

Mr. REDLICH. Mr. Leech, would you like to ask Mr. Martin any questions at this time?

Mr. LEECH. Not a word.

Mr. DULLES. Mr. Rhyne? Mr. Rankin, have you any further questions?

Mr. RANKIN. Mr. Chairman, I merely wish to thank him for appearing voluntarily.

Mr. DULLES. I do thank you for coming and responding so fully to our questions.

Mr. MARTIN. Anything I can do.

Mr. DULLES. And if anything occurs to you or to your counsel as sometimes happens later, we will be very glad if you or your counsel will bring it to our attention.

Mr. MARTIN. Yes, sir; I certainly will.

Mr. REDLICH. May I before we adjourn ask another question?

Mr. DULLES. Certainly.

Mr. REDLICH. Have you ever discussed with Mrs. Marguerite Oswald the question of the guilt or innocence of Lee Harvey Oswald?

Mr. MARTIN. No. The only time I was in contact with Marguerite Oswald was at the Inn of the Six Flags in Arlington, Tex., and I don't believe I really discussed anything with her. I was more on the sidelines and didn't enter into any discussions with her at all.

Mr. REDLICH. And have you discussed with Robert Oswald the question of the guilt or innocence of Lee Harvey Oswald?

Mr. MARTIN. Yes. Let's see, on one occasion the article by Mark Lane, I think it was in the National Observer, was printed in the National Observer, and I called Robert's attention to that. I believe he cited 15 points where he believed that Lee Oswald was innocent, and I remarked to Robert that in nearly 100 percent of those points they were just completely out of line. The brief I believe was taken from newspaper accounts, from various newspaper accounts of the assassination, and a number of them contradicted each other.

Mr. REDLICH. Did Robert Oswald comment on this?

Mr. MARTIN. No.

Mr. REDLICH. For the record I believe the publication you are referring to is the National Guardian.

Mr. MARTIN. The National Guardian, yes.

Mr. REDLICH. Is that your recollection now?

Mr. MARTIN. Yes, National Guardian.

Mr. REDLICH. And Robert Oswald had no comment on this?

Mr. MARTIN. No.

Mr. REDLICH. We have no further questions.

Mr. DULLES. The Commission will stand adjourned, subject to call.
(Whereupon, at 10:20 p.m., the President's Commission recessed.)

Wednesday, March 4, 1964

TESTIMONY OF MARK LANE

The President's Commission met at 2:30 p.m., on March 4, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper and Representative Gerald R. Ford, members.

Also present were J. Lee Rankin, general counsel; Norman Redlich, assistant counsel; Charles Murray and Charles Rhyne, assistants to Walter E. Craig.

The CHAIRMAN. The Commission will be in order.

The Commission has been informed that Mr. Lane has collected numerous materials relevant to the Commission's work.

The Commission proposes to question Mr. Lane on all matters of which he has knowledge concerning the assassination of President Kennedy and the subsequent killing of Lee Harvey Oswald, and to request of Mr. Lane that he make available to the Commission any documentary material in his possession which can assist the Commission in its work.

In accordance with the rules of this Commission, Mr. Lane has been furnished with a copy of this statement.

Mr. Lane, would please rise and be sworn? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LANE. I do.

The CHAIRMAN. Will you be seated, please.

Mr. Rankin, would you proceed with the examination, please?

Mr. RANKIN. Mr. Lane, will you state your name?

Mr. LANE. My name is Mark Lane.

Mr. RANKIN. Where do you live?

Mr. LANE. 164 West 79th Street, New York City, New York State.

Mr. RANKIN. Are you a practicing lawyer?

Mr. LANE. Yes; I am.

Mr. RANKIN. Will you state your age, please?

Mr. LANE. I am 37 years old.

Mr. RANKIN. How long have you been practicing law?

Mr. LANE. Thirteen years.

Mr. RANKIN. You have qualified in the State of New York?

Mr. LANE. Yes.

Mr. RANKIN. Are you qualified in any other jurisdiction?

Mr. LANE. Just in the Federal court.

Mr. RANKIN. Do you have some information concerning the matters being investigated by the Commission that you would like to present to the Commission?

Mr. LANE. Yes; I do.

Mr. RANKIN. Will you proceed to do so?

Mr. LANE. Yes.

I wonder if I might ask at the outset if I will be able to secure a copy of the transcript of my testimony tomorrow, or is that going to be rushing things?

The CHAIRMAN. You will be able to obtain it. I don't know whether we can promise it to you tomorrow morning or not. But we will do it just as quickly as it can be transcribed by the reporter.

Mr. LANE. Thank you, sir.

At the outset, I would like to request that this portion of the hearing, in any event, be opened to the public. I think that there are matters here of grave concern to all the people of our country, and that it would, therefore, be fruitful and constructive for the sessions to be conducted in a public fashion, open to the public and to the press.

Accordingly, I request that this session at least involving my testimony be so opened to the public.

The CHAIRMAN. You would have a right, as any witness would have, to request that, Mr. Lane. We will conduct this in an open hearing. We will adjourn at this time to the auditorium downstairs, and we will conduct the hearing there. It will be open to the public. I saw a good many members of the press around, so it will really be a public affair.

(Whereupon, at 2:45 p.m., the Commission recessed and then reconvened in the auditorium in open session.)

TESTIMONY OF MARK LANE RESUMED IN OPEN SESSION

The CHAIRMAN. The Commission will be in order.

The Commission convened in our committee room on the fourth floor.

A reporter has been appointed.

Mr. Lane has been sworn.

Mr. Lane has stated that he would like to give his testimony at a public hear-

ing. I explained to him that that was thoroughly agreeable to the Commission. The Commission does not operate in a secret way. Any witness who desires to have his—give his testimony in public may do so.

We have done it in the quiet of our rooms for the convenience of witnesses, and in order to accelerate the program. But any witness who desires to have his testimony recorded at a public hearing may do so.

The purpose of this Commission is, of course, eventually to make known to the President, and to the American public everything that has transpired before this Commission. All of it will be made available at the appropriate time. The records of the work of the Commission will be preserved for the public. So, Mr. Lane, we will be happy to accommodate you, and to proceed with our hearing.

Now, Mr. Rankin will conduct the examination.

(Having been previously duly sworn.)

Mr. RANKIN. Mr. Lane, will you proceed to tell the Commission whatever you have that would bear upon this investigation? Start item by item, and give us whatever you have in support.

Mr. LANE. Yes, sir.

At the outset, I would like to call to the Commission's attention a matter which is somewhat peripheral, perhaps, and should the Commission determine it does not wish to hear my testimony in that regard, I will understand that. 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 the President.

That is in relationship to a picture which has been widely publicized, probably in every single community of our country, allegedly showing 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.

I ask the Commission if it does conclude that the photographs have been doctored, whether it will consider determining whether or not a crime has been committed, or an effort has been made to submit evidence to the Commission members, though not directly through the press, from magazines, which evidence—

The CHAIRMAN. I didn't get that last sentence—something about the Commission?

Mr. LANE. I am asking the Commission if it does conclude that the pictures have been doctored, to consider investigating the method by which the doctoring took place, who was responsible, and whether or not an effort has been made to influence the members of the Commission, while not directly, through the publication of this picture, which certainly has been circulated very widely throughout our country.

The CHAIRMAN. You may be sure, Mr. Lane, that anything you present in that regard will be thoroughly considered by the Commission.

Mr. LANE. Thank you, sir.

I would like to offer the February 21, 1964 issue of *Life* magazine.

Mr. RANKIN. Will you mark that, Mr. Reporter, please, the next number.

Mr. LANE. A picture appears on the entire cover of *Life* magazine, and an identical picture appears in the interior pages, at page 80. The caption on the cover reads, "Lee Oswald with the weapons he used to kill President Kennedy and Officer Tippit."

I think it is quite plain from looking at both of the pictures that there appears on the rifle, what appears to be a rifle in the left hand of Lee Harvey Oswald, a telescopic sight.

Mr. RANKIN. Mr. Lane, we will mark that Exhibit No. 334.

(The document referred to was marked Commission Exhibit No. 334, for identification.)

Mr. LANE. Next I would like to offer a picture which is a glossy 8½-by-11

picture, of a photograph published in the New York Times, secured by the New York Times from the Associated Press.

Representative FORD. Is there any verification of the fact that that is as you have identified it?

Mr. LANE. That is what—a picture secured—

Representative FORD. From the New York Times, which in turn had acquired it from the Associated Press?

Mr. LANE. Well, that is a statement which I have made under oath, and it can be verified with the New York Times.

Mr. RANKIN. That is Exhibit 335 that you are just referring to, Mr. Lane.

(The document referred to was marked Commission Exhibit No. 335, for identification.)

Mr. LANE. I suggest that is the identical picture with the one published on the cover of Life magazine, Exhibit 334, in every respect, including the creases in the trousers, the background, with the exception of the rifle in the hands of Oswald, which appears to have no telescopic scope in Exhibit 335.

In addition, there clearly has been some other doctoring of the photograph around the head of Lee Harvey Oswald, and the trees and other background material over his left shoulder have been removed from the Associated Press picture, but are present in the Life magazine picture.

Shadows and fenceposts which can be observed between the legs of Lee Harvey Oswald in Exhibit 335 have been removed in the Life magazine picture. I would like to offer this picture as the next exhibit.

Mr. RANKIN. That will be marked Exhibit 336.

(The document referred to was marked Commission Exhibit No. 336 for identification.)

Mr. RANKIN. Will you tell us what that is, Mr. Lane?

Mr. LANE. Yes; 336 is an 8½-by-11 glossy photograph of a picture appearing in Newsweek magazine, March 2, 1964, credited by Newsweek magazine to the Detroit Free Press. I would suggest that that is an identical picture with the other two pictures in every respect, except that it has no telescopic sight on the rifle, and there is a great deal of metallic materials present on that rifle clearly not present in the other two pictures.

The CHAIRMAN. Did you say metallics?

Mr. LANE. Metallics.

Mr. RANKIN. Will you tell us what you mean by that, Mr. Lane?

Mr. LANE. Yes. Just below the hand, the left hand of Lee Harvey Oswald, there is clearly visible a series of pieces of metal, allegedly part of the rifle, which are in no way clear—which are in no way present in the other pictures.

The CHAIRMAN. I see.

Mr. LANE. To make that clearer, I would like to offer Exhibit 337, which is an enlargement of the picture 335, the New York Times picture.

(The document referred to was marked Commission Exhibit No. 337, for identification.)

Mr. LANE. This enlarges the area on the rifle just below what is allegedly Oswald's left hand. It clearly shows an absolute absence of all of the metallic material present in the Newsweek photo, 336.

This is a front page of the New York Journal American dated February 18, 1964, which is an identical picture with the one published in Life magazine, Exhibit 334, and the credit lines appearing on that publication indicate that the picture has been secured from the Associated Press through the Detroit Free Press.

