

"A RE-EXAMINATION OF THE WARREN COMMISSION FINDINGS:
A MAJORITY REBUTTAL"

VERBATIM TRANSCRIPT

Telecast Sunday, February 12, 1967, 8:00-10:00 P.M.

WNEW-TV, Channel 5, New York

with

LOUIS NIZER, attorney, author of "The Jury Returns"
and the Analysis and Commentary to the Official
Warren Commission Report

ALBERT E. JENNER, Jr., assistant counsel, the
Warren Commission

ALFREDDA SCOBAY, staff member, the Warren Commission

and

MARK LANE, author of "Rush to Judgment"

Moderator

DAVID SCHOENBRUN

A Production of Metropolitan Broadcasting Television, a
division of Metromedia, Inc. Copyright, 1967, Metromedia, Inc.

Executive Producer, Mel Baily.
Produced by Paul Noble.
Directed by Arthur Forrest.

A RE-EXAMINATION OF THE WARREN COMMISSION FINDINGS:

A MAJORITY REBUTTAL

SCHOENBRUN: Late in 1966, Metromedia presented a public service, a re-examination of the Warren Commission Findings by its critics. At that time, we promised that a full opportunity would be given for a reply by the Warren Commission. Accepting our invitations, and here in the studio with us are Mr. Albert Jenner, an assistant counsel to the Commission, and Miss Alfreda Scobey, a Commission staff member; one of America's most eminent attorneys, Mr. Louis Nizer, author of "The Jury Returns", has agreed to present the major brief for the Warren Commission. Mr. Nizer wrote the analysis and the commentary of the official Warren Commission Report. This presentation is essentially a defense of the Warren Commission, and a rebuttal to our earlier program which was a criticism. In order to make it complete, therefore, we've also invited back one of the principal critics of the report, attorney Mark Lane, author of "Rush to Judgment". We'll begin in just a moment.

- BREAK -

SCHOENBRUN: The rebuttal to the critics of the Warren Commission Report will now be made by attorney Louis Nizer, and then an open examination of the issues will follow his statement. We've agreed to give Mr. Nizer ample time to present his brief. Mr. Nizer.

NIZER: Thank you, sir. Ladies and gentlemen: The murder of our beloved President caused indescribable anguish throughout the United States and throughout the world. There was much anxiety, not only because of the loss of the President, but because everyone hungered to find out what the truth and facts were about that disaster. The President, therefore, appointed a commission composed of distinguished commissioners from both sides of the political lines, permitted the designation by the commission of outstanding counsel of high repute, selected from all over the nation professors of law, formerly U.S. attorneys so passed upon by the Attorney General, the brother of the President himself, and endorsed the Chief Justice of the United States, Justice - Chief Justice Warren to preside and head that commission in order to give it a distinction for integrity, thoroughness and impartiality which would be accepted throughout the world whatever their findings were. That commission labored zealously, and finally issued a report of some eight hundred odd pages, endorsed and supported by 26 volumes of testimony which are filed and available to everyone. To say, as Mr. Lane, for example, who is here today, says throughout his entire attack upon the commission that the commission deliberately hid information, rejected the truth, tortured evidence out of context is to make an accusation, which, on its face, seems to some of us, so bizaare as to bring about an immediate rejection of so far fetched a theory. However, the American people, and indeed, the populations of the world, cannot be expected to examine into eight hundred pages, and far more, the 26 volumes of exhibits and testimony in order to check some of these critics' statement, and therefore,

many well-intentioned people, many discriminating people, being faced with a barage of books, of which Mr. Lane's is one, making all sorts of charges of hidden testimony, of distortions of truth by the commission, of Chief Justice Warren deliberately rejecting testimony that would lead many to the truthful conclusion and so on. These outrageous and slanderous accusations, when not checked against the record, caused new suspicions, sowed seeds of new anxiety throughout the world. Many of us who had studied this report, and I, for one, studied it and approached it very objectively, I didn't know whether I was going to criticize certain sections or accept, and thorough it was, and I was overwhelmed by the mountain of evidence, objective, scientific evidence that indicated the complete impartiality and the truthful conclusions of the report. And many of us, therefore, suffered special anxiety, and I may say, an indignity from the attacks made by what we think are irresponsible critics. But we decided to keep our silence because we thought that these irresponsible books would fall of their own weight. Unfortunately this has not been the case. Unfortunately many people understandably have been confused, and some even persuaded by the kind of book that Mr. Lane has written. Therefore, when we finally resolved to meet this challenge to speak up, not to hold our peace, as I did and refused, and others -- my conferees refused for a year and a half or more, we asked for permission to present to you, first, the affirmative findings of the Warren Commission Report, at least an indication of its scientific and objective evidence, so that against that generally unstated affirmative evidence these criticisms can be evaluated; because up to now, when I have heard these debates with Mr. Lane and others, all I heard was a debate with respect to some contention made by the critic, whereas the audience didn't know what I called the marble structure of affirmative, objective, scientific evidence against which these criticisms turn out to be puny knit-picking and incorrect at that. So, I am grateful for the opportunity to present to you, as briefly as one can in such a progra; and before the debate begins, some of the objective, scienfific proof that the Warren Commission found, so that you could evaluate the kind of criticisms which are made against it and judge it in perspective.

Immediately after the murder, the murder weapon, a gun with a telescopic sight, was found on the sixth floor of the Book Depository Building. No other weapon has ever been found any place near the murder. Mr. Lane doesn't claim it. No one claims it. There has never been a cartridge shell, a bullet, or a gun or a rifle of any kind, that is claimed by any critic, to exist, except this rifle that was found on the sixth floor.

The gun was an Italian make called a Mannlicher-Carcano. It has a serial number C2766. There's an Exhibit 78 which shows it, but we can save time. It was immediately traced to the Crescent Fire Arms which distributes Italian military rifles, and whose records showed it had been shipped to Klein's Sporting Goods Company in Chicago, and in Klein's Sporting Goods Company, a written record was found of a -- an order signed for this gun, and that order was signed by one called A. Hidell, H-I-D-E-L-L, and it was to be shipped to Mr. Hidell at Post Office Box 2915 in Dallas.

Now, who was A. Hidell, and who owned Box 2915. Box 2915 was owned by Lee H. Oswald. The application for this box was in the name of Lee H. Oswald. Exhibit 67, if you please, will show it, and all these exhibits, and many more are set forth in the 26 volumes. Oswald owned that box in March '63, when the rifle was whipped there. Oswald's order for the gun, though signed A. Hidell, was

identified as his handwriting by experts -- outstanding experts as well as his handwriting on the envelope; and incidentally, in the appendix of the report at 556 to 580, these specimens of comparison of handwriting are set forth, so that any handwriting expert in the world, if this is incorrect, could really give some scientific objection to it. No one can come forward and say it isn't his.

In Oswald's home, two pictures were found. Exhibit 6, if you have them of Oswald holding this same Mannlicher-Carcano gun, and it was a picture taken by his wife, who testified she took it with her camera, and one of the experts, incidentally, compared one of these pictures which was blown up with the blown up picture of the gun found on the sixth floor, and testified they were the same in all probability. Some of this testimony -- may I say all of the testimony as found is conservatively stated. Where it is certain, they say certain. If they say it is a high probability because this scientific evidence doesn't permit more, they say so.

Oswald's palm-print was definitely found on the underside of the barrel. This was testified to by Arthur Mandella, a fingerprint expert of the New York City Police Department, as well as F.B.I. expert Lantona.

Now, on the day of the murder Oswald wore a very distinctively colored shirt. Blue, gray, black, orange, and yellow cotton fibers experts found in the butt plate of the gun, which is placed against the shoulder -- tufts of fiber that matched his shirt. They were not greasy. They were not old. The scientific tests, objective evidence, showed that they were rather new, and also, incidentally, the gun had fibers from a blanket under which it was kept in the garage where his wife was living, and that is set forth by the scientific, objective evidence, and mind you, against all this, Mr. Lane says there is no real proof that Oswald was the killer. Indeed, he thinks he was framed, and other critics have said so directly. So, there is no doubt that the murder gun was ordered by Oswald under an assumed name, and was found in the Book Depository Building.

Now let's go to a few sight witnesses, although I will rely exclusively upon the scientific and objective evidence. Two witnesses testified that as they were facing the Book Depository -- that's Exhibit 10, if you have it, please, to show it. Your exhibit 10. They actually saw shots being fired from the sixth floor. Indeed, one witness, Amos Lee Euins, a 15 year old boy, saw this, quote, "This pipe sticking out of the window and he shot again", and the little boy was so frightened that he said he hid behind a fountain and he saw the man shoot again, and there is testimony in the record after some shots were fired -- the shots were fired. Two additional witnesses saw a rifle in the sixth floor window, and Robert H. Jackson, the staff photographer of the Dallas Times Herald, the reputable witness yelled and three people heard him. Important people. A TV newsreel cameraman in a car, and he yelled, "Look up in the window. There's the rifle." It's on page 65. Mrs. Earle Cabell, the wife of the mayor of Dallas riding in the car behind the then Vice-President Johnson, saw, quote, "A projection from the sixth floor," and underneath the sixth floor, on the fifth floor, two employees of the Book Depository were watching the presidential motorcade, and they heard the shells fall on the floor above because they are sent out with considerable force, and even some plaster fell on their heads. To show you the thoroughness with which this report was made, the seven commissioners, all seven, including the Chief Justice Warren went there, stood on the fifth floor, had firings made, and they too heard the shells drop, all of them, and also some

gravel and dust fell. Later tests of the cartridge ejection -- I quote those words, "Showed that the location of the shells is consistent with the rifle being fired from the window," and those three shells were found on the sixth floor and are an exhibit, and a picture of them appears in the report.

Immediately after the shots a photographer, Thomas Ballard, of the Dallas Morning News, who had heard Jackson yell, "There is the gun. Look up, there's the rifle," took a photograph of the Depository Building, and they showed the employees of the fifth floor who testified they heard the shells fall above.

Now, there is positive proof -- again I turn, now, to objective scientific proof, that the bullets from Oswald's gun killed the President. So we needn't conjecture about a mauser. There is a great deal of stuff about one of the policeman who said this is a mauser, and indeed it was a Mannlicher-Carcano Italian gun. But incidentally, as one of the experts testified, Frazier testified is a mauser, because a mauser means the bolt action of a gun, and this was an Italian mauser. But, in any event, why argue about whether it was a mauser of a Carcano. If someone did make a mistake in the excitement, the hysterics that surrounded that incident when the bullets from Oswald's gun were traced directly to that gun by experts. What difference does it make what other gun somebody called it if it's his gun that fired the shots?

