

## LAWYER CHALLENGES COMMISSION'S FINDINGS ON THE KENNEDY ASSASSINATION

# Lane on Warren report:

Following is a comment by Mark Lane, chairman of the Citizens Committee of Inquiry (156 Fifth Ave., New York, N.Y. 10010), which has been pursuing an independent investigation into the circumstances surrounding the assassinations of President Kennedy and Lee Harvey Oswald. Lane, a civil liberties attorney, is the author of "A Brief for Lee Harvey Oswald," which first appeared in the NATIONAL GUARDIAN Dec. 19, 1963, and has been reprinted in many countries of the world. This comment by Lane was made Sept. 27.

Copyright by Mark Lane

**J.** LEE RANKIN, counsel to the President's Commission on the Assassination of President Kennedy, disclosed the objectives of the Commission before it began to take testimony. Mr. Rankin's statement, published in the New York Times on Jan. 12, indicates that the Commission established for itself a rather difficult task. "We think it would be wise," Mr. Rankin said, "to reassure this country and the world, not only that we can protect the President, but that accused criminals can be treated fairly."

Considering that our President was not protected but was assassinated and that the accused criminal was murdered in the basement of a courthouse while handcuffed to law-enforcement officials, one wonders how the Commission ever expected to fulfill Mr. Rankin's quoted expectations. Perhaps the operative portion of Mr. Rankin's thesis deals with the necessity of reassuring the country in general.

**MAKEUP:** The Commission chosen by the President to perform a most historic judicial task was one comprising seven members, only one of whom—other than the Chairman—possessed background training or experience in a judicial capacity. The Commission, we were informed, was a balanced political commission. Indeed, of the four members of Congress appointed, two were Democrats and two Republicans—two members of the Senate and two of the House of Representatives. However, both Democrats so appointed were Southern Democrats. In addition, the Commission was augmented by two high-ranking Republicans—the former High Commissioner to Germany and the former director of the C.I.A., Allen Dulles.

Notably absent from the Commission was the Attorney General of the U.S. or any representative of the Justice Department, which organization ordinarily assumes the task of conducting such an investigation. Indeed, not only was Robert Kennedy omitted from the Commission or a representative designated by him, but in a Commission so "well-balanced politically," history must surely note that not a single supporter of John F. Kennedy was permitted to serve.

Were Oswald permitted to live to face trial, not a single member of the Commission would be permitted to serve as a juror on that trial. Defense counsel would have had reason for removing each of them. All seven members have an association with the Government, which is in this case the prosecuting agency. In order to prevent a partial jury from being chosen, both defense counsel and counsel for the prosecution have, in our country, veto power which they may exercise in relation to the choice of jury members. Here, however, a new and strange principle of law was enunciated. Instead of defense counsel participating in the selection of the "jury" to try Oswald, the "jury" or Commission then denied Oswald the right to counsel, thereby making a shambles of due process of law in our most important trial. The Commission then proceeded to operate with total lack of concern for those principles developed in America over a period of many years.

**COMMISSION'S APPROACH:** Oswald's family was denied the right to secure counsel to represent his interests before the Commission; cross-examination on behalf of the accused was dispensed with. Representatives of the accused were not permitted to be con-

# The doubts remain

fronted with the evidence against Oswald. No one representing Oswald was permitted to present an affirmative defense on his behalf, and although trials in America are open and public, this one trial, our most important, and the one which had earned the greatest public interest in the history of our nation, was conducted behind closed doors and the testimony marked "top secret."

Mr. Rankin's assertion that the Commission was going to reassure the world that "accused criminals can be treated fairly" was unfortunately less than accurate.

In explaining that questions of national security might prevent the facts being made known to the American people, the Chief Justice indicated that Oswald might not have been the lone assassin. If Oswald acted alone, had his acts been the acts of a single, deranged man, one is at a loss how a question of national security might arise and thus prevent the American people from securing the facts. However, since the Commission announced on Jan. 12 that "there is no present intention to hire investigators . . . instead, the Commission will rely primarily on government investigative agencies for any further checking needed," it is likely that the Commission was unable to get the facts in its own lifetime. The Commission relied primarily on the FBI, the U.S. Secret Service, and the Dallas police for information. Representatives of those agencies sought to have witnesses alter their statements from their original truthful assertions into statements which more comfortably fit the immediate premise of those agencies that Oswald was the lone assassin.

