

Statement by Mark Lane
August 15, 1966

Concerning his book - RUSH TO JUDGMENT

At the outset of the Commission's hearings the Chief Justice suggested that we might not secure all of the facts regarding the assassination "in our lifetime." He was later to state that he had been just "a little facetious" but his original estimate has unfortunately proved to be accurate.

There are some 1555 documents stored in the National Archives and referred to as the "Basic Source Materials In Possession of the Commission." Five hundred and eighty of those files are classified and may remain inaccessible for 75 years, that is until November 2038.

In addition the original stenographic transcripts of the witnesses' testimony are classified and may not be examined. The Commission's printed version of the testimony may vary from the words spoken by the witnesses since the Commission deleted some of the testimony prior to publication and reserved the right to make "changes designed to improve the clarity and accuracy of the testimony". How can a change in the verbatim transcript improve its accuracy? The Commission never explained.

Moreover the hard physical evidence is not at the Archives. The bullets, the pistol, the rifle, the windshield of the Presidential limousine, as examples, are maintained in secret by the FBI and the Secret Service and both of those agencies refuse to allow examination of that evidence. The Director of the FBI has informed me that my request to have outstanding and impartial experts examine the evidence has been referred to the Attorney General for decision, but that was two months ago and no decision has yet been made. The Director of the Secret Service has informed me that PL 89-318, evidently the same statute relied upon by Mr. Hoover, gives jurisdiction to the Attorney General. Yet the Attorney General concedes that he has not yet acted under the law. Therefore none of the evidence is being lawfully withheld at this time. Yet it is being withheld none the less.

Files and reports classified, the full transcripts of the witnesses' testimony suppressed, and the physical evidence inaccessible? Why the mystery if the evidence supports the Commission's conclusion that one man acting alone killed President Kennedy?

Although all of the evidence may not now been seen and evaluated, sufficient evidence has been published to prove conclusively that the Commission's case against Oswald as the lone assassin is a concoction related to the government's need to tranquilize and pacify. It is a conclusion specifically refuted by the known facts.

In his book, Portrait of the Assassin, one of the Commission Members, Congressman Gerald Ford, stated that Mark Lane raised the classic question of the origin of the shots. That question still persists despite the Commission's conclusion that "no credible evidence suggests that the shots were fired from. . . any place other than the Texas School Book Depository Building."

The Commission failed to provide a list of the witnesses to the assassination. I have compiled such a list utilizing the interview reports filed by FBI agents, Secret Service agents and local police, together with testimony of witnesses before the Commission or depositions taken for the Commission and those radio and television recordings made at the scene of witnesses who were not subsequently questioned by the police or the Commission. The list, and the source for the listing appears as Appendix I on page 399 of RUSH TO JUDGMENT. Two thirds of those at the scene who were able to determine the source of the shots said that they came from a wooden fence which was in front of and to the right of the limousine and not from the Book Depository to the rear of the limousine. The government questioned many witnesses long after it had made plain that in its view the shots had come from the Book Depository Building alone and implied that those who rejected this thesis were irresponsible speculators. The press largely endorsed and publicized the government's position, so that the distinction between wild conjecture and responsible dissent was obscured. In these circumstances perhaps the most significant figures are those attesting to the immediate reactions of the witnesses before any official version was known. Twenty-five witnesses are known to have given statements or affidavits on November 22 and November 23 about the origin of the shots. Twenty-two said they believed that the shots came from the knoll, from behind the fence.

Among those with a commanding view of the Dealey Plaza area were the railroad men who watched the motorcade from the railroad bridge above Elm Street. Not one of the 13 men, who were among the closest witnesses to the knoll, said that he thought the shots came from the Book Depository,

while 11 of them indicated either explicitly or implicitly (not all were questioned) that the fenced in area above the knoll was where they thought the sniper was. Seven of them said that they saw puffs of smoke rise from behind the fence just as the shots were fired.

That testimony becomes more significant when one realizes that the physical location of the fence and the landscaping on the knoll almost preclude the possibility that anyone not on the overpass or behind the knoll might see smoke.

Here are portions of three filmed interviews conducted with three witnesses who were on the railroad bridge on November 22. They are taken from the film, "Rush to Judgment," to be released in September. The film was made by Emile de Antonio, the film-maker who produced and directed the award winning documentary, "Point of Order," and myself.

There is further evidence that at least one shot was fired from in front of the limousine. The doctors at the Parkland hospital described the President's throat wound as an entrance wound. Witnesses saw the effect of the bullets upon the President. A portion of his skull was driven to the rear and the left of the limousine and was found just 8 to 12 inches from the curb by Dallas Deputy Constable Seymour Weitzman.

On November 22 Lee Bowers, Jr. had the best view of the zone behind the fence. He was then the railroad towerman for the Union Terminal Company. From his 14 foot tower behind the fence he could scan the area. He told the Commission that three cars entered the area behind the fence during the morning of November 22 and that they probed the area as if they were examining it closely. Since the area had been sealed off they were quite conspicuous he said. One of the drivers appeared to be talking into a microphone and the fact that two of the cars bore "Goldwater '64" stickers indicated to him that they were not police vehicles. Two men stood behind the fence Bowers said.

When the shots rang out, Bowers said, the two men were still there. He told Commission counsel that something occurred in this particular spot which was out of the ordinary, "which attracted my eye for some reason, which I could not identify."

Q. You couldn't describe it?

Bowers: Nothing that I could pinpoint as having happened that--
Before Bowers could conclude this most important sentence, the Commission lawyer interrupted with an unrelated question. A little later Bowers was excused as a witness, leaving unexplained what it was in the area behind the fence that caught his eye at the moment the President was shot. In a subsequent interview with me which was filmed and tape-recorded, however, Bowers offered more detailed information on this important point.

