

RADIO TV REPORTS, INC.

41 EAST 42ND STREET, W YORK, N. Y. 10017. 687-5100

FOR PUBLIC AFFAIRS STAFF

PROGRAM Today Show

STATION

WNBC-TV & the  
NBC-TV Network

DATE

August 23, 1966 - 7:00 A.M.

CITY

New York

INTERVIEW AUTHOR OF BOOK 'RUSH TO JUDGMENT'

HUGH DOWNS: "Almost two years ago, on September 27th, 1964, the report of the President's Commission on the assassination of President Kennedy was published 10 months after the assassination. And the findings of the commission confirmed to the satisfaction of most American citizens, what most Americans had already decided, that Lee Harvey Oswald alone had shot and killed the President, that Lee Harvey Oswald alone had murdered Officer J. D. Tippett, and that Jack Ruby, alone, although witnessed by millions on television, which was unique in the history of murder, had murdered Lee Harvey Oswald.

EX-113 REC-43

"Well, the Commission found no suggestion of any conspiracy in linking these three murders. The Warren Commission Report, published in a seemingly exhaustive 680 page report, was later NOT RECORDED, put out in 26 volumes, was accepted by most of its severest critics as giving more than substantial support to its principle findings. 7 1966

"Well, this survey there have been several books appearing two years after the report, that take harsh issue with both the evidence and the conclusions of the Report. And this morning we want to examine what is, perhaps, the most detailed assault yet on the Commission's findings.

"The book is called 'Rush To Judgment.' It's written by a man named Mark Lane, you're going to hear a little later on the program. He was retained by Lee Harvey Oswald's mother as an attorney for the defense, for her deceased son's interest before the Commission. And later in the hour, Mr. Lane and a member of the Warren Commission legal council will discuss this critique of the Commission. For the rest of this half hour, we want to present some of the more disturbing issues that are raised by the book.

dent Kennedy?"

**JACK LESCOULIE:** "On November 22, 1963, the Presidential motorcade made a sharp left turn into this street, past the Dallas Criminal Building, and then, left, down Elm Street. Now, according to the Warren Commission Report, the bullet that killed President Kennedy or the bullets that killed him, were fired from the sixth floor window of this building right here. It is the Texas School Book Depository. The shots were fired in this direction as the motorcade was passing up Elm Street, striking the President from behind.

"Now, of the 90 witnesses to the assassination interviewed by the police, the FBI and the Secret Service, who were asked the question, where did the shots come from? Fifty-eight said that they came from this grassy knoll, near the railroad overpass. This is the overpass right here, and not from the School Book Depository, here. In the Warren Commission Report, you will find this conclusion. In contrast to the testimony of the witnesses who heard and observed shots fired from the Depository, the Commission's investigation has disclosed no creditable evidence that any shots were fired from anywhere else. Now, in direct contradiction of the Warren Commission's conclusions on this matter, witnesses on film, told author Mark Lane, of 'Rush To Judgment,' where they thought the shots came from. S. M. Holland, an employee of the Union Terminal Company witnessed the assassination from the railroad overpass."

**REPORTER:** "Did you look in any particular direction when you heard the shots?"

**HOLLAND:** "Yes, I looked over to where I thought the shot came from, and I saw a puff of smoke still lingering underneath the trees in front of the wooden fence. The report sounded like it came from behind the wooden fence."

**REPORTER:** "At the time the shots were fired, did you see any police officers move in any particular direction?"

**HOLLAND:** "Well, about the time that shot was fired, a Secret Service man in the President's car stood up with his sub-machine gun pointed at that exact spot."

**REPORTER:** "At the wooden fence?"

**HOLLAND:** "At the wooden fence."

**REPORTER:** "You were a witness who had a good view of that scene as anyone in Dealy (?) Plaza. Where do you think the shots came from?"

HOLLAND: "Well, I know where that third shot came from."

REPORTER: "Where did that shot come from?"

HOLLAND: "From behind the picket fence, close to the little plaza."

REPORTER: "Is there any doubt in your mind that that shot came from behind...?"

HOLLAND: "There's no doubt in my mind. There's no doubt whatsoever in my mind, and the statement that I made in the sheriff's office immediately after the shooting, and the statement that I made to the Warren Commission. And I made it very plain, there was no doubt in my mind but what there was definitely a shot fired from behind that picket fence."