In addition, a Dallas police officer told an eyewitness to the murder of [Dallas police] Officer Tippit that she herself "might be killed" if she ever told "anyone" that she saw Tippit slain. This witness, who described Officer Tippit's killer as a person very different in physique from Oswald, never testified before the Warren Commission. The Commission, in essence, relied upon organizations to secure factual information for them, which these organizations refused to do.

**LANE'S TESTIMONY:** However, even when the Commission had sufficient information in particular areas so that it might conduct an intelligent and probing investigation, it failed to do so. In my testimony before the Warren Commission on March 4, I stated that I had information indicating that three persons met in Jack Ruby's night club, the Carousel, on Nov. 14, just eight days before the assassination. I stated that those persons were Officer Tippit, Jack Ruby and Bernard Weissman, the gentleman who placed the full-page ad that appeared in the Dallas Morning News on the day of the assassination. The ad implied that Kennedy was a pro-Communist.

The members of the Commission, including counsel and the Chief Justice, showed great interest in that testimony and requested that I return immediately from Europe during the summer so that I might give them more information about that meeting. However, when the Commission finally and reluctantly agreed to question Jack Ruby, one of the principals at the Nov. 14 meeting, they showed little interest in securing information from him about the meeting.

Before Ruby had an opportunity to answer the question as to whether or not he was at such a meeting, Chief Justice Earl Warren said: "I did feel that our records should show that we would ask you the question and that you would answer it and that you have answered it." No direct question was ever asked of Ruby in reference to his attendance at such a meeting by the Commission. The Commission nevertheless con-



cludes that Ruby "denied" that he attended such a meeting. The transcript of Ruby's testimony shows conclusively that Ruby never made such a denial and that no direct question as to his attendance at such a meeting was ever asked.

At the very outset, Mr. Rankin, in explaining why Oswald was not entitled to counsel, stated: "The Commission is not engaged in determining the guilt of anybody" (Times, Jan. 12, '64). Mr. Rankin's pious assurances in January were rudely shattered by issuance of the Report of the Warren Commission, which states: "The shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald" (page 19).

#### The Warren Commission Report

**W**HILE THE COMMISSION report contains no surprises and conforms almost entirely to the conclusions drawn by the Dallas police and the FBI, it nevertheless raises more questions than it answers. Detailed analysis of the Commission Report must await examination of all the testimony taken by the Commission, since the final summary Report is most selective in that regard. However, it is possible at this time to comment upon certain rather bizarre aspects of the investigation into the assassination of the President as revealed by the Report.

A section of the Report seeking to deal most directly with the Government's effort to rewrite history is entitled "Speculation and Rumors." We have asserted publicly that we have secured a statement from a woman who actually witnessed the murder of Patrolman Tippit and who was ordered by the Dallas police not to tell anyone about what she had seen. She described the man who killed Tippit as short and heavy and, in that respect, her testimony complemented the testimony of another woman who the government claims was a witness to the Tippit killing, Helen Louise Markham. The Commission (page 652) states that "the only woman among the witnesses to the slaying of Tippit known to the Commission is Helen Markham. The FBI never interviewed any other woman who claimed to have seen the shooting and never received any information concerning the existence of such a witness."

Of course, the Commission, in knowingly posing an incorrect argument—that is, that the FBI interviewed the witness rather than accurately stating that the

Dallas police interviewed the witness—is now able to deny with accuracy that the FBI interviewed the witness. History will record that, after nine months of investigation and more than 20 volumes of testimony, the Commission was unable or unwilling, to secure the testimony of one of the most important witnesses in Dallas on Nov. 22. For, despite the assurances of the Commission, such a witness does exist, and we have secured from her, on more than one occasion, statements regarding the killing of Officer Tippit.

**OSWALD—NO RECORD:** The Commission does not stand alone in terms of the absolute failure of the investigators. Page 180 of the Report reveals that no permanent record was made of the interrogation of Lee Harvey Oswald, who had been questioned over a period of 48 hours for more than 12 hours. According to the Commission report, Oswald, presumed by the authorities to have been the assassin of President Kennedy, was questioned repeatedly by the Dallas police, the Secret Service and the FBI, and that none of those agents took notes and "there were no stenographic or tape recordings."

