

Mr. KLAUSE. I am glad I can do what I can do. I would like to get this straightened out. I feel real guilty about it.

Mr. JENNER. Is there anything you would like to add, Mr. Klausé?

Mr. KLAUSE. No, sir; except that it is a mess, and that I am just a poor country boy, I guess you would say, that got caught up in the mess, and I strictly learned my lesson on this.

I have hurt a bunch of people, especially my folks, and I have caused a lot of trouble. I just feel real bad about it. That is all. If I had taken time to have read the thing actually I don't think I would ever have done it.

But like I said, it was late at night, and I was in a hurry, and I wanted to get it on and off.

Mr. JENNER. And you needed the money.

Mr. KLAUSE. And I needed the money; yes, sir.

Mr. DULLES. What did you net on this?

Mr. KLAUSE. \$40. Actually, I think the stock was somewhere around \$20. I paid for the stock, and he in turn paid for the stock.

Mr. DULLES. \$40 was your profit on this?

Mr. KLAUSE. Yes, sir.

Mr. JENNER. \$40 was the full profit to you?

Mr. KLAUSE. Yes, sir.

Mr. DULLES. Have you anything further, Mr. Jenner?

Mr. JENNER. No; I have not.

Mr. DULLES. The Commission will stand adjourned.

(Whereupon, at 4:15 p.m., the President's Commission recessed.)

Thursday, July 2, 1964

TESTIMONY OF MARK LANE RESUMED

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

Present were: Chief Justice Earl Warren, Chairman; and Representative Gerald R. Ford, member.

Also present were J. Lee Rankin, general counsel; and Norman Redlich, assistant counsel.

The CHAIRMAN. The Commission will be in order.

Mr. Lane, the last time you were here, we excused you as a witness. You should be sworn again as a witness.

Do you solemnly swear that the testimony you shall give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LANE. I do.

The CHAIRMAN. You may be seated, please. Mr. Rankin will ask you some questions that were not entirely cleared up when you were here last time. Would you proceed?

Mr. RANKIN. Mr. Lane, you testified before the Commission the last time on March 4, did you?

Mr. LANE. Yes; I did.

Mr. RANKIN. And you recall your testimony at that time?

Mr. LANE. Well, it was rather long testimony. I recall portions of it; yes, sir.

Mr. RANKIN. Yes. Do you recall that you were asked about an interview with Helen Markham?

Mr. LANE. I recall testifying to that; yes. I don't know if I was asked about it specifically, but I do recall testifying in reference to that interview.

Mr. RANKIN. If you would care to refer to your testimony at any time, you are free to do so.

Mr. LANE. Thank you.

Mr. RANKIN. Do you have any writing from Mrs. Markham in connection with the interview that you referred to in your testimony?

Mr. LANE. Any document which Mrs. Markham wrote? Is that the question?

Mr. RANKIN. Either that or anything that she signed which purports to be her statement or affidavit or other recording.

Mr. LANE. I have nothing that she signed or that she wrote.

Mr. RANKIN. Do you have anything that you made up yourself from any interview with her?

Mr. LANE. Yes; I do.

Mr. RANKIN. Do you have that with you?

Mr. LANE. No; I do not.

Mr. RANKIN. Will you describe that document? Is it a paper or a tape recording, or what form does it have?

Mr. LANE. It is a tape recording and a transcript of the tape recording in writing.

Mr. RANKIN. Was the tape recording made by you?

Mr. LANE. I think we are now moving into an area where I would prefer not to answer questions, quite frankly. I have given to the Commission the results of my investigation, and I think that the Commission are aware of the fact that I have an attorney-client relationship existing. The Commission is now asking for working papers of an attorney. The Supreme Court has been quite plain, I think, on the question of the sanctity of working documents of attorneys. And I think, therefore, that the questions are no longer in a proper area.

I might also indicate to the Commission that when I was retained by Marguerite Oswald to represent the interests of her son before this Commission, and the Commission declined to permit me to so represent Lee Oswald, it made it impossible for me to conduct the kind of cross-examination before this Commission of witnesses that I would have ordinarily conducted, and that entire conversation would have been in the presence of the Commission, obviously, had I been permitted to function as counsel for my client.

Mr. RANKIN. Will you describe to the Commission the attorney and client relationship that you claim to exist?

Mr. LANE. Yes. I should think the Commission would be well aware of that since I wrote to the Commission on the very day that I was retained and sent, as I recall, an affidavit from my client, detailing the purpose, the purpose of my being retained. I think that was during the very early days of this year.

Mr. RANKIN. Who was the client?

Mr. LANE. Marguerite Oswald retained me to conduct an investigation in reference to the charges that were made against her son, then deceased, and to represent his interests before this Commission.

Mr. RANKIN. And do you claim that that attorney-client relationship is one that exists now?

Mr. LANE. It does exist at the present time in relationship to a matter peripheral to this investigation. It certainly did exist at the time of my discussion with Mrs. Markham, and my discussion with Mrs. Markham took place solely because of the existence of that relationship and to further that relationship.

Mr. RANKIN. Will you state what the peripheral matter is that you referred to?

Mr. LANE. It is the matter that Mrs. Oswald called you and spoke with you on the telephone about yesterday, sir.

Mr. RANKIN. What is that?

Mr. LANE. It is in reference to a matter regarding the son of Mrs. Markham.

Mr. RANKIN. Will you tell whatever else there is in regard to that?

Mr. LANE. Mrs. Oswald has specifically requested that—in fact, has specifically directed me not to discuss that matter publicly—inasmuch as you have that information—because she talked with me only after she spoke with you, Mr. Rankin. And when she did speak with me, she told me what she had told you precisely early in the day she had told me. I think that the Commission does have that information.

Mr. RANKIN. Are you refusing to disclose it, then?

