

Books

Edited by William Hogan

Challenge to the Warren Report

RUSH TO JUDGMENT. A critique of the Warren Commission's inquiry into the murders of President John F. Kennedy, Officer J. D. Tippit and Lee Harvey Oswald. By Mark Lane. Holt Rinehart and Winston. 413 pp. \$5.95.

Reviewed by
Douglas C. Rigg

RECENTLY, THE cover of a liberal publication carried a cruel caricature of Chief Justice Earl Warren in the act of sweeping something under a rug. That something, it implies, is a list of unsatisfied questions about the assassination of President John F. Kennedy.

It seems incredible that the respected Chief Justice of the Warren Court should be viewed in some journalistic and publishing circles as either the conspiring or inept chairman of the Warren Commission. Yet this is the impact of a growing number of challenges to the "official" version of the Kennedy murder, a version that assures us the President was killed by one man, acting alone, named Lee Harvey Oswald, who also murdered a Dallas policeman, J. D. Tippit.

The latest challenge to the Warren Report comes from one of its earliest critics, Mark Lane, a New York attorney. Shortly after the Kennedy, Tippit and Oswald murders, Lane objected to the eagerness displayed by the Dallas authorities in "finding" Oswald guilty of the President's and a patrolman's deaths.

Lane was convinced that the same police who failed to help protect the President were all too willing to pro-

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tect themselves at the expense of a deceased scapegoat who was murdered while in their custody.

He has written and spoken out publicly against the "lone assassin" theory, and, in addition, has helped create a documentary film expressing those views. But his book is his most complete argument.

Beyond Warren

Other critics have covered much of the same material that concerns Lane, but none have been more thorough and painstaking. He has gone beyond the Warren Report and the multi-volume Commission hearings to interview witnesses (some who testified before the Commission and others ignored by it), to visit Dallas and to conduct a relevant investigation of his own.

Lane was originally asked by Oswald's mother to protect her son's name before the Commission. This he was not allowed to do, a privilege he feels should have been granted so that he might have cross-examined witnesses and otherwise represented his client.

Lane does not accept the Commission's premise that "it functioned neither as a court presiding over an adversary proceeding nor as a prosecutor determined to prove a case, but as a fact finding agency committed to the ascertainment of truth."

Instead, he argues, with considerable skill and persuasion, the Commission's work "is less a report than a brief for the prosecution. Oswald was the accused; the evidence against him was magnified, while that in his favor was depreciated, mis-represented or ignored."

Question of Shots

The persisting questions about the Kennedy death are relatively few. Lane raises them again. Did the shots that killed the President and wounded Governor Connally come only from the Texas School depository? Lane agrees that "there is some evidence to suggest one or more shots may have been fired" from there, but presents considerable evidence that other shots were fired from a knoll in front of the Presidential car.

Did Oswald kill Tippit? Lane argues that the Commission relied heavily on a most unsatisfactory eyewitness, while ignoring one of more credibility. Although the Commission reports the bullets recovered from Tippit's body came from Oswald's gun, Lane notes the disagreement on this matter between two of the Commission's ballistics experts.

Lane is convinced that Ruby could not have killed Oswald without the connivance or passive acquiescence of the Dallas police. He pictures Ruby as an underworld character who enjoyed unusual police protection.

Ruby & Tippit

Lane was unable to prove to the Commission his contention that Ruby knew Tippit and both had conferred with one Bernard Weissman, the publisher of a black-bordered anti-Kennedy ad in Dallas on the day of the assassination. His source of information was to him reliable, but when pressed to disclose his informant he had to admit he was without permission to do so.

It is clear Lane antagonized the Commission quite early in the investigation. He no doubt appeared to be playing a dual, inconsistent role. With one voice he was publicly asserting Oswald's innocence before the Commission inquiry was final, yet at the same time he was offering it advice and counsel in its deliberations.

Perhaps his offer to appear as the defense for Oswald should have been accepted.

The inevitable query that follows a reading of Lane and other Commission critics is "what now?"