One's credulity is strained when one contemplates these agents involved in conducting the most important investigation in the history of their agencies and failing to make a record of the answers of the defendant. For what purpose, one may ask, was Oswald questioned by those agencies if not for the purpose of using his statements at a later trial? One assumes that the FBI, Secret Service and Dallas police did contemplate at that time that Oswald would be tried. The very limited memory of these agents, according to the Commission report, confirms that Oswald insisted that he was innocent, denied that he owned a rifle, and stated that the pictures shown to him allegedly showing him holding a rifle and a pistol had been doctored and retouched photographs. Interestingly enough, the Commission, which states that "... the Commission gave little weight to his denials of guilt," did conclude that Life Magazine, Newsweek and the New York Times notified the Commission that they had retouched this picture (page 647).

The Commission concluded that within these limits, however, "the Commission finds that the agents most immediately responsible for the President's safety reacted promptly at the time the shots were fired from the Texas School Book Depository Building" (page 25). One of those valiant agents, Special Agent Rufus W. Youngblood, cited for his performance on Nov. 22 by President Johnson, had, according to the Commission report, looked directly at the Texas School Book Building "a few seconds before the shots were fired and did not observe Oswald in the window," although the Commission insists that he (Oswald) was there.

**THE RIFLE:** The Commission, which—as previously noted—was most selective regarding the testimony they wish to present and believe, insists that Oswald carried a package into the Book Depository Building. They note as their authority, Buell Wesley Frazier, who stated clearly that he did not see Oswald enter the Book Depository Building; and in fact, Frazier asserted in the affidavit he signed for the Dallas authorities that the package was only two feet long. The rifle, according to the Warren Commission, is 3 feet 4.2 inches long. The Commission insists that the rifle Oswald ordered in March, 1963, from a Chicago firm was the assassination weapon. That statement is a flat falsehood. The document published in the Commission report allegedly sent by Oswald to the Chicago firm, in fact, orders another rifle entirely—one two and one-half pounds lighter in weight than the alleged assassination weapon, and 4.2 inches shorter in length and different in terms of two other clearly identified features: the contour of the barrel sleeve and the placement of the hinge for the sling.

The Commission, in presenting the original FBI-Dallas police story, states that Oswald carried a rifle wrapped in a brown paper bag into the Book Depository Building on the morning of Nov. 22. While the Commission accepts that story completely, it does so in the face of evidence to the contrary. The Commission concedes that only one person actually saw Oswald enter the building: "One employee, Jack Dougherty, believes that he saw Oswald coming to work, but he does not remem-

## Omitted facts

**T**HE REPORT, Mark Lane said, is "deliberately misleading by omitting certain facts in the Commission's possession." In elaboration, he said:

1. It implies that the back door to the Book Depository was guarded by a policeman after the assassination and that this would have resulted in limited egress to a slayer. In fact, four separate "back doors" were open and hence were unguarded. As Bill Shelley, Oswald's foreman, said: "Any one of a thousand different people could have entered or left the building for 20 minutes after the shooting."

2. There's a great deal of controversy over the timing in which [Book Depository Building Manager] Truly entered the building (he allegedly found Oswald on the second floor after the shooting). [A man named] Molinas, who was standing at the door, claims that Truly entered alone immediately afterward. Shelley claims that Truly and a policeman entered five minutes later and not immediately as claimed. The fact of this controversy is not reported.

3. A number of the original assertions of the Dallas police force are proved as untrue by the Report. They dismiss such things as: (1) the fact that the building was cordoned off immediately; (2) Oswald was immediately found to be missing as a result of a line-up; (3) a trajectory map drawn by Oswald was found. Although disproving these original allegations, the Report never comments on the inaccuracy of the Dallas police force. What other erroneous statements did the Dallas police force make which may not have been unproved?



ber that Oswald had anything in his hands as he entered the door. No other employee had been found who saw Oswald enter that morning" (page 133).

The rifle, according to Commission findings, is 40.2 inches long, and the wooden stock, which is the largest component, measures 34.8 inches. Only two witnesses, the Commission concedes, observed Oswald with a package that morning. One, Buell Wesley Frazier, insists that the package was two feet long. Mrs. Linnie Mae Randle, when shown a paper bag that the Commission insists contained the rifle, stated that the bag Oswald was carrying "wasn't that long . . . I mean, it was folded down at the top, as I told you. It definitely wasn't that long" (page 134).

