

UNITED STATES GOVERNMENT

# Memorandum

Tolson	✓
DeLoach	✓
Mohr	✓
Bishop	✓
Casper	✓
Callahan	✓
Conrad	✓
Felt	✓
Gale	✓
Rosen	✓
Sullivan	✓
Tavel	✓
Trotter	✓
Tele. Room	✓
Holmes	✓
Gandy	✓

TO Mr. DeLoach

DATE: October 6, 1966

FROM A. Rosen

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. Shroder
- 1 - Mr. Raupach
- 1 - Mr. Wick
- 1 - Mr. Conrad
- 1 - Mr. Sullivan

SUBJECT: THE PRESIDENT'S COMMISSION  
(BIASED BOOKS)

PURPOSE:

Attached for approval is a memorandum concerning Mark Lane and his book, "Rush to Judgment," which reviews some of the discrepancies, false statements, and irresponsible claims made by the author, each of which is properly documented.

BACKGROUND:

Following approval set forth in memorandum Mr. DeLoach to Mr. Tolson, dated 9/26/66, a review has been made of Lane's book for the purpose of furnishing some pertinent highlights which may be used to set the record straight. The information set forth in the attached memorandum is not confidential and is either public source data or is set forth in the Commission's Report.

For example, one point dealt with in the attached memorandum specifically sets forth the true facts concerning the autopsy report of the President's death and establishes that the allegations made by Lane that either the original autopsy report was modified or dealt with in an irresponsible manner are completely false. This is documented by information set forth in the Commission's Report.

ACTION:

This is submitted for your information.

Enclosure

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**"Rush to Judgment"**

press dispatch dated April 5, 1964, at Budapest, reported that Mark Lane, an attorney from New York, appeared before the Congress of the International Association of Democratic Lawyers in Budapest, at which time he asked for the creation of an international commission to be entrusted with the investigation of the assassination of President Kennedy. At this meeting he made various statements that the official theory of the assassination of the President was false. It is noted the International Association of Democratic Lawyers has been cited as an international communist-front organization in the "Guide to Subversive Organizations and Publications," revised and published December 1, 1961, by the Committee on Un-American Activities, U. S. House of Representatives, Washington, D. C. (100-409763-43)

The May 27, 1953, issue of the "Daily Worker" stated that the National Lawyers' Guild held an election of officers on May 26, 1953, and that Mark Lane was elected an ex officio member of the Board of Directors of the National Lawyers' Guild. The "Daily Worker" was an East Coast communist newspaper which is no longer published. The House Committee on Un-American Activities report number 3123, dated September 21, 1950, cited the National Lawyers' Guild as a communist-front, which "is the foremost legal bulwark of the Communist Party, its front organizations, . . . ." (100-409763-19)

The December 18, 1961, edition of "The Militant" reported that on December 6, 1961, Lane spoke at a rally sponsored by the New York Council to Abolish the House Committee on Un-American Activities and said his first official action during the coming session of the New York State Legislature would be to persuade Congress to abolish the House Committee on Un-American Activities. It is noted Lane was elected to the New York State Assembly in 1960, and in May, 1962, was defeated in an attempt to secure the nomination as candidate for the United States Congress from the 19th Congressional District of New York. (100-409763-19)

"The Militant" is a weekly newspaper of the Socialist Workers Party, which party was cited as a "subversive and communist organization which seeks to alter the form of government of the United States" ("Guide to Subversive Organizations and Publications," revised December 1, 1961).

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The introduction to Lane's book was written by Hugh Trevor-Roper, a historian at Oxford University in England. He contended the whole Warren Commission Report was a series of conclusions based on carefully selected evidence and that the full body of evidence does not point necessarily to the Commission's conclusions. He stated criticism should take place before judgment and that, "If the Warren Commission had allowed Mark Lane to contest their evidence before judgment, there would have been no need of his book." Newspaper articles published in England revealed Hugh Trevor-Roper was a severe critic of the findings of the President's Commission and he was taken to task by close associates for his reasoning which was "marred by bias and blotted with inaccuracies." (62-109060-3948; 62-109090 A-1/4/65)

Lane sets forth in his book many statements and hypotheses which, under close scrutiny, are found to be inaccurate or willful distortions. For example, Lane states on Page 307, "The case against Lee Harvey Oswald was comprised essentially of evidence from two sources: Dallas police officers and Marina Oswald." The basis for such a statement is incomprehensible when reviewing the Commission's Report, the 26 volumes of hearings and exhibits, the preponderance of physical evidence, as well as interviews with hundreds of individuals, all of which contributed to the Commission's final conclusion.

In addition, one should closely examine the following statement made by Lane on Page 141 of his book: "The rules of evidence ordinarily require an intact chain of events before a physical exhibit -- such as a murder weapon -- may be associated with the defendant. The Commission failed to present evidence of such a chain linking Oswald to the Mannlicher-Carcano. The evidence presented actually raised doubts that he could have possibly come by the weapon in the fashion described by the Commission."

This is a completely irresponsible statement since the Commission's Report, beginning on Page 118, traces the rifle from Klein's Sporting Goods Company, Chicago, Illinois, to Oswald, that the printing on the face of the money order coupon ordering the gun was that of Oswald, that the post office box to which the rifle was shipped was rented by Oswald, and finally that Oswald's palm print was located on the rifle barrel. This was established through the testimony of expert witnesses.