Are we to settle for Commissioner Allen Dulles comment: "If they've found another assassin, let them name names and produce their evidence?" Neither Lane nor other critics have named names, but evidence has been offered that requires more than a thoughtless rejoinder.

Final Answer

Perhaps the Commission's most serious error was to write "finis" to its work. It is correct in saying its work was not a trial, not an adversary proceeding. If so, then the principle of *res judicata*, of final answer, does not apply.

Although we call it the Warren Commission, we must remind ourselves it was created by the executive order of President Johnson. Obviously he can reconvene it if he so wishes.

All of the Commission's critics and some of its supporters agree that the least satisfactory of its findings are related to President Kennedy's and Governor Connally's injuries, which in turn relate to the question of whether there was one or more assassins.

The photos and X-rays of the murdered President were not used by the Commission. Why this was so is not altogether clear. But the point at issue is so important

and the answer so readily available that a supplementary report is required.

This way the Commission can truly serve the purpose for which it was created "to ascertain, evaluate, and report upon the facts relating to the assassination of President John F. Kennedy and the subsequent violent death of the man charged with the assassination."



ALTGENS' PHOTO OF THE BOOK DEPOSITORY STEPS

Three Controversial Photos

MARK LANE presents a number of photographs in his book "Rush to Judgment" that he considers highly controversial. Here are shown three. At top is one taken by James Altgens, an Associated Press photographer, from the south side of Elm Street as the motorcade drove west on Elm. The Presidential limousine was about 30 feet away when he snapped a picture—just as he heard a shot. The question arose, was Lee Harvey Oswald in the picture standing on the steps of the Book Depository Building or was the man another employee, Billy Nolan Lovelady, as the Commission contended?

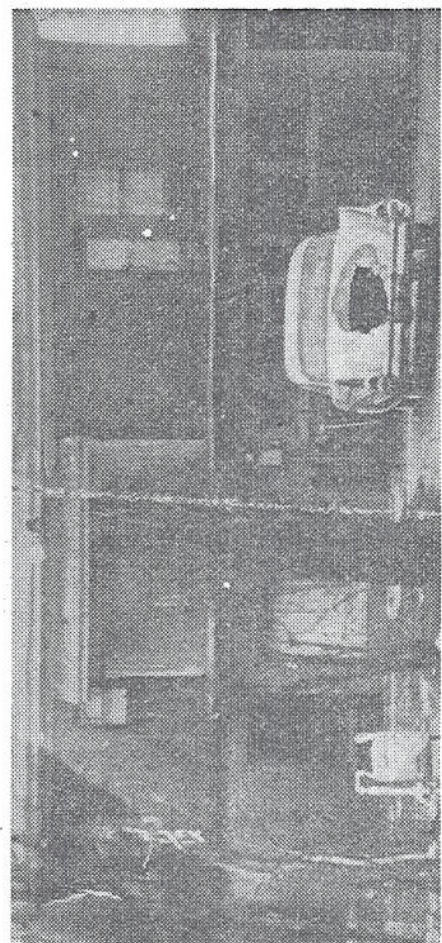
The magazine *Life* ran a picture of Oswald with pistol on hip, rifle in hand and copies of "The Worker" and "The Militant" in his other hand. *Life* declared the weapons were those used to kill President Kennedy and police officer J. D. Tippit, the picture dated from February, 1963. But Oswald declared the picture was not his, just his face was superimposed on it—and critics examined the shadows, contended this might be true.

Below is shown a picture of "the home of General Walker", reputedly found among Oswald's belongings. Sometime after the picture was taken, but before it was reproduced as a Warren Commission exhibit it was damaged—the license plate of the car was presumably obliterated. Marina Oswald testified that when she first



OSWALD OR A PASTEUR?

saw the picture in testifying before the Commission there was no hole where the license plate was shown—a number that presumably would make the owner of the car easily identifiable. Lane wonders whether the negative was damaged by local or federal authorities. And why the Commission made no effort to find out when and why.



GENERAL WALKER'S HOUSE AND A CAR WITHOUT LICENSE