Mr. LANE. I have a specific direction from Mrs. Oswald, who retained me in this peripheral matter just yesterday, not to discuss this matter publicly, sir. She is presently herself involved in investigating this matter, and told me specifically that any publicity in reference to this matter would be harmful to her investigation. I would otherwise be very happy to discuss the matter with you, as I have discussed everything else quite publicly.

Mr. RANKIN. And that is your reason for not disclosing it at this time?

Mr. LANE. Yes; coupled with the fact that the Commission has this information, because I assume that Mrs. Oswald did speak with you yesterday. She told me that she did, and she gave you all the information she had in this regard. I believe she gave you more information than she gave to me, as a matter of fact, judging from what she said to me.

Mr. RANKIN. Do you claim to be acting for Mrs. Oswald on any other matter than that in connection with her son? That is Helen Markham's son?

Mr. LANE. At the present time?

Mr. RANKIN. At the present time.

Mr. LANE. No; I am not.

Mr. RANKIN. When did that relationship terminate?

Mr. LANE. I don't recall the exact date, but it was sometime after my testimony here, which was, I believe, on the 4th of March of this year.

Mr. RANKIN. Can you fix it more precisely?

Mr. LANE. I believe it was within 2 weeks after that date. I did not bring with me the letter that I wrote to Mrs. Oswald explaining that I could not function before the Commission as counsel because the Commission would not permit me to function as counsel, and that I agreed to serve on a citizen's committee which would conduct an independent inquiry. And, therefore, since it seemed that there was nothing further I could do on behalf of the original purpose of our retainer, that we should probably conclude our professional relationship as of that time had ended. I believe that is the substance of the letter that I sent to Mrs. Oswald. And that is within 2 weeks of March 4.

Representative FORD. Mr. Rankin, may I raise a question about the language which Mr. Lane uses to the effect that the Commission declined to permit Mr. Lane to represent Mrs. Oswald?

I think the record before the Commission on this matter will speak for itself. I think to have the record clear, we ought to have that part of the Commission proceedings inserted in the record at this point.

Mr. LANE. I would like to correct a mistake that you made, Congressman. I did not say that I was not permitted to serve as counsel for Mrs. Oswald before the Commission. I said, I thought quite precisely, that I had not been permitted by the Commission to serve as counsel to represent the interests of Lee Harvey Oswald at the request of his mother, Marguerite Oswald.

Representative FORD. I think we should let the record speak for itself at the time that this matter was raised before the Commission.

The CHAIRMAN. That portion of the record may be incorporated in this record at this particular time.

Mr. LANE. 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 Commissioners' 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 the 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. LANE. Well, then I ask also, Mr. Chief Justice, at this point the letters, exchange of letters between Mr. Rankin and myself, where I made the request to appear as counsel for the interests of Lee Harvey Oswald, and where counsel for this Commission said that Oswald was not entitled to counsel, or that I could not represent him—

The CHAIRMAN. Let the record speak for itself in that respect, too. The exchange of letters will be in the record. [See Commission Exhibit No. 1053.]

Mr. LANE. Thank you, sir.

Mr. RANKIN. Now, Mr. Lane, regarding this tape recording of Helen Markham, and your interview with her, will you tell the Commission when you made this?

Mr. LANE. I had a conversation with Mrs. Markham on the 2d day of March of this year.

Mr. RANKIN. Where was that?

Mr. LANE. I have given the Commission the results of that investigation to the best of my ability. I think that, again, Mr. Rankin, your question delves into the functioning of an attorney on behalf of a client, and, therefore, is not proper, and, therefore, I decline to answer it.

Mr. RANKIN. Will you tell the Commission when you made the tape recording that you referred to?

Mr. LANE. I just answered that question, Mr. Rankin.

Mr. RANKIN. And do you refuse to tell, then, anything about that interview with Helen Markham, how you recorded it?

Mr. LANE. I beg your pardon?

Mr. RANKIN. And how you recorded it?

Mr. LANE. I should think that since this Commission has been appointed by the President of the United States to secure all of the information regarding the assassination of President Kennedy and other matters peripheral to that, the questions asked of me should be related to information which can be of assistance to the Commission, and should not be the kind of questions, Mr. Rankin, that you have put to me.

I am happy to tell you every bit of information that I have been able to secure as a private citizen in trying to discover what took place on November 22 and the days that followed November 22, but I think that the very questions that you are putting to me indicates that you are not interested solely in securing that information, but in placing me, Mr. Rankin, in a position which is not a good one. And I see this quite frankly as part of many things that have happened to me since November 22—not November 22, but since I expressed some interest in this case.

Mr. RANKIN. Mr. Lane, could you tell us whether there was anyone else present at this interview with Helen Markham that you recorded?

Mr. LANE. I don't believe that I said I recorded it. I believe I said it was recorded.

Mr. RANKIN. Was it recorded by someone else?

Mr. LANE. I decline to answer any questions, because the questions you are asking clearly are not for the purpose for which this Commission has been established. And I tell you that I am amazed, quite frankly, Mr. Rankin, that the kind of harassment to which I have been subjected since I became involved in this case continues here in this room—I am amazed by that.

As you know, and I don't know if this has been placed on the record by the Commission—in the letter that I wrote to you on May 18, 1964, I told you that I had been accosted by two agents of the Federal Bureau of Investigation in front of my own house, and ordered to give to them, by them—their names being William E. Folkner, his serial number being 5954, and John P. Dimarchi, his serial number being 4256—and ordered to give to those gentlemen documents in my possession, relating to my testimony before this Commission.

Mr. RANKIN. Did you do that?

Mr. LANE. I did not give them those documents; no.

Mr. RANKIN. Why not?

Mr. LANE. Does your tone and your question indicate you think I should have given those documents to agents of the FBI?

