

RUSH TO JUDGMENT

"An attack upon the king is considered to be parricide against the state, and the jury and the witnesses, and even the judges, are the children. It is fit, on that account, that there should be a solemn pause before we rush to judgment."

—Lord Chancellor Thomas Erskine
in defense of James Hadfield,
charged with the attempted
assassination of King George III

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NOTES ON THE FILM RUSH TO JUDGMENT

Produced by Emile de Antonio and Mark Lane

Based on the book Rush to Judgment (Holt, Rinehart & Winston in hard cover, Fawcett in paperback) by Mark Lane

Directed by Emile de Antonio

CHRONOLOGY

- Nov. 22, 1963: President John F. Kennedy is assassinated in Dealey Plaza, Dallas.
- Nov. 22, 1963: Officer J. D. Tippit of the Dallas Police is killed.
- Nov. 22, 1963: Lee Harvey Oswald is arrested by the Dallas Police.
- Nov. 24, 1963: Lee Harvey Oswald is killed in the basement of the Dallas jail by Jack Ruby.
- Nov. 29, 1963: By Executive Order 11130 the Warren Commission is established by President Kennedy's successor, Lyndon B. Johnson. Its members are:
- Chief Justice Earl Warren
 - Senator Richard B. Russell of Georgia
 - Senator John Sherman Cooper of Kentucky
 - Representative Hale Boggs of Louisiana
 - Representative Gerald R. Ford of Michigan
 - Allen W. Dulles, former Director, C. I. A.
 - John J. McCloy, former Chairman, Chase Manhattan Bank
- "The purposes of the Commission are to examine the evidence developed by the Federal Bureau of Investigation and any additional evidence that may hereafter come to light or be uncovered by federal or state authorities; to make such further investigation as the Commission finds desirable; to evaluate all the facts and circumstances surrounding such assassination, including the subsequent violent death of the man charged with the assassination, and to report to me its findings and conclusions. "

- December 1963: Mark Lane publishes his first article on the evidence against Oswald.
- Dec. 9, 1963: Warren Commission receives five-volume report from the FBI.
- December 1963: Mark Lane is retained by Marguerite Oswald to represent her son before the Warren Commission.
- Feb. 2, 1964: Hearings of Warren Commission begin with testimony of Marina Oswald.
- February 1964: Emile de Antonio meets with Mark Lane and proposes basic film concept, a brief for the defense on film.
- June 30, 1964: Original deadline for the Warren Commission.
- Sept. 27, 1964: The Warren Report (888 pages) is submitted to the White House.
- Nov. 23, 1964: 26 volumes of Testimony and Exhibits are published.
- December 1965: Film is begun. Acquisition of stock footage.
- March 1966: Emile de Antonio acquires stock footage in Dallas.
- March/April 1965: Lane, de Antonio and film crew in Dallas, shooting, interviewing witnesses.
- August 1966: Rush to Judgment is published by Holt, Rinehart & Winston. It becomes #1 non-fiction best seller.
- November 1966: Picture finished.
- Dec. 20, 1966: Distribution agreement signed between Judgment Films, Inc. and Impact Films for world-wide release of film.
- Jan. 29, 1967: BBC transmits film in a 4-1/2 hour prime time program devoted to the case. BBC pays record sum for non-fiction film.
- Feb. 21, 1967: Rush to Judgment opens in three Paris theatres.
- Imminent 1967: Rush to Judgment opens in New York.

CAST OF CHARACTERS
(in order of appearance)

Henry Wade. District Attorney of Dallas. Wade presented the first case against Oswald on national television.

Lee Harvey Oswald

Jesse Curry. Chief, Dallas Police. Curry also presented parts of the case against Oswald on national television.

Marguerite Oswald: mother of Lee Harvey Oswald.

Mark Lane: for the defense.

Emile de Antonio (voice only): narration.

Sgt. Nelson Delgado: served in the Marine Corps with Oswald.

John Connally: Governor of Texas.

Dr. Robert R. Shaw. Treated Governor Connally's wounds at Parkland Memorial Hospital.

S. M. Holland: track and signal supervisor for the Union Terminal Railroad. Former Deputy-Sheriff, Dallas. Saw assassination from top of triple overpass directly in front of presidential car.

Lee Bowers, Jr. In railroad tower at time of assassination. Killed in an accident in Dallas three months after we interviewed him.

R. C. Dodd: employee, Union Terminal Railroad. Saw assassination from triple overpass, directly in front of and above presidential car.

James Leon Simmons: car inspector, Union Terminal Railroad. Witnessed assassination from triple overpass.

James Tague: witness struck by ricochet. Had parked his car under triple overpass just before assassination.

Orville Nix. In Dealey Plaza at time of assassination. Took 8mm. color film used by Commission in helping to determine shot sequence and timing.

J. C. Price: engineer in charge of Terminal Annex Building. Viewed assassination from roof which overlooked Dealey Plaza.

Billy Newman. Interviewed on November 22, 1963. Standing near presidential car at time of assassination.

Charles Brehm. 30-40 feet away from presidential car when first shot fired.

Dallas Police Sgt. Recognized Ruby immediately as Jack Ruby after Oswald was shot.

Detective James Leavelle. Dallas Police. He said of Ruby in describing the shooting of Oswald: "... my partner on the other side, Mr. Graves, grabbed Jack's hand..." This statement from stock footage November 24, 1963.

Napoleon J. Daniels: former Dallas police officer. He saw a man enter the basement of the Dallas jail just before Oswald was shot.

Nancy Hamilton. Worked for Jack Ruby in Dallas. Testified as to connection between Ruby, police and underworld.

Joe Johnson, Jr. Played piano in Ruby-owned clubs for six years. Friend of Ruby. Statement concerns number of Dallas police Ruby knew.

Harold Williams. Statement by him that he saw Ruby and Tippit together on night he was arrested at the Mikado Club.

Penn Jones, Jr. : editor and publisher, Midlothian Mirror.

Warren Reynolds. Saw gunman fleeing site of Tippit killing. Was himself shot through the head two months later.

Acquilla Clemons. Witness of killing of Officer Tippit. Warned not to talk.

THE WITNESSES OF DALLAS

A translation of an article in Le Monde, November 1966, after a press screening of Rush to Judgment in Paris. The author, Claude Julien, is a leading French political journalist.

"To see again, three years later, the police escorting Lee Harvey Oswald in the Dallas jail, to observe once more the ease with which Jack Ruby was able, before a large crowd and before the eyes of millions of televiewers, to kill the alleged assassin of John F. Kennedy, to hear once more the peremptory and contradictory statements of the Dallas police, all of it, which might have been blurred in memory, adds to the uneasiness which the Warren Commission did not know how to dispel.

These dramatic images are brought to mind again by the American cineaste, Emile de Antonio, who, on Wednesday, screened in Paris, Rush to Judgment, a film made by him with attorney Mark Lane, author of the book of the same name, which attacked the haste with which the Warren Commission decided Oswald was the lone assassin of President Kennedy and Ruby the lone assassin of Oswald. But the filmmaker, who has already made an excellent documentary on Senator McCarthy (Point of Order), didn't restrict himself to evoking the extraordinary confusion of November 1963. He has interviewed witnesses the Commission didn't want to hear because they contradicted the official version of those events.

Are these witnesses, men and women, simply intimidated by the camera? Many of them seem so ill at ease that a question suggests itself: might they have been afraid to state opinions or to mention details which undermine the very foundations of the official version? Several of them affirm that in their opinion the shots did not come from the Book Depository where Oswald was but from behind a wooden fence in an entirely different area. All human witness is fragile. But why did the Commission publish only those witnesses who agreed with it? Why did it discard or minimize the others? The chief of the Dallas police stubbornly persisted in denying any relationship between the Dallas police and Jack Ruby, but a witness contradicted him on camera.

Another witness states that Ruby knew Tippit whose death was also charged to Oswald. We see Governor Connally oppose the theory that the same bullet struck him after it struck President Kennedy. We learn that a police car went to Oswald's rooming house just before Tippit was killed.

Two hours of testimony, nervous and jumpy, sometimes at the edge of agony, don't prove anything except that the Warren Commission itself did not establish undeniable proof, that it did not accomplish in an irreproachable manner the task entrusted to it. Several books which have found favorable response in the American press have sown doubt in the United States. A film like this if shown in America will unquestionably make inroads on the Report. For no one can silence the voices of these men and women, the witnesses, these ordinary but utterly believable people. We have to know why they were not heard, why the film taken by one of them was cut by the FBI, why certain ones of them whom we see on the screen have disappeared. Official truth is vulnerable if it isn't the entire truth. European opinion is not alone in showing itself dissatisfied. The uneasiness grows larger in the United States. Emile de Antonio's film should be seen on both sides of the Atlantic to convince the Warren Commission that its job is not finished and, as Mr. Goodwin, a former assistant of President Kennedy's, has asked that a new investigation be made. "

THE GREAT AMERICAN MYSTERY

A new dissent on the methods and findings of the Warren Commission

by Norman Mailer

Reprinted from The Washington Post, August 28, 1966.