Four outstanding ballistic experts testified that one bullet came directly from that gun. That's Exhibit 399 of which we'll talk later, because Mr. Lane makes that one of his main points, and that the parts of the bullets recovered in the car were also fired by Oswald's gun. This expert, Mr. Frazier, for 23 years an expert in this field. He made fifty to sixty thousand tests. He appeared in four hundred cases as an expert, testified definitely that each of the two fragments were fired from the assassination rifle, and Exhibit 139 appears. He was asked, "You examined this bullet, the fragment, to determine whether it had been fired from Exhibit 139, the assassination rifle of Oswald to the exclusion of all other weapons?" "This bullet fragment was fired in this rifle," Exhibit 139. There is also a bolt-face picture, which is like a fingerprint of the gun, and that appears as Exhibit 558 of the commission, and all physical evidence showed that that was his rifle, Oswald's rifle, which did the firing, and all the evidence of these ballistic tests are retained in these 26 volumes. All the exhibits are set forth for everyone to read.

- BREAK -

NIZER: Now, in addition to this objective, scientific evidence against which you will no measure the trivia, the distorted arguments that are going to be made in which we'll meet separately ---

LANE: I wonder if I can make them now?

SCHOENBRUN: No. We have agreed to let Mr. Nizer present his case. I'm sorry, Mr. Lane, You will have ample time too.

NIZER: In the southeast corner of the sixth floor Depository Building, there were book cartons and they were right near the paper bag. Some of the cartons contained palmprints and fingerprints of Oswald, according to tests made by experts,

and those tests are set forth in Appendix X, page 566. The F.B.I. concluded that the prints were, quote, "Fresh and less than three days old as of November 22." Mandella of the New York City Police concluded the carton finger and palm-prints were Oswald's, and that as of November 22, were made within one day or one and a half days.

I skip, for a moment, Oswald's conduct before arrest. It is that of a guilty man, and a murderer. He runs to his rooming house, gets there through various channels which we'll discuss later, because that is one of the points, whether he had time to do it, and it was timed, and he could, and his landlady is surprised to see him at the noon hour, and says, "You're in a hurry," he doesn't answer. He had taken off his jacket at the Depository on the sixth floor. When he ran home he put on another jacket, a gray jacket, and then dashed out of the house not replying to the landlady. Subsequently, approximately eight blocks, there is the Tippett shooting, and six blocks from where several witnesses last saw Oswald.

NIZER: Let me be brief. I'll cover the subject of no conspiracy very briefly, because I think the distinguished attorney, Mr. Jenner, who is here, will deal with that in more length. Not one bit of direct or indirect evidence in all these years has come up of a conspiracy. Not one of these authors has said Mr. So and So may have been involved, a bullet, a gun, a piece of paper. Nothing. The Commission, which is accused of having whitewashed this matter, if you read it carefully, criticized the FBI and the Secret Service bitterly for not guarding the President adequately, and made recommendations for the future safety of our Presidents. If the Commission were biased and prejudiced, as Mr. Lane claims audiciously, that they were hiding truthful evidence, would they have criticized the very people they were supposed to have been whitewashing.

I have here, since my time is almost up, let me read to you an authorized statement I have for Senator Kennedy, and his brother, Senator Theodore, Ted Kennedy. I quote: "The Warren report was prepared by highly competent and respected people, after intensive study, and there is every reason to have confidence in their findings." Would the Attorney General, who is now a senator, who had access to all of the reports, and the work, and the very brother of the President, participate in the Commission hiding evidence? Would he have issued this statement which I read to you, admit that he and Senator Kennedy endorsed the Warren Commission findings? I wish I had some time left, but let me tell you first, on conspiracy, that those who had testified and examined the evidence as they said, and who found no conspiracy clues, Dean Rusk, the Secretary of State, Robert S. McNamara, the Secretary of Defense, C. Douglas Dillon, the Secretary of the Treasury, J. Edgar Hoover, the Director of the FBI, John A. McCone, the Director of the CIA, James E. Rowley, Chief of the Secret Service, and Robert Kennedy, the Attorney General, on the basis of all of the information available to him. Now, a few words by way of introduction on our part to Mr. Lane. We charge that Mr. Lane has distorted, quoted out of context, skillfully misstated various statement in his book, and some of the other critics recently, Professor Liebler, of California, said, and I quote him, "I've got three seniors at the UCLA Law School who have gone through Mr. Lane's book and prepared a series of memoranda describing the discrepancies they found close to 90 per cent of Lane's footnotes don't check out. There is either a distortion involved or a flat

misrepresentation. He twists evidence out of context and often uses himself as his own expert witness." Now, I haven't had the opportunity to go through 90 per cent of Mr. Lane's footnotes, but we have made a number of checks of his footnotes, and I want to endorse Professor Liebeler's general conclusion, at least to the extent that I've checked it. Let me give you, if I have a few more minutes, Mr. Schoenbrun -----

SCHOENBRUN: Could you make it in one?

NIZER: All right. I'll give you just one, and I have as many as Mr. Lane will permit, and time permits, a couple of dozen here. Here is Mr. Lane at page 123 quoting Mr. Hoover, the FBI Director as saying, "The telescopic site was not properly aligned," in order, as Mr. Lane argues, how could he have hit the president. Well, he did anyhow, so it doesn't matter, but, nevertheless, he examined it. The very next sentence is omitted by Mr. Lane. Mr. Hoover goes on to say, "The present error in the alignment, if it did exist at the time of the assassination, would be in favor of the shooter since the weapon is presently grouping high and the right -- and the site with respect to the -- oh, to the right -- I beg your pardon. Let me reread that. The shooter, since the weapon is presently grouping high and to the right with respect to the point of aim, and would have tended to reduce the need for leading a moving target in aiming the rifle," and this of course is the result of expert testimony. May I give you just one more, and I'll conclude, Mr. Schoenbrun?

SCHOENBRUN: Would you really make it very brief. I don't want to have to ask you to conclude. It's been most interesting, and we don't want to cut you off, but please make it brief, Mr. Nizer.

NIZER: I'll save this for later.

LANE: I would be very happy to hear it now. I would yield a little bit of my time to hear another one of my distortions.

NIZER: All right. Then let's have it. If you give me a few more minutes, I'll give you six.

SCHOENBRUN: You're very generous with one another, but we may run out of time.

LANE: I'll be here all night listening to my distortions. As long as I have a moment to reply.

SCHOENBRUN: You will have more than a moment now, gentlemen.

NIZER: At Page 44 of his book, Mr. Lane says, after arguing that the gunpowder smell came from behind a wooden fence, and therefore came from the knoll is a favorite theory, although no bullet was found there, no witness saw anybody shoot. After saying that he says no shell case was found, Mr. Jenner, right ---- Mr. Ralph Yarborough also smelled gun powder. "Senator Yarborough, Ralph Yarborough, also smelled gunpowder." The implication is that he also says the shot came from the knoll, from the depository behind him, but when you look at Yarborough's affidavit, Senator Yarborough's affidavit, he says the shot came from behind and the rear, and I want to quote him, and Mr. Lane omits this. Is this fair quotation?

"I heard three shots and no more." Incidentally, Mr. Lane claims there are five." "All seem to come from my right rear." Skipping a little. "Some of the secret servicemen looked backward and to the right, in the general direction from which the rifle explosion seemed to come." Skipping a little more. "On arrival at the hospital, I told newsmen that three rifle shots had been fired. There was then no doubt in my mind that the shots were rifle shots; in my opinion only three shots were fired." So Senator Yarborough, when you examined the affidavit he really made, says it came from the rear, while he is quoted by the suggestion of gunpowder smell of saying that it came from the front, in the knoll. I--I thank you very much for your generosity and time.

SCHOENBRUN: We thank you. It's a most lucid exposition, Mr. Lane, for his patience in listening and not interrupting, Miss Scobey, Mr. Jenner, and we will come back for Mr. Lane's counter rebuttal in just a moment.

- BREAK -

SCHOENBRUN: We are back in the studio now to hear Mr. Mark Lane, after a brief recess. In all fairness to Mr. Lane, we thought he should have time to consider his reply, and the question of fairness also occurs to us, and perhaps to the audience too, in the sense that equal time will not be given to Mr. Lane on this program for we are balancing time between the two programs. As we said earlier, this is a rebuttal to the critics show, and so Mr. Lane now it's your turn to reply, and also Miss Scobey and Mr. Jenner we're expecting you to enter a debate and we're having now an open examination of the issues. First, Mark Lane.

LANE: Thank you. During the time of the assassination, for a period of some years, thereafter, at least two years, the media of this country did not permit a genuine discussion about the offense of that day, and there is really one honorable exception above all others, and that's Metromedia, and I'm grateful to Metromedia for again permitting this discussion. I'm sorry that not a single member of the Warren Commission was willing to accept your invitation to come here and defend too the Warren Commission Report. I think I understand that. The report is indefensible, and perhaps those who are best acquainted with it are aware of that. Nevertheless, I think it is regrettable that they have refused to come here. The program is called the Majority Rebuttal, was originally named this I think some time ago, but I think times have changed and it should not really be called that any more. Recent Gallop polls show that 64 percent of the American people take the position that I do at this time. I am not alone, although I am alone at this table. I am not alone on this question any longer. The vast majority of the American people have said they cannot accept the central conclusion of the Warren Commission report, that Oswald was the lone assassin, and Mr. Nizer has challenged me and others with being irresponsible. I will not use that word in return, but I think those who are watching can watch the program develop and see who best that word should be applied to.

