

Mr. Joseph A. Baker January 25, 1964
Mr. David W. Bell

First Report on Work to Date and Request
for Additional Investigation in Area II:
The Determination of Who Was The Assassin
of President Kennedy



OUTLINE OF BALL - BELIN REPORT #1

February 25, 1964

TO: Mr. J. Lee Rankin
General Counsel

FROM: Mr. Joseph A. Ball
Mr. David W. Belin

SUBJECT: First Report on Work to Date and Request for Additional
Investigation in Area II: The Determination of Who Was
The Assassin of President Kennedy.

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pg re radio log
call in.

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*note communication
Walker re
Boring - takes only
second -
I'm not secured*

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SUBJECT: First Report on Work to Date and Request for Additional Investigation in Area II: The Determination of Who Was The Assassin of President Kennedy

INTRODUCTION

The framework for this report is the tentative memorandum submitted by Messrs. Ball and Belin on January 23, 1964. As will be noted, we request permission to proceed immediately to take evidence and to request written reports on basic data from the various crime laboratories. Our report contains a summary of tentative conclusions reached on the basis of the thousands of pages of material examined thus far, but these conclusions are subject to change depending upon the results of further materials examined, the taking of evidence, and additional information received from crime laboratory reports.

We should also point out that the tentative memorandum of January 23 substantially differs from the original outline of our work in this area which had as its subject, "Lee Harvey Oswald as the Assassin of President Kennedy," and which examined the evidence from that standpoint. At no time have we assumed that Lee Harvey Oswald

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was the assassin of President Kennedy. Rather, our entire study has been based on an independent examination of all of the evidence in an effort to determine who was the assassin of President Kennedy.

A primary purpose of this report is its adaptability for our own use in making further investigation. We have not attempted to make an exhaustive analysis of the interviews with the various persons involved. Rather, we have tried to pinpoint the most important facts and problems which appear from the data which has been examined thus far.

Throughout this report there will be requests for additional investigations and reports. At the outset, however, we state that we believe that we know what information should be obtained from various eyewitnesses in Dallas. As a convenience to the Commission, we suggest that power to subpoena and administer oaths be extended to staff members for the purposes outlined in this report and that certain staff members proceed to Dallas and personally interview the witnesses on the scene. The testimony of each witness should be taken before



a shorthand reporter by question and answer method. If necessary, the integrity of the witness may be tested by cross-examination or impeachment. Only a few of these witnesses present evidence so vital as to require confrontation before the Commission, and those relatively few persons can be brought to Washington to testify. Even here, however, we believe it would be helpful for staff members to interview these persons at the scene not only to save time once these persons are brought to Washington, but also to test the credibility of these witnesses.

Most of the evidence discussed in this memorandum is summarized from the various statements, interviews and affidavits made by the respective witnesses. At the end of this memorandum we will specify which witnesses should be examined by the Commission staff in Dallas. Some of these witnesses should also be brought before the Commission to testify in Washington. In some cases we may not be able to determine which persons should be brought to Washington until after they have been interviewed in Dallas where the events took place.

A. THE PLACE FROM WHERE THE SHOTS WERE FIRED

The direct evidence will establish with certainty that a rifle was fired from the sixth floor of the Texas State Book Depository Building in the direction of the President's car after it passed the front entrance of the building. The evidence also shows that the rifle was fired three times. These facts will be established by the following evidence:

1. Eyewitnesses to shooting

a. Howard Leslie Brennan. Brennan is an eyewitness to the shooting who was interviewed three times by the FBI and also

signed an affidavit for the Dallas Police Department. Witness Brennan should be interviewed by the Commission's staff in Dallas and then brought to Washington to testify.

His FBI interviews were on November 22, December 17, and January 7, and his Dallas Police Department affidavit was on November 22. (Commission Document citations for the affidavit are #81b, p. 13 and for the three FBI interviews are: #1 - Commission Document #5, p. 12-14; #2 - Commission Document #205, p. 15-16; #3 - Commission Document #329, p. 7-9.)