"On May 14, 1964, when J. Edgar Hoover testified before the Warren Commission, he said about Marguerite Oswald: 'the first indication of her emotional instability was the retaining of a lawyer that anyone would not have retained if they really were serious in trying to get down to the facts.' Well, Bill Terry once asked if the Dodgers were still in the league, and J. Edgar Hoover revealed this day an even more massive incapacity to judge certain

kinds of underdogs and men, for Mark Lane, the lawyer retained, has come up with 400 pages of facts on the Warren Commission's inquiry into the murders of President John F. Kennedy, Officer J. D. Tippit, and Lee Harvey Oswald, and they are somewhat staggering facts. If one-tenth of them should prove to be significant, then the work of the Warren Commission will be judged by history to be a scandal worse than Teapot Dome.

Rush to Judgment is of course a defense attorney's brief, and it seeks to make its case as best it can, wherever it can. Those looking for a comprehensive explanation of the mystery of the assassination will not find it, not here. There is no single overall explanation of the unspoken possibilities, nor is one even offered. Lane is attempting to prove that Oswald most certainly could not have committed the crime alone, and that the odds are great he did not commit either murder. Lane's attempt, therefore, is to disprove the case brought in by the prosecution--it is a small continuing shock to recognize, as Lane fortifies his arguments in the most interesting detail, that the Warren Commission served as an agent of gentlemanly prosecution rather than a commission of inquiry. That this was not head-on evident when the Report came out is due to the lucidities and sweet reasonable tone of the style in which the Warren Commission Report is written. But the gentlest of men often write in a bad harsh voice, and many a quiet calculating brute has acquired the best of good tones in prose. Yes, the Warren Commission Report convinced a majority of Americans by the reasonableness and modesty of its style--what casual study did not show, however, was that when the Commission was being most reasonable in stating that something could not be proved, it was neglecting to say that the preponderance of unexplored leads to new evidence was pointed resolutely in the opposite direction from their conclusion. The scandal of the Warren Commission was twofold--it did not look into some of the most interesting and fascinating matters before it, and it distorted its hard findings. As Hugh Trevor-Roper points out in a fine British introduction to Rush to Judgment, 'A pattern was made to emerge out of the evidence, and having emerged, seemed to subordinate the evidence to it.' It was not enough to read the Report; one was obliged, Trevor-Roper

points out, to read the 26 volumes of Hearings. 'To follow the same question through the three successive levels of Hearings, Report, and Summary and Conclusions is to see sometimes a quiet transformation of evidence. '

But one may ask: was the Warren Commission in conspiracy to hide the truth, all those fine, separate, august, and honorable gentlemen? And the answer is: of course not. They were not in conspiracy, they never needed to be, no more than a corporation has to be in conspiracy to push out a product which is grievously inferior to the product they are potentially equipped to make, nor the head of General Motors need hire private detectives to hound Ralph Nader. Products come from processes, and a commission's report is a reflection of a method of inquiry. Edward Jay Epstein's book demonstrated even to Fletcher Knebel's satisfaction that the Warren Commission did not work very hard. Walter Craig, president of the American Bar Association, appointed as 'protector' of Oswald's interests, attended two out of 51 sessions of the Commission--he was perhaps not the kind of lawyer Mr. Hoover would have recommended to Mrs. Oswald; the only Commission member to be present much more than 50 per cent of the time was Allen Dulles of the CIA--perhaps he had the most to protect.

No, for the large part, the seven members of the Commission were abstracted and often distant. The established lawyers who pursued the investigation as their nominal assistants were busy in private practice, and usually absent. So the work passed on down to junior assistants, bright young lawyers with careers to make. They were forced to contend every day with agents, investigators, and detectives who knew more about criminal investigation than they did and were also presumably possessed of more physical strength, more martial arts, as well as endowed with that dead, muted, fanatical intensity which wins much in negotiation across a table. The investigation seemed to push at every turn against the likelihood of inefficiency, corruption, collusion, or direct involvement in the case by the Dallas police, and, in more complex fashion, the CIA and the FBI. The Secret Service, having done a poor job, had their own reputations to protect. In such a

situation, what overworked young lawyer is going to continue to make a personal crusade of his own investigation against the revelatory somnolence of the Committee members, and the resistance of the FBI, especially when a routine performance satisfactory to the Commission gives assurance of a happy and accelerated career?

What becomes oppressively evident is that the Warren Commission from the beginning had no intention of trying to find any other assassin than Oswald. Whether from pure motives or from intentions not so clear (it will be remembered that before the Commission began to sit, the Chief Justice was speaking already of information which could not be divulged for 75 years), whether from honest bias or determined obfuscation, the evidence fitted a bed of Procrustes. Everything was enlisted to satisfy the thesis that Oswald, half-mad, had done the job alone, and Ruby, half-mad, had done his particular job alone. So a witness, Brennan, who had poor eyesight, was credited by the Commission with identifying Oswald in a sixth-story window--his eyes, went the unspoken assumption, could see better at one time than another; whereas a man with excellent eyesight named Rowland who saw two men in the window was considered unreliable because his wife told the Commission her young husband was prone to exaggerate the results of his report cards.

Besides, it was a game of experts. The expert always plays a game in which his side is supposed to win--the expert has a psychic structure which is umbilically opposed to finding the truth until the expert finds out first if the truth is good for his side. We have prosecuting attorneys and defense attorneys because a legal case is first a game--each side looks for its purchase of the truth, even if the search carries them into almost impossible assumptions. It is why a fact-finding commission cannot by its nature make discoveries which are as incisive as the evidence uncovered by the monomaniacal, the Ahab-like search of a dedicated attorney. In contrast to him, the totalitarians look to find their truth in consensus. You and I are more likely to find it beneath a stone.

So Lane's book provides the case for the defense. Like all lawyers' briefs, it is not wholly satisfactory as a book. One wishes that the strongest evidence of Oswald's guilt provided by the Warren Commission were presented at least in summary, if only to be demolished, or that admission were made by Lane that certain crucial damaging points cannot be refuted, but Lane's intent is to do the best for his dead client, and that is what he does. If Rush to Judgment accomplishes nothing else, it will live as a classic for every serious amateur detective in America. Long winter nights in the farmhouse will be spent poring over the contradictions in the 26 volumes of Hearings with Lane's book for a guide, and plans will be made and money saved to take a trip to Dallas, which will become a shrine for all the unborn Baker Street Irregulars of the world. Because Lane's book proves once and forever that the assassination of President Kennedy is more of a mystery today than when it occurred.

Well, then--what finally does Lane produce? He presents a thousand items of clear-cut doubt in 400 pages, material sufficient for five years of real investigation by any fair country commission. He makes it clear that most of the witnesses to the assassination thought the shots came not from the Texas Book Depository Building but from behind a fence on a knoll above and in front of the Presidential limousine. And that autopsy which could clarify whether the President was shot from the front, from behind, or from both separate positions--well, that autopsy is mired in massive confusion which the Commission did not dissolve and in fact interred, for X-rays and photographs taken at the autopsy have not been published. The bullet which shattered the President's skull almost certainly had to be a soft-nosed lead round to explode so large a wound; Oswald's gun fired hard-nosed metal-jacketed rounds. The questions raised by Edward Jay Epstein in Inquest about the bullet which was alleged to strike the President and Governor Connally are explored again and point to the same conclusion--one bullet could not have entered where it did, and come out where it came out.

Nor has any satisfactory explanation ever been offered, Lane shows in detail, as to how the police were able to send out a call to apprehend Oswald

15 minutes after the assassination, nor why the two officers who discovered the rifle on the sixth floor described it in careful detail as a '7. 65 Mauser bolt-action equipped with a 4/18 scope, a thick leather brownish-black sling on it. . . gun metal color. . . blue metal. . . the rear portion of the bolt was visibly worn. . . .' But the Mauser turned into a pumpkin and became a 6. 5 Mannlicher-Carcano. Of course, Marina Oswald, on hearing of the assassination over the radio went out to the garage to see if Oswald's Mannlicher-Carcano was in place. It was there. It was there? 'Later,' she said, 'it turned out that the rifle was not there (and) I did not know what to think.' The Dallas police came in soon to search the garage and later reported that they found an empty blanket upon a shelf. It was that empty blanket, they declared, which Marina had mistaken for the rifle. So the rifle on the sixth floor altered from a 7. 65 Mauser bolt-action to a 6. 5 Mannlicher-Carcano carbine, a point for the shade of Sherlock Holmes, for unless the police in Texas are such unnatural Texans as to be innocent of rifles, they would know a 7. 65 Mauser bolt-action, for the Mauser is the most beloved and revered of bolt-actions, whereas the 6. 5 Mannlicher-Carcano rests among the more despised of shooting irons. It is curious; one repeats: it is curious that the Commission taking testimony from the very same officer who discovered the original rifle which he had declared a Mauser did not choose to show this police officer the Mannlicher-Carcano and ask if he might be in error, or if, horror beyond belief, the guns were switched.

