

# Oswald commission invites Lane

By Jack A. Smith

**I**N OBVIOUS RESPONSE to growing public criticism, the President's Commission on the Assassination of President Kennedy has reversed itself twice within one week in the case of Lee Harvey Oswald, the man accused of the assassination: (1) Mark Lane, named by Mrs. Marguerite Oswald to defend her slain son, has been invited to testify before the commission March 4. (2) Walter E. Craig, president of the conservative

American Bar Association, has been selected by the commission to be Oswald's "official" defense counsel.

The developments appear to have this significance: The commission now realizes its initial refusal to allow counsel for Oswald was a tactical mistake, engendering as it did grave doubt in the public mind as to its method of inquiry. Lane, obvious choice as defense counsel, was unacceptable to the commission because he appears convinced of Oswald's innocence. Thus Craig, an "independent lawyer," was appointed "official" defense counsel while Lane, acknowledged "unofficial" counsel, will be given his day in court. In this manner, the commission might obviate criticism of its methods by granting token recognition to Lane and his supporters, while continuing for reasons of "national security" to avoid genuine debate about Oswald's role.

Commenting on the new moves, Lane told the *GUARDIAN*: "If the commission was really concerned about my client, it would let me represent him in fact, rather than by implication. I will testify March 4, but will not be satisfied until I can cross-examine witnesses."

**DATA SOUGHT:** In a letter from commission counsel J. Lee Rankin received March 2, Lane—author of "A Defense Brief for Oswald" (*GUARDIAN*, Dec. 19)—was told: "The commission is informed that . . . you have collected numerous materials relevant to this commission's work in your capacity as counsel to the alleged assassin." The former New York State Assemblyman was instructed to "bring all affidavits or other documents in your possession" relating to the assassination.

Lane responded in a statement: "I will of course appear before the commission and present to them all the information I have secured." The defense lawyer said he was uncertain, however, whether he would turn over copies of the 20 affidavits which were obtained from the files of Dallas District Attorney Henry Wade. One of the affidavits apparently rules out the possibility that Oswald fired a rifle at Kennedy Nov. 22.

Previously, the commission has refused to hear Lane on the grounds that the inquiry was concerned merely with finding facts about the assassination,

not in determining Oswald's guilt or innocence. During the last two months, Lane has made a nation-wide series of speeches, sponsored by the *GUARDIAN*, that have done much to spark public awareness that the truth about Kennedy's assassination—especially in regard to Oswald—was not being fully revealed.

**EARLIER BAN:** One month ago, in response to a request by Lane for the right to represent Oswald before the commission, Rankin replied: "The commission does not believe that it would be useful or desirable to permit an attorney representing Oswald to have access to the investigative materials within the possession of the commission or to participate in any hearings to be conducted by the commission."

In appointing Craig Feb. 25, however, the commission said he would be given access to all its materials. In an accompanying statement, the commission said its action was not intended to cast doubt on Lee Oswald's guilt. "That there was reasonable cause to believe he was the assassin is unquestioned," the commission said. "But he did not have the opportunity to meet the accusations according to the American way of justice." Oswald was shot to death two days after his arrest by Jack Ruby, a nightclub manager. During the first three months of the commission's investigation, no one was allowed to defend his interests before the commission.

Commenting on Craig's selection, Lane said: "The appointment of the President of the ultra-conservative ABA may raise more questions than it resolves. Will the commission begin its proceedings anew, now that it recognized for the first time the necessity of representation for Oswald at all stages of the proceedings? Will counsel appointed by the commission conduct an investigation in order to adequately perform his function?"

**FRIEND OF GOLDWATER:** Craig said he undertook the task as "a public service." He has yet to state whether he believes his client to be guilty or innocent. According to the *New York Times* (Aug. 11, 1962), Craig "describes himself as a conservative Democrat and is a good friend and supporter of Barry Goldwater, conservative Republican Senator from Arizona," the new counsel's home state.

**PLOT ON NIXON?** The name of Rich-

ard Nixon was interjected into the commission hearings Feb. 27 when James Martin, former "business representative" for Oswald's widow, was questioned about a statement he made to the *Houston Post* the day before accusing Oswald of having plotted to assassinate the former Vice President on Nov. 21. Martin, who refused to reveal his source of information, told the newspaper that he had previously informed the commission of

this allegation. After the hearing, during which the commission questioned him sharply about the interview, Martin refused to comment to reporters. Nixon was on a business trip to Dallas the day before Kennedy was killed.

Attorneys for Ruby have announced that they expect to call him as a witness during his trial for shooting Oswald—an unusual move in cases where a defendant pleads insanity. According to the *New York Times* (March 2), "appearing as a witness would expose Ruby to cross-examination by District Attorney Wade, but the defense believes that Ruby's case would be strengthened if hectoring by the prosecution caused him to act abnormally in front of the jurors."

Chief defense counsel Melvin Belli intends to call 59 defense witnesses in efforts to prove that his client suffers from an episodic (periodic) mental illness—psychomotor epilepsy. A day rarely passes when Belli does not make a reference to Ruby's alleged mental disease. On March 1, he told reporters: "I got a call (from the jail) that Jack was cracking."

Hearst columnist Dorothy Kilgallen reported Feb. 24: "Wade will produce witnesses who will testify that Ruby and Oswald were acquainted. Ruby has said repeatedly that he didn't know the alleged assassin—but then Ruby's plea is temporary insanity and there are a great many things he doesn't remember and isn't about to."

**ANOTHER DOCUMENT:** In other developments:

● Lane has revealed to the *GUARDIAN* the fourth in the series of 20 documents obtained from Wade's files. Less explosive than the first three (*GUARDIAN*, Feb. 20), it is the affidavit of the policeman who found the weapon allegedly used to assassinate Kennedy. The officer testified that he was standing at the intersection of Main and Houston Sts. when the shots were fired at the

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Presidential motorcade. "I ran northwest in the direction of the shots," he said, "but then someone shouted, 'Go to the Old Texas Building.'"

The building referred to is the Texas Schoolbook Depository, one block north of the intersection. To the west is a railroad overpass which Kennedy's car was directly approaching. If the policeman ran northwest he was headed between the overpass and the Depository, closer to the overpass. Lane and others are convinced that the shots—at least some of them—issued from the direction of the overpass.

● Sen. Richard Russell (D-Ga.) refused to comment Feb. 26 on reports that he might resign from the Johnson-Warren commission. It had previously been speculated that several commission members were contemplating resignation because of dissatisfaction with the inquiry.

● A half-page advertisement in the *New York Times* (March 2) called on Chief Justice Earl Warren to resign as commission chairman. The "open letter" to Warren, purchased by **The Minority of One**, urged that a new body be named, "composed of prominent public officials and distinguished private citizens to ascertain and publicly disclose all the facts pertaining to the assassination."