

18 - WNYC-TV, New York City, 12/13/66

going to start the Commission all over again, if you were really going to start from scratch, what would you do differently in a new investigation?"¹² Jenner answered, "You know, I can't think of a single thing I can do. I had a responsibility for three major segments of this investigation, and I had a fine staff of very able lawyers. I had available to me any FBI agent in the entire United States, the CIA, the intelligence services of the Army, Air Corps, Marines, and the Navy, and I used them, the State Department, the Secret Service, the Immigration and Naturalization Service—any request we made, never did we have a single demurrer."¹³

During that program, Jenner made a number of statements about the evidence that are without foundation.¹⁴ When opposed by a critic or questioned by a knowledgeable interviewer, the Commission lawyers generally remained fairly close to the evidence, sometimes revealing valuable and previously undisclosed information. On their own, however, they tended merely to present a digest of the Commission's conclusions and when pressed to defend some particularly untoward conduct might even invent a detail or two. Jenner's interview two days before Christmas 1966 provides a good example.¹⁵ The three reporters who asked the questions were in an expansive mood, possibly due to the holiday spirit.¹⁶ The station was WNYC, the station of the City of New York, which placed it within the jurisdiction of the attorney for the City of New York, J. Lee Rankin, former general counsel to the Warren Commission, who in that capacity had served as Jenner's superior counsel.¹⁷

A reporter asked Jenner to discuss the autopsy photographs and X-rays, and Jenner said, "They were never—I'll put it this way: some members of the Commission saw both the film and the colored pictures, and the X-rays. We did not, as staff members, introduce those before the Commission at any formal hearing. We of the staff saw them ourselves."¹⁸ Jenner's allegations about the photographs and X-rays appear to be untrue. Other Commission lawyers have said that neither the attorneys nor the Commission members ever saw the documents, and the three Commission members to comment upon the question have made it quite clear that the Commissioners did not see those exhibits.¹⁹ John J. McCloy said that his only regret as a former member of the Commission is that the Commission did not look at the photographs and X-rays.²⁰ During a subsequent television broadcast, I confronted Jenner with the contradiction and asked him if he had in fact

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ever seen the photographs and X-rays. He said: that he refused to answer the question.²¹

Jenner began to summarize the proof that all the shots had originated from a sixth-floor window of the Texas School Book Depository.²² A motorcycle officer heard the shots and raced to the building, Jenner said.²³

And the policeman took him by the arm and they rushed into that building to go where? The policeman wanted to get up to the sixth floor, to that corner, where he had—had reached the conclusion, as a trained man, that these shots, at least, had come from that window. Oswald, as we subsequently find, had jimmied the elevator door on the sixth floor by sticking a stick in it to hold it back so as to disengage the electrical impulses, and that held the elevator up there on the sixth floor. Roy Truly and the policeman with his gun drawn rushed up, they were going to go all, right up those six floors, and they reached the second floor, who was the first man this policeman saw, was Oswald with a bottle of Coke. And he rushed over to him with his pistol. And held him. Roy Truly said that's one of our men, Mr. Oswald, there's nothing wrong with him. But these men, intent on getting to the sixth floor, where they thought the person—whatever he was—who had discharged this rifle.²⁴

Just a few minutes earlier, in an effort to discount the testimony of witnesses who thought the shots originated at the knoll, Jenner had said that due to "reverberations from a rifle shot" it was "very difficult to determine the place from which it comes."²⁵ In any event, Truly did not believe that the shots came from the building.²⁶ He testified, "I thought the shots came from the vicinity of the railroad or the WPA project [the pergola on top of the knoll]."²⁷ He said that he thought the officer, Marston D. Baker, wanted to enter the building so that he might go to the roof and overlook the area behind the knoll—the railroad yards.²⁸ In fact, Truly and the officer did rush to the roof and, according to Truly, "the officer looked down over the boxcars and the railroad tracks."²⁹ There is nothing in the officer's testimony to indicate that this "trained man" thought that any shots "had come from that

* Immediately following that broadcast a young lady unknown to me but said by some members of the studio audience to be Jenner's daughter rushed to him and asked him if he had ever seen the photographs and X-rays. Jenner urged her to be quiet, but she repeated the question. Jenner replied that he had not seen them but that he did not wish to discuss it then and there. The young lady then asked him why he had said that he had seen them. Jenner's answer was not audible.