Roll-call of these unexplored details continues. The Mannlicher-Carcano had the same scope as the nonexistent Mauser, but Marina Oswald had never seen a scope on a rifle. (She was a woman, after all.) So the suggestion intrudes itself--was the 4/18 scope on the Mauser switched in a great private frantic hurry to the Mannlicher, installed in fact so quickly that the telescopic sight was unrelated to the line of fire! Certainly we have it on record that the scope had to be reset with shims before three Masters of the National Rifle Association could even aim it. This, the rifle supposed to have killed Kennedy? And when they fired for test, these three Masters, six shots each in groups of two at three fixed targets, 18 shots in total by three

Masters, they did not fire nearly so quickly or so well at fixed targets as Oswald had fired at moving targets from a more difficult and certainly more extraordinary position. In fact the Mannlicher dispersed its shot group so widely (an estimated 12 inches at 100 yards) that no one of the experts in all their collective 18 shots succeeded in striking the head or neck of the fixed target. Nonetheless, the Commission decided that the Mannlicher-Carcano had done the job. Oswald, of course, had no great record as a rifleman, but perhaps his bad aim, the moving car, the crazy banged-up scope, the inaccurate barrel, and the very heavy trigger pull came together in the vertigo of the moment to funnel-in two hits out of three. Perhaps. Perhaps there is one chance in a thousand. But a Zen master, not a rifle expert, must be consulted for this.

Questions arise here and everywhere. The package of curtain rods in which Oswald was supposed to have concealed the Mannlicher-Carcano was too small (on the account of both witnesses who had seen it) to contain the disassembled rifle. But the size of the bag remains moot because it was ruined in the FBI labs while being examined for fingerprints. Another bag was put together--38 inches in length. The witnesses seemed to think it was about 10 inches longer than the original. (The Mannlicher disassembled is almost 35 inches.) The Commission decided the witnesses 'could easily have been mistaken in their estimate.' So could the FBI, unless there were affidavits on the dimensions of the original bag before it had been subjected to fingerprint tests.

Move on. The only eyewitness to the murder of Tippit was a woman named Mrs. Markham. She was certain the killing took place at 1:06 p. m. The Commission was not able to get Oswald to the spot before 1:16 p. m. So the Commission decided Mrs. Markham was correct in her identification of Oswald, but wrong in her placement of the time. Mrs. Markham, however, in an interview with Lane, described Tippit's killer as 'a short man, somewhat on the heavy side, with slightly bushy hair.' The description she gave the police was 'about 30, 5'8", black hair, slender.'

Tippit leads to Ruby. Among the many potential witnesses who were not called were a variety of people who had been associated with Ruby for years. They made a general collective estimate that Ruby knew personally more than half the officers on the Dallas police force. Ruby kept begging the Warren Commission to get him out of the Dallas jail and into Washington. 'I want to tell the truth,' he said, 'and I can't tell it here... Gentlemen, unless you get me to Washington you can't get a fair shake out of me.' Of course, many witnesses were intimidated in mysterious ways. Two reporters who visited Ruby's apartment just after he killed Oswald were later murdered, one in his Dallas apartment as the victim of a karate attack (where are you, Charley Chan?). The Commission did not seem to explore this. Another witness, Warren Reynolds, was shot through the head, but recovered. He had seen a man whom he did not identify as Oswald (until many tribulations and eight months later) fleeing the scene of the Tippit murder, pistol in hand. Two months elapsed before Reynolds was questioned. He then told the FBI that he could not identify the fugitive as Oswald--although he had followed the man on foot for one block. Two days after the interview, Reynolds was shot through the head with a rifle and somehow survived. The prime suspect, Darrel Wayne Garner, was arrested by Dallas police, and later admitted he had made a call to his sister-in-law and 'advised her he had shot Warren Reynolds,' but the charges were dropped because Garner had an alibi in the form of a filed affidavit by Nancy Jane Mooney, a stripper who had been employed once at Jack Ruby's Carousel. Eight days later, Miss Mooney was arrested by Dallas police for fighting with her roommate, 'disturbing the peace.' Alone in her cell--less than two hours after arrival--Miss Mooney hanged herself to death, stated the police report.

Item: In January, 1964, Reynolds told the FBI that the man he saw was not Lee Harvey Oswald.

Item: In July, 1964, Reynolds--who now owned a watchdog, took no walks at night and whose house was ringed with floodlights--testified that he now believed the man was Oswald. The Commission, in reporting

the changed statements, omitted to mention at that precise point the attempt on Warren Reynolds' life.

Item: Information given by Nancy Perrin Rich to the Warren Commission that Jack Ruby brought money to a meeting between various agents and one U. S. Army officer for smuggling guns to Cuba, and refugees out, was stricken from the record by the Warren Commission.

Item: A communication from the CIA in response four months late to a Commission inquiry: 'an examination of Central Intelligence files has produced no information on Jack Ruby or his activities.' Indeed. Which files? The Balkan files? The Ipcress file?

Item: William Whaley, Oswald's alleged cab driver, was killed in an automobile collision on December 18, 1965.

Item: Albert G. Bogard, an automobile salesman who tried to sell a car to a man calling himself Lee Oswald, was beaten up by some men after testifying and was sent to a hospital. The Warren Commission determined that the man buying the car could not be Oswald, but it did not inquire further. That someone might be impersonating Oswald before the assassination was a matter presumably without interest to the Commission.

Item: On Wednesday, January 22, a call came to J. Lee Rankin, general counsel for the Warren Commission. It was from the Attorney General of Texas who told Rankin he had learned that the FBI had an 'undercover agent' and that agent was none other than Lee Harvey Oswald. After much discussion that evening and much resolution that evening to conduct an independent investigation of this charge, the Commission nonetheless ended months later with this verdict: 'nothing to support the speculation that Oswald was an agent, employee, or informant of the FBI,' citing as its basis the testimony of Hoover, his assistant, and three FBI agents, plus reference to some affidavits signed by various other FBI agents. That proved to be the limit of the 'independent investigation.' There is nothing to show that the

Attorney General of Texas was ever asked to give testimony as to how he heard the rumor.

So there we are left in this extraordinary case, and with this extraordinary Commission which looks into the psychic traumas of Oswald's childhood and Jack Ruby's mother's 'fishbone delusion,' but does not find out by independent investigation which Dallas cop might have let Jack Ruby into the basement, or whether Oswald could ever have been an undercover agent for the FBI, the CIA, the MVD, MI-5, Fair Play for Cuba, JURE, Mao Tse-tung, the John Birch Society, the Nazi Renaissance Party, or whether indeed an agent for all of them. The word of Mr. Hoover is good enough for the Commission. Mr. Hoover is of course an honorable man, all kneel.

No, what we are left with, after reading this book, is an ineradicable sense of new protagonists--the Dallas police--and behind them, opposed to them, for them, beneath them, on every side of them, another protagonist or protagonists. But first, foremost, the police.

Criminals fall into two categories--good criminals and bad. A bad criminal is the simplest of people--he cannot be trusted for anything; a good criminal is not without nobility, and if he is your friend he is a rare friend. But cops! Ah, the cops are far more complex than criminals. For they contain explosive contradictions within themselves. Supposed to be law-enforcers, they tend to conceive of themselves as the law. They are more responsible than the average man, they are more infantile. They are attached umbilically to the concept of honesty, they are profoundly corrupt. They possess more physical courage than the average man, they are unconscionable bullies; they serve the truth, they are psychopathic liars (no cop's testimony is ever to be trusted without corroboration); their work is authoritarian, they are cynical; and finally, if something in their heart is deeply idealistic, they are also bloated with greed. There is no human creation so contradictory, so finally enigmatic, as the character of the average cop, and these contradictions form the keel of the great American mystery--who killed President Kennedy?

Yet even that oppressive sense of the Dallas police does not satisfy all the resonance of this mystery. For the question remains: was Oswald some sort of agent? We are getting uncomfortably close to the real heart of the horror. So it is time to offer a new hypothesis (or at least offer the beginnings of a working hypothesis), even to make it out of whole cloth without a 'scintilla of evidence.' Call it a metaphor. So I will say the odds are indeed that Oswald was an undercover agent. He was too valuable not to be. How many Americans, after all, knew Soviet life in the small intimate ways Oswald had known it? And indeed how was it so possible for him to arrange his return? If you, sir, were the head of an espionage service, would you not wish to make Oswald work for you as the price of his return? If you were in Russian intelligence, would you not demand that he serve as some kind of Soviet agent in exchange for his release? A petty undercover agent for two services or three, a man without real importance or any sinister mission, he may still have been in so exposed a position that other services would have been attracted to him. Espionage services tend to collect the same particular small agents in common, for most of their operations are only serious as a game, and you need a pocket board on which to play. Oswald may have been just such a battered little pocket board.

Worked over and played over until he metamorphosed from playing board to harried rat, he may even have nibbled at the edge of 20 Dallas conspiracies. It was all comedy of the most horrible sort, but when Kennedy was assassinated, the espionage services of half the world may have discovered in the next hour that one little fellow in Dallas was--all pandemonium to the fore--a secret, useless, little undercover agent who was on their private list; what nightmares must have ensued! What nightmares on the instant! What quiet little mind in some unknown council-of-war room, thinking of the exceptional definition of the game which might soon be given by a rat harried past the point of no return, a rat let loose in a courtroom, cried out in one or another Ivy League voice, 'Well, can't something be done, can't we do something about this man?' and a man getting up saying, 'See you in a while,' and a little later a phone call made and another and finally

a voice saying to our friend Ruby, 'Jack, I got good news. There's a little job...' Is it so unreasonable that the tiny metaphorical center of a host of espionage games should be killed by that precise intersection of the Mafia, the police, the invisible government, and the strip-tease business which Jack Ruby personified to the point.