(The document referred to was marked Commission Exhibit No. 338, for identification.)

Mr. LANE. That picture has a telescopic sight, and is not the picture in terms of the metal material on the rifle which Newsweek stated they secured through the Detroit Free Press, and is not the picture without the telescopic sight which the New York Times states that it secured through the Associated Press. In any event, I would like to submit a picture procured from Worldwide Photos.

Mr. RANKIN. 339.

(The document referred to was marked Commission Exhibit No. 339, for identification.)

Mr. LANE. This is allegedly a picture taken in the Dallas Police Station, showing the alleged murder weapon.

The CHAIRMAN. That is No. 339, Mr. Lane?

Mr. LANE. Yes, sir, and I would call the Commission's attention to the curved line of the stock present in Exhibit 339, and obviously absent from every other picture, indicating that in no event is the rifle allegedly in the hands of Lee Oswald, in Exhibits 334 through 338 comparable to the alleged murder weapon as shown in the Dallas police station.

And should the Commission decide to investigate the obviously doctored pictures that have been circulated so widely in our country, I would refer the Commission investigators to the Times Picayune of New Orleans, published on November 24, 1963, in which an Associated Press story indicated that the Dallas police chief, Jesse Curry, stated that he had in his possession photographs found in the home of Lee Harvey Oswald's Russian-born wife which linked Oswald with the rifle used in the assassination of President Kennedy. Curry said in the article attributed to Curry—

Mr. RANKIN. Do you wish to make that a part of the record?

Mr. LANE. Yes.

Mr. RANKIN. That will be Exhibit 340.

(The document referred to was marked Commission Exhibit No. 340 for identification.)

Mr. LANE. The article attributes a statement to Curry indicating that he, the Dallas Police Chief, found the pictures in the suburban Irving, Tex., home in which Marina Oswald lived, and stated that Mr. Curry had said that the pictures will be used in evidence in Oswald's murder trial. This was published, I assume, prior to the time that Oswald was himself killed on that day.

Representative FORD. Would the date of the paper be on the back side?

The CHAIRMAN. It is on the front. November 24th.

Mr. LANE. I would like to offer this as an exhibit.

Mr. RANKIN. This is marked Commission Exhibit 341.

(The document referred to was marked Commission Exhibit No. 341, for identification.)

Mr. LANE. Exhibit 341 is a page or portion of a page of the New York Times, on Sunday, December 8, with a picture of the alleged murder weapon, secured, according to the credit line under the picture, from the United Press International, indicating clearly that that rifle is not the rifle allegedly being held by Mr. Oswald in any of the pictures so widely circulated throughout our country.

Mr. RANKIN. On what do you base that last conclusion, Mr. Lane? Would you point out to the Commission the differences as you see them?

Mr. LANE. Yes; the reference of the stock. The stock has a clearly curved and bent line in this picture.

Mr. RANKIN. That is in Exhibit 341?

Mr. LANE. Yes, and it is present in none of the pictures of Oswald holding the rifle; 336, for example, in Newsweek magazine shows almost a straight stock. Some of them show even an absolutely straight stock.

Exhibit 335 from the New York Times shows a perfectly straight stock—which is not only a stock unlike this particular Italian 6.5 millimeter carbine, but is a stock I believe unlike any rifle stock produced during the 20th century, and possibly the 19th century, anywhere. Rifle experts seem to agree that every stock must have in it some break, so that it is possible to place your hand around the rifle while your finger holds the trigger. And there is no break in the doctored photographs, in the stock portrayed on the doctored photographs.

I have checked many rifle catalogs. This is not my field, and I don't qualify as an expert. But I have checked many rifle catalogs, and have only seen rifles with a break where the stock becomes narrow enough for one's hand to grasp it while pulling the trigger.

Mr. RANKIN. Is that the basis of your opinion that you have just given, that it doesn't have a break in it, and that other rifles for any period later than you have described do?

Mr. LANE. Well, several persons who have described themselves as rifle experts have made that statement to me.

Mr. RANKIN. Who are those?

Mr. LANE. I believe I have some of their names here. I don't have the names of those who have called, but I can secure that at our first break by a telephone call to my office.

Mr. RANKIN. Would you furnish that then?

Mr. LANE. Surely. In any event, whether there was another rifle or not, the rifle portrayed in the picture is clearly—in the picture in which Oswald is allegedly holding the rifle—clearly is not the rifle allegedly claimed to be the murder weapon. I wonder if I might ask the Commission if it might produce the rifle now, so that we might compare the actual rifle with the pictures.

The CHAIRMAN. We will do that in due course. But we don't have the rifle here now, Mr. Lane. We will make the proper comparisons, you may be sure, with experts.

Mr. LANE. Now, on another peripheral matter—unless there are any further questions in relation to this matter—

Mr. RANKIN. No, you may proceed. Do you have negatives of these pictures you have produced?

Mr. LANE. No. I am glad you asked that question, because I can now relate to you about a conversation that I had 2 or 3 days ago with a Mr. Dirksen, who is on the photo desk of the Associated Press. I called Mr. Dirksen and asked him for a glossy of the picture which the Associated Press sent out over the wire service.

Mr. RANKIN. Could you identify Mr. Dirksen a little more clearly?

Mr. LANE. He just told me he was employed. I called the Associated Press in New York City and asked for the photo desk, Mr. Dirksen answered and said he was employed there. I asked him what his specific position was there, and he declined to give me that information. He said he didn't think it was relevant.

In any event, I asked him if he could secure for me a glossy, a glossy copy of the picture sent by the Associated Press over the wires. And I described the picture as the one of Oswald allegedly holding the murder weapon in his left hand, and having on his right hip a pistol, allegedly the 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 and 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 up to you last week, didn't we?" I said, "Yes, you did, I appreciated that. I wonder why this picture is being treated differently from other pictures." He said, "This is not a normal picture and this is not the normal situation."

I asked him what he meant by that. He explained that there was a special contract—he did not have all the details, he said, because he is not one of the persons who was involved in drafting the contract—but there was a special contract between the Associated Press and the source of this picture, and they agreed, the Associated Press agreed in this contract that they would not make a glossy available to anyone, that they would send the pictures out only to their subscribers, and that no one else would be allowed to see the picture.

I said if that was the understanding, I certainly would not wish to have them breach their agreement, and asked if instead he would make the name of the source known to me, so that I might go directly to the source and see if I might secure the picture in that fashion. He stated he could not do that, because one of the other stipulations in the contract would be that they could not reveal the name of the source of the picture.

I discussed this with an employee of the New York Times thereafter, since I knew that the New York Times was a subscriber to the services made available by the Associated Press.

Mr. RANKIN. Could you identify that employee, please?

Mr. LANE. No, I am not going to be able to discuss sources, obviously, here, I am sorry.

But this employee indicated to me thereafter that an inquiry had been made by the New York Times to the Associated Press along the same lines as the inquiry which I had made, in terms of trying to determine the source of the

Associated Press picture. And I was informed by this employee of the New York Times that the Associated Press declined to name the source of the picture, even when the New York Times made a request. Therefore, I do not have the negative, and I do not know the source of the picture.

Mr. RANKIN. Is that true with regard to all of the pictures that you produced?

Mr. LANE. My office called Life magazine, and asked someone at Life magazine on the photo desk, the editorial department, if a picture could be made available and they stated that they would not make a glossy available—it was their policy in reference to all pictures in their possession.

Those are the only inquiries I made with reference to the source of the pictures.

Mr. RANKIN. Now you may proceed.

Mr. LANE. Yes. I would like to raise one other peripheral matter before going into the evidence, if I might. That is, I would like to call to the attention of the Commission this article, and ask that it be marked as an exhibit.

Mr. RANKIN. That has been marked Commission Exhibit 342.

(The document referred to was marked Commission Exhibit No. 342, for identification.)

Mr. LANE. Thank you.

This is an article appearing in the New York Journal American Sunday, February 23.

Mr. RANKIN. This consists of two separate pages, does it not?

Mr. LANE. It does—the first page being a masthead and front page, headline from the Journal American, dated Sunday, February 23, 1964, and the second page containing a portion of the front page of the Journal American on that date, and a portion of page 15, the continued story of the Journal American on the same date.

This is an article written by Bob Considine, who enjoys a reputation for being an excellent reporter. Mr. Considine states in his article that an eyewitness to the shooting of Officer Tippit by the name of Warren Reynolds was himself recently shot through the head by a man with a rifle.

Now, I don't believe that it is alleged that Reynolds actually saw the person pull the trigger which sent the bullets at Officer Tippit. As I understand it, Mr. Reynolds has stated that he, Reynolds, heard the shot, the shooting, left his office and saw a man running away, placing new shells into a pistol as he ran away. And Mr. Considine indicates that Reynolds thereafter identified Oswald as the person who was running from the scene.

This article indicated that during January, Mr. Reynolds was himself shot through the head with a rifle, and that he is in the hospital—I believe he was in the hospital at that time. I don't know what the state of his health is at the present time.

Mr. Considine indicates that a person was picked up in the Dallas area and charged with the shooting, but that someone who Mr. Considine refers to as "his girl"—I assume he is making reference to the gentleman who was charged with the attack upon Reynolds—testified in such a fashion, and took a lie detector test, so that the person charged with the crime was released.

This person, Betty Mooney MacDonald, 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 before this article was written, Miss MacDonald was herself arrested for a fight with her roommate, and the week before the article was written, Mr. Considine states she hanged herself in her cell.

I would request the Commission to investigate into these series of most unusual coincidences, to see if they have any bearing upon the basic matter pending before the Commission.

The CHAIRMAN. It may be introduced as are all of these pictures, admitted.

(The documents heretofore marked for identification as Commission Exhibits Nos. 334 to 342, were received in evidence.)

Mr. LANE. In the course of my investigation, I have come across some material which would be relevant only if I was first able to examine the rifle, quite frankly. I wonder if that might be able to be accomplished sometime during the day?

The CHAIRMAN. During the day?

Mr. LANE. Today, if possible.

The CHAIRMAN. Well, I think not, because we don't have it. But we will make it available to you, though, at the very first opportunity, Mr. Lane.

Mr. LANE. Fine. Then I will reserve my comment in reference to the rifle for that occasion.

The CHAIRMAN. You may.

Mr. LANE. Thank you. I would like to, on behalf of Lee Harvey Oswald, make this information available to the Commission.

It, of course, has 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 22, 1963, and that from that area he fired an Italian carbine, 6.5 millimeters, three times, twice striking the President of the United States, wounding him fatally, and injuring the Governor of Texas by striking him with a bullet, on one occasion.

