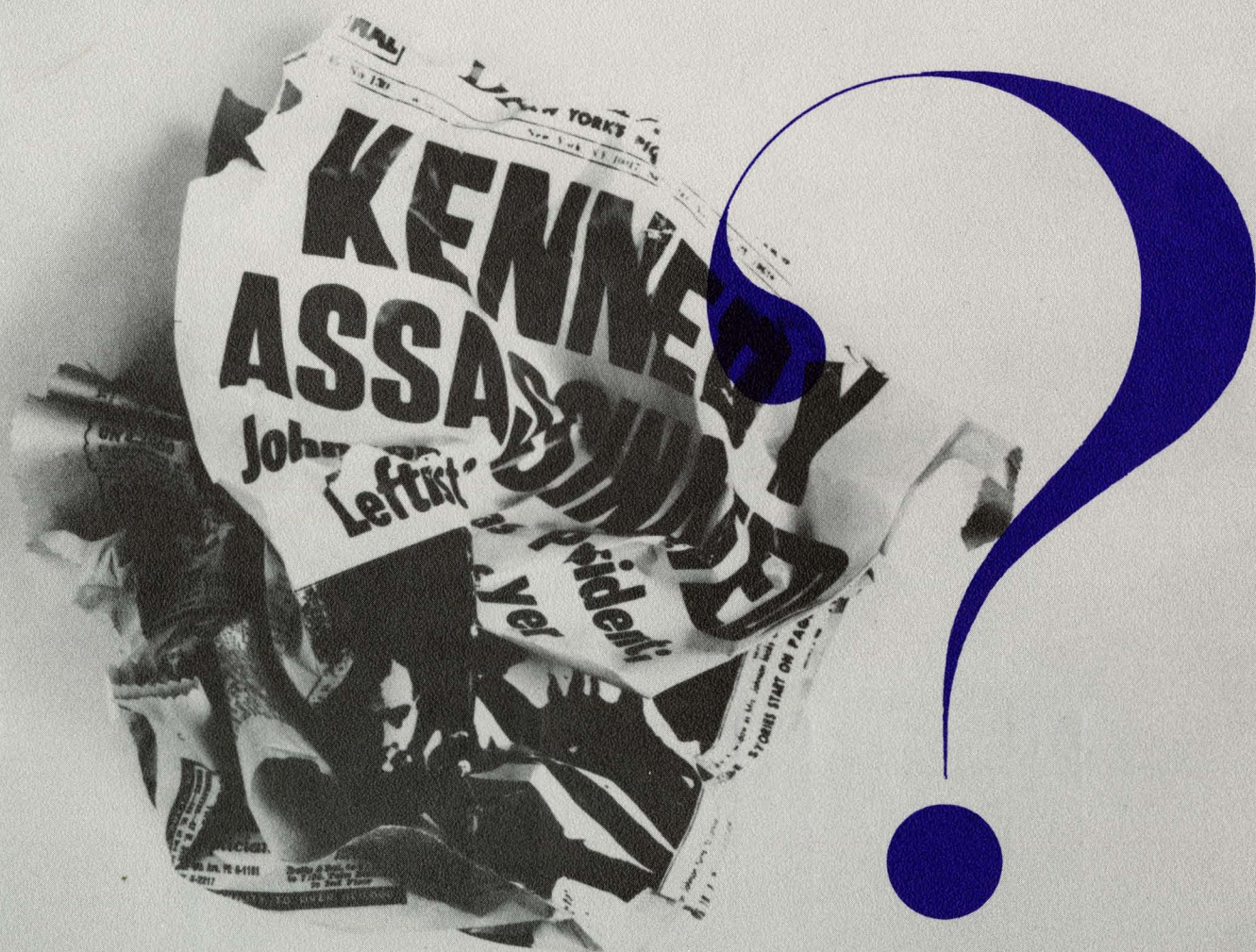


# The Oswald Case

## Mark Lane's Testimony to The Warren Commission

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SIDE I

The President's Commission on the Assassination of President Kennedy met on Wednesday, March 4th, 1964, in Washington, D.C. Present and presiding was the Chief Justice of the United States Supreme Court, Earl Warren. Also present were Senator John Sherman Cooper and Representative Gerald R. Ford. J. Lee Rankin, General Counsel to the President's Commission, was present, as was Norman Redlick, Special Assistant to the General Counsel. Also present were two assistants to Walter E. Craig, President of the American Bar Association.

I had been called before the Commission by the Commission to testify on behalf of the investigation that I had conducted for my client, the late Lee Harvey Oswald. My testimony before the Commission follows.

At the outset, gentlemen, I would like to call to the Commission's attention a matter which is somewhat peripheral, perhaps, and should the Commission determine that it does not wish to hear my testimony in that regard, I will understand that decision. But I would like to call it to your attention, because although it is peripheral, perhaps, and should the Commission determine that it does not wish to hear my testimony in that regard, I will understand that decision. But I would like to call it to your attention, because although it is peripheral I think it is related to both the assassination and the investigation into the assassination of President Kennedy. That is in relation to a photo, a picture, which has been widely publicized, probably in every single community of our country, allegedly showing the late Lee Harvey Oswald holding in his hand a rifle which has been described in at least one publication, Life Magazine, as the weapon with which he assassinated President Kennedy. I would like to indicate to the Commission at this time that the pictures which have been distributed throughout the country included doctored and forged photographs. I would like to present evidence to the Commission at this time in that regard, and I ask the Commission if it does conclude that the photographs have been doctored, I ask the Commission to consider determining whether or not a crime has been committed or an effort has been made to submit evidence to the Commission members, not directly but through the press, evidence which might in one way or another influence the members of the Commission in the study which they are now making.

At that time I offered to the Commission a series of photographs including pictures which had appeared in the New York Times, in Life Magazine, in the Detroit Free Press, in Newsweek Magazine and the New York Journal-American; and although each of the pictures was identical with each of the other pictures in every respect except one, in that one respect the pictures varied remarkably. For in each case the picture showed Lee Harvey Oswald holding in his left hand a rifle with a pistol in a holster on his right hip, in each case the rifle held in Lee Harvey Oswald's left hand was a rifle which had been forged and doctored. In fact, in three of the pictures three different rifles appeared: one with a telescopic sight, one without a telescopic sight, and one with a great deal of added-on metallic material appearing just below Lee Harvey Oswald's hand in the picture.

I also pointed out to the Commission those articles which have been widely circulated around the country, referring to the picture as "Lee Harvey Oswald with the weapons he used to kill President Kennedy and Officer Tippit." showed Oswald with a rifle which in no way was comparable to or looked like the rifle alleged by the State of Texas to be the murder weapon.