Mr. RANKIN. I would like to have you answer the question, if you would.

Mr. LANE. You decline to answer my question?

Mr. RANKIN. Yes; I am examining you.

Mr. LANE. Of course, I did not give them any documents in my possession. When I deal with any agencies of the Government, I expect that they will write to me, and if they wish to secure information from me they will do that in a dignified manner. I am an attorney with an office in New York. I don't expect to be accosted in front of my house by agents of the police, Federal, State, or local authorities. Those are the actions not of a democratic society, but of a police state, and I decline to believe for one moment that we live in a society where that behavior is going to be countenanced by any members of this Commission or by counsel to this Commission.

Mr. RANKIN. Did you offer to furnish them copies if they would write to you in the manner you suggested?

Mr. LANE. I suggested to those two agents that someone in the office of the Federal Bureau of Investigation might write to me and that I would respond courteously, and make available whatever information I could. I told them, also, as I told you, since I wrote a letter to you covering this entire matter on May 18th—I told them also that I had testified fully before this Commission. If they wanted to secure any information I had, they might contact the Commission. They indicated they were not interested in the Warren Commission.

Mr. RANKIN. Now, to return to the tape recording—

Mr. LANE. I would like to add one more point, if I may. It is a matter which I discussed with you on the telephone 2 days ago.

Mr. RANKIN. Is that in regard to the tape recording?

Mr. LANE. No; it is not.

Mr. RANKIN. Can we confine ourselves to that for a bit, until we complete that. Can you tell us who else was present at the time of this tape recording of Helen Markham that you describe?

Mr. LANE. I would like to make this quite clear to you, Mr. Rankin.

I am not going to discuss any working papers in my possession. Those papers came into my possession as a result of an attorney-client relationship. The Supreme Court has written decisions regarding the sanctity of those documents. I think it is improper of you to ask questions which delve into relationship of that nature. And I think you know that the questions you are asking are improper.

Mr. RANKIN. And if other people were present at the time of any such matters and disclosures, does that make any difference under the law, do you think?

Mr. LANE. Present where?

Mr. RANKIN. At the time of the tape recording and the interview. That is what I am asking you.

Mr. LANE. No one else was present.

Mr. RANKIN. And who did the tape recording?

Mr. LANE. Again you are delving into an area which is an improper one for you to delve into.

Representative FORD. Did you know about the tape recording being made?

Mr. LANE. I beg your pardon?

Representative FORD. Did you know about the tape recording being made?

Mr. LANE. I decline to answer that question.

Am I a defendant before this Commission, or is the Commission trying to find out who assassinated the President?

Representative FORD. We are trying to find out information about a witness before this Commission—

Mr. LANE. Well, then, call the witness before the Commission and ask the witness questions. And if the Commission—if the witness has testified contrary to what I say the witness has said, then I would suggest you do what I invited the Commission to do when this matter arose. Submit my testimony and Mrs. Markham's testimony to the U.S. attorney's office, and bring an action against

both of us for perjury. And then at that trial I will present documents in my possession, and we will see who is convicted.

Representative FORD. Do you believe Mrs. Markham is an important witness in this overall matter?

Mr. LANE. I would think so.

Representative FORD. I am sure you know what she has told you.

Mr. LANE. I know what she has told me, that is correct.

Representative FORD. If there is any difference between what she told you and told this Commission, is that important?

Mr. LANE. Of course, it is important. And if there was someone representing the interests of Oswald before this Commission, there could be cross-examination, you sitting as judges could then base your decision upon the cross-examination. But you have decided instead to sit as judges and jurors and defense attorneys and prosecuting attorneys, and you are faced with a dilemma. I cannot solve that dilemma for you.

Representative FORD. In order for us to evaluate the testimony she has given us and what you allege she has given you, we must see the information which you have at your disposal.

Mr. LANE. I have told you precisely under oath what Mrs. Markham has said to me.

Mr. RANKIN. Are you unwilling to verify that with the tape recording that you claim to have?

Mr. LANE. I am unable to verify that because of an existing attorney-client relationship, and you know that it would be improper and unethical for me to give the answers to the questions which you are asking. And that is why I am amazed that you persist in asking questions which you know are improper and which would be unethical for me to answer.

Mr. RANKIN. And where was this tape recording made?

Mr. LANE. You have my answer to questions about that already, Mr. Rankin.

Mr. RANKIN. Did you, yourself, have any conversation with Helen Markham at anytime?

Mr. LANE. Yes; I testified to that on March 4, and again today.

Representative FORD. Is this tape recording of that conversation?

Mr. LANE. Precisely.

Mr. RANKIN. Can you tell us where the tape recording was made?

Mr. LANE. I can tell you, but I will not tell you.

Mr. RANKIN. Do you have any other reasons for not disclosing this information to the Commission except your statement about the attorney and client relationship that you describe?

Mr. LANE. And the sanctity of working documents of an attorney. I have no other reason whatsoever.

Mr. RANKIN. Mr. Lane, the Commission has asked you a number of times to disclose to it the name of the informant that you said told you about having seen certain persons in the Carousel Club. Are you ready to disclose the name of that informant now?

Mr. LANE. I am ready, but as I told you when I gave you that information at the outset, I gave my word of honor to that person that I would not disclose his name unless he gave me permission to. I have gone to Dallas on two separate occasions to try to secure that permission. I have not been able to secure that permission. Nothing would make me happier than giving you the name of that person; but I have given my word of honor and, therefore, I am unable to give you that name.

Mr. RANKIN. Do you claim any attorney and client relationship with regard to the name of that informant?

Mr. LANE. I think there clearly exists an attorney-client relationship, but that is not the motivating factor in my telling you that I will not disclose the name.

Mr. RANKIN. Is that the basis for your refusal to disclose the name?