This is the Warren Commission report, the Doubleday Edition, which carries what more internationally is referred to as an analysis by Mr. Nizer. The Warren report was published on September 27, 1964. This book, with Mr. Nizer's analysis, was published on October 8, 1964, when none of the evidence was available to

Mr. Nizer or to anyone else in the United States. It was not available. The 26 volumes of evidence, which Mr. Nizer now makes reference to recently on the Barry Gray program, twice he referred to the 20 volumes of evidence, that's all he received from the Government printing office. I think he should retain the services of a competent attorney and get the other six because there are 26 volumes. In the introduction of the report, there is no evidence of any volumes, and there could not be because they were not then available. In the absence of any evidence, the absence of anything other than the Commission summation, what did Mr. Nizer state at that time? No one as blind as he who will not see and sit to be blocked by neurotic adherence to a conviction in which one has investment of pride or more sorted interest. Those are the ones who adapt the Warren Commission report. Mr. Nizer, before he looked at one bit of evidence, the only ones were the neurotics or scavengers, if you will, and then he continues -- I skip two sentences of which he can fill in later if he likes. I think they're not relevant to this point. They will not joust fairly by offering facts to be tested against facts, but will utilize the question or a doubt as if they would give length to proof. I've been trying to get Mr. Nizer to joust fairly with me fact against fact, if you will, debate after debate, starting back on August 15 and August 16 on the Today Show on NBC network. I invited him to debate with me, and this is the first time we have the opportunity. I am very pleased he is here, and that we do have this account, this opportunity, and I'll try to joust as fairly as can be jousted, if you will. Now, I will like to begin with Mr. Nizer relies upon Mr. Liebeler. Mr. Wesley Liebeler is one of the junior lawyers for the Warren Commission, who is now writing his own book in defense of the Commission, proving that Oswald was the lone assassin, although the report was supposed to have done that, and it's true that Mr. Liebeler has said in interviews with various commercial enterprises that 90 per cent of the footnotes in my book do not check out. It is also true that within the last month I met Mr. Liebeler in open encounter at UCLA and I challenged him to come forward and point 90 per cent or any of them. He came forward with two examples, and could find no more, and one of them was also Mr. Nizer's; states that I used myself as my own witness. Surely. I said the Warren Commission was on notice about this and that. They're on notice because when I appeared before the Warren Commission I so testified that the question of the photograph being doctored was an important question. I never offered my own -- myself to prove the photograph was forged. I offered other evidence, but as the citation said that I had said that to the Warren Commission. Of course, I cited myself. How else can one cite that statement. Now, we come to the two startling examples that Mr. Nizer has come up with, one on page 123 that I made reference to the fact that in quoting Mr. Hoover that the telescopic sight cannot be properly aligned, and of course was an inaccurate quote, but did not go on to say anywhere evidently in my book that this would assist a marksmansfiring, but an incorrect telescopic sight would assist him, but I thought that was such an improbable and imagining statement that I closed my chapter with that very statement, so Mr. Nizer, instead of page 123, turn 7 pages more and let's go to Warren Commission quotation in my book Rush to Judgment on Page 130. Now, quoting from my book, "The Commission entered this passage of the report on an unmistakable light note. Now, after correcting the rifle's aiming fault, and making allowance though that still remained, it remarked of the original weapon, and now I quote the Warren Commission report, "However, the defect was one which would have assisted the assassin aiming at a target which was moving away." So, you see, it's quite in there.

NIZER: Well --

LANE: And I made it -- excuse me -- I really did not interrupt you, and you know you were shown courtesy.

SCHOENBRUN: We'll have to stop this, gentlemen, because you're going to make many points and I think it is fair for Mr. Nizer -- for him -- if you're saying that Mr. Nizer misquoted you -- for him to come in.

LANE: He only originally said that I took something out of context, and I did not. Now, I would like -- I know that I am not going to get 45 minutes, but I --

NIZER: Let's not waste time. All right. Go ahead.

LANE: Secondly, we come to the next quote. I'm sure you still take the same position. Secondly, we come to the next quote. I know the evidence doesn't shake you.

NIZER: That isn't fair, Mr. Lane, and I say that you quoted the Commission saying it without giving the authority that was included. You misquoted, and stopped at a sentence when the next sentence explained the contrary of what you were saying.

LANE: Mr. Nizer, I will assure you that I will try to be courteous to you as I hope you will be to me, and if you remember I was rather silent for the 45 minute period and I know you will give me a few minutes to answer. Now, the other startling discovery by Mr. Nizer in my book is that I made reference to Senator Yarborough smelling smoke, but he didn't read the whole statement because he took my statement out of context, and I'd like to read it from page 44. "Senator Yarborough also smelled gunpowder while he awaited news from the present of his condition at Parkland Hospital. He said, "You could smell powder on our car nearly all the way here," as quoted by Ronnis Dugger, the editor of the Texas Observer, and then Dugger ads, "Oswald's rifle was reportedly six stories high and perhaps 75 yards behind the president's car at the time of the shooting. Yarborough was in the third car of the motorcade with the then vice-president and Mrs. Johnson. Some officers questioned her in Dallas. We could not explain why Senator Yarborough would smell gunpowder, and then we go on and then what I explain is that the Commission never called Senator Yarborough, and that is the complaint here, Senator Yarborough is not called by the Commission as a witness for questioned by counsel. Instead, the Commission was satisfied with the one-page affidavit. Now, let's go to some of the other statements Mr. Nizer has made. All he has done, he studied the record very closely but all he has done is to read the Warren Commission report to us, not the evidence of citations coming from the report itself. I suggest that you read the report, sir, not to prove the report. Now, let's go back to some of the evidence. Instead of reports, let's go back to those 26 volumes, where the evidence is. The picture of Oswald with the gun. An expert said that they were the same in all probability in terms of the rifle. The expert never said that it. It said a rifle in Oswald's hands has the same general configuration, obviously, as do all rifles, no identification as the rifle in that picture in

Oswald's hand as being the man with the carcona. Mr. Nizer has said to us, and I quote, "Oswald's palmprint was found on the rifle. Sabastian F. Latona has said so." That is completely untrue. Sabastian F. Latona, he said quite the contrary. I turn to volume four, page 23 of the testimony of Mr. Latona questioned by Mr. Eisenberg. We will get to the other evidence in the record at subsequent times to show you those prints of Oswald's. They're talking about prints on cards, etc. etc. "Mr. Latona, we are saying that you had developed -- you had worked over the rifle by applying a gray powder to it. Did you develop any fingerprints?" Answer by Mr. Latona, the fingerprint director of the FBI, Latent Fingerprint Bureau. "I was not successful in developing any prints at all on the weapon. I also had one of the firearms examiners dismantle the weapon and I processed the complete weapon, all parts, everything else, and no latent prints of value were developed." Mr. Latona never found any prints.

Mr. Nizer said the experts found tufts of fiber on the rifle that matched Oswald's shirt. One expert was the only one who testified. He did not say that. He said it could have come. He did not say -- he could not say that they did. Mr. Nizer went on that some fiber had come from a blanket in the garage and that was also found on the rifle. That is completely untrue. No one said that at all. None was found there at all. And then in the face of this overwhelming evidence, Mr. Nizer says Mr. Lane says there was no real proof that Oswald was the killer.

Now, we have Mr. Euins quoted as an expert. A young boy. He saw a pipe from the window and he saw a man. But Nizer doesn't tell you what else he said to the police officer and the newsmen. "The man I saw was a negro at the window." A negro. Was that Lee Harvey Oswald? I think it could hardly be used a proof against Oswald. Perhaps quite the contrary. Mr. Nizer said on the fifth floor two men were watching the motorcade. They heard the shells fall from above. There were actually three men there. Two of them -- they did not hear any shells. Mr. Nizer says the commission had firings made and heard the shells. All seven members. It is not so. They never had the bullets exploded. They had someone work it and throw or drop shells on the floor, which is not the same thing as saying you heard shells when the rifle's fired and the building is shaking. Not at all. I'm afraid Mr. Nizer was incorrect there at all as well. Mr. Nizer here said that one police man said it was a mauser in the hysteria of the moment. In fact, on the Barry Gray program recently he said one police man said it might have been a houzer or a Carbenari. A houzer is close to a Howitzer, which is a cannon, and that's not involved in the case. In the case of Carbenari, I think it was an Italian police officer who was rather close. No one has charged them at the present time. The question is, was it a Mannlicher-Carcano or a German mauser? Here it was not an officer in the hysteria at the moment. He filed an affidavit the following day, 24 hours later. He described it as a German mauser. Mr. Nizer said recently on a program -- I have tape recordings of these -- each of these statements and transcripts as well. Should there be any question about their authenticity, I should be happy to play the tapes if they are denied. Mr. Nizer also said in that program that after all you can't tell whether it was an Italian rifle or not, because it didn't say anything on it. I said, quote "Made in Italy," in large clear letters. I picked up that rifle and testified before the commission,

and even the commission so identified it. There is not, we are told, any evidence of a conspiracy. Who said so? Rusk, McNamara, Hoover, McCone, the Chief of the Secret Service, and now, at the last moment, the two illustrious Senators Kennedy are paraded in. I say to the American people, read the evidence. Do not have faith in those who've never read the report, never read the evidence; and although there is an endorsement sponsored by the Kennedys, Mr. Nizer tells us it is not exactly the way I read it. They said they know the men. They're faithful men. They never read one word of the report. Both Senators Kennedy have said they never read the report. They have never seen any evidence. I think that we have to reply, not upon these distinguished leaders who give us this information, who handed down this as Nizer says in his introduction. How can we doubt these distinguished men? Earl Warren was a prosecuting attorney, I would like to see Mr. Nizer in his court of California. Well, if Earl Warren was the prosecuting attorney, I would like to see Mr. Nizer counsel for the defendant and Earl Warren went to the jury and said, "Ladies and gentlemen, I am a distinguished American. I will soon be the Chief Justice, Governor of the state. I am very distinguished. I've gone over the evidence. Mr. Nizer's client is guilty." Would Mr. Nizer say, "Ladies and gentlemen of the jury, what can I say? He is a distinguished man." We must think for ourselves. We must have faith not in Earl Warren, not in Lyndon Johnson, who authorized this report. We must have faith in ourselves. In our own ability to read and to logic, and to come to conclusions, and any other concept is a concept which is at war with the democratic society.

- BREAK -

SCOBAY: One of the things -- you do have an interview in the current issue of Playboy Magazine, I believe.

LANE: That's right.

SCOBAY: Do you reasonably believe it's a correct statement of what you said in that interview?

LANE: Yes.

