

San Francisco, Calif.  
Examiner-Chronicle  
(Circ. S. 750,000)

AUG 14 1966



OFFICIAL LINE ON KENNEDY ASSASSINATION  
Another book questions Warren Commission Report

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## *New Look at Dallas Shots*

Louis Nizer, in his preface to "The Warren Report," said that thanks to the Report the issues surrounding President Kennedy's assassination had been closed and that only "neurotics" would henceforth refuse to accept this last word on the national tragedy.

Well, the "neurotics" are harder at it than ever before, thanks not only to the Report but also to the 26 volumes of testimony and evidence from which the Report was drawn and which is now available to the public.

There have been Thomas Buchanan's "Who Killed Kennedy?" (often discredited even by anti-Report critics), Harold Weisberg's privately printed "Whitewash" and Edward Jay Epstein's "Inquest" (the subject of Fletcher Knebel's flimsy "rebuttal" in Look).

Now comes Mark Lane's "Rush to Judgment" (Holt, Rinehart; \$5.95), the work of a lawyer who gained considerable notoriety — and the snuffy antipathy of the Warren

Commission — by asking to serve as Lee Oswald's "defense attorney" during the Commission hearings.

All these writers — plus numerous others such as Sylvan Fox, Leon Sauvage, Richard Popkin and the English historian Hugh Trevor-Roper — are having some effect. If they have not made a case absolving Oswald and substituting another villain or villains, they have at least shown the ineptitude of the Commission's handling of its investigation.

Few hanging juries, one is forced to conclude, ever went about the task so single-mindedly of discovering how a suspect could have committed his crime while denying and disparaging at the same time the evidence that pointed in other directions.

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THE CONTROVERSY surrounding the Commission's findings has bred some extremism. Weisberg, as the title of his book suggests, represents one such posture; Nizer, with his consignment of dissension to the mentally disturbed, represents another.

"Between complete acceptance of a questionable argument and the assumption that such an argument is deliberately fraudulent there are many gradations," says Trevor-Roper in his introduction to Lane's contentious book "Miscarriages of justice, or misinterpretations of history, when they arise, generally arise not from corrupt purpose but from human error."

Lane says the Commission took the judgment of investigating agencies — FBI, Secret Service and the Dallas Police — that Oswald killed Kennedy and Officer J. D. Tippit, that he did it alone, and that Jack Ruby's role was that of a completely detached *deus ex machina*, and made it their assumption in evaluating the evidence.

For example, says Lane, the Commission's conclusion that only three shots were fired was based on the presence of three expended cartridge casings on the sixth floor of the Book Depository building. "If any shots had been fired from anywhere else, the three shells on the sixth floor could hardly be said to provide 'the most convincing evidence' establishing the total number of shots. The Commission worked from the prior assumption that Oswald was on the sixth floor, was the assassin and acted alone."

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CONTRADICTING TESTIMONY was left unresolved or never investigated further, Lane shows. Examples:

- Early in the case police said the remains of a chicken lunch proved Oswald's presence at the sixth floor window. The Commission's Report cited this as a "mistaken notion" (the lunch belonged to another worker in the building), but not before the Dallas FBI boss had told the New York Times that the lunch bag bore Oswald's fingerprint and palmprint.

- A Dallas officer identified the rifle found near the window as "a 7.65 Mauser bolt action equipped with a 4/18 scope, a thick leather brownish-black sling on it." Later, this "murder weapon" became a Mannlicher-Carcano 6.5 Italian carbine. The Report's explanation is rather unconvincing.

- Oswald's landlady said that when Oswald returned briefly to his room after the shooting of Kennedy a police car stopped in front of the house and honked twice. This was never cleared up. Nor was the question of how Tippit got a description of the suspect firm enough to be able to pick Oswald out of all the people on Dallas streets a long way from Dealey Plaza and just a little more than half an hour after the crime. Or for that matter how Oswald got from his rooming house to the spot a mile away where Tippit was slain in something like eight minutes.

- Honking police cars are a continuing theme of mys-

tery. In the Dallas jail when Oswald was being transferred a car horn sounded once when the suspect emerged under guard from the elevator. Then moments later the horn sounded again -- and Jack Ruby fired. The only vehicles in the jail area were police cars. Was this significant?

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LANE, AN ATTORNEY, is clearly presenting here the case for the defense. He believes in his brief and, says Trevor-Roper, "Thanks to that belief, he too may err in detail."

The questions he raises should have been raised at the time of the hearings. Lane should have been granted what he asked for: the right, as in adversary proceedings, to cross-examine witnesses and submit evidence and testimony to those tests of credibility and sequential logic demanded by a court dedicated to the assumption that a man is innocent until proven guilty.

"If the Warren Commission had allowed Mr. Lane to contest their evidence before judgment," says Trevor-Roper, "there would have been no need of his book."