Mr. LANE. Obviously if I say yes, you cannot pursue this, but I must tell you honestly that is not the reason.

Mr. RANKIN. Then I ask you to disclose the name of the informant.

Mr. LANE. I cannot. I have given my word to that person that I would not disclose his name.

Mr. RANKIN. You know that is no legal justification, do you not?

Mr. LANE. I know that is true. There is no legal justification. I know that I am not here under subpoena. I know that you wrote to me while I was in Europe, although you have the power of subpoena—you do not have the power to subpoena me while I was in Europe. I know the Commission will complete its work very likely within the next 2 weeks. I could have easily remained in Europe until the Commission had completed its work.

I knew you were calling me here today in reference to that specific matter because you said so in your letter to me. So I have come here voluntarily to cooperate with the Commission to the very best of my ability, and not to rely upon any legal superstructure to protect my answers.

I told this Commission at the outset that I had given my word to this person, and I would not reveal his name. The Commission led me to believe at that time that it would honor that understanding, and the record, I think, so reveals that. If the Commission is prepared——

Mr. RANKIN. You base that upon the record at that time? You base your claim that the Commission indicated that it would honor any such understanding on the record that was made on March 4, do you?

Mr. LANE. Yes; I think there is language there which indicates this. I was not pressed at that time. We discussed the matter at that time. If the Commission is at this point about to reverse its position, despite an indication that it would honor that understanding, I am myself not ready to break my honor, my commitment to that individual. I have not done that ever in the past, and I will not do that now.

Mr. RANKIN. The Commission has a number of times asked you by correspondence to disclose the name of that informant, and it now asks you in this proceeding, while you are under oath, to make that disclosure.

Mr. LANE. I will not do so, Mr. Rankin.

Mr. RANKIN. Do you realize that the information you gave in closed session could have an unfavorable effect upon your country's interests in connection with this assassination and your failure to disclose the name of your informant would do further injury?

Mr. LANE. Mr. Rankin, I am astonished to hear that statement from you. There are 180 million Americans in this country. I am perhaps the only one who is a private citizen who has taken off the last 6 months to devote all of his efforts to securing whatever information can be found, and to making that known to this Commission, and publicly to the people of this country at great personal cost in terms of the harassment that I have suffered, in terms of the terrible financial losses that I have suffered. And to sit here today, after 6 months of this work, which I have given all to this Commission, voluntarily, and again have come here again today voluntarily to give you this information, and to hear you say that I am not cooperating with the Commission, and I am going to do harm to the country by not making information available to you astonishes me.

You have hundreds of agents of the FBI running all over the Dallas area—agents of the Secret Service, Dallas policemen. Are you telling me that in one trip to Dallas where I spent something like 2 days, I uncovered information which the whole police force of this Nation has not yet in 6 months been able to secure? I cannot believe that is a valid assessment of this situation. I cannot, Mr. Rankin.

The CHAIRMAN. Mr. Lane, may I say to you that until you give us the corroboration that you say you have, namely, that someone told you that that was a fact, we have every reason to doubt the truthfulness of what you have heretofore told us. And your refusal to answer at this time lends further strength to that belief. If you can tell us, and if you will tell us, who gave you that information, so that we may test their veracity, then you have performed a service to this Commission. But until you do, you have done nothing but handicap us.

Mr. LANE. I have handicapped you by working for 6 months and making

all of the information which I have had available to you? I understand very fully your position, Mr. Chief Justice.

Mr. RANKIN. Mr. Lane, what did you come down to tell us or inform the Commission about? You say you came here of your own volition in order to help us, and to give us information. Now, what information in light of the fact that I wrote you and asked you for two specific things—whatever information you had in any recorded form concerning your interview with Helen Markham, and secondly, the name of the informant, neither of which you are willing to disclose or have said anything to help the Commission on.

Mr. LANE. I came here at your request that I interrupt my trip in Europe to come back and testify before you. And I have done that.

The CHAIRMAN. By denying—by refusing to answer either question.

Mr. LANE. I think that—well, I have given you the reasons why I cannot answer the question. With reference to Mrs. Markham, I should tell you this, that I am hopeful that in the very near future I will be able to make that document available to you by securing permission from my client. But she has informed me at the present time that she is herself involved in securing some information relative to this whole matter, which you are familiar with, Mr. Rankin, and that she wishes there to be no discussion at all at this point about this matter.

Frankly, quite frankly, matters which have been given to this Commission in utmost confidence have appeared in the daily newspapers, and one cannot feel with great security that giving information to this Commission, even at secret hearings, means that the information will not be broadcast, and this is the problem which confronts us at the present time.

The CHAIRMAN. You know, do you not, that you and other witnesses have been free to discuss their testimony before the Commission with the public, and you, yourself, have done that, and that is one of the reasons that things that were said before the Commission have been divulged. You, yourself, have discussed fully your testimony before the press and the radio and the television.

Mr. LANE. Yes; I have.

The CHAIRMAN. Other witnesses have done the same thing. No witness is under compulsion to keep his testimony secret. Naturally, some things would come out.

Mr. LANE. Well, it seems to me that when the transcript of my—the transcript of my testimony was sent to me, dealing with the portion in executive session, every page had been marked "Top Secret." In fact, it bore a legend across it saying that my testimony, which consisted almost solely at the outset of my request that the hearings be open to the public, was in fact related to the national defense of the United States and it was a violation of the espionage laws for me to discuss those matters publicly.

The CHAIRMAN. Well, Mr. Lane, you know that you came right down from your testimony, and I think in this very room, or at least on this floor of this same building, discussed your testimony with the press and the radio and the television.

Mr. LANE. Oh, I most certainly did. My testimony was open to the public. My testimony was unlike the rest of the testimony before the Commission.