The physician who signed the death certificate of the President pronouncing him dead was Dr. Kemp Clark, whose name appeared 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, "Dr. Kemp Clark, who pronounced Mr. Kennedy dead, said 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—Mr. Dudman is the Washington correspondent, as I am sure you all know better than I, for the St. Louis Post-Dispatch—according to him, the surgeons who attended the President while he was at the Parkland Memorial Hospital, described the wound—were in agreement in describing the wound in the throat as an entrance wound. The St. Louis Post-Dispatch on December 1 carried a rather long and involved story by Mr. Dudman, recounting his conversations with the physicians who were treating the President on the 22d at the Parkland Memorial Hospital.

Dr. Perry explained that he began to open an air passage in the President's throat in an effort to restore his breathing, and he explained that the incision had been made through the 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 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."

He 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.

One doctor made reference to the frothing of blood in the neck wound. The doctor said, "He is bubbling air." Two of the doctors, Drs. Peters and Baxter, inserted a tube into the right upper part of the President's chest, just below the shoulder, to reexpand the lungs, and 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 they 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—

The CHAIRMAN. Are you reading now, Mr. Lane?

Mr. LANE. No, I am just making reference to this. That is not a quote.

The CHAIRMAN. It is not a quote. You are just paraphrasing what was in this article of Mr. Dudman's?

Mr. LANE. No, I am leaving Mr. Dudman now, and going on to statements

made by the prosecuting authorities. I will submit quotations—I will try to remember to place quotation marks when I have a quotation.

The CHAIRMAN. Yes, all right.

Mr. LANE. The authorities who were confronted with what seemed to be irrefutable evidence that the President had been shot in the front of the throat, concluded that the Presidential limousine was approaching the Book Depository Building when the first shot was fired, because it seems at the very outset a theory was developed by the prosecuting authorities that Oswald was on the sixth floor of the Book Depository Building, that he was the assassin, and that he acted alone.

I think that the record and an examination of the activities of the Dallas police, and the Dallas district attorney's office, will show that the only area where they have been consistent from the outset was once this theory was enunciated, they stayed with the theory, and they were devoted to the theory, regardless of the discovery of new evidence and new facts.

For example, the New York Times stated on November 26, 1963, "The known facts about the bullets, and the position of the assassin, suggested that he started shooting as the President's car was coming toward him, swung his rifle in an arc of almost 180°, and fired at least twice more." At that time, the prosecution case had already been developed in terms of the theory that Oswald was the assassin and that Oswald acted alone.

There were newspaper pictures published in many portions of the country showing the Textbook Depository Building on Houston Street where the Presidential limousine approached the Book Depository Building, and Elm Street, where after the limousine made a sharp left turn it continued until it reached the underpass directly ahead.

And in these newspapers, there were superimposed dotted lines showing the trajectory of the three bullets, showing that the first bullet was fired while the Presidential car was still on Houston Street, still approaching the Book Depository Building.

However, it soon became essential for the prosecution to abandon that theory, because the eyewitnesses present, including Governor Connally, and Mrs. Connally, stated that the limousine had already made a left turn, 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, —

Mr. RANKIN. I don't understand that.

Mr. LANE. I don't understand that either, but this was the theory of the prosecution—that the President had—it had been conceded at that time that the President had been shot in the front of the throat. However, the evidence then developed indicated that the Presidential limousine had already passed the Book Depository Building, and the President was not facing the Book Depository Building when the first shot was fired. At that time, Life magazine explains it all in a full page article entitled, "An End to Nagging Rumors, the 6 Crucial Seconds."

And Life conceded that the limousine was some 50 yards past Oswald when the first shot was fired, and that the shot entered the President's throat from the front, but explained that the President had turned completely around and was facing the Book Depository Building when the shot was fired.

But that theory, however, could not—

Mr. RANKIN. Do you have the date of that article?

Mr. LANE. That was December 6, Life magazine. The full page article was entitled "End to Nagging Rumors, the Six Critical Seconds."

The problem—

Senator COOPER. May I ask a question there—just to clarify? Did you say that in this article that Life said that the late President had turned around and was facing the Book Depository Building when the shot was fired?

Mr. LANE. Yes, Senator. The trouble with that theory, however, which was enunciated by Life, and from where they secured it I do not know, but they certainly were in Dallas very much in evidence on the scene—was that the week prior to then Life magazine itself printed the stills of the motion pictures, and

in those stills, with Life's own captions, it was quite plain that the President was looking almost completely forward, just slightly to the right, but almost forward, and certainly not turned around when the first shot was fired. And so the stills printed in Life's own publication a week before they enunciated this theory proved that the Life theory was false.

In addition to this, persons present on the scene, such witnesses as Mrs. Connally and the Governor of Texas, indicated that the President was looking almost straight ahead. And I believe that Mrs. Connally stated that she had just made a statement to the President, tragically enough, something about, "You cannot say the people of Dallas have not given you a warm welcome today," and he was about to respond when the first bullet struck him.

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

Mr. Dudman stated that the doctors at Parkland Hospital, who had, of course, this vital evidence to offer, were never questioned about the vital evidence by the FBI or by the Secret Service, and that it was not until after an autopsy had been performed at Bethesda, that two Secret Service agents, armed with that report, journeyed down to the Parkland Hospital and talked to the doctors, for the purpose of explaining to them that the new medical testimony and evidence indicated they were all in error at the outset. And, eventually, that was the position agreed to by the physicians, that they all had been in error when they stated that it was an entrance wound in the throat. ✓

Physicians seem to agree that a short period of time after death, as a result of the deterioration of tissue, it is much more difficult to examine wounds to determine if they are entrance wounds or exit wounds.

In addition to this, according to Mr. Dudman in the Post Dispatch there had been an operation performed on what the doctors thought then was an entrance wound; therefore, it would seem altering the wound in the throat so that it would probably be more difficult to determine if it were an entrance or an exit wound, after the operation had been completed.

However, I do not know, of course, what is in the autopsy report—very likely you have seen that report—but portions of it, whether accurately or inaccurately, have been leaked to the public through the press. And the portion which has been leaked to the press, to the public through the press, in reference to the wound in the President's throat, indicated that the bullet struck the back of the President's head, and either a fragment of the bullet or a fragment of bone from the President's head exited at the throat.

If this were so, while it could explain perhaps the wound in the throat, it would be difficult to understand why this was not apparent to the doctors in the Parkland Hospital, particularly in view of the fact that it would indicate that the path of the bullet ran from the top of the head down to the throat, not from the throat down to the back of the chest, a very different path entirely.

And since Dr. Perry indicated that he inserted a tube into the President's throat following the bullet wound, it would be difficult to understand how he was not aware of the path of the bullet, when it was absolutely in the opposite direction from the one he thought it was in when he inserted the tube.

Most remarkable of all, though, is that if the bullet entered the top of the head, and a portion of it or a portion of bone exited from the throat, the collapse of the lungs and the frothing of air at the throat are both indications of a punctured lung—it would be difficult to explain by that particular bullet's path.

I think that an openminded investigating and prosecuting agency would have found, at the outset, in view of the medical evidence available at the outset, that the President was shot from the front while facing slightly to the right, and after passing the book depository building—an openminded investigating body in Dallas, the district attorney's office or the police, or others who were associated in that investigation, might have considered abandoning their 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 that they did not do.

I have been informed by reporters, for example, that—reporters from foreign countries covering the trial, that some of them were very concerned about the fact that they would now not be able to leave Dallas, that clearly the airports would be closed, there would be roadblocks placed on many of the streets, the trains would be stopped or searched, in order that the assassin or those who assisted him, or those who assisted the assassins, might be prevented from readily leaving the entire area.

I am informed by the reporters in the area that there were no such roadblocks, that planes continued to leave, trains continued to leave, and that the prosecution continued with its theory that Oswald was the assassin, that he acted alone, and they had secured his arrest, and there was nothing more to be done other than to prove as conclusively as possible, utilizing the press as we know, and the television, and the radio media for that purpose.

And while I am on this question, I wonder if I might ask the Commission to give consideration to—although I don't believe that it is present in any of the six panels which have been established by the Commission—but to give consideration nevertheless to the 48 hours in which Oswald was in custody, in reference to what happened to his rights as an American citizen, charged with a crime in this country.

The statement by the National Board of the American Civil Liberties Union, that had Oswald lived he could not have secured a fair trial anywhere in this country.

The CHAIRMAN. You may be sure, Mr. Lane, that that will be given most serious consideration by the Commission, and the Commission has already appointed as an act in that direction the President of the American Bar Association, with such help as he may wish to have, to make an investigation of that very thing. I assure you it will be done by the Commission.

Mr. LANE. Getting back to the evidence, Mr. Chief Justice, the spectator closest to President Kennedy, a Mrs. Hill, who was a substitute teacher in the Dallas public school system, stated to me that she was in her view the closest spectator to the President, and was standing alongside a Mary Moorman, who resides in Dallas.

Mr. RANKIN. Do you have the date of this interview, Mr. Lane?

Mr. LANE. It was within the last week. She stated to me that she was the closest spectator to the President, she and her friend, when the President was struck by a bullet. She said that she heard some four to six shots fired.

Now, she was standing on the grass across the—across Elm Street, across from the Texas Book Depository Building. She said that in her—it is her feeling that all of the shots, the four to six shots, came from the grassy knoll near the triple overpass which was at that time directly in front and slightly to the right of the Presidential limousine, and that in her view none of the shots were fired from the Book Depository Building which was directly across the street from her, and which was to the rear of the Presidential limousine.

She said further that after the last shot was fired, she saw a man run from behind the general area of a concrete facade on that grassy knoll, and that he ran on to the triple overpass.

She told me that standing alongside of her was Mary Moorman, who took a picture of the President just a brief moment before the first shot was fired, and that agents of the Federal Bureau of Investigation took the film from Miss Moorman, and gave her a receipt, which she still has in her possession, but that she has not been able to see the picture, and that it is possible that the picture included the entire Book Depository Building, taken just precisely a second or less before the shots were fired.

Tom Wicker, who is a member of the New York Times White House staff, who was the only New York Times reporter in Dallas when the President was shot, stated in an article which appeared in the Saturday Review, on January 11, 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 Ob-

server, a statewide publication in Texas, stated in his publication on November 29, 1963, and later stated to me in two different interviews material of the same nature.

I am now quoting from the publication :

"On the other side of the overpass a motorcycle policeman was roughriding across some grass to the trestle for the railroad tracks, across the overpass. He brought his cycle to a halt and leapt from it and was running up the base of the trestle when I lost sight of him."

Mr. RANKIN. Can you give us the date of the paper that came from?

Mr. LANE. Yes. That was the Texas Observer, November 29, 1963. That statement has been confirmed by Mr. Dugger to me in two interviews in Dallas.

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 22, 1963, stated, "Kennedy was gunned down by an assassin, apparently standing on the overpass above the freeway."