No, there may have been no formal master plan to murdering Kennedy, just coincidences beyond repair and beyond tolerance, as if all things came together in a blaze of one huge existential moment, and nothing left but wreckage, paranoia, and the secret bewildered sense in every copy, criminal, and agent of the Western Hemisphere that something beyond anyone's ken had occurred; now the evidence had to be covered. So Kennedy may have been killed by a conspiracy which was petty to its root; certainly he must have been killed by a very petty conspiracy with a few good Texas marksmen in it, but the power of several master conspiracies may then have been aroused to protect every last one of us against the possibility of discovery, against the truth, for no one in power in America knew what that truth was. Not any longer. So the case was fertilized and refertilized--it grew into a thicket. And the Commission was obliged to cut a tidy path through the thicket and this laid the ground for future scandals and disasters out of measure.

If in the next few years some new kind of commission does not establish in hard and satisfactory fashion the known and unknown boundaries of the case, then the way is open to a series of surrealistic political machinations. On that unhappy--let us hope impossible--day when America becomes a totalitarian government of Left, Center, or Right, the materials are now at hand for a series of trials of high government figures which will make the Moscow Trials of 1936 to 1938, following upon the assassination of Kirov, seem like modest exercises in domination, for the wealth of contradictory evidence now upon us from the rot-pile of Dallas permits any interpretation, any neat little path, to be cut through the thicket. From any direction to any direction. The Right may now convict the Left. The Left may now stifle the Right. The Center may eat them both. The cannibal's pure totalitarianism is near.

So one would propose one last new commission, one real commission-- a literary commission supported by public subscription to spend a few years on the case. There are major intellectuals in this country who are old now and have never been able to serve in American life. Not ever. It is time for that. Time for the best of intellectuals to serve. I would trust a commission headed by Edmund Wilson before I trusted another by Earl Warren. Wouldn't you? Would you not estimate that Dwight MacDonal, working alone, could nose out more facts and real contradictions than could 20 crack FBI investigators working together? Laugh, angels, pass the drinks, make this the game for the week. Pick your members of the new commission. It is very funny. And yet the small persisting national need is for a few men who can induce, from contradictory evidence, a synthesis. The solution to President Kennedy's murder will come not from legal or government commissions, but from minds deeply grounded first and last in the mysteries of hypothesis, uncorrupted logic, tragedy, and metaphor. In the meanwhile, waiting for such a literary commission, three cheers for Mark Lane. His work is not without a trace of that stature we call heroic. Three cheers. Because the game is not yet over. Nor the echo of muffled drums. Nor the memory of the riderless horse. "

THE PRINTED PAGE

By A. C. Greene, Book Editor

Reprinted from Dallas Times-Herald, August 14, 1966

"This is the age of the press agent, the public relations man, the 'make-it-all-righter.' What we are interested in is not what IS but what can be accepted. The question faced by Mark Lane's book, 'Rush to Judgment,' is how much of this philosophy permeated the thinking of the Warren Commission when it came time to tell the American people what had been found concerning the assassination of President Kennedy and the people involved then and in the aftermath?

Mark Lane finds the commission to have been more image-conscious than fact-finding. This reviewer agrees with that summary, while disagreeing

with many of the inferences drawn from Lane's own investigation.

There Must Not Be Conspiracy

The Warren Commission was determined that there was not going to be found a conspiracy to kill President Kennedy, whether of the Communists or the Far Right. It apparently felt that the good of the nation rested on acceptance of the 'one crazed gunman' theory. To assure this view, the commission's investigators and counsels indulged in suppression of evidence, monumental carelessness in data, and deliberate distortion of facts. Now, whether we believe the 'one crazed gunman' theory or not (and most of us do) we cannot but cringe at the dogmatic way the nation was made to accept official vindication of that theory. It was a steamroller job, a pressure drive unmatched by the most skillful of Madison Avenue or television. The sin committed was not in taking the viewpoint that Oswald was apparently the one person responsible for the crime but in so doggedly rejecting any facet of possibility which did not coalesce with that theory. So today, reading the Warren Commission Report again, less hurriedly, less sympathetically, we are appalled at the inaccuracy, the conflicting statements, the errors contained in it. Mark Lane has used common good sense in his book. He has relied on the Warren Commission Report to punch holes in itself. And it certainly does.

The whole assassination episode has, of course, assumed this awesome nature of coincidence; coincidence so vast and so frequent as to cause a perpetual question to cloud its true relation to history. Powerful points are still unanswered--which Mark Lane methodically rips from the comfortable assumption of the report--and simply cannot be laid with the knowledge we have today. Will there be a time when they will?

Lane, in instances, shows how slipshod, yet almost cunningly, the commission reported on such topics as the number of bullets fired at President Kennedy, the path of the bullets through his body and that of Gov. John Connally, the massive conflict of witnesses in their testimony as to where the

shots came from, and who was hit first (primary dissenters being, of course, Gov. and Mrs. Connally, both of whom insist to this day that two separate shots hit the President and the governor, although one of the standard basing points of the report is that the same bullet plowed through both men).

Who Described Oswald First?

Much rather bland public assumption is shown to be erroneous by Lane, not through any new witnesses he has resurrected, but by the words of the report itself. For example, there was no roll call of employees at the Texas Book Depository in which it was discovered that Oswald was missing. So how was it discovered? Who first described him? No one will say.

The bewildering lack of medical certainty concerning President Kennedy's death wounds, whether they were entrance or exit wounds, and the already discussed pathway of the bullets; Oswald's capability as a marksman --three master riflemen could not duplicate his performance under ideal test conditions--must still nag at our credulity. And the fact that the body of police officer J. D. Tippit contained two kinds of bullets and the police found shells in unequal numbers, of what is this indicative?

The inaccuracy in reporting, the careless professional clumsiness of the stenographic reporting is evident to even a casual reader of the report. The FBI, sacrosanct in America, is shown here to be as prone to error as any agency when it is in a hurry to cover up its own mistakes--and the Dallas Police Department has no defense for some of its officers' statements and miscalculations (one lieutenant made three factual errors in one sentence concerning the assassination rifle in an official report).

On Page 105 of the WCR we read that Gov. Connally was 'sitting erect' so the bullet had to take a certain path, but on Page 107, in proving another assumption, the WCR says the governor 'was leaning slightly backward.' Poor editing or just a 'rush to judgment'? J. Edgar Hoover notes, in another report, 'all these persons were known to have been in the building

(schoolbook depository), ' but five persons listed were not at work that day and one was out of Dallas. The terribly imprecise wording of many principals and their testimony seems not to have been caught.

Bad Editing or 'Rush to Judgment' ?

And so on and on. The coincidental nature of Jack Ruby's arriving at the police station exactly in time to kill Oswald although the transfer time had been changed by more than an hour, the inability to find (or reluctance to admit) how Ruby got into the police basement, the still unverified timetable of Oswald's movements following the assassination (many witnesses whom the public still believes tracked Oswald since have repudiated or invalidated their witnessing) and the Warren Commission's blithe selectivity in taking those parts of testimony it wanted to use, despite the witnesses having said it was different--all these will plague history.

Lane made himself unpopular early in the case, but we must not let antipathy for Lane blind us to the validity of his book. The citations which strike hardest at our belief are based on the WCR itself. As to his own assumptions--that shots were also fired from behind the fence surrounding the knoll in front of the President's car, that Ruby, Tippit and Bernard Weismann met in Ruby's club Nov. 14, and the general assumption that some conspiracy was at work, possibly involving the Dallas police--these are less likely to strike the chords of recognition. (If there was a conspiracy, I feel it was after the assassination and was a conspiracy of the various agencies to see to it that their own bungling was concealed.)

But the important thing is, these other theories were never given a chance to be heard, and often they were put forth by witnesses at least as reliable as those who assumed positions wanted by the commission.

No the facts on the assassination are like a series of peaks sticking out of the fog; the President was shot, officer Tippit was killed, Oswald was gunned down by Jack Ruby. In between is mist. Most of us believe (and I certainly do) that Oswald fired the assassination bullets, that Tippit was an

innocent victim, that Ruby moved through furious impulse. But what if-- what if there were facts that could change our views? All the ideas need to be displayed, says Lane, and his book does it well, does it honestly and will persuade a number of readers that the assassination is, far from being a closed chapter of history, a lively section of our time waiting to be written."

WHO KILLED PRESIDENT KENNEDY?

By Harrison E. Salisbury
Assistant Managing Editor, New York Times

Reprinted from The Progressive, November 1966

"Five days after President Kennedy was assassinated, November 22, 1963, I made a few notations in an occasional diary I keep. From the moment of the assassination until the evening of November 27, I had been so occupied in directing the news coverage for The New York Times that I had not had a moment for reflective thought. I want to quote two paragraphs from what I jotted down because they have a close bearing on what I shall have to say in this review:

'I am sure that the echo of this killing will resound down the corridors of our history for years and years and years. It is so strange, so bizarre, so incredible, so susceptible to legend making. . . It matches Lincoln's assassination and may well have equal public effects.