The CHAIRMAN. Well, now, that is your judgment. Every witness knows that he is under no compulsion to keep his testimony secret. They have not done it. And many of them have come down here after their testimony upstairs and have appeared on radio and television and have discussed matters with the press.

Mr. LANE. Yes; I know that that may very well be so, Mr. Chief Justice. I was only making reference to matters such as the diary which has been marked Top Secret, which has been published, and the press conferences in which members of the Commission reported to the press the testimony before them.

Mr. RANKIN. Mr. Lane, when I wrote you, do you recall that I offered to have the Commission pay your expenses to come back from Europe in order to testify before the Commission at this time?

Mr. LANE. Yes; you did.

Mr. RANKIN. Are you asking that you be paid those expenses?

Mr. LANE. I would expect that since you made that offer that is a commitment you should keep. I would have remained in Europe; yes.

Mr. RANKIN. And you did not tell me in any correspondence that you were going to take the position that you could not make this disclosure because of an attorney-client relationship, and that you were not going to give us any information about the informant at this time?

Mr. LANE. Mr. Rankin—

Mr. RANKIN. Did you?

Mr. LANE. Yes; of course I told you that. I told you that on March 4, and I have told you that in every letter which you have written to me on these questions. I cannot understand how you can pretend to be surprised or plead surprise at this point based upon my position before the Commission which today, in July, is consistently the same position I took in March, and consistently the same position I took in the intervening months when I wrote to you, we exchanged correspondence, in relationship to my position.

Mr. RANKIN. And you did not in answer to my letter, when I offered to pay your expenses, say that the only thing you could testify to was that there was an attorney-client relationship and you would not produce any of the records in regard to Helen Markham because of that, or you did not say that you would not give us the name of the informant because you had refused to disclose it, in answer to my letter, offering to pay your expenses. You said nothing about anything of that kind, did you?

Mr. LANE. I never received your letter. You wrote it to my New York address. I was in Europe traveling at the time. I received a phone call from my office 3 days ago stating that you had asked that I return to the United States to testify, and I immediately booked passage the next morning, which was the first plane, in order to return, and to be here before July 1, which was what your letter said. When I came back, I received a phone call from you indicating that I was not needed yesterday, but that today at 2 o'clock would be the appropriate time, and so I came here today. And I am willing to—

Mr. RANKIN. Is that your answer?

Mr. LANE. Yes; of course, it is my answer. I will give you all of the information in my possession in reference to everything I have been able to discover in order to assist this Commission. But what you are asking at this point are sources. You are not asking for information. You are asking for sources. And you know that it is improper to ask for those sources.

The CHAIRMAN. Even where there is no relationship of attorney and client?

Mr. LANE. It is not improper because there is a relationship in that case. It is improper because I gave that testimony to you voluntarily on March 4, explaining to the members of this Commission that I had given my word of honor to this person not to disclose his name.

Mr. RANKIN. Do you have anything else that you wish to disclose in addition to such disclosures as you now have made to the Commission in regard to the assassination of President Kennedy?

Mr. LANE. There are three additional matters which have come to my attention, which I am not at this point able to disclose because an investigation is still being conducted in Dallas. But by Monday, this coming Monday, I will be in a position to make that information available to you. In addition to that—

Mr. RANKIN. Will this be in written form, signed statements and affidavits, or what will you have for this?

Mr. LANE. I don't understand your question, Mr. Rankin.

Mr. RANKIN. Will you have it in any kind of a written form; the additional testimony or evidence that you refer to?

Mr. LANE. I cannot tell you that until Monday. In addition to that, as I told you when we spoke on the phone 2 days ago, and you suggested that I raise this matter before the Commission, I am deeply concerned about the fact that since I have become involved in this matter, and since I testified before this Commission, the U.S. Department of Immigration has placed my name in their immigration book, on the proscribed list, and that when I returned to this country, in response to your invitation to come here and testify

before this Commission, I was halted by the immigration authorities because my name appeared in that proscribed list.

Mr. RANKIN. And I told you at that time on the telephone, didn't I, that the Commission had nothing to do with that? Is that right?

Mr. LANE. You did tell me that, and I ask you if you would be good enough to find out, since I did not accuse the Commission of having my name listed there, of course—to find out if my name was listed in relationship to the inquiry which I have conducted, and the testimony that I have given to this Commission.

The CHAIRMAN. Were you prevented from entering the United States?

Mr. LANE. No; I am here now, Mr. Chief Justice, but I was stopped.

The CHAIRMAN. How long were you detained? Were you detained?

Mr. LANE. Oh, just for a few minutes.

The CHAIRMAN. How many minutes?

Mr. LANE. Oh, perhaps 5. My objection is not to the period of time.

The CHAIRMAN. What was the question asked of you?

Mr. LANE. Just to wait.

Mr. RANKIN. Wasn't there something else asked of you?

Mr. LANE. Well, perhaps I should, then, tell you what happened.

Mr. RANKIN. All right. You better answer that question of the Chief Justice.

The CHAIRMAN. That is a part of my question. I asked you: What did they say to you?

Mr. LANE. Well, there were three different persons. The first person was at the desk, whose name I do not recall, but as an immigration inspector said, "Kindly wait," and he returned within 5 minutes and gave me back my passport and said, "You can pass through now." So not a single question was asked of me by the immigration inspector who discovered that my name was in the proscribed book.

I, however, asked him if he could tell me why my name was in the book, and he said that it was confidential material which he could not reveal to me, and I asked him if he would be good enough to tell me the name of his superior officer so that I might discuss the matter with him. He referred me to Mr. J. J. Daley, also an immigration inspector, and Mr. Daley asked me if perhaps I had gone to Cuba, and I said to him I had never been to Cuba; I had only been out of the country where a passport was required twice in my life, both within the last 6 months. The only time prior to then I had left the country was when I was a soldier in the U.S. Army, and I was sent to Europe—not to Cuba at that time.

