

Documentary in Defense of Oswald

By Joel Pimsleur

Lawyer Mark Lane has relentlessly pushed his argument that Lee Harvey Oswald was either a) innocent b) not acting alone; or c) simply not proven guilty in the assassination of President John F. Kennedy for three years. He has made these points on radio and television, in newspapers, magazines, in books, on the lecture circuit and now in a movie which opened yesterday at the New Clay.

"Rush to Judgment," the title of both the film and the book, is "a defense brief" on behalf of a man deprived of his right to adversary proceedings by an avenger's bullet, Lane explains in the film. It is also Lane's revenge upon the Warren Commission, for having denied him a legitimate stage on which to defend Oswald.

There were reasons, beyond the scope of this report, why the Warren Commission refused to allow Lane to play

Oswald's advocate. But the movie screen proves an unworthy substitute for a court proceeding.

As film-making, "Rush to Judgment" is surprisingly stiff. Although directed by Emile de Antonio (a skilled documentarian best known for "Point of Order"), "Judgment" has somehow managed to drain most of the drama from dramatic events.

Only two moments — the first appearance of Oswald in custody and the breakdown of eyewitness Charles Brehm — are moving or poignant.

Otherwise, de Antonio fills his documentary with static shots of Lane interviewing witnesses, and he deviates from the "live" interview technique only long enough to show the Warren Commission members in an unflattering, and vaguely sinister light, with a series of stills: dull, deliberately grainy, mug shots.

As a documentary, "Rush

to Judgment" fares poorly — particularly when compared to the recent painstakingly thorough well-balanced series by CBS. In 122 minutes of running film time not one new, conclusive piece of evidence (either to corroborate or refute the Warren Commission's well-known conclusions) is developed.

But if "Judgment" fails as enlightening documentary, or inspired movie making, it has already proved hugely successful, in Europe as a propaganda film.

Like all good propaganda films, it is persuasive — but not necessarily true. Under scrutiny, it collapses. But who is to scrutinize it? The Warren Commission no longer exists for rebuttal.

Since the film purports merely to be a "defense brief," it need not concern itself with only one, rather limited, task: To implant

"reasonable doubt." It need propose no plausible alternatives of Oswald's guilt, advance no rational theories, prove no one's guilt or innocence. And it doesn't.

Unquestionably, "Judgment" implants doubt. But whether it is "reasonable" doubt is a question which the viewer must confront with the help of Lane and de Antonio — since the answer lies outside the film.

Unlike the Warren Commission, or a trial jury, Lane was not constrained by such troublesome impediments as conflicting evidence. Thus the film blithely ignores the enormous body of evidence against Oswald.

The experience is like watching a murder trial in which the jury is allowed to hear only the case for the defense, or the prosecution, but not both. And that is the film's major flaw: the audience is enticed into playing jury, and rushes to a judgment, without ever having heard the evidence.