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## UNANSWERED QUESTIONS

# Oswald's Lawyer Presents His Case

By JOHN RAYMOND

Journal Constitution Book Review Editor

Although the Warren Commission Report on the assassination of President Kennedy ran into criticism as soon as it was published, most people accepted with relief the main conclusions: Lee Harvey Oswald killed the president, and he acted alone, not as part of any conspiracy. This seemed to settle the matter with reasonable neatness and finality. The nation could go about its business without worrying about an imminent takeover by the Russians, the Cubans or the John Birch Society.

SOME OF THE EARLY CRITICS of the report were not too impressive as men of caution and responsibility; some had a distinct air of the crackpot about them. So the report weathered the early storms, and then things were quiet a few years. Now, all of a sudden, we have a bumper crop of new critical books and articles. Eugene Moore effectively disposed of one criticism in these pages recently when he reviewed E. J. Epstein's "Inquest: The Warren Commission and the Establishment of Truth. (Viking, \$5) Moore said: "Mr. Epstein's volume casts some doubt upon the findings of the Warren Commission's ten-month investigation, an investigation that brought more than 500 witnesses to testify, and included 25,000 supplementary interviews by the FBI and 1,500 by the Secret Service. The report fills more than 26 volumes and the complete file of the probe fills 300 cubic feet of the National Archives. Mr. Epstein charges that the commission's investigation was 'superficial.'"

ANOTHER BOOK ON OSWALD is coming out next month, and I recently read a long article in The New York Review of Books presenting a theory that there were at least TWO assassins firing at the president at the same time.

All this has prompted little response from the commission members. Sen. Ted Kennedy did say the other day that he believes Oswald alone was responsible for the assassination. Sen. Gerald Ford of the commission said recently he stands by the conclusions in the report. And up until now my own reaction has been skeptical. The commission's critics have been unable to offer hard evidence for any plausible alternative to the commission's story of that tragic day in our history. Anyone who has ever sat through a court session



MARK LANE, OSWALD'S DEFENDER  
He Presents His Case in New Book

Involving something as simple as a traffic accident has learned that truth is not easy — may even be impossible — to establish. It should be no surprise to learn that the Warren Commission's case, in which hundreds of people and thousands of facts were involved, is something less than air tight.

All this overture is meant to suggest that I began reading Mark Lane's book with a large bag of salt near at hand. (RUSH TO JUDGEMENT: A Critique of the Warren Commission's Inquiry into the Murder of President John F. Kennedy, Officer J. D. Tippit and Lee Harvey Oswald. By Mark Lane. Introduction by Hugh Trevor-Roper. New York: Hold, Rinehart & Winston. 478 pages. \$5.95.) But now, having finished it, I'm ready to admit that Lane has produced an impressive, thorough and serious argument. Mrs. Oswald hired him to defend her son before the commission. J. Edgar Hoover disapproved of Lane, a fact that might mean different things to different people, and the commission also had had a somewhat cool attitude. But Lane took his time and prepared a long, exhaustive defense, much of it based on legwork and interviews with witnesses in Dallas and elsewhere.

IT IS A ONE-SIDED CASE, of course, a defense lawyer's case. Lane seeks to punch holes in the evidence against Oswald, and I think a fair-minded reader will have to admit that he punches quite a few. But, in addition to criticizing the details, he finds fault with the commission's basic approach: "The commission reviewed the testimony of 552 witnesses. Some of the testimony was inconsistent with other testimony, in sum or in part, and it was necessary for the commission to evolve a standard for accusing it. I believe that it did so: testimony compatible with the theory of Oswald as the lone assassin was accepted, even when incredible, while incompatible testimony, no matter how credible, was rejected."

WELL, HOW MUCH OF THE TESTIMONY accepted was incredible? Chapter by chapter, Lane assaults the key findings of the Commission Report. Among the points of contention are: Where did the shots come from? Was Kennedy hit from behind or in front? Which bullet wounded Gov. Connally? Why did the Dallas police suspect Oswald and zero in on him so quickly? Who actually saw Oswald firing? Was the murder weapon really found? Was it Oswald's? How was the report able to reconstruct Oswald's movements after the shooting? Who shot Officer Tippit? How did Jack Ruby get into the police station basement? How close was his relationship with the police? What's this about a meeting between Ruby, Tippit and a man names Weisman? Is there anything to Nancy Rich's testimony about a mysterious meeting concerning gun running to Cuba, a meeting at which she said Ruby showed up? What about evidence, photos and other items, that showed signs of tampering? And most chilling, what about the threats to and actual killings of reporters and others involved in the case? These questions and many others are examined and the report's answers are found wanting in Lane's view. He presents this view coolly, with a good lawyer's occasional cutting edge, and, despite the material, without sensationalism. If Oswald had lived for his trial, the jury would have had a hard decision to ponder.

I still believe the Warren Commission's basic conclusions are correct. But I don't feel quite so comfortably certain as I did before reading this book.