He said, "Well, then, I can't understand it." And I asked if I could see his superior officer. And he referred me to W. T. McArnity, who was the officer in charge. He told me that perhaps there was just some mistake made, but could give me no further information. He referred me to Mr. Espardy, who is the district director, I believe, of the Immigration Department, and Mr. Espardy said merely, "I am not going to tell you a thing." That is where the entire matter rested, and where it rests now.

Mr. RANKIN. Mr. Lane, when you asked your informant if you could disclose the information that we have asked you about—and we have asked you the name of the informer—did you tell him that the Commission had indicated to you that his name would not be publicly revealed if he would allow you to disclose it to the Commission?

Mr. LANE. I most certainly did.

Mr. RANKIN. And what was his response?

Mr. LANE. He wondered whether that meant his name might not be revealed anywhere—if not by the members of the Commission, perhaps somehow it might be revealed.

Mr. RANKIN. Is that what he said?

Mr. LANE. That is precisely what he said.

Representative FORD. When did he tell you that?

Mr. LANE. When I spoke with him; I think it was during March or April of this year, after I testified before the Commission.

Representative FORD. Have you made any further inquiry in that regard?

Mr. LANE. Have I?

Representative FORD. Yes.

Mr. LANE. I spoke with him one more time.

Representative FORD. Since your return from Europe?

Mr. LANE. No; I just arrived 2 days ago.

Mr. RANKIN. When was the last time you spoke to him about disclosing his name?

Mr. LANE. I would think it was during April of this year.

Mr. RANKIN. When in April?

Mr. LANE. I don't recall the exact date. When I was last in Dallas.

Mr. RANKIN. Can you give us a closer approximation than that?

Mr. LANE. I really cannot. I believe it was in April; perhaps toward the middle of April, but I am not certain.

Representative FORD. Was it by telephone?

Mr. LANE. No; I saw him in person. I went down to see him.

Representative FORD. You saw him in Dallas?

Mr. LANE. Yes; well, near Dallas.

Mr. RANKIN. Do you consider, Mr. Lane, that you have cooperated with the Commission as much as you can in regard to both of these matters, Helen Markham and this informant?

Mr. LANE. Yes; I think there is no question but that I have. Frankly, when I returned to the country, I had thought that it would be not difficult for me to make available to you all the documents regarding Mrs. Markham. I had planned to do that.

(At this point, Representative Ford withdrew from the hearing room.)

Mr. LANE. I felt that I would be able to be released from the attorney-client stricture so that I could do that. It was not until after I returned that I received a phone call from Mrs. Oswald, after she called you, related this new development in relationship to the Markhams, which has at this point handicapped my being able to secure permission to release that information. I had intended to do that.

I am hopeful that in the next few days it will be possible to give you that information, as I said earlier.

The CHAIRMAN. Mr. Lane, you told us what your attorney relationship was, but, really, I did not understand it very clearly. Will you tell us what your present attorney relationship is that causes you to rely upon it in refusing to tell us about this recording that was made at the time of the conversation between you and Helen Markham?

Mr. LANE. I don't have a present attorney-client relationship in relation to that particular matter. I, at that time, had been retained by Marguerite Oswald to investigate the charges against her son and peripheral matters, and, in conformity and in furtherance of that retainer, I conducted an interview with Mrs. Markham.

The CHAIRMAN. And—

Mr. LANE. And that is one of the working documents in my possession.

The CHAIRMAN. How does that become a peripheral matter—the conversation that you had with Mrs. Markham? What does that have to do with Mrs. Oswald?

Mr. LANE. I secured that information on behalf of an attorney-client relationship when I was serving my client, Mrs. Oswald.

The CHAIRMAN. But, Mr. Lane, you at that very time, when you claimed to be, and when you were, the attorney for Mrs. Oswald, you did come here and testify concerning that conversation with Mrs. Markham.

Mr. LANE. Yes.

The CHAIRMAN. Now, if you testified concerning it then, why can't you now tell us all the circumstances surrounding that? Why is your privilege any different now than it was then?

Mr. LANE. I explained to Mrs. Oswald that I had been called to testify before the Commission as a witness, and that the information which I had secured I had secured on her behalf, and discussed with her what it is I was going to tell the Commission, and she agreed and gave me permission to testify before the Commission as I did.

The CHAIRMAN. And since that time she instructed you not to testify?

Mr. LANE. Since that time, just actually 2 days ago—or perhaps it was yester-

day—she instructed me not to discuss the entire Markham situation at all, quite specifically, and quite strongly, and insistently, over my objection.

Mr. RANKIN. Is it your position, then, that you have a right to disclose part of the information about the Helen Markham matter to the Commission and you don't have a duty to disclose all of it?

Mr. LANE. I think that when one has a client, one has the right, if one secures the permission of the client, to release the results of investigation while retaining the sanctity of working documents belonging to an attorney; yes.

I think there is a clear distinction.

Mr. RANKIN. It is your contention you can hold back part of it so that the Commission then is not able to verify what you do tell, the part you do tell?

Mr. LANE. Well, of course—

Mr. RANKIN. Is that your position?

Mr. LANE. No, and I haven't said anything, I think, even comparable to that. I said one can testify if one has permission of the client in terms of the result of an investigation conducted by a client.

Mr. RANKIN. Your conclusion about the testimony? Is that what you mean?

Mr. LANE. Not my conclusion. The result of the investigation, the result of inquiry. But at the same time it does not mean that an attorney's working documents are no longer sanctified documents.

Mr. RANKIN. About the same matter; is that right?

Mr. LANE. Of course, about the same matter. Yes.