'I am convinced that Oswald was a psychopath and Ruby a cheap gangster and that these were individual acts. But it is no trick to create a hypothesis of something just the opposite. We are running down every single item of Oswald's background that can be found. And, strange story though it is, there is not one fact thus far which essentially changes the public story--or makes it any more understandable.'

Ten months later, September 27, 1964, the Warren Commission issued its report on President Kennedy's assassination. Writing that day in an introduction of a paperback edition of the Commission report I said:

'It seems naive to suppose that the Warren report--comprehensive, careful, compendious, and competent as it is--will provide the final word on Mr. Kennedy's death. The facts of Abraham Lincoln's murder are well known. Yet today, one hundred years after his death, the legends of its occurrence are still flowering.'

'The legend of President Kennedy's death began with the crack of the sniper's rifle that took his life. It was born at about 12:30 p. m. on November 22, 1963, when the lethal bullet whined toward his body.

'It has grown steadily since that moment. As an editor of The New York Times remarked when he read the bulletin announcing the President's death at 1:35 p. m. that day: "The year 2000 will see men still arguing and writing about the President's death. "'

A little more than two years have passed since the Warren Commission delivered its report and those words were written. It is nearly three years since the President's tragic death. The legend, the enigma, the Euripidean tragedy of that event have not receded. As was predicted, all have grown and flowered. The Warren Commission report, far from quenching the flames of rumor, has become a principal source--the principal source--of the ever-broadening tide of hypothesis, speculation, guess, and challenge of the verdict that Lee Harvey Oswald, acting alone, shot and killed the President.

I began this review by citing my own conviction immediately after the assassination that Oswald was the killer--a lone killer. My belief in this explanation was strengthened--not weakened--by the Warren report. I still hold to that belief.

But the interesting, shrewd (and sometimes unfair) analysis by Edward Jay Epstein, in Inquest, of the methods, procedures, and internal 'checks and balances' within the Warren Commission convinces me that there are questions--some of them of major importance--which must be answered. And the exhaustive, stimulating (and sometimes prejudiced) reinvestigation by Mark Lane in Rush to Judgment establishes half a dozen areas which must be reexamined.

I cannot say that the work of Leo Sauvage, in The Oswald Affair, on what he calls the 'contradictions and omissions' of the Warren report is as impressive as the other two bodies of research and analysis. A good many of the 'contradictions' which still concern Sauvage are in reality the byproduct of the publicity-seeking and panic-inspired statements of Dallas officials during the incredible first forty-eight hours after the tragedy.

Not so the works of Epstein and Lane. These are serious, thoughtful examinations. They ask many questions. I think some of the questions are unfair, some biased, some are 'lawyer's questions'--seeming to imply more than the humdrum non-logicality of life will support. But not all of them. Many are pertinent.

I do not really believe that if we got all the answers to all the questions we would have a verdict other than the one the Warren Commission presented. But I would still like the answers and I think the American public and the world public are entitled to them.

Before going into the specifics I may as well also record my absolute conviction that no amount of investigation; no inquiry, re-examination, reassessment of evidence is going to erase from the minds of people in the United States and especially from the minds of those abroad the indelible impression that President Kennedy was the victim of an assassination plot much more complex than U. S. authorities ever will admit and with ramifications which lead in curious directions. That impression has been tattooed on the world mind. It is going to remain. Nevertheless, there are questions begging for answers.

The first area of questions centers on the Warren Commission, its methods, its omissions, its commissions. This is the area in which Epstein has worked. He analyzes a whole series of Commission actions and demonstrates clearly that both in investigation and reasoning the Commission was careless, inadequate, ambiguous, and even occasionally misleading.

No one can read Epstein (or the critique of Epstein by Fletcher Knebel published in Look) without knowing that the issue of whether or not Oswald was a paid informer of the FBI should be painstakingly re-examined. This re-examination might well prove inconclusive. There is good reason to believe that for sound police reasons the FBI does not maintain any written record of some categories of informers. And even if Oswald were an informer it would have no necessary bearing on the assassination or his role in it. But the point should be settled.

Epstein makes much of the differences in various medical and autopsy reports about the Kennedy wounds, the bullets, and the Commission thesis that a single bullet wounded both the President and Texas Governor John Connally. He suggests that an FBI report was either suppressed or ignored because it did not agree with a Commission hypothesis.

The question of the number of bullets fired and the sequence of wounds is central to almost every challenge to the theory of Oswald as the single assassin. The question might not be fully resolved by a re-examination of all the doctors, the medical attendants, and the various Secret Service and FBI personnel who were present before, during, and after the autopsies. But all the questions as to the purported 'discrepancies' should be susceptible to resolution. Epstein is very convincing in his demonstration that the Commission by selectivity in citing evidence weakened rather than strengthened credibility.

Epstein's most devastating criticisms are directed toward the writing of the Commission's report; the choosing of adjectives, the emphasis, the inclusions, and exclusions, the rows, the wrangling. He documents the obvious fact that the busy prominent citizens who constituted the Commission often were unable to attend its sessions and that, in consequence, the main burdens devolved upon the staff.

Nothing can now be done about slipshod logic or efforts to orient the report toward supposed public needs. That is past. But the revelations cannot fail to erode public confidence in the Commission's conclusions. This

is not to say that a Commission with a more formal approach to investigation and evidence would have arrived at different findings. I happen to think it would not have. But the procedural flaws open the way to legitimate criticism, attack, and eventual loss of credence.

The thrust of Mark Lane's book is in a somewhat different direction. Lane entered the case as a kind of self-appointed gadfly. In the early months after the assassination he was striking out in almost every direction, firing off charges, allegations, and denunciations more rapidly than they could be recorded.

However, he was also engaged in something which, in the end, has proved most useful. He was carrying on single-handedly his own investigation, not only of the assassination but of the Warren inquiry into the assassination. He is still at it, still asking questions, still seeking answers. They may not always be the right questions. He may not always get the right answers. But we owe him a debt of gratitude for his persistence, for his everlasting determination to run down every single seeming discrepancy he can find. And, because he has a lively mind and inexhaustible energy, he has found plenty of them. Far too many to mention all.

For example, no one has examined the slaying of Officer J. D. Tippit more painstakingly than Lane. And with profit. The unanswered questions about how and why Tippit was killed are legion.

Lane demonstrates that there are several versions of how the officer was killed. None is convincing and most are contradictory. To take one puzzling circumstance. Two transcripts exist of the Dallas police radio tape, one submitted by the Dallas police, a second transcribed and edited by the FBI. The Dallas police tape shows that Officer 78 (Tippit's call number) twice tried to reach his dispatcher apparently just before being shot. The FBI transcript attributes the calls to No. 58 and No. 488 and reports both as being 'garbled.'

A minor point? Perhaps. Yet the police tape would seem to have recorded Tippit's voice a moment before he died. There has never been any clear indication of why or how Tippit became involved with Oswald--if, indeed, he did.

And that puzzle leads directly to another which Lane presses with great force: What was the origin of the police broadcast of a description of the assassin: 'The wanted person in this is a slender white male about thirty, five feet ten, one-sixty-five, carrying what looked to be a 30-30 or some type of Winchester.' This was broadcast at 12:45 p. m.

The Commission was never able to establish the origin of the description. Did Tippit recognize Oswald from the description? As Lane and others have noted, the description probably fitted many thousands of young men on the Dallas streets that day.

A careful re-examination of the Tippit killing might still leave the police officer's death a mystery. It is not necessary to prove that Oswald killed Tippit to be convinced that he killed the President. But an understanding of the Tippit killing would eliminate one of the major ancillary mysteries which cluster around the President's death.

Lane has made a careful inquiry into what might be called the 'grassy knoll' hypothesis. Many persons who stood outside the Texas Book Depository and witnessed the shooting thought that the shots came from a grassy knoll or from behind a wooden fence just beyond it about 200 feet southwest of the Depository building and adjacent to the underpass. In the very first moments a police officer charged his motorcycle up the knoll and scrambled over the fence, presumably in search of the assassin.

All theories which suggest there was more than one assassin point to this area as the locale of a second rifleman. This possibility was examined by the Warren Commission and rejected. Possibly a re-questioning of all the witnesses who stood in this region would merely add to the confusion;

possibly a reconstruction of the trajectory of a bullet fired from here would neither prove nor disprove the possibility of a shot from the knoll, from behind the fence, or from the overpass. But the questions raised by Lane deserve an answer--a more complete answer than is provided by the Commission's report.

Lane is not convinced by the Commission's investigation of the Mannlicher-Carcano rifle, either concerning its necessarily having been fired by Oswald, or that it was the assassination weapon. Or the only weapon used. He asks an interesting question: One live round was found in the rifle; three spent cartridge cases lay on the Depository floor. No other cartridges for the weapon were ever found. Did Oswald own but four bullets? Did he have only four in the Depository? If not, where were the other bullets? (Lane does not but could raise the same question about the ammunition for the revolver seized from Oswald when he was arrested.)

This is not to say that all of Lane's points are necessarily valid. He seeks to demonstrate that the package carried by Oswald to the Depository was too short to have fitted the rifle. He cites Oswald's statement that he was carrying curtain rods. He does not add that no curtain rods were found in the Depository building to bear out Oswald's explanation. Lane's section on Jack Ruby notably lacks the careful detail and rechecking to be found in his material on Oswald.