SCOBAY: Let me quote, now, from Mr. Lane's interview. He says at one point, "Let me add that there is no doubt in my mind that had Oswald lived to face trial, he would have been acquitted of the assassination of President Kennedy." The next sentence says, "A commission attorney, Alfreda Scobey conceded that in the January, 1965 issue of the American Bar Association Journal." I did write an article which appeared in that issue. That is true. In that article I took the position of defense attorney for Lee Harvey Oswald, imagining that he were facing trial. That is true. I cited a number of instances, including the testimony of Marina Oswald which appear in those 26 volumes there, and which would not have been admissible on the trial of the case. I cite a lot of other such evidence. I then say that defense counsel, if he were lucky, might succeed in excluding a great deal of testimony. And I then say, granting the unlikely event of success in all these endeavors. This is not to say that what would be left would leave room for a reasonable doubt of Oswald's guilt. I think we agree that if there is not room for a reasonable doubt, the man will not be acquitted.

LANE: Yes. Now, may I respond to that?

SCHOENBRUN: Go ahead.

LANE: If you will, that is the only inaccuracy in the Playboy interview, and it was not mine, and if you will listen to the tapes of -- excuse me, because I know that you're going to let me finish the answer, because I let you ask that question.

SCOBAY: I didn't say a word.

LANE: But I know you were about to, and I wondered if I could caution you.

SCOBAY: You read my mind.

LANE: May I now?

SCOBAY: Yes.

LANE: If you'll listen to the tape from Playboy interview, you will see that the answer is quite a bit different from the way it appears there unfortunately, and as I've had many public debates and have cited your document on occasions, and many, many television programs, I said that it is my belief that -- if you are correct in terms of all of the evidence which would be excluded -- it is my belief that Oswald could not have been convicted. And that is the position I've taken from the beginning, and I take at the present time. I think you are quite right from your article.

SCOBAY: This is the first time I had heard that you quoted me. Mr. Lane, I would like to hear the tape.

LANE: Yes. You can call Playboy Magazine in Chicago. I'm sure they will make the tape available to you.

SCHOENBRUN: Would you --

NIZER: Miss Scobey, would you yield to me for one minute? The point you made --

LANE: Are we going to talk about the death of President Kennedy, or rather talk about the Playboy interview?

NIZER: Please. You gave the Playboy interview, not I.

LANE: Yes.

NIZER: Now, a moment ago you said that you have never stated that you were charging a conspiracy of Ruby, Tippit and so on. Let me call to your attention your appearance before the Warren Commission itself.

LANE: Yes.

NIZER: You were the only witness of the five hundred and fifty-two who demanded a public hearing. The commission granted it to you. They were careful at first not to have public hearings because statements made might be that -- might involve people, and turned out to be an inaccurate statement. But when you asked for it, you got it. And you stated that Ruby and Tippit, and a man by the name of Weitzman. Weissman is the officer who found the rifle.

LANE: Weitzman is the man who put the article in the newspaper.

NIZER: Weitzman is the man who put in that atrocious ad against President Kennedy. Had met, you were told, in Ruby's Club. And, of course, this was an important charge of possible conspiracy. And so the commission very respectfully -- the Chief Justice said, "Please present any evidence you have on that." And you said, "Somebody told me, but I can't reveal his name."

They called you back later, because they were trying to follow every lead on possible conspiracy objectively, and this is what happened. Let me quote the evidence in the volumes, and incidentally, I have quoted the evidence, Mr. Lane, and not just the commission report, although that is very authentic and gives footnotes and notes for every statement back to the 26 Volumes.

LANE: Yes, the report does, and you don't.

NIZER: Let me state what happened.

LANE: You don't want to talk about the death of President Kennedy?

NIZER: Mr. Rankin -- I am talking about -- I'm talking about the charges, Mr. Lane.

LANE: The testimony of Mark Lane and Playboy interview.

NIZER: This will not do. You're not going to do this. You have --

LANE: What are you going to do? I'm not going to do what?

NIZER: You have a responsibility, Mr. Lane, as a critic of this report. No one wishes to silence any critic. But, you have a responsibility to be accurate.

LANE: Yes.

NIZER: And fair.

LANE: Well, read the testimony.

NIZER: When you try to harrass me with saying, what are you going to discuss? I'm discussing the trivia and misrepresentations that you're guilty of. Now, let me continue with what happened before the Warren Commission Report.

LANE: Fine. If you want to do that.

NIZER: When I finish you will answer.

LANE: And then we will go to the death of President Kennedy and the Warren Report.

NIZER: You are the one who went into it and charged a conspiracy to the commission. So Mr. Rankin, the general counsel said --

LANE: What --

NIZER: Page 553. Please.

LANE: What volume?

NIZER: I'm giving it to you. Page 553 of volume 5, I think it is. "Thursday, July 2, 1964. Testimony of Mr. Mark Lane resumed. The commission by Mr. Rankin to you: The only witness who asked for a public hearing. The commission has a number of times asked you by correspondence to disclose the name of that informant, and it now asks you in this proceeding, while under oath, to do that. Make that disclosure.

"Mr. Lane: I will not do so, Mr. Rankin."

Later on the Chief Justice says to you, at page 559.

"The Chief Justice: We heard that when you were here in March hopefully you would be able to tell us who this informant of yours was in Dallas concerning the so-called meeting between Jack Ruby and others in his night club. And we have been pursuing you ever since with letters and intreaties to give us that information so that we might verify what you have said, if it is a fact, or disproving it if it is not a fact."

"Here we pay your expenses from Europe; bring you over here, and without telling us at all that you won't answer that question, you come before the commission and refuse to testify."

Now, a little later the final statement of the chairman.

LANE: What page?

NIZER: This is page 560.

"Chief Justice Warren: I didn't intend to ask you, but we are trying to get information about these different things that you considered vital in the assassination of the President."

So you say, "We are talking about the assassination of the President?"

LANE: Yes.

NIZER: "It is a matter of great concern to the commission," says Chief Justice Warren to you, "That you are unwilling to tell us about those things that you considered bear upon the guilt or innocence of Lee Harvey Oswald, and it handicaps us greatly in what we are trying to do because of the things that you do say when you are away from the commission, and then when you refused to testify before us as to those very things that you discuss in public."

Now, I ask you bluntly, then you may answer. As one who has spread the word throughout the world that the commission didn't run down its sources, that it failed to follow-up leads. How can you, appearing before the commission, claim to this day that you couldn't give them that statement which you presented to them because somebody who told it to you is honor bound -- you are honor bound not to reveal it, when you in this Playboy interview recently said, "I had a tape recorder in violation of law. I could have been arrested and put in jail," or words to that effect? You weren't afraid to be arrested for violating a crime, but you raised before the commission a refusal to give information, and then you belabor the commission for not following up the leads --

LANE: I--

NIZER: Let me complete one sentence.

LANE: I'm ready for the answer.

SCHOENBRUN: Just a minute, Mr. Lane. Let him finish.

NIZER: Let him answer. I'd like to hear it.

LANE: Yes, I'd like to say it.

NIZER: I want to conclude with one statement on this.

LANE: Yes.

NIZER: It seems to me that the kind of argument you have made in your book and travelled widely and exclusively to make that argument, besmirches the American reputation. It means that we have a government or high officials that hide -- that the Warren Commission Chief Justice is dishonest. It means maybe there was a cabal that assassinated our beloved President. And a distinguished professor in England who wrote in the law quarterly -- what is the name, Miss Scobey? You know the professor.

LANE: Goodhart.

NIZER: Goodhart. Thank you, sir. Said if this -- if this image of America can be projected that its government was partly involved in this, that an official commission lied, this is the best propaganda against America that can be conceived, and I charge you with having recklessly spread that kind of image and having besmirched the American reputation, and the least I ask of you in such a debate is this: Is to tell us how you can justify not telling the Warren Commission report and backing it up? If ever there is such a --

LANE: When can I do that, sir? When?

SCHOENBRUN: Let's go.

LANE: Fine, I have not besmirched the American people. Toadies -- who toadied to the American establishment -- who accept the conclusions of a false report. They are the ones who besmirch the American reputation. They are the ones.

NIZER: Why don't you answer?

LANE: Excuse me, Mr. Nizer.

NIZER: Why didn't you answer the commission?

LANE: Give me as much time to answer that question as Mr. Nizer took in asking it.

NIZER: I'd like to put the answer --

LANE: I'm not in London now, I'm in New York. I intend to get equal time to answer questions which are put to me.

NIZER: Why didn't you answer?

SCHOENBRUN: You've been getting equal time. We would like to hear your answer.

LANE: I am going to answer the statement that I besmirched the American conscience. The American --

NIZER: And why you didn't give Justice Warren -- Mr. Justice Warren the answer to that?

LANE: Mr. Nizer --

SCHOENBRUN: Gentlemen, We're expecting -- gentlemen, please. We're expecting two answers.

LANE: I heard your question. If you'll just be quiet and courteous, and if you can display that ability for five minutes, you'll get a full and complete answer. May not be the one you like, but you'll get a full and complete answer.

NIZER: You could have answered now, sir.

LANE: Beg your pardon?

NIZER: You could have answered by now.

LANE: Is this the Unamerican Activities Committee? Are you running this committee where it's yes or no? Is that where you are, Mr. Nizer?

SCHOENBRUN: Mr. Lane. Mr. Nizer. Please, let's go ahead with this thing and get the answer without further argument.

LANE: Fine. I'm going to start with the last point Mr. Nizer made. I'm perfectly willing to answer his question, but he will not answer it for me.

SCHOENBRUN: Let's have it.

LANE: The fact is this. In the Dreyfus case it was not those who said that Dreyfus is innocent who for 12 years besmirched the French conscience. It was people like you in France who accepted the conclusions and said, "You cannot ask questions, because the whole French government must have been involved in some kind of conspiracy."

NIZER: Why don't you --

SCHOENBRUN: No, no, please.

LANE: Mr. Nizer, please.

SCHOENBRUN: Let him answer.

LANE: Have a little courtesy and a little patience. Now, the fact is this. When I appeared before the commission, I said I have heard -- and this is not unfortunately published in the report because -- unfortunately in the testimony or in the report, because unfortunately it was one of those off the record conferences. You may be aware of the fact that a vast majority of testimony and other evidence taken by the commission has never been published in those 26 volumes. So, the question about that -- I'll explain that to you a little later, or in the 20 volumes you made reference. The fact is, that when I appeared before the commission, I said, "I have some information.