I then explained to the Commission that there exists among certain news agencies and publications, including the Associated Press, an aura of secrecy surrounding the source of that picture, or of those pictures. I stated to the Commission I called the Associated Press in New York City and asked for the Photo Desk, and a Mr. Dirksen answered and said that he was employed on the Photo Desk. I asked him if he would be good enough to secure for me a glossy copy of the picture sent by the Associated Press over the wires. I described to him the picture as the one in which Oswald's allegedly shown holding the murder weapon in his left hand and having on his right hip a pistol, allegedly the

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pistol with which he slew Officer Tippit. Mr. Dirksen stated to me that he could not make a glossy of that picture available to me. I pointed out to him that in the past the Associated Press had been most cooperative when I asked for pictures, and he said, "Yes, we sent a whole batch of them up to you last week, didn't we?" I said, "Yes, you did, and I appreciated that, and I wonder why this picture is being treated differently from other pictures." He replied, "This is not a normal picture, and this is not the normal situation." I asked Mr. Dirksen what he meant by that. Mr. Dirksen explained to me that there was a special contract between the Associated Press and the source of the picture, and the Associated Press agreed in this contract that they would not make a glossy available to anyone. And I said that if that was the understanding the Associated Press had with their source, I certainly was not going to urge them to breach their agreement, but asked Mr. Dirksen instead if he would make known to me the name of the source, so that I might go directly to the source and secure possibly the picture from the source in that fashion. Mr. Dirksen stated that he could not do that, because one of the other stipulations in the contract was that the Associated Press would never reveal the name of the source of that picture.

I later discussed that conversation with an employee of the New York Times, and the New York Times then made an effort to secure a copy of that picture from the Associated Press. However, the New York Times was unable to get the name of the source of the picture when they made a request to the Associated Press.

Later my office called Life Magazine and we inquired of persons on the Photo Desk at Life Magazine if it were possible for us to secure a copy of the picture which they ran on the front page of that publication on February 21st, 1964. Life Magazine declined to make a glossy copy of that picture available.

And gentlemen, I would like to raise with your permission one additional matter which is somewhat peripheral also, prior to going into the evidence that I have been able to uncover. I make reference to an article appearing in the New York Journal-American on February 23rd, 1964. This article, written by Bob Considine, states that an eye witness to the shooting of Officer Tippit, a gentleman by the name of Warren Reynolds, was himself recently shot through the head by a man who had in his hand a rifle. The article written by Mr. Considine indicated that during January, Mr. Reynolds was himself shot through the head with a rifle and that he is now in the hospital. Mr. Considine indicated in his article that a person was picked up in the Dallas area and charged with the shooting of this witness, but that someone who Mr. Considine refers to as his girl, meaning the girl friend of the person charged with shooting the witness to the Tippit slaying, came forward, and she testified in such a fashion that the person charged with the crime was released. This person, Betty Moony McDonald, who helped to free her friend, according to Mr. Considine, herself had worked as a stripper in the Carousel Club in Dallas owned by Jack Ruby. Two weeks prior to the time the article was written, Miss McDonald, after seeing to it that her friend was released from the charge against him, was herself arrested for some minor unrelated charge of fighting with her room mate in her own apartment. Shortly after she was arrested, Miss McDonald hung herself to death in her cell in the Dallas jailhouse.

In the course of my investigation, gentlemen, I have come across some material which would be relevant only if I were first able to examine the rifle, and I am going to ask the Commission to consider my request that I be able to examine the alleged murder weapon before offering testimony in regard to the alleged murder weapon.



It has of course been alleged by the Chief of Police of Dallas and by the District Attorney of Dallas that Oswald was present on the sixth floor of the Texas Book Depository Building during the very early afternoon of November 22nd, 1963, and that from that area he fired an Italian carbine 6.5 mm; he fired it three times, twice striking the President of the United States, wounding him fatally, and injuring the Governor of Texas by striking him with one bullet. The physician who signed the death certificate of the President pronouncing him dead was Doctor Kemp Clark. His name appears on the official homicide report filed by the Dallas Police Department and attested to by two police officers.

On the 27th of November, the New York Times reported, "Doctor Kemp Clark, who pronounced Mr. Kennedy dead, said that one bullet struck him at about the necktie knot. 'It ranged downward in his chest and did not exit,' the surgeon said." On the same day the New York Herald Tribune stated, "On the basis of accumulated data, investigators have concluded that the first shot fired as the Presidential car was approaching struck the President in the neck just above the knot of his necktie, then ranged downward into his body." According to Richard Dudman, who is the Washington correspondent of the St. Louis Post Dispatch, the surgeons who attended the President while he was at the Parkland Memorial Hospital in Dallas, were in agreement in describing the wound in the President's throat as an entrance wound. The St. Louis Post-Dispatch on December 1st carried a rather long and involved story by Mr. Dudman, recalling all of his conversations with the physicians who treated the President on the 22nd of November at the Parkland Memorial Hospital. Dr. Malcolm Perry explained that he began to open an air passage in the President's throat in an effort to restore the President's breathing, and he explained that the incision had been made through a bullet wound in the President's throat, since that was in the correct place for the operation in any event. Dr. Perry, according to Mr. Dudman, described to him the bullet hole in the President's throat as an entrance wound.

Dr. Robert N. McClelland, who was one of the three physicians who participated in that operation, later stated to Mr. Dudman, "It certainly did look like an entrance wound." Mr. McClelland went on to say that he saw bullet wounds every day in Dallas, sometimes several times a day, and that this did appear to be an entrance wound in the President's throat. One doctor made reference to the frothing of blood at the neck wound. The doctor said, "He is bubbling air." Two of the doctors, Dr. Peters and Dr. Baxter, inserted a tube into the right upper portion of the President's chest just below the shoulder, to re-inflate the lungs to keep them from collapsing. Dr. Jones and Dr. Perry inserted a similar tube on the left portion of the President's chest. The activity was necessitated because the bubbling air was the first clue that the physicians had that the President's lung had been punctured.

The prosecuting authorities, confronted with what seemed then to be evidence that the President had been shot from the front in the throat, concluded that the Presidential limousine was approaching the Book Depository Building when the first shot was fired because it seemed at the very outset that a theory was developed by the prosecuting authorities that Oswald was on the sixth floor of the Book Depository building, that Oswald was the assassin, and that Oswald acted alone. I dare say that the only matter in which the Dallas police, the Dallas District Attorney's office, and the Federal Bureau of Investigation have been consistent from the beginning of this case up to the present time, is in their utter and complete devotion to that one theory: Oswald was the assassin and Oswald acted alone. The development of new evidence which would ordinarily cast doubt upon that theory never for one moment affected or influenced the judgment of the prosecuting authorities in terms of their utter and complete devotion to that original theory.

I think the record and the examination of the activities of the Dallas Police and the Dallas District Attorney's office will in fact show that the only area where they have been consistent from the outset was that once this theory was enunciated, they stayed with the theory; they were devoted to the theory, regardless of the discovery of new evidence and the uncovering of new facts. For example, the New York Times stated on November 26th, 1963, "The known facts about the bullets, and the position of the assassin suggested that he started shooting at the President's car as the car was coming toward him; that he swung his rifle in an arc of al-

most 180 degrees and fired at least twice more." At that time the prosecution's case had already been developed in terms of the theory that Oswald was the assassin and Oswald acted alone.