But this does not invalidate my central thesis: Enough questions have been raised, fairly and squarely, about the assassination, and about the Commission's finding, to warrant a re-examination.

Allen Dulles, the former CIA head and a member of the Commission, has very reasonably said: 'If they've found another assassin, let them name names and produce their evidence.'

Neither Lane nor Epstein has found another assassin. Lane has demonstrated, however, that there could have been another assassin. Professor Richard H. Popkin of the University of California at San Diego, basing his

thesis largely on Epstein's work, has filled the gap by suggesting that there were 'two Oswalds,' that is, another man looking very much like Oswald was involved in the killing. Lane suggests the same possibility, even hinting that Oswald could have been a patsy or fall guy for the real killer or killers. Perhaps. I doubt this very much. It sounds too much like Uncle Tom's Cabin with two Simon Legrees. But nothing in the work of the Warren Commission has foreclosed the possibility of such a fantastic conspiracy. There could have been two Oswalds. Or three. Or seven.

I do not believe such a theory for a minute. But I would like to see the most painstaking inquiry into each of the principal areas of doubt. The nation no longer lives in the trauma which persisted for months after the President's death. The Warren Commission had good reason to concern itself for the national image, to worry about national morale, to take upon itself the task of damping down rumors. But today and tomorrow the sole criteria of an inquiry should be the truth--every element of it that can be obtained--and a frank facing of unresolved and unresolvable dilemmas.

Demands for a new official inquiry are beginning to be put forward seriously. Representative Theodore R. Kupferman of New York has proposed a joint Senate-House Committee to investigate the Warren Commission's work. This is a sound idea and should engage our national attention. A re-investigation, in my opinion, would not produce a single piece of important additional evidence. Yet, even should that be true this would be as valuable a contribution as might be made toward cleaning the slate of rumor, slander, gossip, and old wives' tales.

There is precedent for it. The Pearl Harbor investigations quickly come to mind. And even if there were no precedent it would be a wholesome air-clearing process.

I will add one warning. Even after another inquiry few of us will feel that the final word has been spoken. For in each of us there still burns some sense of guilt, some sense of responsibility--personal responsibility

and personal guilt--for the President's death. That it happened is a stain not alone on the nation, but upon each of our private consciences.

Most of us feel that in some way and in some measure by some deed committed, some duty ignored, we contributed to the tragedy of John F. Kennedy's death. And it is that knowledge which does not let us rest, which sends us questing on and on for an explanation and an answer which will never be forthcoming. "

SYNOPSIS OF RUSH TO JUDGMENT

District Attorney Wade opens and closes the picture with the statement:
"The full name is Lee Harvey Oswald, O. S. W. A. L. D. "

Picture opens with a montage sequence made from stock footage. Oswald speaks and is followed by statements to the press by both District Attorney Wade and Dallas Police Chief Curry. These statements were the basis for much of the assumptions later made by the Commission.

Oswald: I'd like some legal representation, please, the police officers have not allowed me to have any, in fact I don't know what this is all about.

Question: Did you kill the President?

Oswald: No, sir, I didn't

Question: Did you kill the President?

Oswald: No, I've not been charged with that, in fact nobody has said that to me yet. The first thing I heard about it was when the newspaper reporters in the hall asked me that question.

Question: How did you hit your head?

Oswald: A policeman hit me

I have not committed any acts of violence.

Question: Has he told anybody that he planned to kill the President?

Wade: He hasn't admitted killing the President, to anyone
. . . . He says he didn't do it. We are still working on the evidence. This has been a joint effort by the Secret Service, the Federal Bureau of Investigation, the Dallas Police Department, the Dallas Sheriff's office, and my office and Captain Will Fritz has been in charge

Question: How do you sum him up as a man, based on your experience with criminal types?

Wade: Oh, I think he's a man that planned this murder weeks or months ago and has laid his plans carefully and carried them out, and has planned at that time what he is going to tell the police that are questioning him at present

Curry: The ballistic test, we haven't had a final report, but it is, I understand, will be favorable.

Question: Do you think the smudged fingerprints that have been found on the rifle which killed the President will be able to establish the identity of the killer?

Curry: We hope so, but I couldn't say positively at this time that they will be.

Question: Will that be enough to convict him?

Curry: I don't know whether it would be enough to convict him or not. If we can put his prints on the rifle it certainly would connect him with the rifle.

Question: And will you ask death in the electric chair for Lee Oswald?

Wade: Yes, sir, we'll ask the death penalty.

Question: How many cases of this type have you been involved in, that is, when the death penalty is involved?

Wade: Since I've been District Attorney. . I have asked the death penalty in twenty-four cases.

Question: And how many times have you attained it?

Wade: Twenty-three.

Mrs. Marguerite Oswald makes a statement at a press conference followed by Mark Lane.

Mrs. O. : I will say that I still believe that my son, Lee Harvey Oswald, is innocent, and I intend to continue the investigation with his attorney, Mr. Mark Lane. I have tried to get Mr. Mark Lane to represent my son as an attorney before the Warren Commission.

Lane: If he had lived, of course, he would be entitled to counsel. I think he is entitled to counsel now, and I think all of America now is entitled to have counsel for Lee Oswald, so that we can find out, actually, what took place on November 22nd.

This is followed by another sequence from stock footage in which statements made by the Dallas Police and the District Attorney's office are answered by Mark Lane.

Sgt. Nelson Delgado who was in the Marine Corps with Oswald is interviewed.

Question: Do you have a personal knowledge of Oswald's ability with a rifle?

Delgado: It has been said that he was a terrific marksman, but at the range he couldn't prove to me that he was a good shot. . . . Well, in Oswald's particular case it was quite funny to watch because he would get a couple of discs, maybe out of the possible ten he would get two or three "Maggie's Drawers. " This is a red flag on a long pole and this is run from left to right on the target itself. You don't see this too often on the firing line, not the Marine firing line. . . .

Question: How did the FBI react to your statement that Oswald was a poor shot?

Delgado: They tried to disprove this. They did not like when I came up with the statement that I thought Oswald was a very poor shot.

This is followed by Governor John Connally on film describing in detail his recollection of the shot sequence. Mark Lane quotes Mrs. Connally's testimony from the Report and the following is the comment from the Report itself:

Dulles: But you would then have the problem, you would think that if Connally had been hit at the same time, he would have reacted in the same way, and not reacted much later as these pictures show.

McCloy: That is right.

Dulles: Because the wounds would have been inflicted.

McCloy: That is what puzzles me.

Dulles: That is what puzzles me.

Dr. Robert R. Shaw who treated Governor Connally at Parkland Memorial Hospital comments on the wound which the Commission described as "merely struck a glancing blow to a rib."

Shaw: ... which entered the right posterior chest close to the shoulder blade, and coursed downward along the chest wall taking out and fragmenting a portion of the fifth rib....

The bullet then emerged from the chest, evidently struck his right wrist, fracturing the lower portion of the right radius and then entered the left thigh where it was spent. Our major problem was the sucking wound of the right chest wall, because in making the wound of the chest the fragments of the fifth rib became what we refer to as secondary missiles, and these caused a considerable amount of tissue damage in the point where the missile emerged from the chest.

Mark Lane interviews S. M. Holland. Mr. Holland gives his reasons for believing that the same shot did not hit both President Kennedy and Governor Connally.

Holland: No, no, that Warren Commission is in error on that, because I was an eye witness, and I know that the same bullet that hit President Kennedy did not hit Governor Connally.

Question: And did you see the effect of the next bullet which struck President Kennedy?

Holland: I saw the effects of the next bullet which struck the President because it flipped him over almost on his stomach, and the side of his head, and his head was laying on the side of the seat. He was laying more on his stomach, and his foot was hanging out over the edge of the car, upside down.

Lee Bowers testifies about activity in the area of the wooden fence just before the assassination:

Bowers: I was at the south end of the terminal, at the tower building rather, looking down towards the terminal, and observing the motorcade, as was everyone else in the area. . . . About 12:10, give or take five minutes, there was a car which entered the area and probed around for some time. This car was a 1959 Oldsmobile station wagon, which had an out-of-state license. . . . It was occupied by one male, who spent three or four minutes in the area looking it over. . . . Not too long after that, perhaps five or six minutes, a car of a totally different description. . . entered the area. This man performed a similar action. He toured around the area to examine the exits, and seemed on one or more occasions to have a mike or something resembling such an instrument, up to his face.

S. M. Holland tells of the direction of the fatal shot.

Question: Did you look in any particular direction when you heard the shots?

Holland: Yes, I looked over to where I thought the shots came from, and I saw a puff of smoke still lingering underneath the trees in front of the wooden fence. The report sounded as though it came from behind the wooden fence.

R. C. Dodd states his view as to origin of shots.

Question: And did you see anything which might indicate to you where the shots came from?

Dodd: Well, all four of us saw about the same thing, the shots. . . the smoke came from behind the hedge, on the north side of the Plaza, and a motorcycle policeman dropped his motorcycle in the street, with his gun in his hand and ran up the embankment to the hedge.

Question: Were you questioned by any agents of any Government agency on November 22nd, Mr. Dodd?

Dodd: Yes, we were, we were taken over to the Court House, and questioned by, I suppose, Secret Service men of some kind.