Now, I spoke to a Mary Woodward, who is an employee of the Dallas Morning News, and she stated that she was present with three coworkers, all employees of the Dallas Morning News, and they were standing near the—the base of the grassy knoll, perhaps 50 feet or so from the overpass, with the overpass to their right, and the book depository building to their left. And on November 23, 1963, the Dallas Morning News ran a story by Miss Woodward, and I have since that time spoken with Miss Woodward by telephone, and she has confirmed portions—the entire portion which I will quote from now—in her conversation with me.

That is, that as she and her three coworkers waited for the President to pass, on the grassy slope just east of the triple overpass, she explained that the President approached and acknowledged their cheers and the cheers of others, "he faced forward again, and suddenly there was an ear-shattering noise coming from behind us and a little to the right."

Here we have a statement, then, by an employee of the Dallas Morning News, evidently speaking—she indicated to me that she was speaking on behalf of all four employees, all of whom stated that the shots came from the direction of the overpass, which was to their right, and not at all from the Book Depository Building, which was to 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 anyone was hit with the first bullet. The President and Mrs. Kennedy turned and looked around as if they, too, didn't believe 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 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 is a Dallas motorcycle policeman, was quoted in the Houston Chronicle on November 24, 1963, as stating that the first shot missed entirely. He said he was 6 feet to the right and front of the President's car, moving about 15 miles an hour, and when the first shot was fired, "I thought it was a backfire", he said.

Now, Miss Hill told me that when she was questioned—put that word unfortunately in quotation marks—by the U.S. Secret Service agents, that they indicated to her what her testimony should be, and that is that she only heard three shots. And she insisted that she heard from four to six shots. And she said that at least one agent of the Secret Service said to her, "There were three wounds and there were three shells, so we are only saying three shots." And they raised with her the possibility that instead of hearing more than three shots, that she might have heard firecrackers exploding, or that she might have heard echoes.

Despite this type of questioning by the Secret Service, Miss Hill continued to maintain, the last I spoke with her, about a week ago, that she heard from four to six shots.

Now, to the best of my knowledge, from my investigation, which has been very severely limited by lack of personnel and almost total lack of funds, and, there-

fore, is clearly 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 office, 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 and is, I believe, the director of the Book Depository Building.

However, Mr. Truly stated that he believed that the shots came from the direction of the overpass and from the grassy knoll. And although he was standing directly in front of the Book Depository Building, he did not believe that the shots came from that building.

Standing with him at the time of the assassination was O. V. Campbell, who was the vice president of the Book Depository Building.

In the Dallas Morning News on November 23, 1963, it was stated that "Campbell 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, he and Mr. Truly, as I indicated a moment ago were the only two who charged into the Book Depository Building when the shots were fired.

Weitzman indicated in his affidavit—I assume you have the original of that affidavit—that he ran "in a northwest direction, scaled the fence toward where we thought the shots came from."

He indicated "then someone said they thought the shots came from the old Texas Building. I immediately ran to the Texas Building and started looking inside."

So even the two people who ran into the building indicated that they did not believe the shots came from the 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 then Truly explained that although he thought the shots came from the general direction of the grassy knoll or the overpass in front of the President's limousine, he saw this officer run into the building, of which he is a director, and he felt that since he knew the building and the officer did not, he should go in the building to assist the officer.

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

Now, of course, there were many persons present there whom I have not quoted, to whom I have no access.

Now, I spoke on several occasions with the reporter for the Fort Worth Star Telegram, whose name is Thayer Waldo. Mr. Waldo was standing with a police captain near the Dallas Trade Mart Building, which was the building, public building, where the President was going to have spoken that day. Mr. Waldo was awaiting his arrival, the President's arrival there, when a sergeant who was seated in a police cruiser called the captain over hurriedly 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, and it was "Bulletin. The President has been shot. It is feared that others in his party have been wounded. The shots came from a triple overpass in front of the Presidential automobile."

So even the police, despite the Chief of Police's later assertion that he knew that the shots came from the Book Depository Building, behind the Presidential limousine, the first police radio broadcast indicated that it was the police position at that time that the shots came from the front, not from the rear.

Now, Patrolman Chaney, who I made reference to a little earlier, the motorcycle patrolman, stated that the Presidential car stopped momentarily after the

first shot. That statement was consistent with Miss Woodward's statement in the Dallas Morning News, that the automobile came to almost a complete halt after the first shot, and the statement of many other witnesses as well.

Mr. RANKIN. When was that statement made?

Mr. LANE. That statement appeared in the newspaper I made reference to before, the Houston Chronicle, on November 24, 1963.

Mr. RANKIN. When you made an independent inquiry at any time, would you tell us, Mr. Lane?

Mr. LANE. Yes, I certainly shall do that.

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, where we were told 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 that the most qualified Secret Service driver that could be secured would be driving that automobile. It is difficult to understand why the automobile almost came 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 accelerate as quickly as possible. However, if the driver were under the impression that the shots were from the front, one could understand his hesitation in not wanting to drive closer to the sniper or snipers.

In addition, however, Roy Kellerman, who was in the front right-hand seat of the automobile, who I am told was in charge of the Secret Service operation that day, the director of the Secret Service not being present in Dallas on that occasion—according to the pictures printed in Life magazine, Mr. Kellerman looked forward until the first shot was fired. Then he turned back, and looked at the President. He immediately looked forward again, and was looking 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, who would not panic in such a circumstance, for which he has received his training.

The pictures I make reference to are those in Life magazine which I referred to a little earlier in the afternoon.

Senator COOPER. May I ask a question there, Mr. Chief Justice?

The CHAIRMAN. Yes, go right ahead, Senator.

Senator COOPER. This last statement you made, about the Secret Service agent who turned, so that he was faced to the rear, toward the President, and then turned forward—I didn't quite understand what you deduced from that.

Mr. LANE. I assumed that he was looking toward the sound of the shots.

Senator COOPER. You mean when he turned to the rear, or turned ahead?

Mr. LANE. Well, when the President was shot, and was struck he then turned around, which I would imagine would be an ordinary response when somebody in an automobile with whom you are riding has been shot.

But immediately after that, before the second shot was fired, he turned completely to the front, and was looking at the overpass during the remainder of the time that the shots were fired. It would seem to indicate to me that it is possible that Mr. Kellerman felt that the shots were coming from the general direction in which he was looking.

Mr. RANKIN. What do you base your statement on that the car stopped, the President's limousine?

Mr. LANE. The statement made by various witnesses, including Mr. Chaney, a motorcycle policeman, Miss Woodward, who was one of the closest witnesses to the President at the time that he was shot, and others. I think that is the—I haven't documented that beyond that, because that seemed to be so generally conceded by almost everyone, that the automobile came to—almost came to a complete halt after the first shot—did not quite stop, but almost did. And, of course, you have the films, I assume, of the assassination and know more about that than I do, certainly.

Now, in reference to the rifle, there is on file—I assume that you have it or copies of it—in the Dallas district attorney's office or the police office in Dallas, an affidavit sworn to by Officer Weitzman, in which he indicates that he discovered the rifle on the sixth floor of the Book Depository Building at, I believe, 1:22 p.m., on November 22, 1963.

Now, in this affidavit, Officer Weitzman swore that the murder weapon—that the weapon which he found on the sixth floor was a 7.65 Mauser, which he then went on to describe in some detail, with reference to the color of the strap, et cetera.

Now, the prosecuting attorney, of course, took exactly the same position, and for hours insisted that the rifle discovered on the sixth floor was a German Mauser, adding the nationality. A German Mauser is nothing at all like an Italian carbine. I think almost any rifle expert will indicate that that is so.

I have been informed that almost every Mauser—and I am not able to document this, unfortunately, but I am sure that you have easy access to rifle experts—that almost every German Mauser has stamped upon it the caliber, as does almost every Italian carbine.

Mr. RANKIN. Do you know the difference between the two?

Mr. LANE. Do I know the difference?

Mr. RANKIN. Yes.

Mr. LANE. I know the difference between an Army M-1 and an American carbine—those are the only two weapons I fired—during the war. No, I don't know anything about rifles, other than those two rifles, which I used at one time.

I think it is most interesting to note that when Oswald was arrested we were informed immediately that he had an alias—his last name was Lee in that alias—as well as a great deal of material about his political background and activities on behalf of the Fair Play for Cuba Committee, and his defection to the Soviet Union, et cetera. But the alias was raised immediately.

The following day, on the 23d, when it was announced by the Federal Bureau of Investigation, that Oswald had purchased an Italian carbine, 6.5 millimeters, under the assumed name, A. Hidell, then for the first time the district attorney of Dallas indicated that the rifle in his possession, the alleged murder weapon, had changed both nationality and size, and had become from a German 7.65 Mauser, an Italian 6.5 carbine. And, further he indicated then for the first time that they knew of another alias maintained by Lee Oswald. In addition to the name Lee, which they discovered, they said, by going to the home where he lived—the house where he had lived in Dallas, where he rented a room, a rooming house, they discovered there he had secured the room under the name Lee. Mr. Wade stated that on Oswald's person, in his pocketbook, was an identification card made out to A. Hidell, and I have seen pictures of this reproduced in either Time magazine or Newsweek, or one of the weekly news magazines—I believe it was one or the other—with a picture of Oswald appearing on this card, plainly indicating that Oswald had the alias A. Hidell, to Mr. Wade.

I think it is interesting that the name Lee as 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, although that was present and obvious by mere search of Oswald's person when he was arrested.

Mr. RANKIN. Can you give us the time of the release of the information about the alias, A. Hidell?

Mr. LANE. That was on November 23.

Mr. RANKIN. And how about Lee?

Mr. LANE. November 22. The first release of the name A. Hidell came from the district attorney's office after the FBI had indicated that Oswald had purchased an Italian carbine under that name.

If I were permitted to cross-examine Mr. Wade, which evidently you have decided that I shall not be permitted to do, and Officer Weitzman, I would seek to find out how about the most important single element in probably this case or any other murder case, physical evidence, the murder weapon, in a case which I am sure is Mr. Wade's most important case—how he could be so completely in error about this.

Mr. Wade is a very distinguished prosecuting attorney, has been one for some 13 or 14 years, and I believe was an agent of the Federal Bureau of Investigation prior to that time.

I would like to know how he could have been so wrong about something so vital.

Now, assuming that the rifle found on the sixth floor was an Italian rifle, Italian carbine, one must wonder how it was possible for any number of things to happen for it to be fired three times and strike the President in front of the throat, although he was past that building, and for the noise, according to the witnesses of the shooting, 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 doubts that it could be done.

Mr. RANKIN. Could you give us his address?

Mr. LANE. He is not in the United States. The story appeared in the New York Times. I don't have the exact date.

Representative FORD. What nationality is he?

Mr. LANE. I don't know.

Representative FORD. Do you know when he was Olympic champion?

Mr. LANE. No, I don't know that. I do know it probably was some time after the Italian carbine was manufactured, since it is an extremely old weapon, manufactured back in 1938, as I recall. There seems to be an agreement that the period of time was between 5 and 6 seconds from the first shot to the last shot.