There were newspaper pictures published in many portions of the country showing the Textbook Depository building on Houston Street and Elm Street, where the Presidential limousine approached the Book Depository building. In these newspapers there were superimposed dotted lines allegedly showing the trajectory of the three bullets, showing that the first bullet was fired while the Presidential limousine was still on Houston Street, still approaching the Book Depository building. However, it soon became essential for the prosecution to abandon that particular story because the eye-witnesses present, including Governor Connally and Mrs. Connally and all of the witnesses that they could find standing on the sides of the road, stated that the limousine had already made a left turn, that it had passed the Book Depository building at the time that the first shot was fired. In essence, then, the prosecution remained with the theory that Oswald, while acting alone, shot the President from the front from the back. However the evidence then developed indicated that the Presidential limousine had passed the Book Depository building. The President was not facing the Book Depository building when the first shot was fired.

At that time Life Magazine decided to explain it all in a full page article entitled "End to Nagging Rumors -- the Six Crucial Seconds," and Life conceded that the limousine was some fifty yards past Oswald when the first shot was fired, and that the shot entered the President's throat from the front, but Life kindly explained that the President had turned completely around and that he was facing the Book Depository building when the shot was fired. That was in the December 6th issue of Life Magazine.

However, version number two developed for the prosecuting authorities by Life Magazine was quickly repudiated. It was repudiated first of all by the pictures printed in Life Magazine itself just the week before. In those stills of the motion picture taken, with Life's own captions, it was quite plain that the President was looking almost completely forward, just slightly to the right, but almost completely forward, and certainly not turned around to the rear when the first shot was fired. And so the still pictures printed in Life's own publication a week before they enunciated this theory number two, proved that the Life theory was totally false.

In addition to this, persons present on the scene -- such witnesses as Mrs. Connally and Governor Connally and others -- indicated that the President was looking almost straight ahead when the first shot struck him in the throat; and Mrs. Connally stated that she in fact just made a statement to the President, tragically enough something about "You cannot say that the people of Dallas have not given you a warm welcome today." The President was about to respond to Mrs. Connally, looking at her, and she was sitting directly in front of him, when the first bullet struck him.

In order for the prosecution to remain with the theory in the light of the new evidence, the theory that Oswald was the assassin, Oswald acted alone, something would have to give, and it soon became plain that the third try would have to result in a new examination of the medical evidence.

Mr. Dudman stated that the doctors at Parkland Hospital, who had of course this vital evidence to offer, were never once questioned about this vital evidence by the Federal Bureau of Investigation or by the United States Secret Service, and it was not until after an autopsy had been performed on the President's body at the Government Naval Hospital in Bethesda, Maryland, two Secret Service agents armed with that report journeyed down to the Parkland Hospital and talked to the doctors, with the purpose of explaining to them that new medical evidence indicated that all of the doctors at the Parkland Memorial Hospital were in error when they stated that the wound in the throat was indeed an entrance wound; and eventually the Secret Service announced that the doctors agreed that they had all been in error when they stated originally that the wound in the President's throat was an entrance wound.



Now most physicians seem to agree that a short period after the time of death, as a result of the deterioration of tissue, it is much more difficult to examine wounds to determine indeed if they are entrance wounds or exit wounds. In addition to this, according to Mr. Dudman, there had been an operation performed on what the doctors insisted was an entrance wound in the throat. Therefore, the wound was altered, making it much more difficult for a subsequent examination at Bethesda, Maryland, to determine if it were an entrance wound or an exit wound.

The portion of the autopsy report which has been leaked to the press by one of the government agencies, in reference to the wound in the President's throat, has indicated that the bullet struck the back of the President's head, and either a fragment of the bullet or a fragment of bone exited through the throat. Now if this were so, while it could perhaps explain the wound in the throat but could not in any event explain why all the doctors in the Parkland Hospital were in error, it could in no way explain the punctured lungs, the collapsed lungs, and the frothing of blood and air at the President's throat.

I think that under the circumstances, an open minded and fair investigating and prosecuting agency, would have had to at the outset, in view of the medical evidence then available, determine that the President was shot from the front while facing slightly to the right and after passing the Book Depository building. I think that an open-minded investigating body in Dallas -- the District Attorney's office, the police, or the Federal Bureau of Investigation -- might have considered for a moment abandoning their pet theory that Oswald was the assassin and that he acted alone, and might have been led by the factual data to investigate in other areas as well, clearly something, however, which they did not do.

I have been informed by reporters from foreign countries who are covering the trial, that some of them in addition to being deeply concerned about the death of the President, were also concerned about the fact that they would probably not be able to leave Dallas for some time. Clearly they thought airports would be closed, road-blocks would be placed on many of the streets in Dallas, the trains would be stopped or searched in order that the assassin or the assassins or those who assisted the assassin or the assassins might be prevented from readily leaving the entire area. But I am informed by reporters in the area that there was not a single such road block, that the planes continued to leave, that trains continued to leave, and that the prosecution continued from the very outset with the theory Oswald was the assassin, that he acted alone, that his arrest had to be secured, and that once Oswald was arrested nothing more had to be done in order to prove conclusively that Oswald was the assassin, other than to utilize press, the radio, and the television media to prove to the American people that the man who had been arrested was the guilty party.

While I am on this question, I ask this Commission to give consideration to the 48 hours in which Oswald was in custody, to give consideration to what happened to the rights of Lee Harvey Oswald, an American citizen charged with a crime in this country. The National Board of Directors of the American Civil Liberties Union stated that had Oswald lived, he could not have secured a fair trial anywhere in this country. I think unfortunately that statement is absolutely accurate, and I think we can agree that there could be no more savage attack upon the breakdown of the American judicial system, its absolute collapse, than to make that statement.

Getting back to the evidence, Mr. Chief Justice, gentlemen, the spectator closest to President Kennedy at the time that the first bullet struck the President was a Mrs. Hill, who is a substitute school teacher in the Dallas Public School System. Mrs. Hill stated to me that she was in her view the closest spectator to the President, and was standing alongside Mary Moorman, a Dallas resident. Mrs. Hill stated that she heard some four to six shots fired. She was standing across from the Book Depository building on the grass. She said she heard some four to six shots fired and she said the shots came very clearly from the grassy knoll near the triple overpass which at that time was directly in front of the Presidential limousine. Mrs. Hill stated that

in her view none of the shots were fired from the Texas Book Depository building which was directly across the street from her and was some 50 to 75 yards behind the Presidential limousine. Mrs. Hill said further that after the last shot was fired she saw a man run from behind the grassy area of a concrete facade on that grassy knoll and she saw him run on to the triple overpass. She told me that standing along side of her was Mary Moorman, and that Miss Moorman took a picture of the President just a brief moment before the first shot was fired. Mrs. Hill told me that agents of the Federal Bureau of Investigation took the film from Miss Moorman, gave her a receipt for the film, which receipt she still has in her possession, and Mrs. Hill told me that to this present moment the Federal Bureau of Investigation has refused to return the film to Miss Moorman, and has refused as well to show her a copy of the picture which she took.