Question: But you were never called as a witness by the Warren Commission.

Dodd: No, I never was called.

James Leon Simmons also speaks about direction of the shots.

Question: What did you see and what did you hear?

Simmons: As the Presidential limousine was rounding the curve on Elm Street there was a loud explosion.

At the time I didn't know what it was, but it sounded like a loud firecracker or a gunshot, and it sounded like it came from the left and in front of us, towards the wooden fence, and there was a puff of smoke that came underneath the trees on the embankment.

Question: Where was the puff of smoke, Mr. Simmons, in relation to the wooden fence?

Simmons: It was directly in front of the wooden fence.

Question: Were you subsequently questioned by agents of the Federal Bureau of Investigation?

Simmons: About a month later I was questioned by the FBI.

Question: Were you ever called as a witness by the Warren Commission?

Simmons: No, sir, I wasn't.

James Tague recalls being hit by a ricochet and also recalls his initial memory of origin of shots.

Tague: There was a motorcycle policeman who had just stopped his motorcycle by the monument and had drawn his revolver and was racing up the hill to the left of me.

There was a Deputy Sheriff, who I think was stationed under the underpass, Buddy Walthers. At this time, I said - you

Tague: know, I think I felt something sting me on the face, as I was
(continued) standing down there, and Walthers looked at me and said -
yes, you have got blood on your cheek.

He said - Where were you standing? - and I said - Well,
down by the underpass, so we started walking down there and
when Walthers got about ten feet away, he said - Look there -
and on the curb there was a very visible mark on the curb
where the bullet had struck.

Either a fragment of the bullet or a piece of concrete had
flown up and scratched my face.

He said go to the City Police Headquarters and make a state-
ment, which I did.

Question: And at the time that you first heard the shots what was your
impression as to the origin of those shots?

Tague: My first impression was that they had come from the left of
me.

Question: Would you indicate on the picture where that would be?

Tague: Up in this area here, towards the hill.

Question: Where in relation to that wooden fence?

Tague: Somewhere towards the wooden fence.

Orville Nix recalls what happened to his 8mm. color film and his origi-
nal impressions as to origin of the shots.

Question: Well, you now have a copy of your film, which you were kind
enough to show to us this afternoon. Is that copy the same as
the original which you gave to the FBI on December 1st?

Nix: I would say no. There are some frames missing. Some of
the frames were ruined.

Question: Does the film which you have at the present time have the
same number of frames as the film which you delivered to
the FBI on December 1st?

Nix: I would say no, maybe because of losing a frame here and
there.

Question: At the time that the shots were fired, did you look at the Book Depository Building?

Nix: No.

Question: Did you think at that time that the shots came from the Book Depository Building?

Nix: No, I thought they came from a fence between the Book Depository and the railroad track.

Question: Did you have occasion to speak with Forrest Sorrells, who was, of course, a friend of yours, and the Secret Service agent in charge of Dallas that day?

Nix: Yes, I did.

Question: Did he tell you where he thought the shots came from?

Nix: He thought that they were coming from the same place.

Question: Which is?

Nix: Behind the fence.

J. C. Price recalls being on top of the Terminal Annex Building and the direction of the shots.

Question: And where did you think you heard the shots come from?

Price: From behind the overpass over there, the triple overpass, that's where I thought the shots were coming from.

Question: And where did you see the man run?

Price: Behind that wooden fence, past the cars and over behind the Texas Depository building.

Billy Newman is interviewed immediately after the assassination and recalls where he thought the shots came from.

Question: Do you think that the first gunshot came from behind you too?

Newman: I think it came from the same location, apparently back up on the knoll, I don't know what you call it.

Question: Do you think the shot came from up on top of the viaduct toward the President, is that correct?

Newman: Yes, sir... no, not on the viaduct itself but up on top of the hill... the little mound of ground there, the garden.

Charles Brehm tells of being questioned at the Dallas Sheriff's office.

Question: How long did you remain in the Dallas Sheriff's office that day?

Brehm: I would say about three hours to four hours.

Question: Were you among the closest witnesses to the limousine when the shot struck the President?

Brehm: Yes, sir. I would have to say that if not the closest, one of the closest to the unfortunate incident. I did get a view of something I will never forget.

Question: Were you called as a witness by the Warren Commission?

Brehm: No, I was not called by the Warren Commission to testify.

Lee Bowers, Jr. recalls a conversation with the FBI.

Question: Mr. Bowers, how many shots did you hear?

Bowers: There were three shots and these were spaced with one shot, then a pause and then two shots in very close order such as perhaps... almost on top of each other, while there was some pause between the first and second shots.

Question: Did you tell that to the Dallas police?

Bowers: Yes, I told this to the police and I also told it to the FBI. And I also had a discussion two or three days later with them concerning this, and they made no comment other than the fact that when I stated that I felt that the second and third shots could not have been fired from the same rifle, they reminded me that I wasn't an expert, and I had to agree.

S. M. Holland explains why, in his opinion, the Warren Commission did what it did.

Question: In effect, Mr. Holland, the Warren Commission published just a very small portion of your testimony, and used your testimony as proof that no shots could have come from

Question: behind the fence. Did they accurately and fairly use your (continued) testimony?

Holland: They are wrong. Because my testimony, and I made it very clear, that there was a fourth shot fired and one of those shots came from behind that picket fence. There is no doubt in my mind and never will be, because I was on the spot, I saw the smoke, heard the report and saw the smoke from behind that fence. And I don't see how they could doubt that there was a fourth shot fired....

Let me say this, the Warren Commission, I think, had to report in their book what they wanted the world to believe when they read the Warren Commission. You know, as well as I know, that everybody in the world was reading this Warren Commission, and it had to read like they wanted it to read. They had to prove that Oswald did it alone.

The film then treats the relationship between Jack Ruby and the Dallas Police. Chief Wade begins by recalling that Jack Ruby was at his press conference on Friday, November 22, and supplied information about the Fair Play for Cuba Committee.

A Dallas police sergeant remembers Jack Ruby at the time of the shooting.

Curry: We have not been able to find any one of our men who saw and recognized Ruby at the time of this transfer.

Officer: I immediately ran from the armoured car down the ramp and tried to help subdue the person that had shot Oswald.

Question: Now, do I believe that you recognized this man after the capture?

Officer: Yes, sir.

Detective Jim Leavelle recognizes Jack Ruby at the instant of the killing.

Leavelle: I was handcuffed to him, and also had hold of the waistband of his trousers. I saw this man come from the crowd, and at the time that he emerged from this crowd of people he was not more than six or seven feet from us... from me.

Question: Did you see the gun in his hand as he came?

Leavelle: I saw the gun in his hand as he emerged from the crowd, but being such a short distance from me I had no time to say anything.

Question: When Oswald fell to the ground was he unconscious at that point?

Leavelle: . I would say if he was not he was nearly so, just as soon as . . my partner on the other side, Mr. Graves, grabbed Jack's hand with the gun in such a manner that he couldn't fire it any more.

Napoleon Daniels, a former Dallas policeman, tells of seeing a man enter the Dallas jail at the time Oswald was shot.

Question: From 11 o'clock until 11:20, did anyone enter the basement through the Main Street ramp?

Daniels: There was one man, about a couple of minutes before Oswald was shot.

Question: What was your impression when you saw him enter the basement with his hand in his pocket?

Daniels: My first impression was that he had a gun in his pocket, and then I didn't think too much about it because Officer Vaughn didn't challenge him, he just let him go down in there.

Question: Did Vaughn indicate any recognition or knowledge of who the person was when the man passed by him?

Daniels: Well, I just assumed he did because he didn't try to stop him. I assumed he knew who it was.

Question: Did Vaughn allow anyone else to enter the basement, other than that one man?

Daniels: No.

Nancy Hamilton who worked for Jack Ruby in the Carousel Club explains how she got her job and how the club functioned.

Question: Would you tell us some of the positions you have held over the years?

Mrs. H.: I have been a freelance investigator for various police departments. . . .

Question: And before that were you employed by Jack Ruby?

Mrs. H. : Yes, I was. This was in 1961, in Dallas, at his club the Carousel, and I was bartender, waitress and rather the manager there.

Question: How did you get that job?

Mrs. H. : Well, I had gone into Dallas not knowing anyone and, of course, the first place I went was the Police Department, and they were very kind and got me the job there.

Question: They got you the job at Jack Ruby's club?

Mrs. H. : Yes, they did.

Question: Did they know Ruby?

Mrs. H. : Personally, oh yes, very well. Vouched for him, wonderful person, great man, well known by the Dallas Police Department. . . .

Question: Did Ruby perform any other favors for the Dallas police officers?

Mrs. H. : Well; favors, if you can call them favors, I suppose so. He provided girls, gambling and booze.

Question: How many Dallas police officers would you estimate Jack Ruby knew on a personal basis?

Mrs. H. : At least half and probably two-thirds.

Question: There were almost 1, 200 police officers in Dallas in 1963. Would you say Ruby knew 600 of them?

Mrs. H. : Oh, easily.

Curry: A great deal has been written about the relationship of the Dallas police department with Jack Ruby. We have 1, 200 men in our department and we had each man submit a report regarding his knowledge or acquaintance with Jack Ruby. Less than 50 men even knew Jack Ruby, and less than a dozen had ever been in his place of business.