There is a serious question in the minds, I think, of persons who have fired that pistol—that rifle—first of all, as to its ability to be fired that quickly accurately with a telescopic sight, and secondly, in reference to the ammunition which is available. Various persons have tested various lots of ammunition. Someone from the National Rifle Association told me that he tested more than 30 rounds, a little over 30 rounds of the Italian 6.5—

Mr. RANKIN. When you refer to these people, will you tell us the names of any of them that you can? It might be of help to us.

Mr. LANE. I should remember this gentleman, because I just spoke with him. That is another name I am going to have to supply for you.

Mr. RANKIN. Thank you.

Mr. LANE. He is a member of the board of directors of the National Rifle Association. He purchased for one of the television networks some 30 rounds, a little over 30 rounds, and told me that 20 of them did not fire at all, and 6 of them were guilty of hang fire, which is a phrase I don't know anything about, but he tells me that means it did not fire fully, and, therefore, could not be accurate. Therefore, a very small percentage of the ammunition was of any value.

Mr. Ed Wallace talked about making a similar test in the New York World Telegram and Sun, in a feature article, and I think he said that he went with an expert, and they got 20 rounds of this ammunition, and of those 17 did not fire—only 3 fired. It was very old ammunition.

Representative FORD. Who is Ed Wallace, and who is the individual that Ed Wallace referred to? Do you have that information?

Mr. LANE. I believe Mr. Wallace indicated that he was present when the test was made. But it was an article appearing in the New York World Telegram and Sun within a week after the assassination—from the 23d to the 30th of November. And I can secure and mail to you a copy of that article, if you prefer.

While there may be some question as to whether or not a rifle expert could secure such performance from a rifle, or whether or not one could secure enough good ammunition to get such performance, I think there is general agreement that only in the hands of a rifle expert could one attempt to come close to that kind of shooting that it is alleged Oswald did on November 22.

The Times reported on November 23, "As Marines go, Lee Harvey Oswald was not highly regarded as a rifleman." And you have in your files, of course,

the scorecard indicating Oswald's marksmanship or lack of marksmanship while in the Marine Corps.

In addition to that, you have the documents given to you by Marguerite Oswald, Lee Oswald's mother, which contained a scorecard maintained by Oswald while in the Marine Corps, showing his score in fast and slow shooting at various different yardages, in reference to both an M-1, as I recall, and an American carbine. Now, of course, it has been alleged on occasion that Mr. Oswald practiced with his rifle, on occasion, on weekends, at rifle ranges.

Mrs. Paine, with whom Lee Oswald's wife lived for the 2 month period preceding the assassination, and where Lee Oswald himself spent weekends for that 2 months period preceding the assassination, told me that Oswald could not have ever gone to a rifle range on a weekend, since she can account for his whereabouts during that entire 2 month period just preceding the assassination.

Mr. RANKIN. Can you give us the day of that conversation with Mrs. Paine?

Mr. LANE. I have had about five conversations with her. The first one would be, oh, I believe, New Year's Day. I think that is the first time—this year—I believe that is the first time that she made the statement to me. She said she could account for Oswald's whereabouts during that 2 month period on weekends, from Friday late afternoon, when he left work in Dallas and arrived there in Irving, until early Monday morning.

She said the exception is during that time—she didn't watch him every moment, of course—there might be exceptions when she went shopping for half an hour, and he was left home to take care of the children, her two children, his children. But that unless he ran out quickly into the back yard with the rifle and shot and then quickly put the rifle away while caring for three children or four children, that it would be impossible for him to practice with the rifle on weekends.

Since it has been alleged that the rifle was in the garage during the entire period of time, of course—that was in Irving, Tex., and he was in Dallas, Tex.—it would have been impossible for him to practice during the week while he was in Dallas, with that particular rifle.

Of course one must zero in a rifle in order to be even fairly accurate with it. One must practice with the specific weapon which one is going to use, in order to have any accuracy, in any event.

Now, I spoke with Dial M. Ryder, who is a gunsmith in Irving, Tex., at the Irving Sport Shop, and he told me that he mounted a telescopic sight on a rifle for a man named Oswald during October 1963.

Now, unfortunately, he does not recall—that is around the deer season, he informed me, and a lot of people are getting rifles fixed or repaired or sights mounted on them during that time in the Dallas-Irving area. And he does not recall, therefore, what this gentleman named Oswald looks like.

But he does know that a rifle was brought to him by someone whose name now appears in this record as Oswald, and that he drilled three holes in the rifle for a mount, telescopic mount. He said he had only seen three rifles which required three holes for telescopic mount—a 303 British Enfield, a 303 American Springfield army surplus rifle, or an Eddystone, which is also an American rifle. He said, therefore, he did not attach a telescopic sight to the Italian carbine, because he would have only drilled two holes.

His employer, I think his name is Greener, he told me, checked with all the Oswalds they could find in the Irving area after this matter came to their attention, and could not find anyone in that area—and they called some people in Dallas also named Oswald—could not find anyone named Oswald who brought the rifle in to him.

I talked to Milton Klein, who is the owner of Klein's sporting goods store in Chicago—Klein's Sporting Goods is the name of the establishment, in Chicago.

Mr. RANKIN. When was this?

Mr. LANE. I spoke with him within the last 2 or 3 days. And he told me that—he runs the mail-order house which sent the carbine, Italian carbine, to Dallas, not to Oswald, but to A. Hidell, and that he sent that out with the holes already bored in the Italian carbine, and equipped with a telescopic sight which was already attached to the rifle.

Aguto Marcelli, who is a correspondent for an Italian publication which appears physically very much to be like Life magazine, called Leuropeo, stated to me that he had spoken with Mr. Klein, and Mr. Klein told him that the FBI—"The FBI warned me to keep my trap shut."

Mr. RANKIN. When was this?

Mr. LANE. He told me this about 2 weeks ago. When I spoke with Mr. Klein, about 3 days ago, 2 or 3 days ago, he indicated that he did not want to discuss any aspect of this matter with me. And I asked him if that was because he was told not to talk with anyone about this case, and he said yes.

And I said, "Who told you that?"

He said, "The FBI agents told me, ordered me not to discuss this case."

I pointed out to him that if he did not wish to discuss the case with me, I would not force him to. There was no way that he would be compelled to answer any of the questions that I asked him. But, however, in our democratic society, the FBI cannot order anyone not to discuss a case, and that such an order to him was not a valid order, if he wanted to discuss the case with me—he could.

So he did. And he told me what I informed you—that the FBI 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 said that "No ammunition was purchased from me by Hidell at that time or since."

Senator COOPER. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes, sir.

Senator COOPER. Did he name any person with the FBI who told him not to discuss the case?

Mr. LANE. No; he did not.

Senator COOPER. Can you identify—did he identify him in any way?

Mr. LANE. He did not identify him. Earlier, perhaps before you arrived, Senator, I made reference to a statement made by Mrs. Hill, who was told by the Secret Service—I think perhaps you were here—that only three shots were fired. And I asked her specifically if she could identify that Secret Service agent, and she told me that she could not, there was such tremendous confusion at that time, there were so many agents of the FBI and Secret Service that she spoke to, that she did not think she could. But possibly if she saw him, she might be able to recognize him.

I didn't go any further into that question, however, with Mr. Klein. He seemed very reluctant to discuss that entire area—to discuss anything, but particularly that area.

I read in the Dallas Times Herald, on November 25, 1963, the statement made by Mr. Wade, when asked what they had tying Oswald to the "crime of the century" and his response was, according to the Dallas Times Herald, "If I had to single out any one thing, it would be the fingerprints on the rifle, and the book cartons which he used to prop the weapon on."

On the 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 were certain leaks that a fingerprint or a palm print 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 of the Homicide Squad in Dallas, because according to the affidavit signed by Officer Weitzman, who discovered the weapon, and I am quoting now from the affidavit on file—at that time on file with the district attorney's office, "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 that the—on most Italian carbines that bolt is not worked too easily. One really has to grab a hold of it and pull back. It would be unusual if a 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—he, Wade, alleged took Oswald generally from this scene, indicated that the driver's name was Daryl Click.

Now, that statement was not made in the first hours of the arrest. 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, there would be no further investigation—Oswald was the assassin, he had acted alone, he was then dead. And as a result of the change in policy, to reopen the case and have Mr. Wade assume a position in front of the radio and television microphones and cameras of the Nation, on that evening November 24, Mr. Wade then presented what he said was the evidence "for you piece by piece." And part of the evidence which he had secured was the proof that a taxi driver named Daryl Click drove Oswald roughly from the scene to his home, to Oswald's home.

When I was in Dallas—I suppose this was on January 2d, my first trip there in reference to this matter—I spoke with a Mr. Roseboro of the Teamsters Union—they have organized the taxi drivers in Dallas—and asked him if he knew—if he could give me any information about a Daryl Click. He said he did not have the name in his files, but Texas being a right-to-work law State, it is possible, he said, that Mr. Click was a driver but not a member of that union. He referred me to the personnel department of the City Transportation Co., which he told me was the one company monopoly running all the taxis in Dallas.

I spoke with the City Transportation Co. personnel office, Mr. Pott, as I recalled, who checked the records, and indicated to me that there was no Daryl Click who drove a taxi in Dallas.

Some time after Mr. Wade stated that Daryl Click was the taxi driver, he then stated that a person by the name of William Whaley was the taxi driver who took Oswald from the scene after he left the bus to his home.

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, where he hid the rifle, where it was found, and then took the stairs at the rear of the Book Depository Building and 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, questioned him briefly. Mr. Truly explained to the officer that Oswald worked there. And eventually Oswald left the building, boarded a bus, then walked, after leaving the bus—walked two blocks and entered Mr. Whaley's taxi, at exactly 12:30, according to Mr. Whaley. The shots that killed the President were fired at 12:31.

Now, there is on file in the district attorney's office—I assume you have the original or copies of it—a report of a paraffin test taken of Oswald, of both his hands and his face. The test proved, according to Mr. Curry, and the statement that he made on Saturday, November 23, to the press that Oswald had fired the murder weapon. However, a reading of the test 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 22, 1963—although the test on the hands showed positive—indicating, according to the person who did the analysis, the kinds of patterns consistent with one having fired a revolver. That was the statement on the test taken and conducted by a Louis L. Anderson, on November 23, 1963, by 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 and got a jacket, 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, or what would be a windowsill or window ledge of the automobile, and then stepped back a step or two, the officer came out, and this person shot Officer Tippit to death.

The affidavit is peculiarly sparse in reference to the description of the assailant, the man who killed Tippit, by an eyewitness who said she was just 50 feet away.

Her description of this person is found in two different portions of the

affidavit—he was young, white, male, and that is the entire description present in the affidavit at that time.