Mr. RANKIN. Do you know of any law to support that position?

Mr. LANE. That an attorney's working documents—

Mr. RANKIN. Can be withheld about a matter that he purports to give testimony concerning?

Mr. LANE. I have not researched the question; no. Do you have law indicating that is inaccurate?

Mr. RANKIN. I think it is quite inaccurate. If you come before any body, the Commission or any court, and purport to disclose part of a matter, I know of no law that permits you to withhold the rest.

Mr. LANE. Well, it is not a question of disclosing part of a matter. There is a conclusion of an investigation. For example, I assume that this Commission will report its conclusions, but they may not necessarily report every portion of the working documents before this Commission, because these are two separate areas. One is a conclusion, and one is the working documents. I have reported the conclusion, but that does not mean, in my view, that the working documents of an attorney, therefore, are no longer privileged.

Mr. RANKIN. What you purported to report was what you said was her testimony in regard to these incidents, was it not?

Mr. LANE. It was not her testimony. It was a statement that she made to me.

Mr. RANKIN. Her statement she made to you?

Mr. LANE. Yes.

Mr. RANKIN. You purported to give that to the Commission.

Mr. LANE. I did give it to the Commission.

Mr. RANKIN. And then you said you had a recording of it; is that right?

Mr. LANE. That is correct.

Mr. RANKIN. And you are not—

Mr. LANE. I don't think I ever said that to the Commission.

Mr. RANKIN. You are saying it now, are you not?

Mr. LANE. Yes; I am saying it now.

Mr. RANKIN. And you are not willing to have the Commission have the recording to check the accuracy of your report about what the testimony or statement was, is that right?

Mr. LANE. I am not in a position to give you that document. I have said that several times; yes, sir. I don't understand why it is not possible to call Mrs. Markham and to call me and to have us confront each other. I think clearly the Commission would then secure the facts. I would be happy to participate in such a confrontation. It seems to me to be the order—

The CHAIRMAN. Wouldn't you then be violating your attorney-client privilege just the same?

Mr. LANE. No; I don't have such a privilege—a relationship at the present time. That relationship terminated, as I said, in March.

The CHAIRMAN. Well, you would freely discuss, though, the things that occurred while the attorney-client privilege did prevail, or did exist?

Mr. LANE. No; I would merely ask Mrs. Markham a series of questions.

The CHAIRMAN. Oh, yes; you would like to make the inquisition your own, but you are unwilling to testify before this Commission.

Mr. LANE. I don't think that an effort to represent a man who is being tried in absentia, after he was killed in the custody of police officers, is the same as asking for permission to conduct an inquisition, with all due respect to you, Mr. Chief Justice.

The CHAIRMAN. Mr. Lane, you have manifested a great interest in Lee Harvey Oswald and his relationship to this entire affair. According to you, Mrs. Markham made a statement that would bear upon the probability of his guilt or innocence in connection with the assassination. Mrs. Markham has definitely contradicted what you have said, and do you not believe that it is in your own interest and in the interests of this country for you to give whatever corroboration you have to this Commission so that we may determine whether you or she is telling the truth?

Mr. LANE. I have given you all the information that I am permitted to give to you and to members of the Commission. I understand from Mr. Rankin that Mrs. Markham denies that she ever talked with me. Is that correct?

The CHAIRMAN. You needn't ask Mr. Rankin any questions. You won't answer the questions of this Commission, and he is not under examination by you at the present time.

Mr. LANE. I have answered questions. I spoke for about 85 pages, without a single question being put to me, because I was anxious to give to this Commission all the information in my possession.

The CHAIRMAN. Yes, but you did not give us all the information. You did not tell us that you had a recording of what Mrs. Markham said to you. Now, we ask you for verification of that conversation, because she has contradicted you. You say that you have a recording, but you refuse to give it to this Commission.

Mr. LANE. I am not in a position to give you that recording. I have made that quite plain. Because of a matter which has arisen in the last 3 or 4 days, which I was made aware of yesterday for the first time, I am not in a position to do that. Hopefully, I will be in a day or two.

The CHAIRMAN. We heard that when you were here in March—hopefully you would be able to tell us who this informant of yours was in Dallas concerning the so-called meeting between Jack Ruby and others in his nightclub. And we have been pursuing you ever since with letters and entreaties to give us that information so that we might verify what you have said, if it is a fact, or disproving it if it is not a fact. Here we pay your expenses from Europe, bring you over here, and without telling us at all that you won't answer that question, you come before the Commission and refuse to testify. Do you consider that cooperation?

Mr. LANE. Mr. Chief Justice, I believe I am the only citizen in this country who has devoted 6 months to securing information at his own expense. You talk about what it cost to go to Europe. I have gone to Europe twice, and I have paid for those trips myself. I have traveled all over this country. I have gone to Dallas five times. I have paid for those trips myself, and I am not in a position financially to do that, but I have done that to give you this information.

The CHAIRMAN. Were you getting evidence over in Europe?

Mr. LANE. No; I was discussing this case, because of the suppression in this country of the facts. I felt it important that somehow the American people be informed about what is taking place, and I found that practically the only way to inform the American people is to speak in Europe.

The CHAIRMAN. Have you charged admission for any of your speaking?

Mr. LANE. Have I charged admission?

The CHAIRMAN. Yes.

Mr. LANE. No; I have not charged admission.

The CHAIRMAN. Do you collect any money in this country at the speeches that you make?

Mr. LANE. Did I, personally, collect any money?

The CHAIRMAN. Did you have money collected?

Mr. LANE. I collected no money.

The CHAIRMAN. Did you have any money collected?

Mr. LANE. I did not.

The CHAIRMAN. Was there money collected at that meeting—at those meetings that you had?

Mr. LANE. I spoke at probably 40 different college campuses throughout the United States.