Joe Johnson, Jr. who played piano for Jack Ruby remembers how many police Jack Ruby knew.

Johnson: I met Jack Ruby in 1952, on Ervey Street, a place called the Silver Spur, and I went to work for Jack Ruby in 1956, and the club was the Vegas Club. I worked for him for about six years.

Question: Did Ruby know many Dallas police officers?

Johnson: Well, yes, he did. I would say he knew probably half of the people on the force.

Question: There were about 1,200 police officers on the force.

Johnson: Yes, well I'm sure he knew about half of them, he was very nice to them.

Question: Did you see police officers drop into the Vegas Club during the six years you worked there?

Johnson: Oh, very definitely. They would come in there all the time. Off duty, on duty and so forth.

Question: How were they treated?

Johnson: They were treated royally.

Harold Williams tells of being arrested at the Mikado Club in Dallas by Officer J. D. Tippit.

Question: Since November 24th, of course, you have seen pictures of Jack Ruby and of course, you have seen pictures of Officer J. D. Tippit. Is there any doubt in your mind that the two men you saw in the car that evening in November were Jack Ruby and Officer J. D. Tippit?

Williams: There is no doubt they were Jack Ruby and Officer J. D. Tippit, and I saw J. D. Tippit driving the car and I saw Jack Ruby sitting in the car with him, and this happened all the way from the Mikado Club on Thomas Avenue to the City Jail, downtown Main and Harwood. I had plenty of time to observe and these were the men that I observed.

Penn Jones, editor/publisher of the Midlothian Mirror, describes his interest in the assassination and tells of the investigations he made on the spot.

Jones: Well, I loved President Kennedy very much. I was one of the few weekly newspapers that covered the Ruby trial, and my actual investigating did not begin until I started reading the Warren Report and realized that something was very, very much amiss in reading that report. I really believe that the only way you can believe the Warren Report is to not read it...

Question: Can you give us one instance of a witness who died a strange death?

Jones: Well, let's take the case of Betty Mooney MacDonald, one of Jack Ruby's strippers. A fellow named Warren Reynolds saw a man running from the scene of the Tippit slaying. Shortly thereafter Reynolds was shot through the head. Now, before Reynolds was shot he could not identify the man running from the scene as Oswald. Then he was shot through the head, and a fellow named Garner was arrested. Then MacDonald was the alibi for Garner; she said Garner could not have shot Reynolds because - "He was with me at the time." Two days after her alibi, Betty Mooney was arrested for fighting with her roommate, although the roommate was not arrested. MacDonald was put in jail that night, and an hour later she was found hanged in her cell. And, of course, the Dallas police said she hung herself.

Warren Reynolds describes immediately after the killing of Officer Tippit and of what happened after that to Reynolds himself.

Reynolds: We were listening to the radio about the assassination, and we heard these shots and we ran out on this porch and we saw this gunman running up the street, and I followed him

Reynolds: for a block until I lost him. I was going back to the used car lot and this policeman stopped me and asked me what had happened, and I told him that I had seen this man with the gun and I had followed him and lost him. So he took the description and my name and stuff like that, and while I was talking to him some television camera was taking the pictures. After that I went on back to the used car lot.

Question: You were questioned by agents of the FBI on January 21st, 1964; then what happened?

Reynolds: Two days after that as I was closing up the used car lot one night, when I went downstairs to turn off the lights, some gunman was hidden down there and he shot me, he shot me through the glasses, right here, and the bullet lodged right over here.

Mrs. Aquilla Clemons was a witness to the Tippit killing; she never testified and she tells us why.

Question: Now, did you testify before the Warren Commission about this?

Mrs. C.: I haven't said anything to anyone.

Question: Did anyone come to see you after the murder of Officer Tippit?

Mrs. C.: Yes, there was a man came. I don't know what he was. He came to my house and talked to me. He looked like a policeman to me.

Question: He did? Did he have a gun?

Mrs. C.: Yes, he wore a gun.

Question: Mrs. Clemons, how long after Tippit was shot did this man with a gun come to visit you?

Mrs. C.: About two days. I think it was about two days. He said that I might get hurt, or someone might hurt me if I would talk.

Question: About what you saw?

Mrs. C. : What I saw. He just told me that it would be best if I didn't say anything because I might get hurt.

HARRIS POLL RESULTS

The American Public and the Assassination, as seen by the Harris Poll, New York Post, October 3, 1966

Mr. Harris reported, at the time, that fewer people today believe Oswald killed the President than at the time of the shooting. Also, by a 3 to 2 margin, the American people reject the main idea of the Warren Report, that the assassination was the work of one man, and tend to believe the killing was part of a larger plot. Only one in three Americans is convinced that the Warren Report contained the full story of the Dallas events.

MARK LANE BIOGRAPHY

Mark Lane is a New York lawyer who has practiced law for more than fifteen years, almost exclusively as defense counsel involved in the trial of criminal cases. In 1959, Mr. Lane--with Mrs. Eleanor Roosevelt and Senator Herbert Lehmann, among others--founded the Reform Democratic Movement within the New York Democratic Party. With the support of the late President Kennedy, Senator Humphrey and others, Lane was elected to the New York Legislature in 1960, where he sponsored bills calling for the abolition of capital punishment (subsequently enacted).

Following the assassination of President Kennedy, Lane formed the Citizens Committee of Inquiry and began an investigation into the facts surrounding the assassination and the murder of Oswald. He personally traveled to Dallas five times. To make known his findings in the case, Lane twice testified before the Warren Commission and has lectured widely on the case throughout the United States and Europe.

EMILE de ANTONIO BIOGRAPHY

Former longshoreman, college teacher (William & Mary, CCNY), book editor, writer, barge captain, producer of avant-garde concerts (John Cage and Merce Cunningham), consultant in design and architecture. Educated at Harvard College where he was a classmate of John Kennedy and graduate school at Columbia University where he did most of the work for his Ph. D. He co-produced and directed Point of Order, the feature on the Army-McCarthy Hearings; directed the BBC feature documentary, That's Where the Action Is, a skeptical look at urban politics in the 1965 mayoral election in New York--cast included Lindsay, Beame, Senator Kennedy, P. J. Moynihan, David Dubinsky, Jesse Gray, et al. Future plans include two fictional feature films, one a love story which has no one in it under 70 and the other, tentatively titled Alamogordo, which is about cultism, science fiction and life here today.

LINER NOTES FOR RECORDED VERSION

When Lionel Rogosin of Impact Films asked me for a brief statement I could think of nothing more appropriate than the statement I wrote for Maynard and Seymour Solomon of Vanguard Records to serve as liner notes for our recorded version of Rush to Judgment:

The record Rush to Judgment like the film from which it is made is not an impartial study. It is not a study. But advocacy, argument, a plea for the defense. The media, the FBI, the Dallas Police, the Warren Commission made the case for the prosecution. As a defense, we present one side only-- the other side, that side which did not accept Oswald's trial on television, that side which rejected the conclusions of the 888-page report based on the hasty assumptions of the police. Our side could not accept the call to national tranquillity when the national honor was at stake.

Example: 90 witnesses were interviewed by the local and federal police. 58 said the shots came from the grassy knoll. Most of those who said so were

never interviewed by the Commission or one of its lawyers. J. C. Dodd wasn't. James Leon Simmons wasn't. Only part of S. M. Holland's testimony was used and that out of context. As you hear them on our record, listen well. For you are the jury. Are they credible? Listen and decide for yourself. The Warren Commission decided this way (page 71, Warren Commission Report): "In contrast to the testimony of the witnesses who heard and observed shots fired from the Depository, the Commission's investigation has disclosed no credible evidence (emphasis mine) that any shots were fired from anywhere else."

Editing film and tape: Film, tape, the camera, the recorder, and the moviola on which film is edited are neutral--when not in use. Like a gun. Or a typewriter. In Dallas we shot over 20 hours of film; in New York, London, Dallas we looked at all the TV footage we could find. When we began editing, there were 30 hours of 16mm. footage to cut. The finished film is two hours long. In the trek from 30 hours to 2 hours, we were guided by belief and conviction as well as the facts acquired in two years of research. Our film could not have been made by anyone else.

As a film and as a recording, Rush to Judgment is unique. But only because it is a film and a record. In fact, it belongs to a long tradition of dissent and of skepticism before the Establishment. If Zola were attacking the anti-Semites who framed Dreyfus today, I would like to believe he would use today's weapons to bring his book, J'accuse, before the world.

- Emile de Antonio

A VERY BRIEF NOTE ON THE STYLE OF RUSH TO JUDGMENT

In documentary film content is all. Further, documentary is anti-camp. Susan Sontag, pace.

Rush to Judgment is like "art brut." The camera simply records what's there. Angles, tricks, staging, effects would have been self-defeating as well as unneeded. Content carries itself: it is quite simply a brief for the defense which becomes an attack on tin gods and power structures.

The editing makes it clear that the film is edited, that it is not a series of long takes. Any optical house can do that.

The repetitions are intentional and reveal the character of the witnesses. The audience is a kind of jury; the credibility of witnesses can be judged only in depth.

Material for this booklet compiled and prepared by Emile de Antonio.