I cannot give you the source, but I can give it to you as a clue. If you like you can use it and check it out. But knowing that I cannot give you the source, you must decide whether you want it or not." The commission lawyer said, "Give it to us. What is it?" I said, "I have been told --"

NIZER: Well --

LANE: Excuse me, Mr. Nizer. I said, "I have been told by a Dallas resident, whose name I cannot give you, and I will not give you, and if you want the story I'll give it to you." "Tell us the story." "The three men were at a club." And I said, "I want to go into private session on this," because Jack Ruby's trial was pending. I said, "I don't want anything that I say to be harmful to Jack Ruby." I went into private session. I said, "Three men, according to this informant, were present at a meeting in Jack Ruby's club on November 14, and it was in the evening about 10:00 in the evening. Tippit, Weissman, and Ruby."

SCHOENBRUN: Mr. Lane, do you want to answer the question why you did not give the name of your source?

LANE: I think I answered that so clearly. I don't know what more to say. I had given a commitment to the man that I could not give his name. Based upon that he gave me the information. That's a solemn oath. There may be some who feel they can violate solemn oaths. I am not among them.

(BREAK)

JENNER: I would like to say this to the American people, those of you who have served on juries, those of you who watched court proceedings, that one thing you know, even when you sit in a case which there is a simple street-corner accident, and you're sitting on the jury, witnesses are paraded before you by counsel for the plaintiff, for the defense, as the case might be, under supervision of the court, that witnesses who all stood there and all saw the same thing happen, not one of those witnesses has the same version of the occasion, and the events here. The Warren Commission, under commission from the President of the United States, and the Congress of the United States, its House of Representatives, and its Senate, were commissioned to make an investigation and report all the possible facts they could assemble, to run down every rumor, sound or unsound, which we proceeded to do with 16 fine lawyers, brought before the Commission as many witnesses as we could possibly bring before the Commission,

within the limits and expense and time, interviewed other witnesses by way of deposition, under oath, before court reporters, took affidavits of other witnesses, such as Senator Yarborough, many of them, and reported all of that testimony in full in the 26 volumes and published all of the affidavits. Now, one thing that a ligator especially knows, and particularly an investigator, that when you find and you begin to investigate and you find extraordinary coincidences occurring, you know when you feel that, and see that, that that is disapproval of the existence of conspiracy. It's not conclusive by any means, and I don't mean to suggest that, but when you find that the pieces don't fit together, and things happen that you say to yourself "That's impossible," then you know that you're on the trail of something that's not conspiracy, or is likely not to be conspiracy. It's a lead this way. Where, however, as an experienced ligator, Mr. Nizer, a great, distinguished trial lawyer in this country, I just happened to be at it myself for 37 years, and that's what I do, I try cases, anti-trust, conspiracy, trade, secret conspiracy, defend criminal cases, mail frauds and other types of things, when I see the chips -- the pieces falling very well into line. I say to myself "there is some management here."

What do we have with respect to Oswald. Witness without per adventure, and Mr. Lane without contradiction, he doesn't contradict this, that Oswald entered the TSDB Building at 8:20 in the morning carrying a heavy object in the paper sack, upon which -- underneath which the palm prints were found. I say underneath, that is in carrying the heavy sack, the palm print was where you would expect it to be. He was then seen and throughout that morning in the Texas School Depository Building, filling orders. He was seen up on the sixth floor, he was seen on the fifth floor, he was seen on the first floor, where he had complete run. Then there were several witnesses who testified, Mr. Brennan being the most descriptive one, as to what he saw in the sixth floor window. Mr. Nizer has given the names of those as related their testimony. All of the affirmative evidence of what was seen, and what was heard, by photographs, newspaper people, the Mayor's wife of Dallas, Brennan, the young man -- I forgot his name now, Hewans, and others, you've heard that, and I don't want to repeat it, those who were facing the building, heard the shots come from that spot. Several of them, as Mr. Nizer pointed out, saw the figure in the window. These men on the fifth floor, of course they heard the hulls drop on the floor. It is true that only one, but he testified -- one said he heard the hull shells drop. He testified. The others testified that he remarked that he heard the shells drop, to corroborate him. He recalled

that dust had fallen from the upper floor into the hair of two others. They confirmed that fact. They all three testified that they heard the sound of shots come from up on the Sixth floor. Then we find what, sir? We find this rifle on the Sixth floor, after the event, shortly after the event. Police got out there to look for it. It couldn't be any other rifle because the rifle discovered up there had a serial number sealed into it, that is impressed into the seal. It is the serial number that is on the Klein's Sporting Goods order appearing on microfilm in the center of a long strip, so it couldn't be said that this was manufactured for one -- for this particular purpose, so all of the talk about whether this is a Mauzer, or isn't a Mauzer, is immaterial.

SCHOENBRUN: We have just heard Mr. Jenner's presentation of the case that there was not a conspiracy and that Oswald was the murderer.

Mr. Lane, could you address yourself to some of the remarks that Mr. Jenner made?

LANE: Yes. I'd like to say at the outset, while I'm in disagreement with Mr. Jenner's presentation, some of the evidence and some of his conclusions as well, I am very appreciable of the fact that he has presented them in a fashion without recrimination, and so that one can have, for the first time, in maybe almost three years now, a confrontation with a commission counsel dealing with the facts. I'm very grateful to that. I think that is exactly what the American people have waited for, a long time for. How did Oswald get into the building? He was carrying a heavy object in a paper sack, said Mr. Jenner, and Mr. Nizer again, unfortunately before, relying solely upon the commission report, said that Mrs. Randall, Linnie May Randall, Frazer's sister, said that he was carrying a heavy brown package. It is true, the commission completely took out of context what she said. "Not the package that was heavy," she said. She made it quite plain. "The paper was heavy. It was a heavy kind of wrapping paper." And so, this little distortion appeared in the report, and Mr. Nizer again, I'm afraid, is not really familiar with the evidence, accepted the commission version of what that meant.

Now, let's see what evidence we have, which I'll develop in a little bit of detail, and if I -- even if I have to miss some of the other points. I think we have to, on occasion, go into some depth. All of the evidence revolving around Oswald's entrance into the building -- I can do that rather briefly.

Three people saw Oswald with the package, or saw him enter the building. Let's go through each one. It is true Linnie May Randall saw Oswald with a package. She said it was twenty-seven inches long in her view. In fact, when looking at the car, she pointed out exactly the point of the cite to which the package had gone. And when they measured, it was indeed twenty-seven inches. Wesley Frazer, her brother, said it was about two feet long. About that. They took -- then we have Jack Dougherty, who was the only person, other than Frazer, who saw Oswald enter the building; not the rear doors as Mr. Nizer said, but the front door, as the evidence showed. Mr. Dougherty and Mr. Frazer make that quite plain.

Frazer said he took this package, which was only about two feet long, he put it under his arm. I'm going to stand up now and show you exactly what he said when he testified before Mr. Ball, counsel for the commission. "Oswald took this package, cupped it in his hand --"

JENNER: Mr. Lane, may I address myself to you?

LANE: Yes.

JENNER: You inadvertently misspoke. He did not enter the front door. He entered the side door crossing the railroad --

LANE: You're entitled to your position.

JENNER: Mr. Frazer who accompanied him through the door.

LANE: Please, he did not accompany him through the door. He was fifty feet behind. He said he was more than fifty feet behind him.

SCHOENBRUN: Excuse me. May I interrupt now? I have heard three bits of testimony. I'm a little confused.

LANE: May I just continue?

SCHOENBRUN: Well, I think we ought to clear this up. After all, we're trying to get information point by point.

LANE: Two witnesses saw him enter the door. I'll withdraw the previous statement, because it is not relevant. I think two witnesses saw Oswald enter the Book Depository Building that day. Only two. One was Wesley Frazer. Frazer did not enter with him, as Mr. Jenner indicated, but Frazer went on to park the car while Oswald left the car, and he saw Oswald pick up the package, put it under his hand. Oswald told Frazer he had curtain rods in there. Frazer said he believed him because Oswald had never lied

to him previously. That was his sworn testimony before the commission. Frazer said Oswald cupped the package in the bottom of his right hand and tucked it under his armpit. He said that just a little strip of it was visible from the back as he walked into the building.

Jack Dougherty was sitting on the steps. Dougherty said, "If he had anything in his hands when he came in the building, I did not see it. I saw him come in. I did not see anything in his hands," which is completely consistent with what Frazer had said in terms of the package practically being inconsistent -- invisible when it was held in this fashion.

So, we have Frazer giving a size description. We have his sister Randall giving a size description, and we have both Frazer and Dougherty corroborating the fact that the package could barely be seen, or not seen at all when Oswald entered the building.

Now, the rifle was disassembled by the Warren Commission, broken down to the smallest size. The stock is the largest single component, 34 inches, but -- 34.8 inches. Placed in a brown paper bag, and Mr. Ball gave the bag -- and I have a pointer here exactly thirty-four and a half inches, a little bit shorter than the rifle -- a little shorter than the largest single component of the rifle which Oswald carried, and they took the larger single component, Mr. Ball did, and put it in the large paper bag that was there. Not the original paper bag. That had been destroyed in terms of its value as evidence by the F.B.I., and so when the F.B.I. did the fingerprint test it was in the room. But they had a -- but it couldn't be identified, as Mr. Nizer indicated earlier. But what they identified was the new bag which had been manufactured kindly by the F.B.I. laboratory. So they had the new bag, and the rifle in the bag. They gave it to Mr. Frazer. Mr. Ball said, "Hold it just the way Mr. Oswald held it," and he said, "I can't. It's too long." He said, "Try." And he cupped it in his hands -- I'm taller than Oswald was. He cupped it in his hand like this, and he came up, up like this to his ear. And it was just impossible, Frazer said, for him to carry that package into the building.

Now, I suggest that this is not just a question of whether the estimate of a few inches was right, seven, eight, nine inches, whether it was accurate. What is important, is that Frazer swore that the only package Oswald had was cupped in his hand. Dougherty swore that when Oswald entered the building he could not see anything in his hand. If Oswald had the rifle, even disassembled, how could he have put it together -- no one ever saw him put it together. But assuming he had the rifle disassembled, he could not possibly have carried it into the building in that fashion, and if he carried it in any other fashion, Dougherty would have seen it.

So, we have this, just one statement in the report, or as presented by Mr. Jenner, Oswald carried the rifle into the building, period. But, when you examine the evidence, you see it seems very unlikely that Oswald could have done that.

NIZER: The only bag that was found with the palm-print and fingerprint of Oswald was on the sixth floor. That bag was large enough to have held the Mannlicher-Carcano rifle when disassembled, even the largest part.