Tom Wicker, who is a member of the New York Times' White House staff, and was the only New York Times reporter in Dallas when the President was shot, stated in an article in the Saturday Review on January 11th, 1964, "As we came out of the overpass I saw a motorcycle policeman drive over the curb, cross an open area a few feet up a railroad bank, dismount and start scrambling up the bank." Ronnie Dugger, who is the editor of the Texas Observer, a state wide publication in Texas, stated in his publication on November 29, 1964, and later stated to me on two different occasions in interviews which I conducted with him, comments which were identical with the statement which appeared in his publication on November 29th; I now quote from that publication. "On the other side of the overpass, a motorcycle policeman was rough-riding across the grass to the trestle for the railroad tracks across the overpass. He brought his motorcycle to a halt and leapt from it and was running up the base of the trestle when I lost sight of him."

James Vachule who is a reporter for the Fort Worth Star Telegram said, "I heard the shots, several, at the triple overpass." And Jerry Flemmons, reporting also for the Fort Worth Star Telegram on November 22nd, 1963, stated, "Kennedy was gunned down by an assassin, apparently standing on the overpass above the freeway." I spoke to Mary Woodward, who is an employee of the Dallas Morning News. Miss Woodward stated to me that she was present with three co-workers, all employees of the Dallas Morning News, and they were standing at the base of the grassy knoll, perhaps fifty feet or so from the overpass, with the overpass to their right and the Book Depository building to their left. On November 23rd, 1963, the Dallas Morning News ran a story by Miss Woodward, and I have since that time spoken with Miss Woodward via telephone, and she has confirmed this portion of the story which appeared to me in an interview which we conducted. She stated that she and her three co-workers waited for the President to pass, that they stood on the grassy slope just east of the triple overpass. She explained that the President approached and he acknowledged their cheers and the cheers of others. "He faced forward again after waving to us, and suddenly there was an earshattering noise coming from behind us and a little to the right." Here we have a statement by an employee of the Dallas Morning News and she indicated to me that she was speaking not only on her own behalf, but on behalf of all four employees, all of whom stated that the shots came from the direction of the overpass which was toward their right, and not at all from the Book Depository building which was toward their left. Miss Woodward continued, "Instead of speeding up the car, the car came to a halt. Things are a little bit hazy from this point, but I don't believe that anyone was hit with the first bullet. The President and Mrs. Kennedy looked as if they too didn't really believe that the noise was really coming from a gun. Then after a moment's pause, there was another shot, and I saw the President slumping in the car."

This testimony would seem to be consistent with the statement by Miss Hill, that more than three shots were fired.

In addition to these statements, James A. Chaney, who was a Dallas motorcycle policeman, was quoted in the Houston Chronicle on November 24th, 1963, as stating that the first shot missed entirely. He said he was six feet to the right and to the front of the President's car, moving at about 15 miles an hour, and when the first shot was fired, he said, "I thought it was a backfire."

Now Miss Hill told me that when she was questioned by the United States Secret Service agents, and put that word "questioned" in quotation marks, that



they indicated to her what her testimony should be, that she should state that she only heard three shots. She insisted that she heard more than three shots, and she told me that at least one agent of the Secret Service said to her, "We have three wounds and three shells, so we are only saying three shots." Then the agents of the Secret Service and the Federal Bureau of Investigation raised with her the possibility that instead of hearing more than three shots perhaps she heard firecrackers exploding, or perhaps she heard some echoes in the distance. Despite this type of questioning by the Secret Service, Miss Hill continued to maintain and maintains at the present time that she heard more than three shots fired.

Now to the best of my knowledge, from my investigation, which of course has been severely limited by lack of personnel, lack of funds, and therefore is not the kind of investigation which is required here; but from this limited investigation it seems that only two persons immediately charged into the Texas Book Depository building after the shots were fired. They were an officer of the Dallas police force, Seymour Weitzman, who submitted an affidavit to the Dallas police force in which he stated that he discovered the rifle on the sixth floor of the Book Depository building. There was one other gentleman who ran into the building, and that was Roy S. Truly, who was the director of the Book Depository building. However, Mr. Truly stated that he believed the shots came from the direction of the overpass from the grassy knoll, and although he, Mr. Truly, was standing directly in front of the Book Depository building, he believed that the shots did not come from that building. Standing with Mr. Truly at the time of the assassination was O. V. Campbell, vice president of the firm. In the Dallas Morning News on November 23rd, 1963, it was stated that "Campbell, vice president of the Book Depository building, says he ran toward a grassy knoll to the west of the building where he thought the sniper had hidden."

So we have two persons that we know of standing in front of the Book Depository building, and they both thought that the shots came from the grassy knoll near the overpass. The police officer, Seymour Weitzman, submitted an affidavit to the Dallas District Attorney's office, and in that affidavit he said that he ran in a northwest direction and scaled the fence toward where he thought the shots came from. He then stated, "Then someone said they thought the shots came from the Texas building, so I immediately ran to the Texas building and started looking inside." So even the two people who ran into the building after the shots were fired, both stated that they did not believe the shots had come from that building. Mr. Weitzman went into the building because someone whose name he did not give in his affidavit told him to go into the building, and Mr. Truly explained later that although he thought the shots came from the grassy knoll from that general direction near the overpass in front of the Presidential limousine, he saw a police officer run into the building of which he is a director and he felt that since he knew the building well and the officer probably did not, he should go into the building and assist the officer.

From the published accounts and from my investigation, I can find only one person who thought that the shots came from the Book Depository building. That one person is Jesse Curry, Chief of Police in Dallas. He stated that as soon as the shots were fired he knew they came from the Book Depository building.

I have spoken in addition on several occasions to a reporter of the Fort Worth Star Telegram, a gentleman by the name of Thayer Waldo. Mr. Waldo was standing with the police captain near the Dallas Trade Mart building, which was the building where the President was supposed to have spoken a little later that day. Mr. Waldo was awaiting the arrival of President Kennedy when suddenly a sergeant who was seated in a police cruiser called to the captain to hurry over to the police car. Mr. Waldo accompanied the captain to the police car, and Mr. Waldo stated to me that he heard the first bulletin which came over the Dallas police radio, the Dallas police radio, and it read as follows, "Bulletin: the President has been shot. It is feared that others in his party have been wounded also. The shots came from a triple overpass in front of the Presidential automobile." So even the police, despite the Chief of Police's later statement that he knew where the shots came from immediately, even the first police radio broadcast indicated that it was the position of the Police Department at the outset that the shots came from the front, not from the rear.

Now Patrolman Chanley, to whom I made reference a little earlier, the motorcycle patrolman, stated that the Presidential car stopped momentarily after the first shot was fired. That statement is consistent with Miss Woodward's statement in the Dallas Morning News, that the automobile came to almost a complete stop after the first shot; and it is consistent with the statement made by many other witnesses as well.