The CHAIRMAN. Was money collected at those places?

Mr. LANE. To my knowledge, at none of those meetings was money collected. At one or two or perhaps three other meetings, funds have been collected for the purpose of paying the salary of the secretary of this citizens committee of inquiry, and to pay the rent.

The CHAIRMAN. Who got the money?

Mr. LANE. The citizens committee of inquiry.

The CHAIRMAN. Who is the head of that?

Mr. LANE. I am the chairman of that.

The CHAIRMAN. Who else belongs to it?

Mr. LANE. Among others, Jessica Mitford, who is the author who wrote "The American Way of Death," a best-selling book; Sterling Hayden, who is an actor; a number of attorneys, some in California, some in New York; and a number of others. I did not know that I was going to be questioned about the makeup of the citizens committee. Otherwise, I would have brought the entire membership list.

The CHAIRMAN. I didn't intend to ask you, but we are trying to get information about these different things that you considered vital in the assassination of the President. And it is a matter of great concern to the Commission that you are unwilling to tell us about those things that you considered bear upon the guilt or innocence of Lee Harvey Oswald. And it handicaps us greatly in what we are trying to do, because of the things that you do say when you are away from the Commission, and then when you refuse to testify before us as to those very things that you discuss in public.

Mr. LANE. I have not said anything in public, Mr. Chief Justice, that I have not said first before this Commission, or at one time before this Commission.

The CHAIRMAN. But, before your audiences, do you not claim to be telling the truth and to be verifying the things that you tell them, and then when you come here you refuse to give us the verification?

Mr. LANE. When I speak before an audience, I do hold myself out to be telling the truth, just as when I have testified before this Commission I have also told the truth.

Mr. RANKIN. Mr. Lane, you expressed a desire in your telegram to examine the rifle. We have that here for you to see. Let the record show that at this time the Commission is giving Mr. Lane an opportunity to examine the rifle known as Commission Exhibit No. 139.

Mr. LANE. Thank you. May I comment upon the examination?

The CHAIRMAN. Yes; you may; if you saw anything of any significance there, you may state it.

Mr. LANE. Yes. I would like to call to the attention of the Commission the affidavit signed by a police officer, Seymour Weitzman, dated the 23d day of November 1963, the original of which was at one time in the office of the district attorney of Dallas. In that document, Officer Weitzman states he found, along with another person—a deputy sheriff, I believe, or a deputy of some sort—the alleged murder weapon, on the 22d day of November 1963, on the sixth floor of the Book Depository Building.

And in that affidavit Mr. Weitzman—Officer Weitzman—swears that the murder weapon which he found, or the weapon which he found on that floor, was a Mauser 7.65 millimeters. A Mauser, of course, is a German weapon. The rifle which is before the Commission, and which is, I assume, allegedly now the murder weapon, is, of course, not a German Mauser 7.65 millimeters, but is an Italian carbine, 6.5 millimeters.

Although I am personally not a rifle expert, I was able to determine that it

was an Italian carbine because printed indelibly upon it are the words "Made Italy" and "caliber 6.5." I suggest it is very difficult for a police officer to pick up a weapon which has printed upon it clearly in English "Made Italy. Cal 6.5," and then the next day draft an affidavit stating that that was in fact a German Mauser, 7.65 millimeters.

The CHAIRMAN. Very well. Anything further? We will take a short recess, then.

(Brief recess.)

The CHAIRMAN. Gentlemen, the Commission will come to order. There is nothing further at this time. The meeting is adjourned.

(Whereupon, at 3:20 p.m., the President's Commission recessed.)

STATEMENT OF PRESIDENT LYNDON B. JOHNSON

THE WHITE HOUSE,
Washington, July 10, 1964.

The Honorable EARL WARREN,
The Chief Justice of the United States,
Washington, D.C.

MY DEAR MR. CHIEF JUSTICE: I have attempted, in the enclosed statement, to set forth my recollection of the tragic events of November 22, 1963. I am conscious of the limitations of my narrative. I had no opportunity, in the difficult and critical days following the assassination of President Kennedy, to record my impressions. Recollection at this late date is necessarily incomplete.

However, I fully realize the great importance of your task, and I have endeavored, as best I can, to set forth the events and my impressions as they remain in my mind at this time. Although I fear that they will be of little specific use to you, I hope that they may be of some interest.

I hope that you and the members of your Commission, as well as the devoted members of the staff who have worked so long and diligently on this undertaking, will accept my thanks and good wishes.

Sincerely,

LYNDON B. JOHNSON.

[Enclosure.]

[Statement of the President, Lyndon Baines Johnson, concerning the events of November 22, 1963]

Friday morning, November 22, began with a reception in the Longhorn Room of the Hotel Texas, Fort Worth. President and Mrs. Kennedy and Mrs. Johnson and I had spent the night in that hotel. Then, President Kennedy and I went to a parking lot across from the hotel where a speaker's stand had been set up and we addressed a crowd that was gathered there. We then returned to the hotel and had breakfast.

After that, at about 10:30 a.m., we motored to the Fort Worth airfield. Mrs. Johnson and I then went aboard *Air Force II* for the trip to Dallas.

We arrived at Love Field in Dallas, as I remember, just shortly after 11:30 a.m. Agents Youngblood and Johns and two other agents were with us.

We disembarked from the plane promptly after it came to a stop at Love Field. We were met by a committee of local officials and citizens. After greeting them, Mrs. Johnson and I, together with the special agents, walked over to the area where President and Mrs. Kennedy would disembark. We were followed by the reception committee.

President Kennedy's plane arrived about 5 or 10 minutes after *Air Force II*. The President and Mrs. Kennedy disembarked and they greeted us and the people in the reception committee.

Then the President and Mrs. Kennedy walked along the fence, shaking hands