LANE: Correct.

NIZER: Correct. All right. That's where I'll start.

LANE: That's where we started 15 minutes ago. Now, we have this, the largest single component. Frazer -- except, of course, it's much thicker, but it is this length and a little bit bigger, longer. Frazer testified that Oswald held his package, whatever it was, which he referred as a bag, like an ordinary grocery bag, and of course you have described it different, different from an ordinary grocery bag, but whatever it was, it had, according to the commission, something a little bit longer than this in it, and according to Frazer, Oswald cupped it under his hand and tucked it into his armpit without doubt, according to Dougherty, who saw Oswald enter one of the entrances of the Book Depository Building. If Oswald had anything in his hands, it was not visible, and Mr. Frazer -- would you, for the audience, pick this up, cup it into your hands, tuck it under your armpit and make it invisible.

NIZER: Yes, I will not make it invisible, because he saw it from the rear. If I held this this way, all you would see of it was beneath my shoulder, since this is too large. It's only when I cup it up to here he could very well have had this extension to his neck, and as a matter of fact, one of the experts testified that you could cup this bag under your hand, and it necessarily doesn't go under the cockpit, which you're insisting upon as another trifling diversion.

(BREAK)

NIZER: But may I attempt to lift this discussion to a little higher plane? The reason -- the reason that we have been involved, as always, in these debates, as time -- one distinguished expert said about Mr. Lane, a good lawyer strikes at the jugular, at the capillaries. We have been having here -- we're once more marred in this detail of the length of the bag, and all these things which cannot

alter the scientific objective evidence that Oswald was the killer and that there was no other killer.

LANE: What is that evidence?

NIZER: Don't harrass me. Don't heckle.

LANE: Let's go into the evidence now. I'm for that.

NIZER: Let me attempt to lift this to a plane for the attempted education of the American people.

LANE: It will require some of the reading of the evidence.

NIZER: The reason that we are discussing this kind of trivia because, as Mr. Jenner properly pointed out, if you will take any record of any trial that was ever held, an ordinary broken ankle in an automobile accident, and later you picked up the record and put a spotlight on it and you say they found the auto was going 35 miles an hour, here are two witnesses that thought it was 20, and if you did that you could upset or create doubt, if you didn't have a proper understanding and answer to every case that was ever tried, but no case has the overwhelming evidence of scientific and objective evidence that this record has, because there has never been so thorough a criminal investigation in the world's history. This report is a hundred times more specific than any trial could have been, as Miss Scobey pointed out, because the report went so far as to have a whole section speculation-rumor-answer, speculation-rumor-answer. At a trial this would be irrelevant. The report, for example, when it got to the financial aspects of Oswald, there were some theories at one time -- incidentally, Mr. Lane has dropped a whole slew of theories he once had -- that he was paid money, and so on.

LANE: It's not true, I have never said that. It's not true, Mr. Nizer. You're about as familiar with that as you are with the rest of the evidence. Completely untrue.

NIZER: Well, I believe you gave a lecture you denied in your testimony before the Warren Commission that you charged any money for lectures, and one of my associates paid \$2 to get into one of your lectures.

LANE: That is completely false. I hope that you are not doing it deliberately. I think this is a point of personal privilege.

NIZER: Let me ask you --

LANE: This is a personal privilege.

NIZER: Yes. I grant personal privilege. Was there a charge for your lectures before the Commission report -- before the Commission report even came out?

LANE: That is not the question.

NIZER: No. No. That's my question. Was there a charge?

LANE: Well, Mr. Nizer, believe me, you're not the prosecuting attorney.

NIZER: No. No. Don;t evade it.

LANE: Mr. Nizer, if you can be quiet for two minutes I'll answer the question fully. Perhaps you can't be.

SCHOENBRUN: Mr. Nizer has granted a point of personal privilege.

LANE: But he does not let me answer it.

SCHOENBRUN: You have it.

LANE: Oh, excellent. Thank you. Now, number one, the question before the Commission was whether I personally gained any money from the charge which was made when I lectured. The answer was no.

NIZER: That wasn't the question. The question was did you charge admission?

LANE: Let me ask you, have you ever read the 26 volumes?

NIZER: Yes. Yes.

LANE: Did you read it before you wrote your introduction in which you praised the report?

NIZER: No. No one could have at that time neither. You're criticizing the Commission report before the report --

(OVERLAPPING.)

NIZER: This is complete evasion, all the time.

LANE: I'll answer the question if I'm given the opportunity. First of all, I said there are internal inconsistencies in the report without even going to the evidence. You vouched for the accuracy of this and accuracy of the citations without even having anything to check out the

evidence with. Yes. The commission asked me --

SCHOENBRUN: Gentlemen, this is a court of public opinion.

LANE: Yes. I'd like to --

SCHOENBRUN: Yes. I can't tell you how much I regret that fact, but please go ahead.

LANE: Which one of us would you have held in contempt?

SCHOENBRUN: Both of you, at this point.

LANE: In any event, your Honor, I would like to apologize and move on to the next point.

SCHOENBRUN: Thank you, counselor. Answer the question.

LANE: Right. The Commission asked me if I ever gained any money from the charges which were made, and I said I have never personally charged. A citizen's committee inquiry raised funds. Every penny of those funds went for the purpose of carrying on the investigation. While Mr. Nizer was participating in his very lucrative practice during that two-year period, my income fell to less than 25 per cent per year of what it was -- it had been for each of the last five years, and I don't take very kindly those snide comments about making any money out of this case.

SCHOENBRUN: Miss Scobey, gentlemen, we reached the final moment of summation for this discussion and here we would like, if you all agree, to take the major points that have been made by the defense of the Warren Commission, and ask Mr. Lane point by point to answer for the critics. You will have the opportunity for rebuttal and summation and I would like to ask you to be as brief as possible in summation, to direct yourselves to the questions that have been raised on this program. And the first question, important one to you, Mr. Lane, can you prove that there was a conspiracy?

LANE: I would like to use most of my time for the rest of the program for discussing that question. I'll very briefly answer all subsequent questions.

SCHOENBRUN: Mr. Lane, could you limit yourself to five or six minutes?

LANE: Yes I shall.

SCHOENBRUN: Okay. Maximum time. I'll time you and I will cut you off at that point.

LANE: We didn't start yet, right? The Dealy Plaza aerial view. 44. All right. What is a conspiracy? A conspiracy at the law is two or more persons acting in consort to commit an illegal act. The presidential limousine came down here, moved up here and down here at about the time the first shot was fired and was about here at the time the last shot was fired. The Commission said there is no credible evidence which even suggests that any shots came from anywhere other than the sixth floor of the Book Depository Building. No credible evidence. Let's see what evidence there is which the Commission considered to be not credible. There were 90 witnesses in the entire area who were able to make a statement as to the origin of the shots and in their view 58, almost two-thirds, said the shots - or some shots - or at least one shot came from here, from behind this wooden fence high up on a grassy knoll. They said they heard the shots. That's ear-witness testimony. Not the best kind of testimony, but nevertheless testimony. Here, on the railroad bridge, were a number of railroad employees overlooking the scene. Seven said that when they heard the shots they looked in this direction. Each of the seven said they saw a puff of white smoke come from this area, a puff of white smoke. A.M. Holland was the one on the railroad bridge who testified before the Warren Commission and he said the other fellows said the same thing, that they saw puffs of smoke. As soon as the commission did that, and what Mr. Nizer calls one of the most exhaustive investigations in the history of the world, the commission decided not to call one of the other men on the railroad bridge. Nevertheless, in statements to Dallas Police Officers, Secret Servicemen and others, six other men said that they saw a puff of smoke come from here. Mr. Ball was one of the important senior counsel of the Commission who questioned various witnesses in the area. Seymour Weltzeman, for example, who found the rifle, who found the portion of the President's skull, was questioned I believe by Mr. Ball and by others, and recently Mr. Ball said, and I quote now, this is from a statement of Mr. Ball's at an Associated Press Managing Editors Conference transcript of his statement regarding the puff of smoke: "What does a puff of smoke mean? Does that mean that there is a rifle? Of course not. Since when did rifles give off a puff of smoke. They don't do it." Mr. Ball is telling the world rifles do not give off a puff of smoke. He is one of the most important Commission counsel on this question, but now I make reference to volume 28, page 188, Commission Exhibit 3133 which is

a letter from J. Edgar Hoover to Mr. Rankin, Chief Counsel for the Commission, and I quote: "In your letter dated September 19, 1964 you inquired as to whether any flame was visible at the muzzle of the 6.5 mm Mannlicher-Carcano rifle." And he gives there a serial number which is the alleged assassination weapon. "When this weapon was fired under daylight conditions, the rifle was fired both in direct sunlight and in full shade, and no flame was visible. A small amount of white smoke was visible." Now, the import of this is that the FBI has stated to the Warren Commission the alleged assassination weapon does give off a puff of smoke. I don't claim that that particular weapon was necessarily behind the fence, but for the Commission counsel in charge of a portion of the investigation to now, two years after the report was written, still to deny the fact that any rifle ever gives off smoke is an indication of the caliber and the commitment of some of those who were involved in this investigation.

Now, what else do we have? We have - the first officer to arrive - one of the first officers to arrive behind the scene, Patrolman Smith, got back there and said he smelled gun smoke back there. We have in fact the effect of the bullet upon the President's head; the limousine was approximately here. Standing close to the limousine was Charles Brown, one of the - perhaps the closest spectator to the limousine. He said he saw the effect of the bullet upon the President's head. A portion of the skull was driven backward and to the left, and if I may, I'd like to hold this photograph up. This is the - I bought the copy of Life magazine just recently, and placed it on this frame showing the effect of the bullet upon the President's head. Here is frame 313. You see the President leaning forward at that tragic moment when the bullet hit him and the explosion which takes place. Now, I call your attention to frame 323 which is 10/18ths of a second later. What is the effect? The President has been driven sharply to his left and to the rear, or in this fashion. He was seated in this fashion when the bullet struck him. With almost just about a half a second later he was driven back in this direction. Is that the effect of a bullet coming from the back, or a bullet coming from the right front? Unless the laws of physics were appealed that day, I would suggest there is further evidence to indicate that some shots came from the right front area.

SCHOENBRUN: Mr. Lane, you have one minute left.