Now I think one has to conjecture as to why the Secret Service agent, who was undoubtedly trained for this assignment, and particularly the agent who was driving the Presidential limousine in Dallas on that day, when we had been told in advance that the greatest efforts ever to protect an American President were going to be made that day because of the previous difficulties in Dallas, the attack upon our Ambassador to the United Nations and the attack upon the then-Senator Johnson when he spoke in Dallas in 1960, one would assume therefore that the most qualified Secret Service driver that could be secured would be driving that automobile. Why then did the automobile come almost to a complete stop after the first shot was fired if the shots were coming from the rear? The natural inclination, it would seem, would be to step on the gas and to accelerate the automobile as quickly as possible. However, if the driver were under the impression that the shots were coming from the front, one could understand his hesitation and his reluctance in driving closer to the sniper or the snipers.

In addition, Roy Kellerman, who was the Secret Service agent sitting in the right hand seat of the front of the automobile, according to the pictures published in Life magazine, was looking forward until the first shot was fired. Then he turned around quickly and saw that the President was injured, and the pictures reveal that Mr. Kellerman, in charge of the Secret Service operation in Dallas on November 22nd, then looked immediately forward in the direction of the overpass while the second shot was fired and while the third shot was fired. One would certainly expect that Mr. Kellerman was and is a trained observer and that he would not panic in such a circumstance for which he has received very great training. The conclusion we can reach I think is that Mr. Kellerman was looking in the direction in which he thought the shots were coming to see if he could tell who was shooting at the Presidential limousine.

Now in reference to the rifle, gentlemen, there is on file and I assume that you have the original of the affidavit or copies of it, there is on file in the Dallas District Attorney's office or now the Police office in Dallas, an affidavit sworn to by Officer Weitzman, in which he indicates that the rifle which he discovered on the sixth floor of the Book Depository building at 1:22 p.m. on November 22, 1963, was a Mauser, 7.65 mm, which Mr. Weitzman then in his affidavit went on to describe in detail. Now the prosecuting attorney immediately took the same position, and for many hours he insisted that the rifle which was discovered on the sixth floor of the Book Depository building was a German Mauser, stating that it was a German Mauser 7.65 mm.

#### SIDE III

It is interesting to note that when Oswald was arrested, we were informed immediately that he had used an alias, O.H. Lee, as well as a great deal of other information which was given to us about Oswald's political background, given to us by the Dallas police and the Dallas District Attorney's office indicating that Oswald had spent some time in the Soviet Union, had been active on behalf of the Fair Play For Cuba Committee in New Orleans, and other such material. We were also told that he used the alias O.H. Lee.

On the following day, on November 23rd, when it was announced by the Federal Bureau of Investigation that Oswald had purchased an Italian carbine 6.5 mm under the alias A. Hidell, then for the first time the District Attorney of Dallas indicated that a remarkable transformation had taken place in reference to that rifle which they had secured yesterday on the sixth floor of the Book Depository building. It had in fact changed both its nationality and its size, and had become from a German 7.65 Mauser, an Italian 6.5 carbine; and further Mr. Wade stated for the first time that as soon as Oswald was arrested they knew he had used another alias, in addition to the alias O.H. Lee, because they said they discovered when Oswald was arrested on his person in his pocketbook an identification card made out to A. Hidell, with a picture of Oswald on the identification card. It is interesting to note that the name



of O.H. Lee, an alias, was released immediately, although some investigation was required to secure that alias; but the name A. Hidell was not released as an alias until after the F.B.I. report was made indicating that Oswald had purchased a rifle under that name, although that alias, if the District Attorney's office is being frank with us in the description of how they determined that alias, that alias was known to the District Attorney's office at the moment of Oswald's arrest and search.

If I were permitted to cross-examine Mr. Wade and the officer, Officer Weitzman who discovered the alleged murder weapon, I would seek to find out how the most important single element in this case or any other murder case, the most important physical evidence, the murder weapon, was so incorrectly and erroneously described when it was first found.

Now Mr. Wade is a very distinguished prosecuting attorney. He has been one for some thirteen or fourteen years, I am told, and prior to that he was an agent employed by the Federal Bureau of Investigation. I would like to know how Mr. Wade could have been so wrong about something so vital in this case.

Now assuming the weapon found on the sixth floor was an Italian rifle, an Italian carbine, one must wonder how it was possible for any number of things to happen; for it to be fired there three times, strike the President in the front of the throat -- although he was well past the building -- and for the noise of the firing, according to the witnesses, to have come from a different place entirely. But in addition to that, one must wonder if that rifle is capable of the performance which the prosecuting authorities allege that it gave on that day. An Olympic rifle champion, Hubert Hammerer, said that he doubted that that rifle could fire as the prosecuting authority insisted that it did on that day.

At this point Congressman Ford asked a penetrating question. He said, "What nationality is this Mr. Hammerer?"

There seems to be agreement that the period of time between the first shot and the last shot was between five and six seconds. There is a very serious question in the minds of anyone who has ever fired a rifle with any expertise as to the ability of any expert to fire that quickly and that accurately using an Italian carbine 6.5 mm armed with a telescopic sight. Various persons have tested various lots of ammunition utilized for that weapon. A member of the Board of Directors of the National Rifle Association told me that he tested more than thirty rounds of that ammunition just a little while ago. He told me that twenty of those rounds did not fire at all, and six of them were guilty of hang fire, which is a phrase which he explained to me which indicates that the bullet did not fire fully and therefore could not be an accurate shot. Therefore, according to that test, a very small percentage of the ammunition was of any value.

Mr. Ed Wallace, a reporter for the New York World Telegram and Sun, stated in a feature article that he went with a rifle expert and they secured twenty rounds of this ammunition, took them out to the woods, and of those seventeen were duds; only three fired. The fact is that the ammunition manufactured for that rifle is extremely old ammunition, in most cases manufactured prior to or during World War II.

While there may be some question as to whether or not a rifle expert could secure such excellent performance from such a rifle, or whether or not anyone could secure decent enough ammunition to secure such a performance, there is general agreement, absolute agreement, that only in the hands of a rifle expert could one attempt to come as close to that kind of shooting as it is alleged that Oswald did on November 22nd. Was Lee Harvey Oswald a rifle expert? The New York Times reported on November 23rd, "As Marines go, Lee Harvey Oswald was not highly regarded as a rifle man."

Now of course it has been alleged on occasion that Mr. Oswald practiced with his rifle on weekends at rifle ranges. Mrs. Michael Paine, with whom Lee Oswald's wife and children lived during the two month period preceding the assassination, and where Lee Oswald himself spent every weekend for two months preceding the assassination, told me that Oswald could not ever have gone to a rifle range on a weekend, since she is able to account for his whereabouts during that entire two month period in terms of the weekends just preceding the assassination.