Frazier told the Commission: "When I did look at it (the package in Oswald's hands) he did have his hands on the package like this." The Commission's report states: "At this point Frazier placed the upper portion of the package under his armpit and attempted to cup his right hand beneath the bottom of the bag. The disassembled rifle was too long to be carried in this manner" (pages 133-134).

The Commission, in the absence of any other eyewitness testimony, concluded that "the bag Oswald carried contained the assassination weapon and [the Commission] has concluded that Frazier and Randle are mis-

## That description of Oswald

On the description of Oswald that was sent out, Lane had this comment:

**T**HE COMMISSION REPORT which, we were informed, was to answer all of the unanswered questions, does not even contemplate the more difficult ones.

On what basis was Oswald's description dispatched by the Dallas police? When Oswald was arrested, it was stated that he was wanted solely in connection with the murder of Officer Tippit. That was later confirmed by Dallas authorities.

The Commission concedes that Oswald's description was sent out at 12:45 p.m. and that Tippit was not shot until 1:15 or 1:16 p.m. Was Oswald wanted for the murder of Tippit while Tippit was still alive?

The Commission concedes that it is unable to determine how Oswald's description was sent out by the police.

All they need do, one suspects, is to ask the police officer who dispatched it about its origin. Instead, they conclude that the description dispatched at 12:45 p.m. described Oswald as "white, slender, weighing about 165 pounds, about 5 feet 10 inches tall, and in his early thirties" (Page 144). "Probably," says the Commission, the description came from Howard L. Brennan. Brennan claims that he was more than 100 feet from the Depository and that he saw the upper portion of Oswald's body while Oswald stood at a sixth floor window.

How could Brennan judge a man's height when he saw only a portion of his body? The sworn statement made by Brennan to the police on Nov. 22, 1963, according to the Commission, made no reference to Oswald's height (page 144) and gave a different weight. It seems then that the Commission's guess that the police description "probably" came from Brennan is inaccurate.

taken as to the length of the bag" (page 134). In its final comment, the Commission declared: "Frazier could easily have been mistaken when he stated that Oswald held the bottom of the bag cupped in his hand with the upper end tucked into his armpit."

**NUMBER OF SHOTS:** On Nov. 22, when Jean Hill, a Dallas school teacher, was questioned by agents of the FBI and the Secret Service, she was informed by agents representing both of those organizations that only three shots had been fired. Miss Hill was among those witnesses standing closest to the Presidential limousine when the shots were fired. She insisted that she heard more than three shots, that she heard at least four shots, and possibly more.

An agent of the FBI then informed Miss Hill that only three shots had been fired and that perhaps she had heard fire-crackers or echoes. She insisted that she had heard more than three shots. The Secret Service agents then took Miss Hill aside and confided to her that the Secret Service had heard more than three shots fired, but the agents said: "We have three shells and three wounds, so we are only saying three shots." While the report of the Commission accepts, in almost every respect, the original and hastily conceived notion as to what had transpired on Nov. 22, developed by the FBI, the Secret Service, and the Dallas police, it is surprising to note that the document presents some of the very same arguments utilized by those agencies that day. Despite the statements of witnesses that more than three shots were fired, the Commission concludes that no more than three shots were fired.

The report states: "The most convincing evidence relating to the number of shots was provided by the presence on the 6th floor of three spent cartridges. . ." (page 110). The Commission concludes: "Soon after the three empty cartridges were found, officials at the scene decided that three shots were fired and that conclusion was widely circulated by the press."

That conclusion is now widely circulated by the Commission. The best evidence as to the number of shots fired, one suspects, is the number of shots heard, the number of wounds discovered, or the number of bullets found. Only a Commission totally wedded to the position that Oswald was the lone assassin and that all the shots were therefore necessarily fired from the Book Depository Building, could conclude that ". . . the most convincing evidence relating to the number of shots" were the shells found where Oswald had been allegedly stationed.

**THE CONNALLY BULLET:** The Commission ran into serious difficulty in seeking to explain how three shots were fired resulting in two wounds to the President, one wound to the Governor, and a stray bullet which struck and marked a portion of the curb. The Commission sought to explain that one bullet struck the President and the Governor, another struck the President, and the third struck the curb. However, when the Governor testified, he insisted that after the first bullet struck the President, the second bullet struck him.