LANE: Now, the fact they didn't find a rifle back there, or shells, or calling card of the assassin left behind, I think is hardly proof that no shots came from there. Now, what else do we hear Mr. Ball say? Now, Mr. Ball says that there is steampipes running back there always giving off puffs of smoke. That's why the witnesses were misled. But that's not true and recently the BBC representative said in an important broadcast, here it is criss-crossed with steampipes. That's not true. There is one steampipe which runs from the railroad bridge, here. I've been in Dallas eight times. I've never seen it give off steam, but in any event, the witnesses saw a puff of smoke very clearly here coming out from in front of the trees which could not possibly be caused by a steampipe over there. So we have the physical reaction of the President's body when the bullet hit him, we have the statements of doctors at Parkland Hospital that the wound in the President's throat was an entrance wound, and the way to resolve it is to look at the photographs and the X-rays taken at autopsy and then we will know. Now, Mr. Jenner very recently said, and I quote from a program he broadcast in Chicago and rebroadcast here on WNYC, some members of the Commission saw both the film, the color photographs and the X-rays. We're now talking about after the autopsy documents. "We of the staff saw them ourselves. We could not see that anything would be gained by putting into the record these perfectly horrible color photographs of the late President" But Mr. Boggs, one of the members of the Commission said "we never saw them." Mr. Liebler said that no Commission lawyer ever saw them and no Commission member ever saw them.

SCHOENBRUN: Mr. Lane

(OVERLAPPING)

LANE: And one last sentence.

SCHOENBRUN: You've run beyond your minute.

LANE: One last sentence. And Mr. Spector, now the District Attorney of Philadelphia ---

JENNER: I object, Mr. Schoenbrun. Now we have rules. We have rules.

LANE: The last sentence.

JENNER: We have rules.

SCHOENBRUN: Ah, Mr. Jenner, one last sentence really won't hurt and we'll apply it to you too.

LANE: The last sentence. Arland Spector, who is a most important of the Commission lawyers, in drafting the section dealing with the medical evidence, now the District Attorney for Philadelphia, has said publicly and repeatedly that neither nor any other lawyer for the Commission, nor any member of the Warren Commission ever saw the autopsy photographs and X-rays, so I ask Mr. Jenner whether he is right or whether his colleagues among the staff and Mr. Bosworth --

SCHOENBRUN: Mr. Lane, I must cut you off at this point.

LANE: Thank you very much.

SCHOENBRUN: Counsel for the Warren Commission has the turn now for counter-rebuttal.

(OVERLAPPING)

NIZER: None of this is proof of a conspiracy. All of this is typical of the trifling kind of points made without any substantial evidence, a tiny little hammer beating against a marble structure of substantial evidence. For example, the puff of smoke which Mr. Lane has constantly referred to in lectures all over the world. The puff of smoke he talks about is supposed to be seven or eight feet above the trees. It's a real cloud of smoke. Mr. Bower, who is a foreman for 12 years of the railroad said he saw no person fire anything. The police immediately rushed in all directions. Some people fell to the ground. You must realize the hysterics of the situation. One motorcycle policeman got off and immediately ran to the knoll behind the fence. No shell. No person. Hundreds of persons watching the presidential parade. No one saw anybody fire. The quotation of Mr. Hoover saying a white puff is typically unfair. It refers to the fact that sometimes a pistol or a gun will permit a little white wisp of smoke after the shot, but what he's talking about is an explosion of smoke seven or eight feet above the trees and therefore, what does this prove? The witnesses who testified, such as for example Mrs. Reade, whom he omits, said "I heard three shots and I turned to Mr. Campbell and he said 'Oh my goodness, I'm afraid these came from our building.'" She was standing in front of the building. Other witnesses testified similarly, that they looked up and there were the three negro boys on the fifth floor and this is corroborated by a picture that was taken showing the same basis. How does this show conspiracy? This is the kind - I regret to say it is misleading sowing of seeds of suspicion on no basis. For example, to find a conspiracy you have to find that the 25 thousand reports of the FBI and the Warren Commission was fair enough and careful enough not even to take

those reports. They went back very often to the original people who had been interviewed, not even trusting the report as hearsay. 15,000 or 12,000, is it? A secret service report --

LANE: 1,500

NIZER: 1,500. 552 witnesses. Hundreds of exhibits. Not a shread of evidence of any conspiracy and Mr. Lane continues to attempt to confound American public opinion and particularly European opinion where it is more customary perhaps for the king to kill -- for an assendant to the throne to kill the king to create the impression that we're a bunch of brigands and a cabal in our government. This is particularly unfair. May I conclude on this with what I attempted to do before, to attempt to raise this to a higher level of discussion. We have here an absolutely impentable and proper report with more evidence than has ever been gathered to convict anybody beyond a reasonable doubt, and what we have here, on the other side are people who are quibbling with a triffle of evidence here and a triffle there, trying to spell out a conspiracy by pointing to a big map and showing that a bridge came a certain way. Incidentally, the business about the entrance wound being an entrance wound. When our President was put in the stretcher upon the hospital table they were trying to save his life, not measure wounds. And the first thing they did was to perform a trachectomy on his throat thus wiping out the exit of the bullet through his throat and this is later what caused some confusion. At the original autopsy they didn't see the exit wound. They saw the trachectomy but they found the bullet hole in the back of his neck and they knew it had gone through and they had scientific tests of the fiber of his coat which showed that the bullet pressed inwards at his neck and outwards at his throat and the fibers of his shirt that he was wearing were scientifically tested. All of this objective, clear, conclusive evidence is ignored, whatever the motive is, even if the motive is a zeal and honesty, this comparison with Dreyfus is preposterous. Zoeller mentioned names. He said who was guilty. He gave evidence. He was a daulty fighter who didn't depend on speculation and rumor. Mr. Lane, to this day, hasn't mentioned a person, hasn't mentioned a gun and I am appealing to the critics of the report to be fair enough and to search their consciences and not continue to confound and confuse American public opinion with absolutely unjustifiable criticism.

SCHOENBRUN: Mr. Jenner, my timing official tells me that the five minutes is up. But we gave Mr. Lane an extra two and a half minutes. They're yours.

JENNER: Thank you very much. Mr. Lane's theory of conspiracy is based solely upon testimony of witnesses as to sounds they heard come, they thought, from some direction other than the TSDB Building. None of those witnesses who testified as to possible sounds, not one single one testified that he looked up at the sixth floor window, as did the other several witnesses who looked up and saw Oswald in that place. In an area of this nature, you look at the exhibit, sounds reverberate. In this excitement, people didn't know whether there was a number of people assassinating not only the President, but Governor Connally and Vice-President Johnson. In their excitement, well, they said, well, I think it came from one direction, I think it came from another. The major affirmative evidence was that the sounds came from the sixth floor of the TSDB, corroborated by witnesses who actually looked up and testified to actually what they saw. As far as the entry of the bullet, both bullets in the head, as well as in the neck, the one in the neck especially, it was proceeding downwardly through the President's neck. It entered Governor Connally's body at the same angle and the same direction and had to come from the back. It came from the back of President Kennedy. All -- if you'll notice -- of the photographs -- the FBI -- I don't mean the FBI, the Secret Service people were turned and looking at the sixth floor window, so all Mr. Lane is advancing as against all of the proof of the ownership of the rifle and was not with respect to Oswald is that some witnesses testified that they heard sounds come

testified that they heard sounds come from a direction other than the TSDB.

BREAK

SCHOENBRUN: The next question, Mr. Lane, how do you answer the charge that Oswald entered the building, that he was there at the time and what Mr. Nizer has just said, that the bullet has been identified as coming from his rifle.

LANE: It's Commission Exhibit 399 is the only full bullet. The others are fragments which the Commission said it wanted to rely upon. But if you read in Literature of Ballistics, you can find that those fragments are much too small for any kind of conclusive findings. We're back to 399. The bullet which the Commission said entered the back of the President's neck exited his throat; struck Governor Connally in the back shattered his fifth rib, fractured his right wrist and ended up on his left thigh and somehow was found on President Kennedy's stretcher at about 2:00 in the afternoon. Yet, Doctor - excuse me -

NIZER: You meant Connally's stretcher.

LANE: Yes. No, no. I mean President Kennedy's stretcher. You mean Connally's stretcher and so does the Commission but I mean what Durrel Thompson indicated in the first place, senior engineer who found it in the first place. Secondly, the question is - could that bullet which was almost pure and chrystine, which was missing less than three grains of metal have left behind more than three grains of metal in Governor Connally's right wrist, to say nothing of the loss of metal as the bullet penetrated. I think not.

SCHOENBRUN: I must cut you off there.

(OVERLAPPING)

SCHOENBRUN: Mr. Jenner, we've agreed to give him a minute, not 30 seconds.

NIZER: The answer to that is that Dr. Olivier and Dr. Seaman of the Army Wound Ballistic Branch, the foremost experts in the world, who have spent 17 years in that area of specialization, concluded as follows: Dr. Seaman testified, quote: "I think the probability is very good that all of the wounds were caused by one bullet." Dr. Seaman and Olivier believed that if the bullet had not presently passed through the President's neck and lost velocity thereby, its force would have either amputated Governor Connally's wrist if it had been shot from the front as Mr. Lane continues, and it would not have been the hole that entered Connally's back. Everyone concedes, including Mr. Lane, that the shot that entered Governor Connally was in the back. That hole indicated, according to these experts, the velocity having lost a velocity of 2100 feet per second, having lost 400 feet in the course of passing through the President's neck, lost that velocity and caused a bigger hole in the back of Governor Connally that would otherwise be the case.

SCHOENBRUN: That's the minute Mr. Nizer.

JENNER: May I have ten seconds.

SCHOENBRUN: Yes. Yes. You can have ten seconds.

LANE: Take twenty.

JENNER: The angle of the bullet that entered Governor Connally's body was such as proved by the surveyors and physicists that that bullet could not have entered the back of Governor Connally, as it did, without first passing through the President, because the President was seated seven inches to the right of Governor Connally and the bullet coming at that angle had to pass through the President's body first, if it came from the Book Depository Building sixth floor window.

(OVERLAPPING)

JENNER: If it came from anywhere and Mr. Schoenbrun, that angle, no matter where it came from, it had to pass through the President's body first.

LANE: And Mr. Ollivier, who said --

SCHOENBRUN: Next point. I'm sorry.

LANE: All right.

SCHOENBRUN: What about the statement that no other murder weapon, no other murder shells have been found anywhere or that there is any evidence that anyone other than Oswald and his gun did kill the President?