LESCOULIE: "Richard C. ~~Dodd~~ was also at the overpass."

REPORTER: "Anything which might indicate to you where the shots came from?"

DODD: "Well, we all three seen -- four seen about the same thing, and the shot -- the smoke came from behind the hedge on the north side of the plaza, and a motorcycle policeman dropped his motorcycle in the street, with his gun in his hand, and ran up the embankment to the hedge. And then, I went north to look around the corner to see if there was anyone behind the hedge, and met a special agent of the Cady Railroad and he went down there and I walked along with him to see if there were any tracks there, which there were tracks and cigarette butts. The land where someone had been standing on a bumper."

LESCOULIE: "Another railroad employee, Mr. James L. ~~Simmons~~."

SIMPSON: "The Presidential limousine was rounding the curve on Elm Street, there was a loud explosion. At the time I didn't know what it was, but it sounded like a loud firecracker or a gun shot. And it sounded like it came from the left, and in front of us towards the wooden fence. And there was a puff of smoke, that came underneath the trees on the embankment."

DOANS: "Three witnesses in direct contradiction to the Warren Commission's findings. We're going to continue a little later on with Mark Lane's brief for the defense, but we'll go away briefly, ourselves, but we'll be back in two minutes and 10 seconds."

DOMIS: "We want to continue now with some of the evidence supplied by Mark Lane, in his critique of the findings of the Warren Commission, inquiring into the murders of President John F. Kennedy, Officer J. D. Tippett, and Lee Harvey Oswald, a book that Mr. Lane willingly concedes is a brief for the defense on Lee Harvey Oswald."

BARBARA WALTERS: "James Arkins, an Associated Press photographer, was 30 feet away from the presidential limousine, when he snapped this picture, and as he did so, he heard a shot. This picture, now famous, shows a man standing in the doorway, looking remarkably like Lee Harvey Oswald. If it was Oswald, then he could not possibly have fired a gun from the sixth floor window at the same time."

"The man in the doorway was later identified to the satisfaction of the Warren Commission, as Billie Nolan Lovelady. In his book, Mark Lane reported that no one was permitted to photograph Lovelady, including photographers from major newspapers. Lane managed to send two investigators to Dallas, and they took this picture of Lovelady. And this is how Lee Harvey Oswald was dressed after his capture on November 22, 1963. Oswald was dressed remarkably like the man in the doorway, later identified as Billie Lovelady, who testified he was wearing a red and white striped shirt at that time, and that it was buttoned from the neck. The man in the doorway does have a hairline that seems to resemble Lovelady's. The hairlines are similar, but the angle of the picture, and the light, could make a difference."

DOMIS: "Now, Phillip Willis, who's a retired Air Force major, took a series of 12 pictures, just before and after the assassination. And this is picture number eight, that I have up here. It was taken minutes after the assassination, when asked about the picture by the FBI, Willis was under the impression that the FBI thought the man over on the far right, see a man in the picture, right there, there's his face, was Jack Ruby, standing close to where the assassination took place. Well, the Commission Report said that there was no evidence that Ruby was anywhere near the plaza at the time of the assassination. And when the Commission published the picture taken by Willis, the man who looked like Jack Ruby was cropped out of the picture. Let me show you how that worked because you see the edge of the picture here includes Ruby, but the edge of this picture has that cut off. See how that would be?"

LESCOUILLIE: "More pictures in just a moment. Right now it's time for a station break."

\* \* \* \*

HUGH DOHNS: "The name of this book is, 'Rush To Judgment, and I think it's reasonably safe to say that you will be hearing a lot more about it in time to come. It's sub title is 'A Critique of the Warren Commission's Inquiry into the Murders of John F. Kennedy, officer J. D. Tippot and Lee Harvey Oswald,' and its author is an attorney named Mark Lane.

"He was retained by Marguerite Oswald, who is the mother of Lee Harvey Oswald, as lawyer for her deceased son before the Warren Commission. Mr. Lane has been lecturing on this subject for the past two years and sometimes an object of derision as he's travelled around America charging that the Warren Commission had botched their job.

"In, 'Rush To Judgment,' he summarizes his findings, and if they are accepted they are very damaging indeed. Retracing the events of one of the profoundest tragedies of American History, Mr. Lane attacks the Warren Commission Report on hundreds of details, and he concludes that instead of determining the truth of that terrible weekend in Dallas, the Commission started with a conclusion and then accepted only those premises which supported that conclusion. Now those are very grave charges indeed.