Mrs. Connally stated before the Commission, and in an article which she wrote for McCall's magazine (August, 1964) that after the first bullet struck the President causing him to clutch his throat with both hands, Gov. Connally turned to the right in order to see the President, was unable to see him and then turned to his left; then the second bullet struck the Governor. The Commission, which favors the theory that the first bullet struck the President and the Governor, summarized Mrs. Connally's testimony in this pithy fashion: "If the same bullet struck the President and the Governor, it is entirely possible that she saw the President's movements at the same time as she heard the second shot. Her testimony, therefore, does not preclude the possibility of the first shot having missed" (page 112).

**OSWALD'S PALM PRINT:** The FBI had been quoted in the press as stating, in essence, that while there were no prints found on the rifle, no prints were necessary to prove Oswald's guilt because there was sufficient

### The paraffin test

**T**HE PARAFFIN TEST administered by the Dallas police shows that there were no nitrates found on Oswald's face. It would thus have been difficult for Oswald to have fired a rifle on Nov. 22. The test is dismissed by the Report as unreliable.

other evidence available. Since much of that "other evidence" began to disappear as the facts were brought forward, a print belonging to Oswald on the rifle again was required. The Commission states: "At 11:45 p.m. on Nov. 22, the rifle was released to the FBI and forwarded to Washington, D.C., where it was examined on the morning of the 23d by Sebastian F. Latona, supervisor of the latent fingerprint section of the FBI Identification Division." Mr. Latona stated before the Commission, in accordance with the position having been taken by the FBI earlier, "that the latent prints which were there [on the rifle] were of no value" (page 123).



The report continues: "Latona then processed the complete weapon but developed no identifiable prints." He states that "the poor quality of the stock (?) and the metal which covers(?) the rifle would absorb moisture from the skin, thereby making a clear print unlikely."

In the face of such evidence, which is totally consistent with the position enunciated earlier in the case by the FBI when a print was not required, how is it then possible to "discover" Oswald's palmprint on the rifle? The Commission explains that, without notifying the FBI laboratory, a Dallas police officer "lifted a palmprint from the underside of the gun barrel" before sending the rifle to the FBI laboratory for testing. Concluded the Commission: "The lifting had been so complete in this case that there was no trace of the print on the rifle itself when it was examined by Latona."

The Dallas Police are alleged to have found a palmprint, yet Danny Arce and others in the Depository, have claimed that the alleged murder weapon was handled in such a manner at the scene that it is difficult to imagine any prints but those of the police being found on the weapon.

**RUBY AT THE HOSPITAL:** The Commission has a propensity for disbelieving anything that interferes with the clear and simple assertion that Oswald was the lone assassin and that Ruby, in a fashion uncomplicated by any conspiracy, shot Oswald. Why, one might ask, if Ruby was connected with anything other than the emotions of the moment which compelled him to kill Oswald, would Ruby travel to the Parkland Hospital while the President was dying there. The commission simply prefers to believe that Ruby was not at the hospital, even in the face of absolute eyewitness testimony placing him there.

The evidence to the contrary before the Commission consists of a sworn statement made by a respected Scripps-Howard reporter, Seth Kantor. Mr. Kantor, who knew Ruby over a period of time in Dallas, stated that he was certain that he "encountered Ruby at the Parkland Hospital" (page 336). Before Kantor testified before the Commission, he had given that information to Rep. Henry Gonzales, and thereafter wrote an article explaining in detail his meeting with Ruby at the Parkland Hospital.

The Commission concludes: "Both Ruby and Kantor were present at another important event, a press conference held about midnight, Nov. 22, in the Assembly room at the Dallas Police Department. It is conceivable that Kantor's encounter with Ruby occurred at that time, perhaps near the small doorway there." Thus, in the absence of a single allegation to support its conclusion, the Commission concludes that the sworn testimony of Kantor and the other witness was false.

**THE WOUNDS:** One of the most remarkable aspects of this remarkable document is the admission that the doctors agreed initially that the President had been shot in the throat and that that wound was an entrance wound. The Commission then asserts, in referring to the autopsy, that "the doctors traced the course of the bullet through the body and, as information was received from Parkland Hospital, concluded that the bullet had emerged from the front portion of the President's neck that had been cut away by the tracheotomy at Parkland" (page 60). In other words, the doctors at Parkland thought the wound in the throat was an entrance wound, and as soon as information in their possession was presented to the doctors performing the autopsy, the latter concluded that the wound was an exit wound.