LANE: Well, it's true the other assassins or the assassins -- because shots came from two directions -- I think that's conclusive -- it is not conclusive that Oswald fired any of them, but the assassins did not leave any calling cards behind. I think this is to be expected of assassins who did a professional and excellent job, unfortunately, in terms of facility of killing the President. The veterinarian who Mr. Nizer referred to as the world's greatest ballistics expert, Mr. Olivier, however, when he testified and examined Commission Exhibit 399 as compared with the bullets he had had fired through wrist substances, the carpals of a goat, which he said simulated Governor Connally's chest, testified in each case that the bullet which he had fired was smashed and changed in the form and did not resemble Commission Exhibit 399. He's a veterinarian, not the world's greatest ballistics expert.

SCHOENBRUN: Thank you.

JENNER: Not only was there no other weapon found, but there was not testimony anybody, including any side witnesses that Mr. Lane has examined in private, on tape, or otherwise, who even testified that they found a single spent hull anywhere on Dealy Plaza. No one testified that they saw anybody running from that corner with anything that looked like a weapon in his or her hand, and that's the answer.

NIZER: May I add ten second more? That I would have respected Mr. Lane's position, even though I believe it's dead wrong, if he had answered frankly there is no evidence, instead of the evasive answer we got, which is no answer at all. There is not other evidence.

SCHOENBRUN: There is one more question that I would like to ask. It is a personal question of Mr. Lane. I think we must ask it in all fairness and then we'll come to a summation for both sides.

Mr. Nizer has stated that you and some of your fellow critics have been irresponsible and that the burden of criticism, if I'm quoting you correctly, Mr. Nizer, has done a disservice to our country. I would like to give you the opportunity to answer that.

LANE: I will speak for my fellow critics and not for myself. I consider people like Sylvia Marr and Penn Jones, Jr., who's on the scene down there in Dallas, who's carrying out the investigation now, and Leo Sauvage, who's not an American but a Frenchman, and others who've -- Maggie Field out in California and Ray Marcus and others around this country who've given their time unselfishly, who've given their effort because they loved President Kennedy and they would like to know who killed him. And they know by reading the official version they cannot find out. I consider them to be the true patriots and I think when the period -- the history of this period is written, it'll be said not those who toadied to the official doctrine, but those people who unselfishly worked and gave their own efforts to find out who killed their President, they served the America, the America that I think we believe in.

SCHOENBRUN: Now, if I may --

NIZER: Now, may I reply to that?

SCHOENBRUN: Yes.

NIZER: If there were -- if an analysis, which as been made of the different positions of the critics of the report, men he mentioned, Sauvage and all the others, they come up and contradict each other and often quarrel with each other. Under the -- a compiled estimate of all these critics, there were five assassins shooting from four different directions. The fact of the matter is, that this attempt to hid behind a high patriotic motive or creating his suspicion agains a report of Chief Justice Warren and these distinguished men is a most hypocritical posture, I must say so. Mr. Lane has belabored Chief Justice Warren, has said terrible slanders about him, which I will not even repeat because they're so terrible.

LANE: What did I say?

NIZER: His entire thesis --

LANE: What did I say, Mr. Nizer?

NIZER: You said he was a disgrace to the American people.

LANE: That's not true.

NIZER: It is true, sir.

LANE: He may be, but I haven't said it.

NIZER: You see, and there you are. This is the kind of technical approach. May I say that -- that -- let me finish this point -- the attempt -- the entire basis of Mr. Lan'e book is that the Commission whenever it found evidence that it didn't like, it pushed it aside, it fashioned evidence, it distorted evidence. This is a charge of conspiracy against Senator Sherman, Cooper, Sherman, against McCloy, John McCloy, against the Chief Justice, against Allen Dulles, that they perjured themselves, tried to hide the real purpose, that the Attorney General of the

United States did so. How much fantasy? How much preposture -- preposturing can there be that the American people are supposed to swallow, and the only reasons they have there are a very discriminating and wise people and I hope these broadcasts from now on will straighten out the record. The only reason they have is that no one can make these replies to Mr. Lane, who spent the last three years on this mission and picks picayune trifling things in which to show suspicion, but we are going to answer from here in, those of us who believe in this report and there is no use trying to posture that he is doing a patriotic service. We believe that he has disserved the American people and the reputation of America.

BREAK

SCHOENBRUN: Mr. Nizer, Miss Scobey, Mr. Jenner, Mr. Lane, we've now reached a point of summation. It has been agreed that we shall give a final statement of four minutes to each side. Since this is essentially the Warren Commission's answer to it's critics, we believe we should reserve the final word for Mr. Nizer. You now have four minutes for your summation Mr. Lane.

LANE: I'm afraid that I'm not as embarrassed with very big names, which seems to embarrass Mr. Nizer so much. I'm more concerned with the facts. It is true that I have spent time reading the 26 volumes. I do not consider that to be an act of irresponsibility. I believe that Mr. Nizer's act of writing a preface for the report vouching for its accuracy, stating that the citations were accurate when the evidence was not available in order to check out those citations, I believe that was a highly irresponsible act and an act which was designed to sell the American people on acceptance of the Warren Commission Report. I think, even now, Mr. Nizer continually goes to the prestige of the members of the Commission rather than to the evidence and I find that somewhat discouraging because Mr. Nizer is clearly one of the leading members of the bar and I hope that the bar has not really reached that level. Mr. Nizer tells us he always tries to raise the level of discussion but it is difficult, I think, for him to do that because he speaks from a bismal ignorance in terms of the book surround the assassination of President Kennedy. I'm not concerned about the distinguished men. I'm concerned about the distinguished witnesses who told what they heard and what they say and who were disregarded by the commission. Mr. Nizer began the program by stating that 90 per cent of my citations are inaccurate. As I said to Playboy, which keeps on being cited here as an important document as well, but I'm glad so many people are reading Playboy and I hope it's the reading they're doing that. The fact is that not one citation, I believe, has been presented to this program in terms of my book to indicate that there is an inaccuracy, distortion or a statement out of context. Maybe something will be said now that I no longer can reply. But, during the hours which have been passed up until now, not a single citation has been challenged, I believe adequately, in order to dislodge the accuracy and the integrity which I think is present between the two covers of the book. It is easy to talk about me and attack me and to question my motives, but this book has integrity and it's between the two covers. Nothing to do with Mark Lane. Either my citations are accurate or inaccurate. If they are correct -- and I have not heard one yet successfully to my view. If they are correct, then the evidence is conclusive. Shots came from two directions. I don't know -- Mr. Frazer said my book is filled with speculation and rumors, and in the next sentence he says, but I haven't mentioned the name of the person who was involved in the assassination. That's because I don't speculate. I leave speculating to the Warren Commission. I think they've pre-empted the field. I deal with the facts. I don't know who shot President Kennedy. I know shots came from two directions. I know I would like to find out who shot President Kennedy and to that end I'm

going to continue asking this question in every single portion of this country and abroad and everywhere else I can until such time as the American people have what they're entitled to. That is, some facts concerning the death of our President.

SCHOENBRUN: Mr. Nizer

NIZER: Ladies and gentlemen, when a man doesn't know what harbor his ship is headed for, no wind is the right wind. There's a constant shifting of position here by Mr. Lane from one moment to another. He says he wants the facts. For a year, I think a whole year before the Warren Commission rendered its report, Mr. Lane was giving lectures and forgetting the money aspect - I don't want to point a finger at that. I only pointed it because he denied to the Commission that there were payments made for the lectures. There's nothing dishonest if he gives lectures for payment. For a whole year he was giving lectures before the Warren Commission Report was issued, attacking the Commission's anticipated report. When the report came out and for the first time I was requested to analyze it, and I did objectively, as objectively and honestly as I could, and was overwhelmed by the fact, not merely of the 26 volumes which hadn't yet been issued, but by every index in the report. It's a huge document with 13 or more indexes, giving the evidence, summarizing the 26 volumes, the evidence was overwhelming and coming from the source that it did as President -- as Senator Kennedy said and Ted Kennedy, as I read before, the distinction and honor of the people who did it -- and the reports speak for itself, and he endorses it. I will conclude with only this sentence. I've had my say, Mr. Lane did me the service of reading a few sentences from my analysis of the Warren Commission Report. I shall conclude by reading that paragraph including a few sentences he omitted. "There will be some who will resist persuasion. The word prejudicte derives from the Latin pre judicare -- to judge before one has the facts. Those who have so judged before they read the report may not wish their judgments interferred with by fact. They will persist in theories which exploit rumors and inconsistent statements made in the early turmoil. No one is as blind as he who will not see, and sight can be blocked by neurotic adherence to a conviction in which one has an investment of pride or a more sordid interest. We may expect, therefore, that those who cannot be dented by information will continue to carp and propagandize. They will insist that the failure to explain everything perfectly taints all that is explained. They will put the minor factors of the unknown or unknowable against major revelations. They will not joust fairly, by offering facts to be tested against facts, but will utilize a question or a doubt as if it were equivalent to disproof. In this sense, the Report will not end all speculation. But in the historic sense, now that all the facts available have been quarried and justly evaluated, the report will dispose convincingly of the major questions. This is the incalculable service rendered by the Commission. This is its achievement in effectuating domestic tranquility and overcoming foreign skepticism. This is its contribution to history." And anyone who attempts to undermine that contribution to history owes a grave responsibility to the American people and to the American prestige and the American name.

SCHOENBRUN: Thank you Mr. Nizer. We'll be back for a final statement in just a moment.

SCHOENBRUN: We have been listening to a re-examination of the Warren Commission Report mainly by spokesmen for the commission and by one critic, Mr. Mark Lane. This follows an earlier program devoted basically to the critics of the commission. We have tried, thus, to get as much of the evidence and as much of the truth as possible. We hope that we've succeeded. Speaking personally, if I may, I'd like to refer to the fact that in the course of this discussion we heard references to the Dreyfus case in France. I feel that here there is a very distinct and a very important difference. The kind of discussion that you heard tonight by a critic and free citizen and by representatives of the government commission did not take place in France. As an American I'm proud that we're able to have this discussion, this kind of dissent, this kind of confrontation, and for it, we want to thank Mark Lane, and the representative of the commission, Mr. Nizer, Miss Scobey, Mr. Jenner. This is David Schoenbrun saying goodnight.