Mrs. Paine stated that she knew Oswald left work

Friday afternoon and that he came to Irving, Texas, at her home Friday afternoon, and that he remained there until early Monday morning. She said that during that time, while she did not watch him every moment, there might be times when she was gone from the house for a half an hour to go shopping and she left the children behind for Lee Oswald to take care of, but she said that during that time it was impossible for him to ever have sufficient time on a weekend to go to a rifle range and practice with a weapon there.

Now I spoke with Dial M. Rider. Mr. Rider is a gunsmith in Irving, Texas, employed at the Irving Sport Shop, and he told me he mounted a telescopic sight on a rifle for a man named Oswald during November, 1963. Now unfortunately Mr. Rider does not recall, since that was the beginning of the deer season and a lot of people were getting rifles fixed or repairs or sights mounted on them during that time in the Dallas-Irving area; he does not recall what this gentleman who said his name was Oswald looks like, but he does know that a rifle was brought to him by someone whose name now appears in his records as Oswald, and that he drilled three holes into the rifle for a mount for a telescope. He stated that he had seen only three rifles which required three holes for a telescopic mount: a 303 British Enfield, a 303 American Springfield Army surplus rifle, or an Eddystone, which is also an American surplus rifle. He said therefore he did not attach a telescopic sight to the Italian carbine, because he would in that case have drilled only two holes, and his records prove that he drilled three holes for a person whose name was, he claimed, Oswald when he brought the rifle in.

Now Mr. Rider's employer called all of the Oswalds in the Irving-Dallas community, and was unable to find anyone there who stated they had brought a rifle in to have a telescopic sight mounted during November.

I also talked with Milton Klein, who is the owner of Klein's Sporting Goods Store in Chicago. I spoke with him within the last two or three days, and he told me that he mailed an Italian carbine to Dallas, not to Oswald but to someone named A. Hidell, and that the rifle he sent out already had the holes bored into the carbine and the telescopic sight was already mounted and attached to the rifle. Augusto Marcelli, who is a correspondent for an Italian publication, stated to me that he had spoken earlier to Mr. Klein and Mr. Klein said to him that the F.B.I. said "You better keep your trap shut." When I spoke to Mr. Klein he indicated to me that he did not want to discuss any aspects of this matter, and I asked him if that was because he was told not to talk with anyone about this case. He said, "Yes, that's the reason." And I said, "Who told you that?" And he said, "The F.B.I. agents told me, ordered me, not to discuss this case." I pointed out to Mr. Klein that if he did not wish to discuss this case with me, he need not discuss it with me, but in our democratic society the Federal Bureau of Investigation, cannot, neither can any other secret police, order anyone not to discuss a case, and that such an order to him was not a valid order, and if he wished to discuss the case with me, he could. And so he did. He told me what I informed you, that the F.B.I. told him not to discuss the case and that he mailed this rifle with the holes already bored and with the telescopic sight already mounted, to someone named A. Hidell. He also stated that "no ammunition was purchased from me by Hidell at that time or since that time."

Gentlemen, I read recently in the Dallas Times Herald that on November 25th, 1963, a statement was made by Mr. Wade to the Times Herald in response to the question, "What would you say was the most important single piece of evidence tying Oswald to the crime of the century?" And Mr. Wade responded, "If I had to single out any one thing, it would be the fingerprints on the rifle and on the book cartons that were used to prop the weapon on." On the very same day the World Telegram and Sun reported, "Federal authorities have concluded that no readable print was found on the murder weapon when it was flown to Washington for laboratory studies." There had been certain leaks that a fingerprint was discovered on the bolt of the rifle. If that is so, it would be remarkable if it were a print belonging to anyone other than Captain Fritz, chief of the Homicide Squad in Dallas, because according to the affidavit signed by Officer Weitzman, who discovered the alleged murder weapon, and I'm quoting from the affidavit now on file, "The time the rifle was found was 1:22 p.m. Captain Fritz took charge of the



rifle and ejected one live round from the chamber. I then went back to the office after this." Now you know if you have worked with that rifle or any Italian carbine, that the bolt does not work too easily; one would have to really grab hold of the rifle and pull back on the bolt. It would be unusual indeed if the fingerprint belonging to someone other than the person who did that survived.

The first statement made by Mr. Wade, in reference to the taxi driver who he alleged drove Oswald generally from the scene, was a driver by the name of Darryll Click. Now that statement was not made in the first hours of the arrest, when there was a great deal of confusion. That statement was not made until after Chief Curry had announced to the press in Dallas on that day, November 24th, that the case was closed and that there would be no further investigation. Oswald was the assassin, he had acted alone, he was dead. However, as a result in change of policy the District Attorney's office decided to re-open the case and have Mr. Wade assume a position in front of the radio and television microphones and cameras of the nation and of the world, and on that evening, November 24th, almost two days after Wade had stated that he had an ironclad case against Oswald, he then stated that he was going to offer the evidence "for you, piece by piece." And part of the evidence which he had secured was the proof that a taxi driver named Darryll Click, drove Oswald roughly from the scene to Oswald's home.

When I was in Dallas first on January 2nd of this year, I spoke with a Mr. Roseborough of the Teamsters' Union. The Teamsters Union has organized the taxi drivers in Dallas, and I asked him if he knew or could give me any information about Darryll Click. He said he did not have the name in his files, Texas being a "Right to Work" law state, it was possible, he said, that Mr. Click was a driver but not a member of his union. He referred me to the Personnel Department of the City Transportation Company, which he told me was the one company monopoly running all of the taxis in Dallas. I spoke with the City Transportation Company Personnel Office. The office checked the records and stated to me that there was no Darryll Click who drove a taxi in Dallas. Sometime after Mr. Wade stated that Darryll Click was the taxi driver, he changed his mind, in the light evidently of the evidence showing that there is no Darryll Click who is a taxi driver in Dallas, and then Mr. Wade stated the person who drove the taxi was named William Whaley.

It is therefore alleged by the prosecution that Oswald, after firing upon the Presidential limousine, walked the entire floor from the front of the Book Depository building to the rear of the warehouse, almost to the extreme rear of the warehouse, where he placed the rifle and where it was later found, and then that Oswald took the stairs at the rear of the Book Depository building, walked down four flights until he arrived at the second floor, and then he walked to the coca cola machine which was at the front of the building, meaning he crossed the entire warehouse floor again, and he purchased a coca cola and was sipping it when a police officer arrived with a gun drawn to question him briefly. Mr. Truly explained to the officer that Oswald worked there, and eventually Oswald left the building, boarded a bus, then after leaving the bus walked two blocks and entered Mr. Whaley's taxi at exactly 12:30 p.m., according to Mr. Whaley. The shots that killed the President were fired at 12:31 p.m.

There is on file in the District Attorney's office in Dallas, and I assume you gentlemen have the original document or copies of it, there is on file a report of the paraffin test conducted on November 22nd, 1963. According to Mr. Curry, the Dallas Chief of Police, in a statement made to the press on November 23rd, 1963, the test proved that Oswald fired the murder weapon. However, I am certain that you will agree that a reading of the test document indicates that one could come to a very different conclusion.