I spoke with the deponent, the eyewitness. Helen Louise Markham, and Mrs. Markham told me—Miss or Mrs., I didn't ask her if she was married—told me that she was a hundred feet away from the police car, not the 50 feet which appears in the affidavit. She gave to me a more detailed description of the man who she said shot Officer Tippit. She said he was short, a little 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 average height, quite slender, with thin and receding hair.

Helen Markham said to me that she was taken to the police station on that same day, that she was very upset, she of course had never seen anyone killed in front of her eyes before, and that in the police station she identified Oswald as the person who had shot Officer Tippit in the lineup, including three other persons. She said no one pointed Oswald out to her—she was just shown four people, and she picked Oswald.

She said—when I asked her how she could identify him—she indicated she was able to identify him because of his clothing, a gray jacket and dark trousers. And this was the basis for her identification—although Oswald physically does not meet the description which she indicated.

Representative FORD. When did you have this conversation with the deponent?

Mr. LANE. Within the last 5 days.

Representative FORD. Some time in late February 1964?

Mr. LANE. Or perhaps even early March, yes, sir.

Now, I inquired—I told her that I was coming here today, and that I was completing my investigation as Oswald's lawyer, and asked her if she would discuss the matter with me, and she said she would.

I asked her if anyone had asked her not to discuss this matter with me. At first she seemed reluctant, and 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 many times before then, but her phone was always busy. I believe it is a phone which is not her personal one, but is a common phone shared by others in the building where she resides.

I apologized for calling her at her place of employment. And she seemed reluctant to talk to me. I asked if anyone had asked her not to talk about this case with anyone. She said yes, she had been told by the FBI, by Secret Service agents, and by Dallas police, all three groups, not to discuss anything in relation to this case, and that by and large she had not.

I told her that somewhere it occurred to me that I had seen an article in a newspaper in which she described the assailant of Oswald as short, stocky, and with bushy hair—I'm sorry, the assailant of Tippit—as being short, stocky, with bushy hair. And she said she did talk to a reporter, she thinks, for one of the Dallas newspapers, the Dallas Times-Herald or the Dallas Morning News—but that is the only time she talked to anybody.

I would like to call to the Commission's attention the entire brief narrative of the entire case, as presented by the district attorney's office at this point, or at least on the 24th, because it seems to me to be so full of incredible happenings, that it would be very difficult to submit such a story to a jury by a prosecution generally.

If everything that the prosecution in this case says 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 21, that he was going to assassinate the President, and so he decided to go back to Irving, Tex., 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—so we can assume that on Thursday, the 21st, he had roughly that amount of money present.

One can purchase a rifle for less than \$13 in many stores in Dallas. There is no question about that. By using a small portion of that \$150, he could have purchased a rifle absolutely superior to the Italian carbine at home in Irving in many respects. And there are gun magazines which have had editorials

dwelling on this question, saying that if Oswald did it with this weapon, and they do not move into the question of whether or not he did, it was an absolute miracle, because no one who knew anything about rifles would have chosen such a decrepit, worthless rifle, as this Italian carbine, manufactured in 1938, for which there is such pure ammunition. There are a series, I believe, of editorials in gun magazines proving that Oswald, I think, as a matter of pride, from a sportsman's viewpoint—that Oswald was in no way associated with weapons and did not belong in that category, because he could not have chosen such a weapon.

Representative FORD. Could you give us the citations of one of these magazines?

Mr. LANE. Yes. One is called Gun Magazine. I do not recall the names. But that is one of them. I am sure there was such an editorial in that one. I will get the other one and mail those to you also.

But I think there would have to be a more compelling reason for Oswald not to go home and get that particular inferior rifle if he decided on Thursday to kill the President. That was the only rifle in the whole world probably that could be traced to him. 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, or having a serial number attached to a receipt kept by a store indicating who owns that particular rifle.

But here we have Oswald 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 the assassination is complete.

And so he goes home to Irving, Tex., and he gets this rifle, and he wraps it up in paper, we are told, and brings it in to the Book Depository Building.

Now, the rifle can be broken down, I believe, from examining other Italian carbines. But it would be not much shorter if it was broken down—perhaps 6 or 7 inches shorter. Evidently, though, he did not do that.

So he took this rifle into the book depository building, which I suggest, gentlemen, is a most remarkable thing. This was going to be the greatest series of precautions in the history of the United States to protect an American President. As we know now, and suspected then, with very good reason, because of the nature of what had gone before, with reference to public officials in Dallas—and here we have a man who has defected to the Soviet Union, who has married a Russian national, active on behalf of the Fair Play for Cuba Committee, we see a discharge less than honorable from the U.S. Marine Corps, who was working in the building exactly on the Presidential route. Not only is it on the Presidential route, but it is the building where the automobile is going to have to clearly slow down because of the sharp turn, sharp left turn, made right in front of the building.

And despite all of these precautions—and I have been informed that there were serious precautions taken in Dallas on that day by the Dallas police and by others, and that persons who did no more publicly, who did no more ever politically than to publicly speak in favor of school integration, were followed that day as potential assassins in Dallas.

Nevertheless, Oswald, with that background, is permitted to walk into the Book Depository Building, directly on the Presidential route, carrying with him in his hand a full rifle.

Mr. RANKIN. Can you tell us the information on which you base this, about anyone who merely spoke about school integration?

Mr. LANE. Yes. A reporter for the Dallas Morning News told me that, told me he was absolutely certain that was so. But before revealing his name, I am going to have to call him and indicate I am going to do that. I will be happy to do that. I am glad you are interested in that matter, because I think it is a most important one.

I suggest that the Federal Bureau of Investigation knew that Oswald worked at the Texas Book Depository Building, which was on the Presidential route. An FBI agent by the name of Hosty visited the home of the Paines in Irving, Tex., sometime during September and October. He visited that home on more than one occasion. Each of the at least two times that he was there, possibly three but I am not certain—but I was told he was there two times—I know I was told by Mrs. Paine in the presence of her husband, Michael Paine, that Agent Hosty was there at least on two occasions—each time he was there he asked

where Oswald was. Mrs. Paine explained to Agent Hosty, she told me, that Oswald lived there only on weekends, and that during the week Agent Hosty could find him at his room in Dallas, where he stayed during the week, or during the daytime could find him at the Texas Book Depository Building, where he was an employee. Nevertheless—and that Oswald would not be found in Irving, Tex. at the Paine's home during the week. Nevertheless, Agent Hosty returned again at least one more time to the Paine home in Irving, during the week, during the day, I believe—certainly during the week—and again asked about Oswald, and again Mrs. Paine told him that he worked at the Book Depository Building, he would not be there, she said, "As we told you last time he won't be here during the week. During the daytime during the week you can find him at his job at the Book Depository Building, and during the nighttime during the week you can find him at his rooming house in Dallas."

Mr. RANKIN. Did she tell you whether she told him where the rooming house was?

Mr. LANE. I do not believe I asked her that question, and I don't believe she mentioned that.

Well, to go 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, when the automobile came extremely close to the building, so close that possibly even with that weapon one could have shot occupants of the automobile from that window—but it is alleged that Oswald never shot—it is now alleged that Oswald never shot when the automobile was right outside of the building, but fired when the automobile was some 75 yards beyond the building, when the first shot was fired.

Then Oswald walked the entire floor—or ran—the entire floor of the warehouse to the rear of the building, placing the rifle in between some boxes, but visible, so that one can see it when one arrives on the floor; 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—made no effort to leave the building at that time, evidently was going to wait until the building was surrounded by police before leaving.

He stayed at the top of the stairs near the Coke machine long enough so that a police officer could come up and place a pistol near him, and Roy Truly, the director, then intervened indicating that Mr. Oswald was employed at the building at that time, and the officer then went on to do other things in the building, including later on, I believe, to find the rifle, if it was the same officer.

Mr. Truly stated that Oswald was quite calm when the officer approached him on the stairs. He said although he did seem a little concerned about that pistol being stuck at him—but otherwise he seemed quite calm at that time.

Well—

Representative FORD. Where was this statement made, or testimony given?

Mr. LANE. By Truly?

Representative FORD. Yes.

Mr. LANE. This was reported very widely in probably dozens or scores of newspapers. The New York Times carried that, as did many other publications—direct quotations from Truly who was interviewed.

Then the next thing we heard from the prosecution in their opening or closing statement to the television cameras, after Oswald was killed was that—the next we hear of Oswald he was on a bus. Well, if Oswald boarded the bus where the busdriver claims he did, then Oswald walked a distance, in order to secure a bus which is going to take him directly back to the Book Depository Building, which one would think he was trying to flee after assassinating the President.

I would refer you to his story by Hugh Ainsworth in the Dallas Morning News published during the first week after the assassination. Hugh Ainsworth and Larry Grove published on November 28 in the Dallas Morning News—this is headed "Oswald Planned To Ride By Scene"—in which there are statements from the busdriver that—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 the scene of the assassination, or at least the scene of the Texas Book

Depository. So Oswald traveled somehow some seven blocks in order to secure a bus which is going to take him back to the place that he left.

Now, although I have talked to Mr. Ainsworth, and he tells me that the story is absolutely correct, and he questioned Mr. McWatters quite thoroughly, and he will so testify, I believe, if he is asked—Mr. Ainsworth will—and the affidavit which Mr. McWatters signed, or which the busdriver signed, he does not state that Oswald walked seven blocks and was going to get on a bus which was going to take him back. Indeed, he states that he picked him up about Elm and Houston Street, at the Book Depository Building. But the busdriver indicates that that story in his affidavit is not true. He indicated that after the affidavit was drawn and signed by him.

Mr. RANKIN. What did you say was not true, Mr. Lane—which part of it?

Mr. LANE. The affidavit. Mr. McWatters indicates that the affidavit in which—let me start that again.

There is an affidavit from the busdriver, which I am sure you have, which shows that according to his statement Oswald came into the bus at Elm and Houston Street. However, the busdriver since that time has indicated that Oswald came into the bus seven blocks from Elm and Houston Street, and had entered a bus which was going to take him to Elm and Houston Street. Elm and Houston Street of course is the location of the Book Depository Building.

Mr. RANKIN. Now, when you say since that time he has indicated that, you mean to you or to someone else?

Mr. LANE. To those two reporters for the Dallas Morning News with whom I discussed—one of them—I discussed this specifically. And he said that every word in that story is absolutely accurate, that he went to see the busdriver, and had a prolonged interview with him, and went over this in great detail with him. I think these two reporters will testify as to what the busdriver told them in their interview with him.

Mr. RANKIN. But they have not published this later story that you are telling about.

Mr. LANE. Yes, they have. That is the date that I gave you. The Dallas Morning News, on Thursday, November 28, under the headline "Oswald Planned To Ride By Scene".

Mr. RANKIN. Do you want to leave that with us?

Mr. LANE. I wonder if copies can be made of everything.

Mr. RANKIN. Yes.

Mr. LANE. Then I will be happy to leave it.

Mr. RANKIN. The story you were just referring to in the Dallas Morning News is Commission Exhibit 343.