Witness Brennan is a steam fitter employed by Wallace & Beard Construction Company and was engaged in doing prefabrication work at a location near the rear of the Texas State Book Depository Building (hereinafter referred to as TSBD building). From the three interviews in the affidavit, the following is composite summary of his testimony:

Brennan stopped work at noon on November 22 and ate lunch alone at a cafeteria at the northeast corner at Main and Record Streets. After finishing lunch he walked back to the front of the TSBD building and at about 12:18 p.m. he sat on a retaining wall directly across from the TSBD building on Elm Street, near the intersection of Houston and near the red light pole. He faced in a northerly direction and could see the TSBD building. The retaining wall was approximately four feet high and was on the south side of Elm Street, about 20 feet west of the southwest corner of the intersection Elm and Houston and about five feet from the curb. (There is some discrepancy about the exact time when he seated



himself on the retaining wall - either at 12:18 p.m., or some three to five minutes after he left the cafeteria at 12:18 p.m. In any event, he says he was seated on the retaining wall about 10 minutes before the motorcade passed by.)

While Brennan was sitting on the retaining wall, he looked up at the TSBD building and noticed that there was a man standing in the sixth floor window; however, at this time the man did not have a rifle. Brennan said he then turned around and noticed that the man had left the window. He did not notice anything unusual about the man, who weighed around 165-175 pounds and had on light colored clothing and definitely not a suit.

Witness Brennan then turned his head back towards the south from where the Presidential motorcade would come. Approximately ten minutes after sitting down on this retaining wall the motorcade passed and he saw the President pass to a point from where he was seated approximately thirty yards west on Elm Street. (There is some discrepancy in his estimates of distances as will be hereinafter shown.)

On January 7, Brennan said that the car passed out of sight and shortly thereafter he heard one shot, which he first believed to have been a firecracker, and he immediately looked toward the TSBD building and saw a man on the sixth floor in the same window, near the southeast corner of the building, and noticed that this man took deliberate aim and shot the rifle again. When he saw the man shoot the rifle this time, he realized that it was the same man that he had seen standing at the window a few minutes before.



(On his December 17 interview, Brennan said the window was the extreme east window on the sixth floor on the front side of the building. In his November 22 interview, he said the President's car passed down Elm going west approximately thirty yards from the point he was seated when he heard a loud report which at first he thought to be a "backfire" of a car. He did not distinctly remember a second shot, but he remembers "more than one noise" as if someone was shooting firecrackers and consequently he believed there must have been a second before he looked in the direction of the TSBD building. In the affidavit he said he watched the President's car as it turned left at the corner and to a point about fifty yards from the intersection of Elm and Houston. The President's back was in line with the window where he had first seen the man. He then heard what he thought was backfire. These discrepancies will have to be further analyzed upon personal interview with Brennan.)

After the last shot Brennan fell off the retaining wall and then ran for an officer so he could advise the police that the man he had seen take this last shot was in the TSBD building. (As will be seen hereafter, the description of the man was broadcast on police radio between 12:43 and 12:45 p.m.)

On January 7, Brennan estimated that it was approximately 90 yards from the window where the shots were fired to the area where the President's car had passed out of sight.



In his November 22 interview Brennan said that the man he observed in the window at the time of the shooting had what appeared to be a "heavy" rifle in his hands but Brennan could not tell whether or not this rifle had a telescopic sight as the rifle was protruding only about half its length outside the window. Brennan was positive that after he observed this man in the window he saw him take "deliberate aim" and fire a shot and then observed the man take the rifle from his shoulder and hold it by the barrel of the rifle as if he were resting the butt of the rifle on the floor. He said this individual observed the scene on the street below momentarily and then stepped back from the window. Brennan said the rifle was pointed in the direction of the President's car when he saw it fired.

Brennan also noticed a stack of heavy cartons visible in the window slightly to the rear of the place where the man stood with the rifle and he stated he saw two Negro men on the next lower floor immediately beneath the window where he observed the man with the rifle. (This compares correctly with the photograph taken a few moments after the shooting which still shows the two Negro men looking out of the window; this photograph will be discussed hereafter.) One of these men on the floor below was looking out a window directly beneath the window in which the rifleman stood and the other Negro was in the window immediately to the west of the first Negro. He observed these two men glance upward as if



they were trying to determine the spot from which the rifle shots were being fired.

On November 22 Brennan described to the FBI that the man with the rifle was a white male in his early thirties, about five feet, ten inches tall, 165 pounds in weight, not wearing a hat and dressed in light colored clothes in the khaki line; he may have been wearing a lightweight jacket or sweater but Brennan could not be positive. .

On November 22 Brennan said he had a clear line of vision to the window and estimated the distance between the point he was seated and the window from which the shots were fired at approximately 90 yards. (90 feet would be more accurate.)

Brennan stated that his optometrist says he is farsighted and thus has "perfect" vision at a distance - he wears glasses for reading purposes only.

