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Warren Commission Critique Is Calm

By **GERALD ASHFORD**

Attorney Mark Lane's carefully prepared critique of the Warren Commission's inquiry into the murders of President John F. Kennedy, Officer J.D. Tippit and Lee Harvey Oswald has appeared from the press of Holt, Rinehart & Winston, with an introduction by Hugh Trevor-Roper.

The carefully marshaled argument is a far cry from the hysterical or sensational outcries that have come with far more haste from certain writers in the United States and Europe, filled with unsupported speculation as to alleged conspiracies from the right or the left.

Lane offers no explicit conclusions of his own in **RUSH TO JUDGMENT** as to the existence of a broad scale conspiracy, though he cites some evidence which might seem to point in that direction. His main contention is that the Warren Commission had made up its mind, before hearing any evidence, that Oswald alone was guilty of the assassination, and that the commission conceived its main duty as being to quiet the public mind by putting to rest any rumors to the contrary.

Unfortunately Lane is guilty — in an opposite direction — of the same sin of which he accuses the commission — making a decision without adequate evidence and then gathering data to prove his point. Only a few days after the murders, he had published an article which so impressed



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Mrs. Marguerite Oswald that she retained him to attend to her interests when the Warren Commission was formed.

He says the article only pointed out the truism that Oswald should be deemed innocent until proved guilty, but he seems to have become counsel for the defense, which of course is his privilege. But the best defense would be to convict someone else, and this he has not been able to do, or even to cast a strong suspicion, though he has tried.

In his book, Lane succeeds in pointing out many gaps in our knowledge concerning events at and before the tragic hour when President Kennedy was shot to death at the School Book Depository and Officer Tippit was slain some distance away. He also finds many inconsistencies in the testimony recorded by the commission and many apparent leads which the commission saw fit not to follow up.

If we compare his brief with the report of the commission, however, we find the principal difference to be that the commission or its staff, after interviewing witnesses or informants, used its discretion in deciding what to believe and what to ignore, and that its judgment on these points often differed from Lane's.

Possibly Lane's strongest

argument is to the effect that one or more of the three shots aimed at the Presidential car came not from the sixth floor of the Depository but from a clump of bushes on a knoll some distance ahead. This he supports with a finding that 58 witnesses at the scene believed the shots were heard from that direction, while 32 disagreed, and that several doctors who examined the President's body thought that the bullets had entered from the front.

However, every experienced investigator or reporter knows how witnesses of the same event may honestly disagree, and it seems probable that the commission and the governmental investigators who examined the witnesses at first hand were in the best position to evaluate the evidence, confusing as it might be.

The strongest argument for the commission's findings, however, is that (a) the whole pattern of Oswald's actions on and before Nov. 22, 1963, suggests his guilt, and (b) even Lane's untiring efforts have not succeeded in uncovering any positive evidence that Oswald was anything but a loner.