(The document referred to was marked Commission Exhibit No. 343 for identification and received in evidence.)

Mr. LANE. That's correct.

Well, now, Oswald allegedly had shot the President and has walked some, talked to an officer, was calm, walked some seven blocks to find a bus which was going to take him back to where he left, and then got off and got—entered into a taxi after he had walked some two blocks from where he 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 shooting the President and the Governor.

Then the taxi driver drove him directly past his own home, according to the statement and—past Oswald's Dallas rooming house, until he arrived at a scene about a half a mile beyond Oswald's house, where Oswald then left the taxi, and then walked or ran home to secure a jacket—leaving behind, although one would assume he is now giving considering to escaping, the \$150 in the dresser drawer, and taking just his jacket with him.

Mr. RANKIN. Which dresser drawer?

Mr. LANE. This is in Dallas.

Mr. RANKIN. Not at the Paine's?

Mr. LANE. Not at the Paine's. I do not know if there was money at the Paine's, but if he had money there, he left that behind the night before, knowing he was going to—

Mr. RANKIN. But the \$150 you are speaking of was in his rooming house at Dallas.

Mr. LANE. Yes.

Mr. RANKIN. Do you have any affidavit or information in support of that statement about the \$150?

Mr. LANE. I do not have an affidavit. I have the statement of a reporter who was told that—he was told this by a police officer who was present when the money was found in the Dallas rooming house. I have his statement. I can again ask for his permission to release that.

Mr. RANKIN. Would you do that, please.

Mr. LANE. Yes, sir.

Senator COOPER. Mr. Chairman—perhaps it has been done, but I think it would be proper in all cases in which he has referred to conversations that he has had with individuals who made statements to him about some aspect of this matter, and whose names he has not identified, that if he could give to the Commission in all of those cases the names of the individuals who gave him this information.

Mr. LANE. Yes, sir.

Senator COOPER. I mean at sometime—don't you think?

Mr. RANKIN. Yes, sir, it would be very helpful.

Mr. LANE. Yes, sir. I think there are only two occasions where I indicated I had to check the source, and one is the name of the rifle association board member whose name I will be happy to give to you, but I just do not recall it—my office has that.

Senator COOPER. I did not remember that you gave the name of this individual who told you that some policeman had told him that he had been present when the \$150 was found.

Mr. LANE. Yes; that is one.

Senator COOPER. Did you give that name?

Mr. LANE. No; I did not give that name.

Mr. RANKIN. You said you were going to ask him his permission.

Mr. LANE. Yes; that's correct.

Then Oswald took a taxi, which took him approximately a half mile beyond his own house, his own room in Dallas, and he either walked or ran back to get his jacket—although it was a very warm day in Dallas. That day Mrs. Kennedy said later on that, reviewing the moment before the President was shot—she said she saw this overpass ahead and looked forward to being under it for a moment because there would be some brief shade to protect them from the powerful sun that day.

Well, Oswald ran home to get his jacket. He left the house, saw a police car parked, went up to the police car, according to the affidavit of Mrs. Markham, leaned on the car, and when the officer came out, he shot him to death, and then he went to the movies. And in the movies, and just before he went into the Texas Theatre, he was so extremely agitated that a gentleman on the outside of the theatre—I think his name is John Brewer—I am not certain—you have that affidavit, I am sure—indicated that Oswald was acting very agitated, the cashier made the same statement, and changing from seat to seat. The police were called and he was arrested.

Of course, one would wonder why Oswald, who might have thought that he had made his getaway while in the Texas Theatre unobserved, would become so extremely agitated, when just a moment after he allegedly shot the President and the Governor, with the policeman charging up the stairs, pointing a pistol at him, about to arrest him for these two terrible crimes, he was calm, according to Mr. Truly, but he became agitated only when he thought he had secured his getaway.

I think those of us who saw, as we all did, I guess, Oswald on television in his brief appearance would conclude that he seemed, even while in custody and charged with these two crimes, somewhat calm under the circumstances—calm when charged with the assassination, calm a moment after killing the President, when a policeman pointed a pistol at him, but agitated only in the theatre, and just before going to the theatre when he might have concluded that he was then in the clear.

I would just like to conclude on this note.

I hope the Commission will give consideration to my request, which the Commission has answered, but which again I would like at this time to renew. That is, that I be permitted, at the request of Mrs. Oswald, the mother of the accused defendant, really, before this Commission's hearing, to represent his interests here, to have access to the material which you have access to, and the right to present witnesses.

It is not usual for an attorney representing a party to be given an opportunity to testify, which is quite unusual—but rather to be given the opportunity to present witnesses and to cross-examine them. It has generally been my role in criminal cases. Never before have I testified in 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 the position with which I would like to respectfully offer a dissent.

The fact that Oswald is not going to have a real trial flows only from his death, and he is not responsible with that having taken place. Every right belonging to an American citizen charged with a crime was taken from him up to and including his life.

I think now that that episode is completed, hopefully never to reappear ever again in our history, or anything close to it—I think it would be proper to permit him to have counsel before the Commission, counsel who can function on his behalf in terms of cross-examining evidence and presenting witnesses. If it is the Commission's position now that he is entitled to counsel, and the Commission will appoint counsel, then I ask the Commission to consider that the Constitutional right to counsel involves the right to counsel of one's choice, or in the event of the death of a party, to counsel of the choice of the surviving members of the family.

If Marina Oswald, the widow, sought to have counsel represent her husband I would think—here—I would think that would cause a conflict and a problem, if the widow and also the mother made the same request. But as I understand it no request has been made by the widow, who has indicated to the press that she believes her husband is guilty, and through her former business agent, Mr. Martin, who I am told was secured for her by the Secret Service as a business agent, she indicated that even a trial which might prove he was innocent, she would still be sure he was guilty, and has indicated since that time no desire to my knowledge to secure counsel for her husband, her late husband, before the Commission.

I think, then, the mother would, in almost any jurisdiction, be the next person to make a decision in this area, and the mother has made a decision, as you know. She has retained me to represent the rights and interests of her son.

I think under those circumstances it would be proper for the Commission to permit me to participate.

This, of course, is not a jury trial. With all due respect to the integrity and background of each of the members of the Commission, I suggest that it is not the function of the trying body to appoint counsel, or the jury to appoint counsel, but in our society it is just the reverse; it is the function of defense counsel to participate in determining who the jury should be.

Many criminal lawyers, very noted counsel, would probably seek to excuse certain—and again no disrespect at all is meant to the background of members of this Commission—but defense counsel generally seeks to excuse as jurors those who are in any way associated with the Government in a criminal case. And here we have the Government appointing the jury, and then the jury picking counsel, who also is Government connected at this time. I in no way wish to raise the question of the integrity of any of the members of the Commission or counsel or anyone else, or their ability. But that truism about equality has some meaning in terms of impartiality—everyone is impartial to some people, and more impartial to other people. 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 his wife. And under those circumstances, I renew my request that I be permitted to, at the request of Lee Oswald's mother, who survives him—to function before this Commission as counsel on his behalf.

The CHAIRMAN. Mr. Lane, I must advise you that the Commission, as you already know, has considered your request and has denied it. It does not consider you as the attorney for Lee Oswald. Now, this is not for any discussion. We are not going to argue it. You have had your say, and I will just answer.

Lee Oswald left a widow. She is his legal representative. She is represented by counsel. This Commission is cooperating with her in any way she may request. If anyone else wants to present any evidence to this Commission, they may do so. But it is the view and the wish—the will of the Commission—that no one else shall be entitled to participate in the work and the deliberations of the Commission.

We asked you to come here today because we understood that you did have evidence. We are happy to receive it. We want every bit of evidence that you have. You may present anything that you wish to us. But you are not to be a participant in the work of the Commission. I assume you have some questions you would like to ask Mr. Lane, Mr. Rankin?

Mr. RANKIN. Yes, sir. Do you have any affidavits that you would like to submit to the Commission? I understood at one time you had some affidavits.

Mr. LANE. Well, I do have some affidavits. They are not originals—they are photostatic copies of affidavits taken by the Dallas police and on file in the Dallas district attorney's office. Now—including the paraffin test which I made reference to.

Now, if the Commission does not have copies of those, I would like to be so informed and I will see what I can do. I assume the Commission has copies of all those documents.

Mr. RANKIN. Yes. Do you have anything beyond that that you care to submit?

Mr. LANE. I have the various statements which I have made reference to from Mrs. Hill and Mrs. Markham, Mr. Klein, Mr. Ryder. But I have given you the essence of those statements. If you are interested in pursuing that, I think it might be best to call them.

Mr. RANKIN. I am interested if there was anything beyond what you have given us, Mr. Lane. And if you say you have given us the substance, then I take it that is complete as far as it could be of assistance to us, except our going directly to the witness. Is that what you have in mind?

Mr. LANE. Yes.

Mr. RANKIN. Now, do you have any witnesses that you would like to present for the Commission?

Mr. LANE. Well, I would like—I do not know that I would be able to do that, frankly.

Mr. RANKIN. Well, would you have any that you suggest that we should interview, bring before the Commission, that you have not presented up to this time in your testimony?

Mr. LANE. No; there is no one who I know of other than those names I have given, and two other persons whose permission I am going to have to secure in reference to other matters, and hopefully they will be willing to not only allow their names to be used, but to come forward and testify, if you wish to hear them.

Mr. RANKIN. Now, is there any documentary evidence beyond which you have submitted that you would like to submit to the Commission?

Mr. LANE. Not beyond what I have submitted or made reference to.

Mr. RANKIN. In regard to the paraffin that you have referred to, do you have any particular materials or anything you want to refer the Commission to?

Mr. LANE. To that particular test taken by Mr. Anderson on November 23d?

Mr. RANKIN. Anything beyond that?

Mr. LANE. No; not at this time.

Mr. RANKIN. Now, I understand at one time you referred to some meeting in the Carousel Club a week or so before the assassination. Do you have any material on that or any information?

Mr. LANE. Yes.

Mr. RANKIN. Is there anything you would care to present to the Commission?

Mr. LANE. Yes. I have been informed—and this is the source I will have to check with again in order to secure his testimony—

Mr. RANKIN. You will advise us if you are permitted to.

Mr. LANE. Yes. But I can tell you the substance—that a meeting took place on November 14, 1963, in the Carousel Club between Officer Tippit and Bernard Weissman, Mr. Weissman being the gentleman who placed a full-page advertisement in the Dallas Morning News which was printed on November 22, asking a series of questions of President Kennedy. It was addressed "Welcome to Dallas, President Kennedy. Why have you traded the Monroe Doctrine for spirit of Moscow. Why has Gus Hall and the Communist Party endorsed your 1964 election" and such matter. I think these two give a rather clear indication of the kind of advertisement that it was. And I have been informed that Mr. Weissman and Officer Tippit and a third person were present there. I have been given the name of the third person. But for matters which I will make plain to the Commission, I will be pleased to give you the name of the third person as given to me, but not in the presence of the press. I would rather do that in executive session—that one piece of testimony.

