

Mark Lane vs Melvin Belli
Debate on Warren report blacked out

by Peggy Dennis

SAN FRANCISCO -- A silence-boycott was clamped down last weekend by every daily newspaper in the Bay area on one of the most controversial issues in the country.

Not one word appeared in local newspapers about the first organized debate on the Warren Commission Report that took place Oct. 9 at the Masonic auditorium with three nationally prominent lawyers arguing about the report's conclusion that Lee Harvey Oswald was President Kennedy's lone assassin.

Phone calls by this reporter the morning after the debate to San Francisco's three daily newspapers, the Chronicle, The Examiner, the News Call Bulletin, and also to The Oakland Tribune, resulted in practically identical replies from the city desks: "No, we did not send any one to cover the Warren Report debate last night."

If the newspapers were not interested, the public was; some 2,500 paid admission to hear the debate.

BIG ATTRACTIONS

Not even participation of this city's two colorful attorneys, Melvin Belli and Jake Ehrlich, whose every word and gesture usually makes news here, seemed sufficient to break through what appears to be a conspiracy of silence concerning any public criticism of the Warren Report.

If major news media are seeking to declare the case closed, New York civil liberties attorney Mark Lane, a former state assemblyman, may well be the indefatigable obstacle to that aim.

Defense of the Warren Commission and its findings rested, in last week's debate, in the hands of Melvin Belli, who attracted public attention as defense attorney for Oswald's killer, Jack Ruby.

Belli got a frequent assist from Jake Ehrlich, the criminal trial lawyer who had a television series, "Sam Benedict", created in his image. The audience on occasion shouted down Ehrlich's stepping out of the role of moderator to express personal views at length and particularly when he tended to ignore the some 100 questions that had been sent up to the debaters from the audience and proceeded to ask most of the questions himself.

Doubts Voiced

That Lane's arguments stirred up doubts and questions among his listeners was apparent as this reporter wandered through the auditorium and spacious lobbies during the intermission break and again at the debate's end. In small groups people talked and argued, on the basis on Lane's contentions.

In the balcony, where seats cost \$1 and \$1.50 each, the crowd was young, the majority were students from S.F. State, the UC Berkeley campus, and Hastings Law School.

In the higher-priced downstairs section the majority were in the mid-thirties and mid-forties age bracket. From the wisps of conversation overheard, many were teachers and lawyers. A number had copies of the Warren Report and followed their texts closely when quotes were read from the platform.

Belli's prime defense was his oft-repeated, dramatically gestured cry: "If we cannot trust the FBI, the CIA and Earl Warren, then God pity us."

He accused Lane of "hurting our national image" with his persistent efforts on Oswald's behalf and his implications abroad that "there is a conspiracy."

Belli declared, "We have to tell the world we can come up with an objective report." And he asked Lane, "What are you contending — that the FBI, the CIA, the police, everyone is trying to protect someone?"

Although Lane's attack upon the many weak spots in the Warren Report was, in the main, more convincing than Belli's line of defense, the fact that Lane consistently bypassed Belli's key question left many in his audience during the intermission and at the evening's end — asking each other: "But why?"

In the debate, as on past occasions, Lane did not venture to answer the question: in your opinion, what explains the Warren Commission's method of inquiry that you term is a violation of democratic due process and its flagrant rejection of such evidence that tends to disprove its claim of Oswald's guilt?

This question was put to him again by this reporter after the debate and Lane was surrounded by questioners on the platform. Part of his reply was the same he has given on previous occasions.

"I am not interested in speculating as to their reasons," he said. "I ~~only~~ want only to place the questions to show that the Commission denied a fair hearing to Oswald before finding him guilty."

Then Lane added, for the first time. "You heard Mr. Belli tonight speak so much of the need to protect our national image. Maybe Mr. Belli has given you the answer to your question."

Pro and Con

Touching briefly and lightly on several specific points of evidence on which the Commission based its conclusion of Oswald's guilt, Belli declared, "I am satisfied there are men in prison today and men who have gone to the electric chair on one-fiftieth of the evidence there is against Oswald."

Lane retorted, "But they had a trial."

While the evening was studded with appreciative laughter and applause as one or the other debater scored a fine point or came back with a witty repartee, one had the same uneasy feeling as when one had laughed nervously at the "Dr. Strangelove" movie. The ghosts of President Kennedy and Oswald hovered over that speaker's platform — and over the Warren Commission as well.

At one point in the rapid give-and-take, Lane was asked, "How do you account for Oswald's movements immediately after shooting the President?"

He replied, "I'm at a disadvantage there. Your client (Jack Ruby) killed my client before he could tell his story, so I can't answer for him."

When Belli pleaded, "we have to rely on the integrity of the witnesses that the Commission accepted," Lane retorted, "Do you accept prosecution witnesses without cross examining them in the courtroom?"

Lane charged the Warren Commission "never got the facts in its lifetime"; that it based its study upon the findings sifted through by the Dallas Police and the FBI; that it refused to see witnesses whom the FBI had ruled out ahead of time.

He dealt in some detail with what he charged were discrepancies and conflicting evidence available (that the Commission refused to check out) concerning eyewitness reports of both the Kennedy and Police Officer Tippit shootings, the palm print on the gun barrel, the type of gun used, the direction from which the President was shot.

Image and Substance

Lane's main charge was that the Warren Commission Report is a "prosecution document" that finds Oswald guilty not only in absentia, but without participation of defense counsel to cross examine witnesses, to challenge evidence submitted by the prosecution.

This, together with the fact that the commission worked "behind closed doors," that all testimony is marked 'top secret,' and the public is given only officially-approved handout statements and conclusions, Lane charged, "is a violation of American democratic due process."

In his rebuttal Lane said bitterly, "I'm tired of this plea for concern for our national ~~image~~^{image}. I'm more concerned about the substance of our country."