The test in reference to the face proved negative, indicating that Oswald had not fired a rifle on November 22nd, 1963. That was the statement in terms of the negative aspect of the test conducted on Oswald's face by Louis L. Anderson on November 23rd, 1963, in a document which he submitted on behalf of the Dallas City County Crime Investigation Laboratory.

Now it has of course been alleged that after Oswald shot the President and took a bus and a taxi and went home to put on a jacket, although it was extremely warm that day, he then shot and killed Officer Tippit. The affidavit in the District Attorney's office indicates that a person saw a stopped police

car, walked up to the police car, leaned on it with his arms on the window, and then stepped back a step or two, evidently invited the officer out of the automobile, and when Officer Tippit stepped out of the automobile, this person shot Officer Tippit to death.

The affidavit is particularly sparse in reference to the description of the assailant, the man who killed Tippit, although the eye witness stated that she was just fifty feet away. Her description of this person, the assailant of Officer Tippit, is found in two different portions of her affidavit. He was a young white man, a young white man. Now I spoke with the eye witness, the person who signed the affidavit, Helen Louise Markham, and Mrs. Markham told me that first of all she was a hundred feet away from the police car, not fifty feet as it appears in the affidavit, but she gave to me a detailed description of the man who she said she saw shoot Officer Tippit. She said the man was short, on the heavy side, and his hair was somewhat bushy. I think it is fair to state that an accurate description of Oswald would be that he was average height, quite slender, and with thin and receding hair.

I asked Mrs. Markham when I spoke with her if anyone had asked her not to discuss this matter with me. At first she seemed reluctant, and then she said she was reluctant because I called her at her place of employment, the Eat Well Cafe in Dallas. I tried her at home prior to then on many occasions but her phone, which belongs to the whole rooming house, was always busy. I apologized for calling her at her place of employment, and she still seemed reluctant to talk to me. I asked her if anyone had asked her not to talk about this case with anyone, and she said yes, she had been ordered by the F. B. I., by the Secret Service agents, and by the Dallas police, by all three groups, not to discuss anything in relation to this case, and that by and large she had not talked with anyone about the case.

#### SIDE IV

I would like to call to the Commission's attention the entire brief narrative of this entire case as presented by the Dallas District Attorney's office, presented on the 24th of November. If everything that the prosecution says in this case is true, one must conclude that Oswald behaved in a very very unusual manner from the beginning to the end. He decided on Thursday, November 21st, that he was going to assassinate the President, we are told; and so he decided to go back to Irving, Texas to secure a rifle there in order to carry out that purpose. He had on his person some \$13 when arrested, and almost \$150 in cash in the top drawer of his dresser. One can purchase a rifle for less than \$13 in many many stores in Dallas. There is no question about that. By using a very small portion of that \$150 he could have purchased a rifle absolutely superior to the inferior Italian carbine in Irving, Texas, but nevertheless Oswald decided to go all the way back to Irving, Texas, in order to secure that inferior rifle.

I think that there probably was a more compelling reason why Oswald, if he were going to assassinate the President, would have given serious consideration to securing a rifle other than that particular rifle, that inferior rifle, which we're told was in Irving, Texas. That rifle was, according to the prosecution, the only rifle in the whole world that could be traced to Oswald. One can purchase a rifle in almost any community in this country, certainly in Dallas, without any notoriety attaching to it, without giving one's name or address, without having a serial number jotted down by the person who sells the rifle. But here we have Oswald, we are told, going home to get an inferior rifle, which rifle is the only rifle in the whole world which can be traced to him, which rifle he is going to leave behind as a calling card after assassinating the President. And so he goes home to Irving, Texas, and he gets this rifle, and he wraps it up in some brown paper, we're told, and he brings it into the Book Depository building. Now this rifle can be broken down and it becomes a little shorter, but Oswald did not break it down. He carried it in his hands, more than three feet long, and he carried this rifle into the Book Depository building, which, gentlemen, I suggest is a most remarkable accomplishment. This was going to be, we were told, the greatest series of precautions in the history of the United States to protect an American President, and here was Lee Harvey Oswald, suspected certainly by those with the political orientation of the Dallas Police and the F.B.I., suspected because he had defected to the Soviet Union, because he married a Russian national, because he was active on behalf



of the Fair Play for Cuba Committee in New Orleans, a man who had secured a discharge less than honorable from the United States Marine Corps, and here is this man working in the Book Depository building which is exactly on the Presidential route, and not only is it on the Presidential route, but it is the only building in the area where the Presidential limousine which traveled through the city of Dallas at some thirty miles an hour that day, according to Congressman Henry Gonzales of Texas, who was in the fourth car behind the Presidential limousine; this is the one area where the limousine is going to have to slow down to make an extremely sharp left turn right in front of the Book Depository building; and despite all the precautions that were taken that day, and I have been informed that such precautions were taken in Dallas that day by the Dallas police and others charged with the protection of the President, that people who did nothing more than publicly speak out in favor of integration of the school system were followed on November 22nd in Dallas as potential assassins; nevertheless Oswald, with that political background, was permitted to walk into the Book Depository building where the Federal Bureau of Investigation knew that he was employed, carrying with him a full rifle more than three feet long in his hands. I suggest that the Federal Bureau of Investigation knew that Oswald worked at the Texas Book Depository building which was on the Presidential route. A Federal Bureau of Investigation agent by the name of Hosty had visited the home of Mr. and Mrs. Paine in Irving, Texas, during September and October. He visited that home on more than one occasion. On each occasion he was told by Mrs. Paine that Oswald lived there only on weekends, that during the week agent Hosty of the F.B.I. could find Oswald in his room in Dallas where he stayed during the week, or during the daytime the F.B.I. could find Oswald where he was employed at the Texas Book Depository building.

Well, to get back to the prosecution narrative, or narrative according to the facts presented by the prosecution, Oswald was on the sixth floor, fired at the Presidential limousine, not as the automobile approached the building, not when the automobile came extremely close to the building, so close that possibly even with that weapon one could have shot the occupants of the automobile from that window, but it is now alleged that Oswald never shot at that time. He did not fire the first shot until the Presidential limousine was 75 yards beyond the building and picking up speed, gaining momentum as it passed the last building in Dallas it was going to pass and was about to enter onto the expressway. Then Oswald walked the entire floor or ran it, the entire floor of the warehouse to the rear of the building, placed the rifle on some boxes where it would be visible and anyone who arrived on the floor could see it quickly, went to the rear stairs, walked down the four flights to the second floor, then to the front of the building again where he purchased a Coca Cola and made no effort to leave the building at that time. Evidently he was going to wait until the building was surrounded by police before attempting to leave. He stayed at the top of the stairs near the Coca Cola machine long enough so that a police officer could come up and place a pistol toward him, and Roy Truly, the director, then intervened, indicating that Mr. Oswald was employed in the building at that time, and the officer then went on to do other things in the building. Later on I believe he found the rifle. Mr. Truly stated that Oswald was quite calm when the officer approached him on the stairs. He said that although he did seem a little concerned about that pistol being pointed at him, he nevertheless seemed to be quite calm.