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Lane again clouds the issue by contending on Page 65, that if the FBI report of December 9, 1963, was accurate, the Commission's explanation of the throat wound in President Kennedy was inaccurate, as is the Commission's finding that a bullet entered the back of the President's neck. This report revealed "Medical examination of the President's body revealed that one of the bullets had entered just below his shoulder to the right of the spinal column at an angle of 45 to 60 degrees downward, that there was no point of exit, and that the bullet was not in the body."

This statement was accurately reported. The report reflects that the information was orally furnished to Special Agents of the FBI who attended the autopsy performed on the President at the U. S. Naval Hospital, Bethesda, Maryland. Following the autopsy of the President the FBI received the President's clothing and an examination by the FBI Laboratory determined that a slit having the characteristics of an exit hole for a projectile was located in the front of the shirt worn by the President. This information was contained in a supplemental report prepared by the FBI, dated January 13, 1964.

Commander James J. Humes, one of the physicians who performed the autopsy on President Kennedy, subsequent to the conclusion of the autopsy examination, concluded a bullet had passed through the President. He believed that a tracheotomy had been performed on the President at Dallas, Texas, which might have obliterated the exit wound. On the following morning, November 23, 1963, he telephonically contacted Dr. Malcolm O. Perry at Dallas, who verified there was a missile wound in the front of the President's neck and this wound had been used as the point to make the incision for the tracheotomy. (Page 89 of the Commission Report)

During the early stages of the autopsy the surgeons were unable to find a path into any large muscle in the back of the neck. When the surgeons learned that a whole bullet had been found on a stretcher at the Parkland Hospital, this led to the speculation that the bullet might have penetrated a short distance into the neck and dropped out onto the stretcher as the result of external heart massage. Further exploration during the autopsy disproved that theory. The surgeons determined that the bullet had passed between two large strap muscles and bruised them without leaving any channel since the bullet merely passed between them. (Page 88 of the Commission Report)

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Edward L. Brennan was an eyewitness to the assassination who subsequently identified Leo Harvey Oswald. Lane has gone into great detail in order to discredit Brennan. The President's Commission set forth the testimony of Brennan, which appears on Pages 64 and 65 of the President's Commission Report. In addition, his verbatim testimony appears in Volume III, "Hearings Before the President's Commission on the Assassination of President Kennedy," Pages 161, and 184 through 186.

In this connection, Lane in attempting to support his theory of a conspiracy refers to the testimony of 18-year-old Arnold Rowland. Lane, on Page 397 of his book, states, "Rowland's testimony should have been accepted and Brennan's rejected." Rowland claimed he observed a man with a rifle on the southwest corner, sixth floor, of the Texas School Depository Building and had also seen an elderly man "hanging out that window" on the southeast corner of the sixth floor. In commenting on Rowland's credibility, the Commission Report, on Page 251, states "The investigation showed that numerous statements by Rowland concerning matters about which he would not normally be expected to be mistaken -- such as subjects he studied in school, grades he received, whether or not he had graduated from high school, and whether or not he had been admitted to college -- were false."

Lane devotes an entire chapter (Page 114) to the initial identification of the murder weapon as being a German Mauser rather than an Italian carbine. He alludes to statements made to the press by Dallas authorities initially identifying the gun incorrectly and by inference he attempts to substantiate his theory of a conspiracy and that the Commission should have explored this discrepancy more thoroughly.

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Actually, the Commission conducted extensive inquiries into this phase of the investigation. Deputy Constable Seymour Weltzman, one of the first officers to observe the weapon, testified on April 1, 1964, in Dallas, Texas. His testimony is revealed in Volume VII, Pages 105 through 109 of the "Hearings Before the President's Commission." Deputy Weltzman was questioned by Mr. Joseph A. Ball, Assistant Counsel of the President's Commission. On Page 108, Mr. Ball asked Deputy Weltzman, "In the statement that you made to the Dallas Police Department that afternoon, you referred to the rifle as a 7.65 Mauser bolt action?" Deputy Weltzman replied, "In a glance, that's what it looked like." Mr. Ball then asked, "That's what it looked like - did you say that or someone else say that?" To which Mr. Weltzman replied, "No; I said that. I thought it was one." (a Mauser)

The Italian carbine was conclusively established as the murder weapon by experts who examined the bullet found on the stretcher at Parkland Hospital and that the three cartridge cases found on the sixth floor of the Texas School Depository Building were fired from the rifle. (Pages 18, 19, 84 and 85 of the Commission Report)

Lane on Page 44 states there is some evidence to "suggest" that one or more shots may have been fired from the Book Depository as the Warren Commission maintained, but "it is considerably less compelling than the evidence suggesting that shots came from behind the fence." He was referring to the fence located on a grassy knoll near the triple overpass. Lane continued by saying, "To contend, however, that shots came from the knoll is not to say that no shots were fired from elsewhere. But it is impossible to contend at one and the same time that some shots came from the fence and that a lone assassin -- Oswald -- fired from the Book Depository window. As the Commission was to remain faithful to the latter conclusion, it had first to prove that no shots came from the knoll. In attempting to do so, the Report cited evidence out of context, ignored and reshaped evidence and -- which is perhaps worse -- oversimplified evidence."

With reference to the above contention of Lane the Commission Report specifically states that "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 that any shots were fired from anywhere else."