Dr. Perry, who performed the tracheotomy on the President, and who was among those doctors who originally stated that the wound in the throat was an entrance wound, was then instructed to alter his statement. The doctor evidently did so reluctantly, as he explained to the Commission: "... With the facts which you have made available and with those assumptions, I believe that it was an exit wound."

**TRIPLE OVERPASS:** At the outset, the authorities insisted that the wound in the throat was an entrance wound and that the President had therefore been shot from the front; and therefore they insisted that the Presidential limousine was moving up Houston St. toward the Book Depository Building when the first shot was fired. When the pictures and photographs

proved beyond any doubt that the President's car had passed the Book Depository Building, and that the President's back was therefore to that building, the government hastily concluded that the wound in the throat had then become an exit wound. If the wound were an entrance wound, as originally stated, then the shots might have come from a triple overpass or from behind a concrete facade high up on a grassy knoll between the overpass and the Book Depository Building. The Commission, wanting desperately to believe that the shots did not come from that area, simply concluded: "The Commission's investigation has disclosed no credible evidence the shots were fired anywhere other than from the Book Depository Building" (page 71). However, the Commission admits in the following sentence that "... when the shots were fired, many people near the Depository believed that the shots came from the railroad bridge over the triple overpass or from the area to the west of the Depository. In the hectic moments after the assassination, many spectators ran in the general direction of the triple overpass or the railroad yards northwest of the building."

The Commission therefore characterizes as "no credible evidence" the statements and actions of the majority of those present as eyewitnesses at the assassination of the President.

Three employees, only a few feet from the scene of the alleged shooting, all thought that the shots came from the railroad tracks. They ran to the west windows to try to see what the crowd was going to look at.

**T**HE REPORT of the Commission is replete with speculation and conjecture. Wherever the facts contravene an important theory, the facts are rejected by the Commission in order that that portion of the theory supporting the allegation that Oswald was the lone assassin may be sustained. Unlike others who have commented upon the case, we have sought solely to secure factual information and release that information accurately. We have not claimed to be objective; we assert that we have been accurate and honest. We have refrained with almost religious fervor, over the objections of some, from ever entering into the area of speculation and conjecture.

Under these circumstances, it is with astonishment that we discover our arguments, distorted and tortured by the Commission, assembled under the heading "Speculations and Rumors." The Commission states that it sets forth below "False and Inaccurate Speculations Concerning the Assassination, together with brief summary statements of what the Commission has found to be the true facts" (sic).

The District Attorney of Dallas stated repeatedly that the weapon which was found on the sixth floor of the Book Depository Building was a German Mauser 7.65 mm. We have presented photostatic copies at public meetings throughout Western Europe and the United States of an original affidavit signed by the officer who found the weapon on the sixth floor. In the affidavit the officer, Seymour Weitzman, states that the weapon is a Mauser 7.65 mm.

I have stated publicly that, at my request, the alleged assassination weapon was displayed to me when I testified before the Commission on July 2, 1964. At that time I read into the Record of the Commission that language printed clearly and indelibly upon the metal portion of the rifle the following words: "Made Italy Cal. 6.5." It is plain that a rifle that states so clearly upon its face that it was made in Italy and caliber 6.5, should not ordinarily be described in a sworn statement by a police officer as a weapon of different nationality and different size. The Commission distorted our argument as follows:

"**Speculation.** The name of the rifle used in the assassination appeared on the rifle. Therefore the searchers who found the rifle on the 6th floor of the Texas Schoolbook Depository should have been able to identify it correctly by name."

"**Commission Finding.** An examination of the rifle does not reveal any manufacturer's name. An inscription on the rifle shows that it was made in Italy" (page 645).

We, of course, never asserted that the manufacturer's name appeared.

One cannot recall anyone ever having stated that the name appeared on the rifle. The Commission, then,



presented a total distortion of a valid point which we presented, and one which the Commission understandably preferred to avoid.

