam edition of the Report, Harrison Salisbury, assistant managing editor of the New York Times, declares that Lane “has made a career of insinuating that Mr. Kennedy was the victim of a right-wing plot.” To correct any confusion of his thesis with that of Buchanan, the former New York State Assemblyman made this statement to the **GUARDIAN**:

“Most of Buchanan's evidence was collected in Paris, where—far removed from the scene and unable to secure original material—he indulged in fantasies, which unfortunately still persist.

With less evidence than the Dallas authorities secured against Oswald, Wade-like [in reference to Dallas District Attorney Henry Wade] in manner, he has established an elaborate theory totally devoid of evidence. Those of us who have sought to secure the facts and present them accurately are continually lumped with Buchanan's fairy tales in order to discredit the factual observations that the Warren Commission cannot answer.”

At the conclusion of the interview, Lane said he had “no theories about what took place in Dallas on Nov. 22, but a review of the prosecution docu-

ment [the Warren Report] must lead any knowledgeable and reasonable person to the conclusion that there is no case against Oswald and that in all likelihood the shots were fired within a period of time which seems to preclude there being a lone assassin. Our investigation [the Committee of Inquiry's] is continuing and hopefully there may come a time when the evidence will permit a more definite conclusion as to who may be responsible for the assassination.”

BUCHANAN, for his part, appears to believe that Lane's seeming insistence that Oswald was not implicated in the assassination was disproved by the Commission Report. He is equally desirous of disassociating his theories from those of the New York lawyer.

According to Buchanan, “the Warren Report itself is no more than a series of speculations. The words ‘probably’ and ‘conceivably’ reoccur throughout the document. The Report seems even less plausible than the theories about Oswald's role last December. The adjustments in the evidence used to convict Oswald as the sole assassin are not based on new material but on a re-evaluation of information that was in their hands from the beginning. The Commission has disregarded the former reasons for Oswald's guilt, when they were proved inconclusive, and has developed new ones. The culprit has always remained the same, of course.”

In explaining his theory of conspiracy, Buchanan said he reconstructed the crime on the basis of logic.

“We know that there were two people,” he said, “because of the timing of the shots, the nature of the wounds and witnesses who say that the bullet reports came from two directions. Oswald, though, seems to have had an alibi, at least for the assassination of Kennedy. The paraffin test, despite the Commission's decision that it was not valid proof, indicates that while Oswald did not fire a rifle, he did fire a pistol at Tippit.”

Buchanan noted among various discrepancies, that the Warren Commission “originally denied that there were any people on the railroad overpass, but now says there were so many that an assassin could not have operated there,” and that “though the Warren Commission maintains that Oswald attempted to

murder former Maj. Gen. Edwin Walker several months before Kennedy was killed, Walker himself does not believe it [on the basis of a report from two private detectives hired by Walker].”

JOESTEN, who is assembling material for an entire book devoted to the Warren Report, said that “thanks to the Report I now have no doubts at all that Oswald was a scapegoat.” It was his opinion that the Report “could be condensed into a children's story of about 50 lines.”

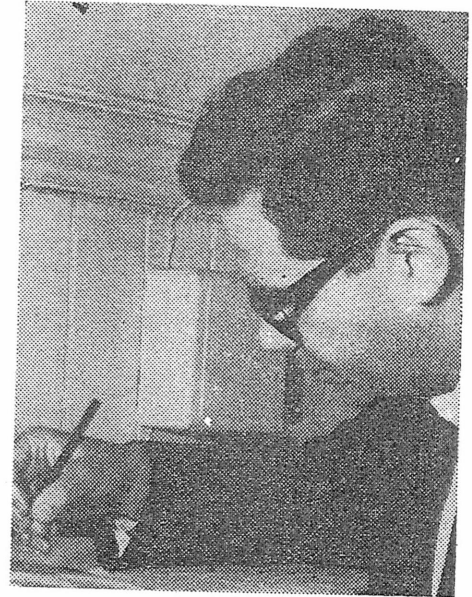
The German-born writer, who fled

his native land when Hitler came to power, believes that there were two "Oswalds"—Lee Harvey, who was a scapegoat for the assassination, and another "Oswald," a man who masqueraded as Lee Oswald before the Kennedy murder in order to give the later impression that the original Oswald practiced rifle shooting, knew how to drive a car and had a sight fitted on a rifle.

(The Commission has testimony from several persons who said that Oswald, or a man resembling Oswald, was drawing attention to himself at a rifle range not too long before the assassination, though it is known that this could not have been Oswald. Also, the Report contains the testimony of an auto dealer who said that a man who gave his name as "Lee Oswald" inquired about purchasing a car a few weeks before the assassination. Again, this "Lee Oswald" made himself conspicuous by saying, after being told that he could not purchase the car without a credit rating: "Maybe I'm going to have to go back to Russia to buy a car." Oswald, it is said, could not drive. There also is the "Lee Oswald" who had a gunsight mounted on a rifle by an Irving, Texas, gunsmith. The rifle Oswald is alleged to have used on Nov. 22 had already been supplied with a sight when it was sent out by a Chicago mail order house.)

JOESTEN charges that the rifle originally found by Dallas police at the Book Depository building actually was a German Mauser (as a policeman originally swore), not the Italian Mannlicher-Carcano said to have been found. "Why did deputy constable Seymour Weitzman swear in an affidavit that the rifle he found in the building was a German Mauser when the Carcano said to have been the murder weapon has the phrase 'Made in Italy' as well as the true name plainly written on it? To this the Warren Report blandly notes that Weitzman 'did not handle the rifle and did not examine it at close range,'" he said.

Joesten now goes a great deal beyond the position he took in his book several months ago. Where before he assumed the Tippit killing had nothing to do with the assassination, he is now convinced that the slain officer was not only implicated but, he says: "Tippit was the man in the window . . . Another was firing from the overpass."



Guardian photo by Robert Joyce
MARK LANE
He's pressing the inquiry

A skeptical comment on assassination shots

ROBERT C. RUARK, is perhaps not the most enlightened of the nation's syndicated writers, but he presumably does know guns. Writing from London for Scripps-Howard after his 20th safari in 14 years, the columnist said: "It is a rule of shooting thumb that a hard-nosed bullet goes all the way through. A soft-nosed bullet goes in little and comes out big. A dum-dum, or doctored bullet, might conceivably break up on entry, but on anything as soft as a human skull its chances of breaking upon entry are very small indeed. What . . . I cannot understand, among other findings of the Warren Report, is how a bullet fired from behind could tear the back of President Kennedy's head off . . . Somebody in the Warren Report mentioned that 'the scope made fast shooting possible.' This is utter nonsense. Every time you fire a scoped rifle,

the blast knocks your eye out of the scope and you have to rediscover the target . . .

"According to reports, Mr. Kennedy was hit in the back, a heart shot, as well as being hit in the neck, the bullet passing through and coming out of the throat. Another bullet blew off the back of his head. As a rifleman I do not understand the combination of angles. A shot fired on high goes down. A shot fired on the level goes straight in. A shot fired from below travels up. Oswald, shooting from his lofty vantage, would have had to hit Kennedy high in the head to shove the bullet through his throat. To hit him in the back, at that range and elevation, is impossible. A bullet going in the back of the neck and coming out of the throat would almost have to be fired on dead level, or from a very slight slant."