The CHAIRMAN. That is satisfactory to do that, if you wish.

Mr. LANE. Thank you, sir.

Mr. RANKIN. Is there anything else about that incident that you know and want to tell the Commission at this time?

Mr. LANE. No.

The CHAIRMAN. That is the entire story, is it?

Mr. LANE. That they were there for more than 2 hours conferring—these three persons.

The CHAIRMAN. Your information does not—is not to the effect as to what they were conferring on.

Mr. LANE. No; they did not hear that.

Mr. RANKIN. I am not suggesting, Mr. Lane, that you have been selective about what you have told the Commission and what you have not told, but I do wish to make the inquiry as to whether there is any information you might have that the Commission should be informed of as to other people that you might have interviewed in regard to this matter.

Mr. LANE. I have given the Commission at this time everything that I know.

Mr. RANKIN. Is there anything about the palm prints that you can tell us in addition to what you have given us?

Mr. LANE. Not in addition to what I have said.

Mr. RANKIN. Well, I will ask you generally—is there anything in addition to what you have said that you would like to tell the Commission at this time that has any bearing upon this investigation?

Mr. LANE. All I can say in reference to that, Mr. Rankin, is that I am practically engaged in this project by myself, which means I am extremely limited. This is not my profession—investigator. I am an attorney. And there are many leads which I have followed, which have led me nowhere at all, obviously. Before finding Mrs. Markham or before finding Mrs. Hill, there were many other persons I talked to who were not even present, who I have heard were present. But there are still large numbers, probably at this point hundreds of leads which I have heard of, and which I have not yet been able to trace or to check through. I do not think it would be constructive just to tell you all of the things I have heard, because most of them are patently untrue, and they just require a great deal of work. But I will continue to do that, and should I come across any material which might in any way interest you, I will certainly either write to you for the purpose of presenting it to you through the mail in affidavit form, if you prefer, or indicate that I will be available to come and testify again if you prefer that.

The CHAIRMAN. Mr. Lane, your client, Mrs. Marguerite Oswald, when she was testifying before us, told us that she had sold some pictures to the press and she wanted the originals of all the pictures that she presented to us, because she said they were of great financial value to her. Do you know what sales she has made concerning pictures such as you have shown us?

Mr. LANE. In terms of the picture with the rifle, you mean, for example?

The CHAIRMAN. Well, we might start with that.

Mr. LANE. She has never seen such a picture, she has informed me, of Lee Harvey Oswald with the rifle—except after they had been published. She never had any knowledge of such pictures, and had never seen them.

I do not really represent Marguerite Oswald. She has retained me to represent the interests of her son. And so in her business dealings in terms of her sale of pictures and articles, I have not represented her. I believe she has a literary agent or perhaps even another lawyer—I don't know. But she has retained me to represent her son's interests, not to represent her at all.

The CHAIRMAN. I see.

Mr. LANE. Of course, we have conferred. But I do not have that information.

The CHAIRMAN. Yes.

Mr. RANKIN. Mr. Lane, I have a further question. Have you ever been prevented by any law enforcement officer from interviewing anyone concerning this matter when you wished to?

Mr. LANE. Well, I would say that I have been prevented by the statements made by the law enforcement persons or agents to the individual, that he should not talk to anyone about this case, that it is a secret matter. As I have indicated, Mr. Klein—

Mr. RANKIN. You have described those cases, have you?

Mr. LANE. I have also spoken to a reporter who is employed by a Dallas newspaper, who informed me that he sought to question more than 150 in the area, and that many of those persons informed him that they were ordered by the FBI not to talk to anyone about this case, and that almost none of the witnesses would talk with him about the case, and that some of them, when he asked the reason that they were not talking to him, it was "Was this because you have been told by the FBI?"—and he indicated they were not even allowed to answer that question. But many of them told him that the FBI or the Secret Service ordered them not to talk. In no other respect have I been interfered with to my knowledge.

Mr. RANKIN. Do you have the name of that reporter—can you reveal that to us?

Mr. LANE. I cannot reveal it at this time, but I am hopeful you will permit me to. He is one of the reporters I referred to earlier.

Mr. RANKIN. Thank you.

The CHAIRMAN. Senator, do you have any questions?

Senator COOPER. No; I have no questions.

The CHAIRMAN. Mr. Rhyne.

Mr. RHYNE. Mr. Chief Justice—I wanted to ask Mr. Lane, on his inquiry about what happened to Oswald during the 48 hours he was under detention—you suggested that the Commission make an inquiry into whether his civil rights were denied. Do you have any information on that subject?

Mr. LANE. Yes. I saw what happened—I read in the newspapers and heard on the radio.

Mr. RHYNE. It looked to me that most of the material presented here today was really in the newspapers. You are merely repeating what someone else has said.

Mr. LANE. I don't think that is an accurate characterization of my testimony at all, sir. For example, I told you before of conversations that I have had—I know you listened intently—I told you of conversations that I had with Mr. Klein. I told you of conversations I had with Miss Hill, who is probably the closest eyewitness to the assassination, with Miss Woodward, who is perhaps the second or third closest witness to the assassination, with Dial Ryder, with at least two or three other persons.

Mr. RHYNE. But on this one point, with respect to denial of any civil rights or protection of civil rights during this 48-hour period, you say that is all in the newspaper stories?

Mr. LANE. No. What I meant by that response was that the basic denial that I was discussing was the development of the case publicly against him, so that it would be impossible in securing a jury panel to secure 12 jurors probably anywhere in this country who had not reached a conclusion, first of all. And

secondly, obviously the death of the accused, which I know is a matter for the Commission's inquiry already.

Mr. RHYNE. I notice that you said your investigation was incomplete. So I just wanted to be sure that I understood what you meant with respect to this 48-hour detention period.

Mr. LANE. No; I have no knowledge over and above that that I could give you in that area.

The CHAIRMAN. Mr. Murray, do you have any questions you would like to ask?

Mr. MURRAY. No; I have none, Mr. Chief Justice, at this time.

The CHAIRMAN. Well, Mr. Lane, if any evidence should come to your attention in the future, would you be willing to convey the information to the Commission?

Mr. LANE. Yes; I certainly would, sir.

The CHAIRMAN. We will appreciate it if you would. Thank you for your attendance.

We will adjourn at this time.

(Whereupon, at 5:35 p.m., the President's Commission adjourned, and reconvened in executive session.)

TESTIMONY OF MR. LANE RESUMED IN EXECUTIVE SESSION

The CHAIRMAN. The session will be in order.

Mr. RANKIN. Will you proceed, Mr. Lane, in executive session now, to describe the names?

Mr. LANE. The third name that I was informed—the person that I was informed was there, the third person, is named Jack Ruby. It was my feeling, of course, while his case was pending it would not be proper to comment on that in the presence of the press.

Mr. RANKIN. You mean the third person in the group apparently conferring?

Mr. LANE. Yes. Tippit, Weissman, and Ruby.

The CHAIRMAN. Have you made any public statement of this kind before on this subject—about this meeting?

Mr. LANE. Not about Ruby—about a meeting between Weissman and Tippit, yes.

The CHAIRMAN. But you never named Ruby publicly?

Mr. LANE. No; I have not. I shall not.

The CHAIRMAN. I see. Do you know any way by which we might corroborate that meeting—the fact that it was held?

Mr. LANE. I am going this evening to see, or tomorrow—I will try this evening first—to see if I can secure permission by my informant to reveal his name, and I hope he will be willing to come forward and testify as to what took place.

The CHAIRMAN. The Commission would like to know it, if you can do that.

Mr. LANE. Yes; I shall inform you as soon as I discover that. I would like very much for the Commission to have that information. Can I indicate to my informant that the matter can be so raised so that his name will not be known to anyone other than the Commission?

The CHAIRMAN. Yes, sir; you may.

Mr. LANE. That will be extremely helpful.

The CHAIRMAN. If you can think of any way that can be corroborated, it would be most helpful to us.

Mr. LANE. I understand.

The CHAIRMAN. Congressman, you just got in as we are about to adjourn. Mr. Lane was telling us of one piece of information that he had concerning a meeting that was held at the Carousel Nightclub, about a week, did you say—

Mr. LANE. Yes.

The CHAIRMAN. About a week before the assassination, at which the man who financed this full-page article in the paper, Dallas paper, this morning, con-

cerning President Kennedy, and Officer Tippit, and he told us in private here—he didn't want to mention it before the press—Jack Ruby. And he tells us that he will try to find out from his informant more about that, and if he possibly can deliver the information to us.

Senator COOPER. May I ask one question?

I assume from what you have said you wouldn't be able to answer it, but was there any reason ascribed for the presence of Tippit?

Mr. LANE. My informant does not know the reason.

Senator COOPER. Or Ruby, with Weissman?

Mr. LANE. My informant does not know that information.

Representative FORD. May I ask a question, Mr. Chief Justice? When did this information come to your attention, Mr. Lane?

Mr. LANE. Some weeks ago.

Representative FORD. Do you consider the informant a reliable, responsible person?

Mr. LANE. Yes. I cannot vouch, of course, for the information personally, but I believe the informant is a reliable and a responsible person.

Representative FORD. Would your informant be willing, as far as you know—be willing to testify and give the Commission this information directly?

Mr. LANE. I am going to try to arrange that this evening. The Chief Justice has indicated that his name would not be known if he did that, and that I did not know that I could make that statement to him before now. I hope that will be decisive.

The CHAIRMAN. Is there anything further, gentlemen?

If not——

Representative FORD. May I ask, Mr. Chairman, are we going to have a schedule laid out, are we going to have a meeting of the Commission where maybe we will know what the schedule is in the next week or 10 days or 2 weeks?

Mr. RANKIN. We have a draft now.

The CHAIRMAN. We have a draft for you to see.

Mr. LANE. Perhaps I should withdraw at this time.

The CHAIRMAN. All right.

Mr. Lane, thank you very much, sir.

(Whereupon, at 5:45 p.m., the President's Commission recessed.)

Monday, March 9, 1964

**TESTIMONY OF ROY H. KELLERMAN, WILLIAM ROBERT GREER,
CLINTON J. HILL, AND RUFUS WAYNE YOUNGBLOOD**

The President's Commission met at 9:10 a.m. on March 9, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Hale Boggs, and Representative Gerald R. Ford, members.

Also present were Norman Redlich, assistant counsel; Arlen Specter, assistant counsel; Walter Craig and Charles Murray, observers; and Fred Smith, Treasury Department.

**TESTIMONY OF ROY H. KELLERMAN, SPECIAL AGENT,
SECRET SERVICE**

The CHAIRMAN. Gentlemen, the Commission will be in order. Will you be seated, please?

Would you state the names of the witnesses who are to be heard today, Mr. Specter?