**"Speculation.** Mrs. Helen Markham, a witness to the slaying of Tippit put the time at just after 1:06 p.m.

### On Mrs. Markham

This is Lane's comment on Mrs. Helen Markham:

**M**RS. HELEN MARKHAM is the only person the Report claims saw Oswald shoot anyone and was able to identify him. A number of critical witnesses absolutely contradict Mrs. Markham on testimony given by her to newspapers and other investigators. Those not called include the ambulance driver who picked Tippit up—Clayton Butler, and his assistant, Eddie Kinsley; the woman whose address appears on the record as having called the ambulance, Mrs. Frank Wright, and her husband; the manager of the apartment building across the street and his wife, Mr. and Mrs. Higgins.

Mrs. Markham claims that she was alone 15 minutes with Tippit before the ambulance arrived and that Tippit tried to talk to her. The Report itself says that Tippit was killed instantly. All the above unquestioned witnesses mentioned that the ambulance arrived immediately, that Tippit was covered with a blanket and that between 10 and 25 people were at the scene when the ambulance arrived. Official records that the Commission never took the trouble to obtain show that the ambulance was at the scene three minutes after the slaying.

In addition, Mrs. Markham told interviewers in July that she fainted three times at the scene of the Tippit killing and that she has had a nervous breakdown since . . .

Mrs. Markham gave no description of Tippit's slayer at all in her sworn statement to the police signed later that day other than that he was a "young white man."

She stated thereafter that she gave no description of the gunman to the police at the scene other than in relation to his clothing.

This would have made it impossible for Oswald to have committed the killing since he would not have had time to arrive at the shooting scene by that time.

**"Commission Finding.** The shooting of Tippit has been established at approximately 1:15 or 1:16 p.m."

The "Commission Finding" may wish to give the impression that an allegation that Mrs. Markham states that the shots were fired at 1:06 p.m. is sheer "speculation," but the fact remains uncontroverted by that "finding" that Mrs. Markham signed an affidavit prepared by the Dallas police on the 22nd day of November, 1963, at which time she stated specifically that Tippit was shot at 1:06 p.m. We merely asserted that the affidavit exists. It does; the Commission has examined it.

We have asserted that another woman witnessed the slaying of Patrolman Tippit. We have secured a statement from this witness indicating that her failure to testify before the Warren Commission was directly related to a threat against her life relayed to her by a Dallas police officer who questioned her after the killing of Tippit. This witness was told by the Dallas police that "she might be killed" if she ever told anyone that she saw Tippit slain. This witness describes the man who shot officer Tippit as being short and heavy, thus confirming the original testimony of Mrs. Markham in that respect. The Commission presents this allegation as follows:

**"Speculation.** Another witness to the slaying of Patrolman Tippit, an unidentified woman, was interviewed by the FBI but was never called as a witness by the Commission.

**"Commission Finding.** The only woman among the witnesses to the slaying of Tippit known to the Commission is Helen Markham. The FBI never interviewed any other woman who claimed to have seen the shooting" (page 652).

The "finding" uses skillful language in asserting that they do not "know" the witness to the Tippit killing. In alleging that the FBI never interviewed the witness, they deal with a question never raised while refusing to deal with the question that has been squarely put: the interview conducted by the Dallas police and their threat to the witness.

The Commission itself concedes that many of the witnesses to the assassination insist that the shots they heard came from the direction of the railroad bridge or a grassy knoll between the bridge and the Book Depository Building. The Commission also concedes that all agree that many witnesses, including Dallas police officers, rushed toward the grassy knoll and the railroad bridge immediately after the shots were fired. Since the original medical statements indicated that the wound in the President's throat was an entrance wound, which might well confirm the witnesses' assertion that the shots came from the bridge or the grassy knoll, one must consider that real possibility. The Commission discusses the matter as follows:

**"Speculation.** There are witnesses who alleged that the shots came from the overpass.

**"Commission Finding.** The Commission does not have knowledge of any witness who saw shots fired from the overpass."

The Commission does concede, however, that "Mrs. Jean L. Hill stated that after the firing stopped, she saw a white man wearing a brown overcoat and a hat" running toward the railroad tracks. Mrs. Hill has stated that the man ran from the grassy knoll area. The Commission concedes also "a motorcycle policeman, Clyde A. Haygood, dismounted in the street and ran up the incline [grassy knoll]."