"We've invited Mr. Lane to our studio this morning to discuss what he wishes to be accepted as a lawyer, as a lawyer's brief for Lee Harvey Oswald's defense. We've also invited a high ranking member of the legal council for the Warren Commission, Attorney Albert Jenner, to discuss some of the charges made in Mr. Lane's book.

"Gentlemen, I think you're aware that we could take any one facet of this and spend five hours on it and lot's not. What we'd like to do is cover as much ground as possible, so be as concise as you can be.

"Let's start with an examination of what Mr. Lane calls the magic bullet. Could you tell us how you differ from the Commission on this point, Mr. Lane? And then I want to hear from Mr. Jenner."

LANE: "Yes. The Commission was compelled to conclude if Oswald was to be the lone assassin, that one bullet struck the President in the back of the neck, exited through the front of the throat, struck Governor Connolly's back, went through his chest, shattered his fifth rib, shattered his right wrist, and then struck his left thigh and then rolled out somehow on a stretcher and was recovered by Darryl Tomlinson, an engineer at the Parkland Hospital. One of -- and this is, indeed, the only real link between Oswald's alleged rifle and the assassination: that bullet, Commission exhibit 399..."

DOHNS: "That did come from that rifle? And that's admitted..."

LANE: "Yes, I think there's no question, that is so. There are several problems with the bullet, however, that is, everytime the reports try to duplicate a portion of the foot, fracture of the wrist, of the body, break rib, etc., the bullet would smash and deform in some way. However, Commission Exhibit 399 is almost a pristine bullet, missing less than three grains of metal, in fact, more than three grains of metal were found in Governor Connolly's wrist.

"And the most inconvenient fact of all for the Commission is that after that bullet was discovered by Mr. Tomlinson, Dr. Shaw, the physician for Governor Connolly, emerged from the operating room of the Parkland Hospital to state, and we have the video tapes of his making this statement, that the bullet which injured Governor Connolly is still in his thigh, we have not yet removed it. The Commission would like us to believe, nevertheless, that a bullet recovered two hours before that is the bullet which did the damage to the Governor."

DOMBS: "Now, Mr. Jenner -- first of all, are you satisfied with the Commission's findings on that particular bullet, and what would you have to say about that?"

JENNER: "Well, I'm satisfied about the Commission's findings on everything. My particular portion of the work of the Commission was three divisions: conspiracy, motive and the life and background of Oswald with some diversions into other areas.

"The portion of the report dealing with the bullet, as I recall, was under the supervision and the senior counsel there was Mr. I believe Joe Boyle, I'm not certain -- one of the senior counsel in any event. That didn't happen to be within my area. However, what the Commission did, as it did throughout the report, was to report all the possible facts that could be assembled and were assembled. Whether those facts as in this inquest of presenting everything to America -- all that was pro and that was con.

"Mr. Lane, as he has claimed from the outset when he first appeared as alleged counsel for Mr. Oswald, which of course was impossible for him to be -- counsel for Mr. Oswald, because Mr. Oswald was dead and his widow, Marina, was the only one who could select counsel for him; if he was defense counsel, has always made and advanced these claims largely through newspaper reports as will appear from Mr. Lane's testimony, which was set forth in full in the publication volumes.

"The Commission advances only as a possibility that one bullet closely entered the President's neck in the rear, came out about where the knot of my tie is and -- as one theory -- that it then passed into Governor Connolly's thigh."

- off-hand statement made in excitement by one of the physicians which subsequently proved to be, when he was more able to review the facts, to be inaccurate."

DOHNS: "Then he was mistaken at the time?"

JENNER: "The Commission fully reports his statement."

LANE: "The physician never said he was mistaken, Mr. Downs. He was never asked about that statement. The fact is, that the Federal Bureau of Investigation seized all of the original video tape and has never -- the Commission and the Government have never published a transcript of that. We went to Dallas to purchase those video tapes, but they were all gone. But one of the local stations in New York had one that was not seized, that's how we happened to get it."

DOHNS: "I can see your point about secrecy could make a confusion, but secrecy is not proof of conspiracy. One of the things that I find very difficult to understand in the book and in the findings is the direction of the bullet."

