

Downs 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 his neck, exited from the throat, struck Governor Connally's back, went through his chest, shattered his fifth rib, shattered his right wrist, then struck his left thigh, and then rolled out somehow on a stretcher and was recovered by Darrell Tomlinson, an engineer at the Parkland Hospital. And this is indeed the only real link between Oswald's alleged rifle and the assassination, that bullet, Commission Exhibit 399...There are several problems with the bullet, however; that is, every time the experts tried to duplicate a portion of the feat--a fracture to the wrist of the body...etc., the bullet was smashed or deformed in some way. However, Commission Exhibit 399 is almost a pristine bullet. It's missing less than 3 grains of metal. In fact, more than 3 grains of metal were found in Governor Connally's wrist. And the most inconvenient fact of all for the Commission is that after that bullet was discovered by Mr. Tomlinson, Dr. Shaw--Robert Shaw, the physician for Governor Connally--emerged from the operating room at the Parkland Hospital to state--and we have the video tapes of his making this statement--that the bullet which injured Governor Connally "is still in his thigh. We have not yet removed it." The Commission would like us to believe, however, that a bullet recovered two hours before that is the bullet which did the damage to the Governor.

Downs Mr. Jenner, are you satisfied with the Commission's findings on that particular bullet, and what would you have to say about it?

Jenner Well, I'm satisfied with the Commission's findings on everything. My particular portion on the Warren 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, uh, Mr., uh, I believe, Joe Ball, 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, presenting everything to America, all that was pro and 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 since he was dead and his widow, Marina, was the only one who could select counsel for him, if he was to have counsel.

He has always made these claims, largely from newspaper reports, as set forth in Mr. Lane's testimony, which is given in full in the publication volumes. The Commission advances only as a possibility that one bullet clearly entered the President's neck in the rear, came out in, about where the knot in my tie is, and, as one theory, that it then passed into Governor Connally's body. Mr. Lane is referring to an offhand statement made in the excitement by one of the physicians, which subsequently proved to be, when he was more able to give the facts, to be inaccurate.

Downs ...he was mistaken at the time?

Jenner The Commission fully reports it.

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 tapes, and the Commission and the Government have never published a transcript. We went to Dallas to purchase these video tapes but they were all gone there. One of the local stations in New York had one that was not seized, that's how we got it.

Downs I can see your point, that secrecy might make for 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 bullets. Now since we are on the subject of the shots themselves, it seems inconceivable that there could be confusion, after that much investigation, about the direction from which 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 with regard to Governor Connally—does it not seem unlikely that the bullet could have come from an angle so widely different as the wooden fence? You appear to believe, Mr. Lane, that the bullets did come from a different direction.

Lane Two-thirds of the witnesses in Dealey Plaza said that the shots came from behind the wooden fence; 7 persons on the overpass said that they looked at the fence when the shots were fired and they saw puffs of white smoke. One railroad tower man who was in the tower behind the fence said that 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 Brehm, 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 skull over the door of the car to the left and into the street; and Deputy Constable Seymour Weitzman in fact testified that that is where he found that portion of the skull, which he then gave to the Secret Service.

Downs Does that conform with...the motion picture?

Lane Yes; and the film, taken by Abraham Zapruder--which is in the National Archives --shows quite conclusively a portion of the President's head flying over to the rear and left...If one examines the film one can see that as a portion of the head is 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 statements of the doctors at Parkland Hospital on November the 22nd that the wound in the President's throat was an entrance wound that was inflicted from the front and from above, and the pictures taken showing that 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.

Jenner Mr. Downs, I'm pleased to respond to this, because Mr. Lane has now misstated here again and misrepresented the evidence. 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 to the overpass or the area to which Mr. Lane's been referring--Howard L. Brennan, who was sitting on the concrete retaining wall, which is up near the...Depository building...120 feet from the sixth floor window ...south east corner...right under the roof of the building. His location at that point appears in the Zapruder film, to which Mr. Lane has made reference. He testified that several minutes before the motorcade came down Main Street, turned on Houston, and down Elm, that he saw a man at the window...When the motorcade turned the corner and came down Elm Street...that he saw the man standing and aiming the rifle, he saw him fire a shot, he quickly reported that to an officer who was nearby, and that officer has confirmed the fact that Mr. Brennan confirmed it.

The next witness was Amos Euino, a young man 15 years of age who was facing the Depository and he heard the shots, he glanced up immediately and he saw the man at the sixth floor window.

Downs His testimony checks, then, with, ah--

Jenner Yes; and he saw him shoot twice. He reported immediately to officer Harkness 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. Jackson, a staff photographer for the Dallas Times-Herald. He was in a press car riding down Houston Street, which would be facing the TSBD building. He heard shots and he noticed two Negroes on the fifth floor, two gentlemen, on the fifth floor underneath the window in which the figure identified by Brennan and the other young man appeared. He noticed that they were looking up to the window right above them. 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, Tom Dillard, the chief photographer for the Dallas Morning News, he took two pictures immediately of the face of the TSBD building and 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 when 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 and said there was a man shooting from that window.

The Mayor of the town and 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 the long projection being drawn back from that particular window.

Now, there were others of that character, who, facing the building and in that area, now--

Lane (inaudible question about whether the other people testified)

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 to which Mr. Lane 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 TSBD building. One or two people did say that they thought the sound came from the vicinity of the overpass.

Downs Could that be due to echoing, perhaps--

Jenner Some (inaudible) reverberations; they were uncertain. The policeman who was standing on the overpass, another policeman who was standing on the street, they immediately identified the shots as coming from the TSBD building.

Downs Mr. Jenner, as I said, 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 for this--first Mr. Lane: You imply very strongly there was a conspiracy. If so, may I ask you--who were the conspirators, and what possible motive would there be for a body like the Warren Commission to suppress evidence of a conspiracy?

Lane You are really calling for a speculation on my part, and that's an area that, so far as I am concerned, has been preempted by the Warren Commission. I prefer to deal with the facts. And the fact is that although Mr. Jenner tries to make the testimony sound compatible--Mr. Euins, to whom he referred, who glanced up, said that the man in the window whom 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 the rifle was discharged, but the FBI tested that weapon and said that no light is ever visible when that rifle is fired.

And what Mr. Jenner overlooks—or he's mistaken, 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 they thought the shots came from behind the wooden fence and not from the 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, in 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 that shots may have been fired from the Depository building, but that is not to say that no shots were fired behind the wooden fence. If shots were fired from both places—

Downs You're saying they could have been fired from more than one angle?

Lane Yes; I think it's almost certain, when one examines the medical testimony, and the eyewitnesses, that some shots indeed did come from the front of the limousine.

Downs Most of the reviewers of your book, even when praising it, tend to, uh, to, uh, my interpretation, to go along with the Commission findings, and to regard 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 towards Oswald—the Dallas police radio sent out Oswald's description—to this day the Dallas police are unable to give us the reason they did—Oswald was then dead two days later, and it is very comfortable to think that Oswald did it, and did it alone. It is very disconcerting to think that the assassins of President Kennedy may still be at large.

Downs ...My thanks to Mr. Jenner for being here 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, the reader should read the Report and the testimony volumes for a complete disproof 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.

Downs Thank you.

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