The next thing we heard from the prosecution in their opening or closing statement to the television cameras on November 24, after Oswald was killed, was that Oswald was then on the bus. Well, if Oswald boarded the bus where the bus driver claims that he did, although Mr. Wade, I'm afraid, somehow mis-stated the affidavit and the statement by the bus driver, but if Oswald did in fact board the bus where it is alleged by the bus driver that Oswald boarded the bus, then we must assume that Oswald left the building and walked or ran seven blocks to secure a bus which was going to take him directly back to the Book Depository building, the building which we were told Oswald was trying to flee from after assassinating the President. I will refer you to this story by Hugh Aynesworth of the Dallas Morning News, published during the first week after the assassination. Hugh Aynesworth and Larry Grove published on November 28th in the Dallas Morning News this story headed "Oswald

planned to ride by scene," in which there are statements by the bus driver, a gentleman named C.J. McWatters, in which Mr. McWatters indicates that Oswald entered the bus at Elm and Griffin, and further indicates that the bus was going to go seven blocks further west and turn at Houston Street, exactly at the scene of the assassination, or at least at the scene of the Texas Book Depository building. So Oswald traveled seven blocks in order to secure a bus which would take him back to the place he had just left.

Well now, Oswald had allegedly shot the President, had walked some distance in the Book Depository building, talked to an officer, was calm, walked seven blocks to find a bus that was going to take him back to where he left, then got off and entered the taxi after he had walked two more blocks from where he had left the bus. And this taxi he entered of course a minute before the President was shot, if the taxi driver's log is accurate, after Oswald had done all these things after allegedly having shot the President and the Governor. And then the taxi driver drove him directly past Oswald's home, according to the statement of the new taxi driver, until Oswald had arrived at the scene approximately half of a mile beyond his own home. Then Oswald left the taxi, walked or ran back half a mile to secure his jacket, although leaving behind some \$150 in the dresser drawer. Oswald then left the house, saw a police car which was parked, walked up to the parked police car, and according to the affidavit of Mrs. Markham, leaned on the car, invited the officer out and shot him to death. Then, after having assassinated the President, wounded the Governor of Texas, killed the police officer, Oswald went to the movies; and when he arrived at the movie house he was so agitated that persons outside the theater and inside the theater saw Oswald acting in a most agitated state. The cashier who was outside selling tickets saw Oswald move inside the theater from one seat to another, and the police were called and Oswald was arrested. Of course one might wonder why Oswald, who might have thought that he had made a clean get away while in the Texas Theater unobserved, would become all of a sudden so extremely agitated when just a moment after he allegedly shot the President and the Governor, and the policeman came charging up the stairs and pointed a pistol at him about to arrest him for these two terrible crimes, he was calm, according to Mr. Truly. He became agitated, evidently, only when he thought that he had secured his get away.

Those of us who saw Lee Oswald on television in his very brief appearances prior to the time that he was shot to death in the basement of the Dallas courthouse while handcuffed to law enforcement officers, would conclude, I think, that it's fair to state that Oswald seemed rather calm, under the circumstances, while in police custody, considering the terrible charges which had been placed against him. So he was calm when he was about to be arrested for the assassination, calm when charged with these two terrible crimes, but agitated and upset only when he had made what he might have thought to be a clean get away and was present in the movie theater.

Mr. Chief Justice, members of the Commission, I would like to conclude my remarks on this note. I hope the Commission will give consideration to my request, which I now renew, my request that I be permitted at the request of Marguerite Oswald, the mother of the accused defendant, to represent the interests of Lee Harvey Oswald before this Commission, to have access to the material which you have access to, I ask for the right to cross-examine witnesses and to present evidence of our own. It is not usual for an attorney representing a party to be called before a Commission to testify. Rather it is the function of counsel to present witness and to cross-examine those who testify against his client. That has always been my role in a criminal case. I don't believe that I've ever testified before on behalf of a client.

If it is the Commission's position that this is not a trial in any respect, and therefore Oswald is not entitled to counsel, that is a position with which I would like to respectfully offer dissent. The fact that Oswald is not going to have a real trial flows only from his death, for which he is not responsible. Every right belonging to an American citizen charged with a crime in this country was taken from Lee Harvey Oswald, up to and including the right to live. I think now that this episode is completed, hopefully never to reappear again in our history, or anything which in anyway resembles it. I think it would be proper to permit him to have counsel before this Commission, counsel who can function on his behalf in terms of cross-examining witnesses and present-



ing evidence. If it is the Commission's position now that he is entitled to counsel, then I ask the Commission to consider that the Constitutional right to counsel involves the right to counsel of one's choice, or on the event of the death of the party, to counsel of the choice of the surviving members of the family. I think that under these circumstances it would be proper for the Commission to permit me to function here as counsel for Lee Harvey Oswald. This of course is not a jury trial. But with all due respect to the integrity and the background of the members of the Commission, I suggest that it is not the function of the trying body of the jury to appoint counsel as you have done, in appointing the President of the American Bar Association to represent the interests of Lee Harvey Oswald long after you had taken a great deal of testimony and long after your deliberations had begun. It is not your function as jury to appoint counsel for defendant, but in our society it is just the reverse. It is the function of the defense counsel to participate in determining who the jury is supposed to be. Many criminal lawyers, very noted counsel, would certainly seek to excuse every single member of this Commission if this were a jury trial, and if any of the members of this Commission were part of a potential jury panel, because defense counsel generally seeks to excuse as jurors those who are in any way associated with the government in a case where the government is the prosecuting authority, as in all criminal cases. But here we have the government appointing the jury, a government appointed jury all of whom are government related, picking counsel who also is government connected at this time. Now I wish in no way to raise the question of the integrity of any of the members of the Commission or the integrity of the members of the counsel or anyone else present here, nor do I wish to raise any questions as to the ability of the members of the Commission or of counsel or others, but that truism about equality has some meaning in terms of impartiality as well. Everyone is impartial, but some are more impartial than others, and counsel, in order to function, I believe must be totally independent and totally committed to the responsibility of representing his client. But above all, he must be secured by someone who has the ability to speak for the deceased, in this case his mother; and under those circumstances I renew my request that I be permitted to, at the request of Lee Harvey Oswald's mother, who is his survivor, to function before this Commission as defense counsel on his behalf.

The Chief Justice denied my request that I be permitted to function as counsel for Lee Harvey Oswald, and indicated that the President of the American Bar Association would serve as counsel for Lee Harvey Oswald.

#### Mr. Lane's Background

Mr. Lane became known during the fifties for his activities in reform politics in New York and for his handling of many civil liberties cases.

In 1961, after being elected to represent the Yorkville district of Manhattan in the New York State Assembly, he became the first elected official in the country to participate in the integration struggle directly when he joined a Freedom Ride to Jackson, Mississippi.