**RUBY IN THE BASEMENT:** Just after Ruby killed Oswald in the basement of the Dallas Courthouse, the Dallas police denied that they had any information regarding Ruby's entrance into the basement. Since the police claimed that the basement was well-guarded, Ruby's entrance may be difficult to comprehend. The Commission comments: "Confronted with a unique situation, the Dallas police took special security measures to insure Oswald's safety" (page 225). One trembles as one imagines what might have happened to Oswald had not those special security measures been undertaken by the Dallas police. The Commission dwells but lightly upon this most important development although it devotes pages to the discussion of Oswald's early years, his relationship with his wife and his employment opportunities.

The Commission explains the absolute failure of the Dallas police to discuss what they knew about Ruby's entrance into the well-guarded basement in this fashion: ". . . He walked down the ramp at the time the police car driven by Lt. Pierce emerged into Main St. This information did not come to light immediately because the policemen did not report it to their superiors until some days later" (p. 219). The Commission's curiosity in this matter did not even seem to be aroused by their own assertion that "Ruby refused to discuss his means of entry" in interrogations with other investigators later on the day of his arrest. The Commission concedes that Ruby entered the basement just seconds before he killed Oswald, and did so due to police activity at the entrance to the basement. At this point the Commission drops the iron curtain of secrecy around information regarding Ruby's entrance.

### Conclusion

**S**OURCES CLOSE to the Commission were quoted as stating long ago that the Report will answer every question and resolve every doubt. The Report answers few questions. It resolves no doubts. When read by a reasonable person, the Report raises additional doubts and questions. The final report of the Commission is massive. It contains thousands of pages of testimony and was completed after more than three-quarters of a year of work.

It nevertheless does not present a single witness who can identify Oswald as the person who fired the shots at President Kennedy. It cannot present a single witness who saw Oswald carry a package which might have contained a rifle into the Book Depository Building. It cannot present a single witness who can iden-



6

tify Oswald, in anything approaching credible testimony, as the person who fired at Officer Tippit. It cannot present a transcript or a single contemporaneous notation of Oswald's long interrogation by the FBI, Dallas Police and Secret Service. It cannot explain why Ruby was never asked whether he had attended a meeting with Officer Tippit and Bernard Weissman on Nov. 14 nor why, in the absence of that question, the Commission falsely asserts that Ruby denied that he was at such a meeting. It cannot explain why Governor Connally's and Mrs. Connally's testimony contradict the favored theory of the Commission that the bullet that struck President Kennedy also struck Governor Connally.

The Commission does not explain why it permitted three-quarters of a year to pass before seeking to examine the Dallas curbstone which had been scarred by a bullet. The stone might have been valuable evidence as proof of the direction of the bullet's path, but the Commission negligently permitted that curb to remain unguarded and subject to the elements for three-quarters of a year before securing it.

The Commission Report does not even attempt to explain how Oswald, allegedly utilizing the name "A. Hidell," was able to secure the alleged assassination weapon by ordering a **distinctly different weapon** as proved by a commission exhibit. It cannot explain on what basis Oswald's description was dispatched by the Dallas police at 12:45 p.m.

Where the testimony of witnesses differs sharply from the original FBI-Dallas police version of the facts, the Commission, often in the absence of any contrary eyewitness testimony, merely asserts that the witnesses were "mistaken."

Wherever a witness has presented testimony pleasing to the Commission, however incredible, as in the case of Mrs. Helen Markham who, the Commission concedes, admitted that she made a false material statement to them, the Commission states: "The Commission considers her testimony reliable."

When the taxi driver who allegedly drove Oswald from the scene describes a man different in dress from the clothing worn by Oswald and recalls selecting from the police lineup a man other than Oswald, the Commission concludes that his memory was inaccurate in several respects, but insists that Oswald was clearly in the taxi driven by him, basing that statement solely upon the allegations of the taxi driver, which allegations the Commission had already rejected as inaccurate!

Sunday, Sept. 27, 1964, will be remembered as a day of mourning for justice in America. The Report of the President's Commission on the Assassination of President John F. Kennedy, despite its possible present tranquilizing effect upon America—obviously its purpose and objective—will rank in history with the finding that Dreyfus was guilty of treason, and with the trial of the Trotskyists in the Soviet Union. When the government of the United States finds the courage and the conscience to emulate the government of France and reverses its false finding, respect for due process of law and justice in our land may return.