

Perhaps with this account of the willingness of the United States Government to guarantee a free trial and an adequate defense for an ordinary man accused of killing another very ordinary man, not a President, and a half a world away, we have reached an appropriate point to consider the staff document earlier referred to on the nature of Oswald's legal representation and of the real function of the leaders of the American Bar Association before the Commission.

From my first appraisal of the Commission's record, from close examination of what the President and other top echelon executives of the American Bar Association did and did not do in seeking his rights for Oswald, I concluded that they had acted as a prosecution adjunct, not defense counsel. I showed that, when the legal and factual situations before the Commission fairly screamed for the asking of shockingly obvious questions, these legal lights were silent and, more, recorded their agreement not to ask questions, not to cross-examine those travesties on witnesses who could not otherwise have been used by the Commission.

"If at any point," I wrote (WHITEWASH 79-80), after careful consideration of the "testimony" of an incredible parade of the most incompetent, incongruous and entirely dubious "witnesses", in the presence of whom Oswald's "defense counsel" had been mute (save for an occasional

assistants to Walter E. Craig." These are future, former and incumbent presidents of the American Bar Association. Rhyne is famous, I believe, for his sponsorship of what is known as "Law Day", a noble concept.

At one point (2H59), Rhyne took up the "defense" of Oswald with vigor.

"I wanted to ask Mr. Lane," he told the Chief Justice, "on his inquiry about what happened to Oswald during the 48 hours he was under detention - you suggested that the Commission make an inquiry into whether his civil rights were denied. Do you have any information on that subject?" (WHITEWASH has a lengthy chapter on "Oswald's Legal Rights", pp. 64-84.)

"Yes," Lane responded, as any American not a lawyer and glued to his TV set could have, "I saw what happened - I read in the newspapers and heard on the radio."

Rhyne objected that the information on the blatant denial of Oswald's rights "was really in the newspapers. You are merely repeating what someone else has said."

Lane replied that, in addition, he had reported what witnesses had told him. Unless he had been in jail with Oswald, there was no other information he could call to the Commission's attention. This is what lawyers do. Rhyne, however, repeated his "defense" of Oswald and "protection" of Oswald's rights by charging that "with respect to the denial of any civil rights or protection of civil rights during this 48-hour period, you say that is all in the newspaper stories". To Rhyne, speaking for Craig, it was as though the abundant and very public proof that Oswald had been flagrantly and quite systematically denied these rights, as the American Civil Liberties Union was soon to affirm, because they were in the papers and on TV, somehow made them unworthy of official recognition, of Commission inquiry. Rhyne then emphasized that Lane had said his "investigation was incomplete".

And thus, in the ringing words of Howard Willens, did the President of the American Bar Association and the exponent of "Law Day" "use the appearance of Mr. Lane" before the Commission "as a way of beginning his work as defense counsel for Lee Harvey Oswald"!

Echoes of law-school commencement addresses welled up in that emotion-caught Willens breast, and those who have studied the record of the Commission know just how to interpret these fine words:

...we have all agreed that the appointment of Mr. Craig in no way diminishes the responsibilities of the Commission staff to protect Lee Harvey Oswald's reputation and rights to the fullest extent possible.

This was written a month before the hearing at which none of the Commission members or representatives of the bar association or others fell asleep; the hearing which began with the "reputation and rights" of Lee Harvey Oswald - and remember, these are the rights of all - "protected", as Willens had put it, "to the fullest extent possible."

suggestion calculated to aid the prosecution), "a single question was directed to any of the many questionable witnesses ... that met the purposes served by the adversary system of our kind of justice, I have not seen it. Nor have I seen any record of their participation in the taking of depositions, the source of by far the most of the testimony."

Not one of the American Bar Association leaders involved has made a single protest or complaint about this language I addressed to them a long time ago. They have not because they dare not, because it is an understatement of their prostitution of their profession and its honorable traditions, a debasement of their function, and because, when how genuinely subversive of justice what they did is considered, this language is a kindness to them. They will not and they dare not call attention to their shocking treachery to their profession, to law, to justice, and to the country. Their acceptance of the assignment to safeguard Oswald's rights before the Commission was more than that, great as that responsibility is. They were, in addition, there to preserve the rights of all, for the rights of all are dependent upon the preservation and enjoyment of the rights of the least. And they bore, with their assumption of this responsibility, the defense of the national honor and integrity.

Lee Harvey Oswald was dead, and the Commission decided that not Mark Lane, selected by his mother, but the American Bar Association, selected by it, would protect the rights of the murdered accused and with him of all free Americans. Alive, Oswald had declined representation by the ABA in favor of almost anyone else.

On February 29, 1964, at the very outset of the Commission's life, Howard P. Willens, of whom we have earlier read as staff director and who was the Commission's liaison with the Department of Justice, addressed a memo to General Counsel Rankin. The subject: "Interrogation of Mark Lane."

Willens saw no contradiction in what he seriously addressed to his boss. The Commission had decided that Oswald was guilty, Lane was saying maybe Oswald wasn't. It was wrong for Lane to want to defend the accused, right for the Commission to pre-judge him. So, with the powers the Commission had that Lane did not, they'd give him a working-over (his exact and untouched, usually more polite, words are in the appendix, pp. To "undercut" Lane is one explicit purpose of the hearing. (Those of us who thought the purpose of the hearings was to collect evidence are "squares".)

Prior to the writing of this memorandum, somebody seems actually to have proposed that the American Bar Association, through its top officials (already, if secretly, selected to "work as defense counsel for Lee Harvey Oswald"), clobber Lane. The "undercutting" of Lane, Willens said, "should be taken (sic) directly by the Commission rather than by Mr. Craig of the American Bar Association ... Mr. Craig agrees that this would be preferable to any contact by him with Mr. Lane on behalf of the Commission."

The one doubt that does not exist here is whether Lane ever did anything "on behalf of the Commission". That reference is Craig and the ABA end, like the rest of the document, makes much of this relationship clear. But no clearer than the record, really, which is without guile.

Of course, Craig and the ABA were not alone in diligent defense of Oswald's rights - read "those of all Americans", etc. Willens was very busy. When he wasn't directing the staff, liaising with the Department of Justice and performing other legal chores, he was also looking out for these cherished rights:

I think that Mr. Craig should use the appearance of Mr. Lane before the Commission and the resulting testimony and documents as a way of beginning his work as defense counsel for Lee Harvey Oswald.

This is exactly what happened four days later when, on March 4, 1964 (2H32ff.), Mark Lane was summoned before the Commission. The transcript shows that the members present were the Chief Justice, Senator Cooper and Congressman Ford. Also, "Charles Murray and Charles Rhyne,