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Critic No. 2 Hits Study of Assassination

By JOHN BARKHAM

For Saturday Review Service

"RUSH TO JUDGMENT." By Mark Lane. (Holt, Rinehart & Winston. \$5.95).

The assault on the findings of the Warren Commission is in full swing. The opening salvo was fired by Edward Jay Epstein with his "Inquest" last month, and here is attorney Mark Lane with his own penetrating critique based on more than two years of on-the-spot investigation. Leo Sauvage's post-mortem on the Warren Report is due next month. The reader is thus faced with the disagreeable prospect of weighing these attacks on a prestigious Commission headed by the Chief Justice.

But duty requires that we give the critics a hearing. Unlike Epstein, Mark Lane is not exactly a disinterested party. He had been asked by Mrs. Oswald, mother of Lee Harvey Oswald, to represent her son before the Commission.

CALLED NOT IMPARTIAL

Most of Lane's book consists of a minute analysis of the testimony presented at the hearings, in the course of which he puts his finger on omissions and contradictions too numerous to list here. In an inquiry lasting a year and involving over 500 witnesses discrepancies of all kinds are bound to occur. Yet the gravamen of Lane's charges—supported by the British historian, Hugh Trevor-Roper, in his trenchant introduction—is that the Commission's

report is not an impartial finding based on the evidence, but in effect a brief for the prosecution designed to pin the guilt on Oswald.

It is tempting to dismiss these claims as sensational or unfounded or crackpot, except that Epstein, Lane and Trevor-Roper all point to damaging lacunae in the Report. How many bullets, for example, were actually fired? (The Commission couldn't be sure.) Could a single assassin have fired three bullets from an old gun in 5½ seconds to such deadly effect? (The timing of the shots was conclusively established in an amateur photographer's film.) Why didn't the Commission question witnesses like Mrs. Eric Walther, who said she saw two men, not one, at the windows of the Texas Book Depository? Why didn't the Commission do anything with the photograph taken by Mrs. Mary Ann Moorman, and confiscated by the police, of the alleged assassination window as the motorcade passed—a photograph which would presumably have shown Oswald at the window?

WAS IT CONSPIRACY?

These are a few of the scores of pertinent questions asked by Lane. Indeed, a natural reaction to this book-length cannonade of criticism is to make the reader demand: "Well, if you don't think Oswald did it, who did?" Enter here the conspiracy theory. Since Oswald (a poor marksman according to the testimony) could not have fired three shots at the President and Gov. Connally in so short a time, two people must have been responsible.

For the average reader this is going too far, even though he may be inclined to agree that the Warren investigation was not as thorough as it should have been. Lane stops short at this point, contenting himself with the assertion that the Commission did a one-side job.

The case for the critics was best stated by Epstein when he concluded in his book that, while the Commission's explicit purpose was to ascertain and expose the facts, its implicit purpose was "to protect the national interest by dispelling rumors." In other words, the American people wanted to believe the kind of reassuring report the Commission gave them, which, the critics contend, is why it produced such a report.