"Now, since we're on the subject of the shots themselves, it seems inconceivable that there could be confusion with that much investigation about the direction from which the shots were fired. Were the people investigating satisfied that the angle of incidence of the bullet both with regard to the President's body and Governor Connolly?"

JENNER: "Yes."

DOHNS: "Does it not seem unlikely that the bullets could have come from an angle so widely different as the wooden fence. How do you account for the fact? You appear to believe, Mr. Lane, that the bullet did come from a different direction than the..."

LANE: "Two thirds of the witnesses in Dooly Plaza (?) said the shots came from behind the wooden fence. Seven persons on the railroad overpass said they looked at the fence when the shots were fired, and they saw puffs of white smoke. One railroad tower man, who was in a tower behind the fence, said when the shots were fired, his attention was attracted to the fence because there were two men behind the fence, and he saw puffs of smoke."

"Charles ~~Cylin~~, the closest spectator to the President when the shots were fired, said he saw the effect of the bullet upon the President's head: it drove a portion of the President's skull over the rear of the car and to the left into the street, and

Deputy Constable Seymour Weisman in fact testified that that is where he found that portion of the skull which he then gave to the Secret Service."

DOMS: "Does that accord with the eight millimeter motion pictures?"

LANE: "Yes, and the film taken by Mr. Secuta which is in the national archives shows quite conclusively a portion of the President's head flying over to the rear and to the left, and although Mrs. Kennedy, who was trying to go onto the rear of the car -- whom she testified, said she blacked out and does not recall what she did at that time.

"If one examines the film, one can see that as a portion of the bond was driven back over the rear of the car, Mrs. Kennedy in fact reaches -- probably instinctively -- to bring the President back together again.

"Take this, together with the statement of the doctor at the Portland Hospital on November 22nd that the wound in the President's throat was an entrance wound -- was inflicted from the front and from above -- and the picture showing the President was, in fact, looking almost directly at the wooden fence: and all of this evidence is dismissed by the Commission in a cavalier fashion, quote, 'no credible evidence suggests that the shots came from anywhere other than the Book Depository Building.'"

DOMS: "How do you account..."

JANER: "Mr. Doms, I'm pleased to respond to this because Mr. Lano has now misstated here again and misrepresented the evidence and anticipating this possibility, I looked at the report, not only the report, but looked at the evidence last night and here is the conclusive evidence as to why the Commission reached the conclusion that there was no credible evidence that the shots came from the overpass area to which Mr. Lano has been referring. Now, Howard L. Brown, who was sitting on the concrete retaining wall which is up near the Texas School Book Depository Building there at the corner of Houston -- over there..."

DOMS: "Over here? Oh, I see."

JANER: "Right there. The concrete retaining wall was 107 feet away from the entrance of the TSB Building and 120 feet from the sixth floor window which is the window at the southeast corner right under the roof of the building. His location at that point appears in the Secuta film to which Mr. Lano has made reference. He testified that seven minutes before the motorcade turned down Main Street over on Houston and down Main, that he saw a man at the upper window, the sixth floor..."



motorcade turned the corner and came down Elm Street which is the diagonal street there, he saw a man standing and aiming a rifle. He saw him fire a shot. He quickly reported that to an officer who was nearby and that officer has confirmed that Mr. Brown confirmed it.

"The next witness was Amos ~~V~~irino, a young man 15 years of age, who was facing the depository building and he heard the shots. He glanced up immediately and he saw the man at the sixth floor window."

DOMBS: "His testimony checks then with..."

JENNER: "Yes, it does and he saw him shoot twice. He reported immediately to Officer Harness who then in turn reported at 12:36, and he also reported to a TV reporter who was in the vicinity."

"Now, the next man is Robert H. ~~J~~ackson, a staff photographer for the Dallas Times Herald. He was in a press car travelling down Houston Street, which would be facing the TSD Building. And he heard shots. He noticed two ~~R~~epress on the fifth floor, two gentlemen on the fifth floor underneath the window in which the figure identified by Brown and the other young man appeared. He noticed that they were looking up to the window right above and he looked up to that area and he saw a rifle being drawn back. Now this is Jackson, a TV photographer."

"In the press car with him were James Underwood, also a TV man for KRLD, Thomas Dillard, the chief photographer for the Dallas Morning News who took two pictures immediately of the face of the TSD Building in the area to which Jackson had called attention. Also, in the car were Malcolm Couch and James Darnell. Couch testified that he saw the rifle in the window then Underwood called their attention to the fact that he saw someone in that window firing the rifle."

