

The "Impartiality" of the Warren Commission

Eminent persons, including some perennial and fearless critics of the Establishment, the FBI, and the CIA, have urged that the unimpeachable character of its members and the high professional standing of its staff were a virtual guarantee of impartiality. Has the Commission in actual practice justified this assumption? In particular, has Chief Justice Warren imbued this quasi-legal investigation with that uncompromising personal integrity, that high judicial judgment, that meticulous concern for the human and legal rights of the individual—qualities which his very name symbolizes to all except the ultras of the right who wish to impeach him?

There has been considerable critical comment already about the secrecy of the Commission's hearings, about the constant leaks of evidence to the press, about the failure to appoint counsel for the accused with rights of cross-examination, and other procedures inconsistent with the basic right of the individual to public trial. Concern has also been expressed about the strange public statement by Chief Justice Warren in the early days of the Commission's work in which he suggested that the full story would not be known in our lifetime, for reasons of national security. The statement was modified somewhat, later, but it has never been retracted. Yet the report of the Warren Commission does not acknowledge that such a statement was made nor that any information in its possession has been suppressed, for reasons judged to be in the national interest. What information? Whose judgment?

Concern has been voiced also about the fact that at no stage of its work has the Commission appeared to entertain any hypothesis other than that Oswald was the lone assassin; that the Commission never issued an appeal to members of the public to come forward with any information they might have which was relevant to the investigation; and that in general all the information presented in the report was already known to the Commission three months after its establishment but not made public for another seven months. (It would be interesting to know what kind of report and conclusions might have emerged if such critics of the official thesis as Thomas Buchanan, Joachim Joesten and Mark Lane had quietly kept their cards up their sleeve until after the report was issued.)

It does not seem necessary to traverse again such facets of the investigation as the secrecy of hearings and other procedures, the explanations of which have left many persons unsatisfied. Rather, what clues are there to the private attitudes of Commission members and the extent to which they betray an inner predisposition to a particular finding which in turn has consciously or inadvertently distorted judgment. Here there is significant material.

Mark Lane testified before the Warren Commission at his own request, in the only open hearing held by the Commission. Mr. Lane qualifies as an expert witness, since he is a criminal attorney, ~~just as the ballistics experts and the handwriting experts.~~ He is a former New York State Representative, active in the civil rights movement, and he was a supporter of President Kennedy's candidacy for the office in which he was assassinated and had campaigned together with him. His credentials are entirely respectable.

Mr. Lane came forward with important information reflecting on the credibility of a key witness in the case against Oswald, Mrs. Helen Markham. He informed the Commission of a telephone conversation in which Mrs. Markham made statements which cast strong doubt on the identification of Oswald as the killer of Tippit. This was denied by Mrs. Markham.

Chief Justice Warren proceeded to inform the press and the public that he had no reason to believe that Mr. Lane's allegation was true. To put it bluntly, the Chief Justice suggested that Mr. Lane was a liar.

Subsequently Mrs. Markham was confronted with a transcript of the telephone conversation about which Mr. Lane had truthfully informed the Commission. She confessed that she had lied to the Commission when she denied the conversation, giving an explanation for her perjury which the Commission has not seen fit to communicate.

Chief Justice Warren immediately summoned the press and retracted his unwarranted comment on Mr. Lane's veracity, emphasized that he regretted greatly any impression he might have created reflecting unfavorably on Mr. Lane's integrity, and requested publication of his clarification so as to undo any harm to Mr. Lane's reputation. This, at least, is what one would have expected. In fact, so far as is known, Judge Warren has made neither public amends nor private apologies. Mr. Lane is not in a position, even disregarding the question of immunity, to charge the Chief Justice of the U.S. Supreme Court with slander. He will just have to grin and bear it.

But why did the head of an impartial fact-finding body then, and later, show such disdain and pique towards a witness who had come forward with valuable information? Why has such official hostility been shown to a reputable public figure who happens to question Oswald's guilt and some

of the evidence alleged to incriminate Oswald?

An impartial fact-finding body would have welcomed light shed from any source, and the opportunity to test its findings and conclusions against the scepticism of a qualified dissenter. A body wedded to a specific and exclusive theory would resent and attempt to discredit inconvenient evidence and any challenge to its fixed conclusions.

The indignity done to Mark Lane is one clue to the impartiality of the Commission and the Chief Justice and the injury done to his reputation by an unwarranted slur which was never retracted is even more curious when compared to the tact and generosity with which the Warren Commission dealt with the transgressions and outrages committed by Messrs. Henry Wade, Jesse Curry, James Hosty, and certain special agents of the Secret Service. These gentlemen were dealt with so gingerly and deferentially that if one relied solely on the report of the Warren Commission it would be impossible to guess that their criminal irresponsibility and dereliction of duty contributed to the death of the President and the unauthorized execution of a man who may be innocent in fact as well as in law.