Bowers: At the time of the shooting, in the vicinity of where the two men I have described were, there was a flash of light or as far as I am concerned, something I could not identify, but there was something which occurred which caught my eye in this immediate area on the embankment. Now, what this was, I could not state at that time and at this time I could not identify it, other than there was some unusual occurrence-- a flash of light or smoke or something which caused me to feel like something out of the ordinary had occurred there.

Lane: In reading your testimony, Mr. Bowers, it appears that just as you were about to make that statement, you were interrupted in the middle of the sentence by the Commission counsel, who then went into another area.

Bowers: Well, that's correct, I mean, I was simply trying to answer his questions, and he seemed to be satisfied with the answer to that one and did not care for me to elaborate.

J.C. Price an employee at the Post Office building just across the plaza watched the motorcade from the roof of the building. He said he saw a man run from behind the fence just after the shots were fired. The man carried something in his hand which Mr. Price said "might have been a gun". As soon as the shots were fired the overwhelming majority of Dallas Police officers, Dallas Deputy Sheriffs and Dallas Deputy Constables in the Plaza raced to the area behind the fence and established a command post there. The Dallas Chief of Police and the Dallas Sheriff, both riding in the lead car just in front of the limousine, each radioed instructions on the spot predicated upon the fact that shots had been fired from the area behind the fence.

Witnesses heard shots come from the knoll. Witnesses saw smoke on the knoll. At least one Dallas police officer said he smelled gun powder behind the fence.

There is some evidence to suggest that one or more shots may have been fired from the Book Depository, as the Warren Commission maintained. It is considerably less compelling than the evidence suggesting that shots came from behind the fence. To contend, however, that shots came from the knoll is not to say that no shots were fired from elsewhere. But it is impossible to contend at one and the same time that some shots came from the fence and that a lone assassin--Oswald--fired from the Book Depository window. As the Commission was to remain faithful to the latter conclusion, it had first to prove that no shots came from the knoll. In attempting to do so, the Report cited evidence out of context, ignored and reshaped evidence and--which is perhaps worse--oversimplified evidence.

I have discussed just one aspect of the case, the origin of the shots, a subject to which the book devotes but a few pages. In examining this area we encounter that which runs like a thread through all of the Commission's efforts -- a lack of concern for the facts where the facts might prove inconvenient to a Commission pre-conception.

In this one area, as in almost every aspect of the Commission's work we discover that many important witnesses were not called, that when witnesses with important, but non-conforming testimony were called the difficulty often was avoided by not asking the relevant question or by interrupting the witness should he volunteer inconvenient testimony. We discover that when witnesses altered their statements to meet the government's view of the events, they were not confronted with the previous and contrary statement. For example the Dallas police radio transcript reveals that Chief Curry evidently thought that the shots came from the front - not from the rear. Yet later Curry was to tell the press that when he heard the shots he knew at once that they came from the Book Depository. The Commission declined to ask the chief what prompted him to change his story. Among the first persons to reach the fence after the shots were fired was Deputy Constable Weitzman. He told the Commission counsel that a railroad employee told him, upon his arrival at the fence, that he "thought he saw somebody throw something through a bush". When Weitzman asked the witness where he thought the noise came from the man "pointed out the wall section where there was a bunch of shrubbery" according to the constable.

The Commission would appear to have been informed about a most important eyewitness to the event--a railroad employee who thought the shots came

from the area behind the fence and who thought he saw a man throw something into the bushes when the President's car passed. However, just after Weitzman gave that information, Commission counsel said, 'I think that's all', and Weitzman was dismissed. He was not asked for the name or description of the employee. He was not asked if he looked into the bushes or if he found anything there. Nothing in the 26 volumes of evidence or in the Report indicates that the Commission or its investigators made any effort to locate or identify the railroad employee.

An undeniable pattern regarding the Commission's work soon emerges. In the words of Professor Trevor-Roper, the Commission "insensibly and progressively emphasized the evidence which seemed to support the conclusion of Oswald's sole guilt, and they insensibly and progressively attenuated the evidence which pointed away from it."

And this pattern is easily discernible in almost everyone of the Commission's efforts and almost every one of the Commission's patently inaccurate conclusions results from this procedure.

Immediately following the tragic event most Americans were stunned, and many demanded that the culprit be brought forth at once. In this atmosphere the Dallas police arrested Oswald and publicly stated that he was the lone culprit. Indeed his description was dispatched by the Dallas police just 15 minutes after the shots were fired and to this day the Dallas police are unable or unwilling to disclose the basis for that description. Nor could the Warren Commission offer a satisfactory explanation as to why Oswald was wanted before any avowable evidence pointed toward him. Those who dared to dissent from this governmental edict were proscribed, as consensus from above, the very antithesis of democracy prevailed.

Today, more than two years after the assassination there are signs that an intellectual discourse, such as that experienced in Great Britain, may be possible here regarding that which was not only the most tragic event in our recent national life but quite possibly one of vast historical importance. Who killed President Kennedy and why was he killed? These questions will persist until some satisfactory answer is given. Why has the United States government issued a false verdict and why has it suppressed the relevant evidence? These questions too require an answer before
November 22, 2038.

A word about the evidence upon which I rely in the book.

"RUSH TO JUDGMENT" is more thoroughly documented, page for page, than the Warren Commission Report. It contains more than four thousand five hundred citations. In almost every case the evidence relied upon appears in the Warren Commission Report or the 26 volumes of testimony and exhibits published by the Commission or the material in the National Archives that is not presently classified or comes from the interviews that I personally conducted. The cited interviews were filmed and tape recorded and many will be available to the public in general when the film is released. Any reviewer who wishes to check any interview cited in the book against the actual tape prior to the release of the film, may do so at a special session that will be arranged for the reviewer.

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