"Darnell, a TV newsreel man confirms that Jackson immediately exclaimed -- Jackson and Underwood immediately exclaimed and said there was a man shooting from that window."

"The Mayor of the town and Mrs. -- the wife of the Mayor were in an automobile behind the Vice President. She jerked her head up when she heard the sound and she saw a long projection being drawn back from that particular window."

"Now there were others of that character who facing the building and in that area..."

JANE: "I wonder if I could interrupt for just..."

DOHNS: "Well, let me hear what..."

JENNER: "There were naturally people who did appear and testify, we brought them before the Commission or we took their depositions in Dallas, who were in the area including the man in the tower that Mr. -- to which Mr. Leno has referred, and they testified practically consistently that the sound of the shots to them and they were on this overpass or in the tower area there, came from the direction of the TSEB Building. One or two people did say that they thought the sound came from the vicinity of the overpass."

DOHNS: "Could that be due to some echoing perhaps or..."

JENNER: "Some echoing or reverberations, they were uncertain. The policeman who was guarding the overpass, another policeman who was standing over Elm Street, they immediately identified the sounds as coming from the TSEB Building."

DOHNS: "Mr. Jenner, as I said, on those points, we could cover an awful lot of ground if we had the time. In the time remaining, I would like to ask both of you this.

"First, Mr. Leno, you imply very strongly that it was a conspiracy. May I ask you, if so, who were the conspirators and what possible motive would there be for a body like the Warren Commission to suppress evidence of the conspiracy?"

JENNER: "You're really calling for speculation on my part and that's an area in which as far as I'm concerned has been pre-empted by the Warren Commission. I prefer to deal merely with the facts. And the fact is, that although Mr. Jenner tries to make the testimony sound compatible, Mr. Urino to whom he referred, he glanced up and said the man in the window who he saw was a Negro. One of the persons said he saw two people in the window. One of the witnesses to whom Mr. Jenner has referred said that he saw a flash of light when a rifle was discharged but the Federal Bureau of Investigation tested the alleged assassination weapon and said that no light is ever visible when that weapon is fired.

"And what Mr. Jenner overlooks and in a mistake, I'm afraid, is not that one or two witnesses thought that the shots came from behind the wooden fence, two thirds of the witnesses who made statements said that the shots came from the wooden fence foot Depository Building. And the most significant figure of all I think, is what the witnesses said at the scene that day and the next day. Of the 25 persons who gave statements to the Dallas Police, the FBI or the Secret Service during the first two days, 22 said the shots came from behind the wooden fence and not from the Book Depository Building. Nevertheless, it is my view that

there is some evidence which indicates that shots may have been fired from the Book Depository Building, but that is not to say that no shots were fired from behind the wooden fence. Shots were fired from both places."

DOMIS: "You're saying there could have been shots from more than one angle."

LANE: "Yes, I think it's almost certain when one examines the medical testimony and the statements from the eye witnesses that some shots indeed did come from the front of the limosine."

DOMIS: "Most of the reviewers of your book even in praising it, tend to -- in my interpretation -- to go along with the Commission findings and see you as slightly over suspicious. How do you account for that?"

LANE: "The Establishment accepted the Warren Commission report because it wanted to, the man was dead. The President was dead and then the one man who was charged by the Dallas police within 15 minutes before there was any evidence whatsoever pointing toward Oswald -- the Dallas police radio sent out Oswald's description. To this day the Dallas police are unable to give us a reason why they did. Oswald was then dead two days later and it is very comfortable to believe that Oswald did it, and did it alone, and it's very disconcerting to think that the assassins of President Kennedy might still be at large."

DOMIS: "For those of you who want to pursue it, you do have the benefit of having in print the condensation of the Warren Commission Report and the book by Mark Lane called 'Rush to Judgment.' There's an awful lot in here. I said five hours, we could take 30 hours, I suppose, to talk about it. But my thanks to Mr. Jenner for being here with us this morning and to Mark Lane, author of 'Rush to Judgment.' The time goes quickly, gentlemen. Again, thank you."

JENNER: "I want to say Mr. Downs that in reading the book, that the readers should read the report and the testimony volumes for a complete disavowal of what Mr. Lane says and his failure in the book as he does to you to answer the questions that you put to him."