On his December 17 interview he said that although he is not a publicity seeker he would be willing to have his name known and he could furnish positive identification of Oswald as the person who fired a rifle from the window of the TSBG building at the President. He says he was able to observe the head and shoulders of the person in the window and positively down as far as the belt.

On November 22 Brennan observed a lineup at the Dallas Police Department and selected Lee Harvey Oswald as the individual most



closely resembling the person whom he had seen with the rifle in the window of the TSBD building. Brennan said he did not feel a positive identification was necessary when he saw Oswald in the police lineup since it was his understanding Oswald had already been charged with the slaying of Officer Tippit; another fact which made him hesitate was that prior to appearing at the police lineup he had observed a picture of Oswald on television and he felt that since he had seen Oswald on television it might tend to "cloud" any identification he made of Oswald at the police lineup. However, on December 17 Brennan said that he "can now say" he is sure that Oswald was the person he saw in the window at the time of the assassination. Brennan on his January 7 interview said that when he saw the picture of Oswald on television this "of course" did help him retain the original impression of the man in the window with the rifle, but upon seeing Oswald in the police lineup he felt that Oswald most resembled the man whom he had seen in the window. (At this point it might be helpful to know who else was in this particular police lineup and what their relative physical appearance was.)

In the affidavit signed for the police department, Brennan said that when he looked up at the building and then saw the man he had earlier described in the window as he was taking aim with a high powered rifle, he could see all of the barrel of the gun. Brennan was looking at the man in the window at the time of the last



explosion and the man then let the gun down to his side and stepped out of sight. He did not seem to be in any hurry. In his affidavit Brennan said there was nothing unusual about the man at all in his appearance but Brennan said he believed he could identify the man if he ever saw him again. Brennan should be questioned about the number of shots he heard.

b. Robert H. Jackson. This witness is a photographer for the Dallas Times-Herald and was in the seventh or eighth car of the Presidential motorcade. His car was proceeding north on Houston between Main and Elm and the Presidential car had already turned left on Elm Street from Houston when he heard loud reports which sounded like shots from a gun. He said that there was a "pause" after the first shot followed by a second and third shot in rapid succession. Upon hearing the three shots (Jackson does not state exactly where his car was at this time - but see statements of witnesses Dillard and Underwood) he looked upward and straight ahead at a window in the TSBD building in time to see the barrel of a rifle being pulled inside the window. He was unable to see the person holding the rifle and therefore could not describe such individual. Jackson said the window was located on the east side of the TSBD building facing Elm street and was on the floor next to the top floor and nearest to the southeast corner of the building. He recalled there were two Negro individuals looking out the double windows immediately below the window in which he saw the rifle. He was not certain but he thought these two Negroes were looking upward in the direction of the window in which he observed the rifle. (See Commission Doc. #5, p. 15)

There were four other people in the car with Jackson: Underwood, Dillard, Couch, and Darnell. One of the persons in the car says that Burt Shipp was also in the car, but when interviewed Shipp said he was not traveling in the Presidential motorcade on November 22 - See Commission Doc. #205, p. 43.

(1) Thomas C. Dillard, chief photographer of the Dallas Morning News, was riding in the motorcade in the same car with Robert Jackson. He said the car had not approached the corner of Houston and Elm when he heard a noise sounding like a "torpedo" (a loud firecracker) and upon hearing another similar sound realized it was gunfire and upon hearing a third shot the car in which he was riding stopped almost in front of the TSBD building. At that time he heard Bob Jackson exclaim "I see a rifle. It's up in the open window." Then Jackson pointed toward the TSBD building. Dillard stated he looked upward toward the building but saw nothing resembling a rifle protruding from an open window. However, he did take two photographs of the building at that time.

One of his photographs appears in Document 5 as Exhibit #10 on page 459 with an enlargement of a portion thereof as picture #11 on page 460 which shows the faces of the two Negroes in the southeast corner window of the fifth floor. The other picture should be examined to see if it shows all of the windows on the south side of the sixth floor of the TSBD building to verify which windows were open with particular reference to the testimony of witness Arnold Rowland in checking his credibility.

Also, it should be determined how long it took him to get the camera set to take the photographs of the building and whether the one with the two Negroes looking out the window was the first or



second photograph taken and how much time there was between these two. This is important to determine how long the Negroes stayed in the window before going over on the fifth floor to the stairway on the west side from which they might have seen the assassin coming down from the sixth floor. This affects the route the assassin took and the time sequence. (Commission Doc. #5, page 16)

(2) James Robert Underwood, when interviewed on November 25, stated that he was an occupant of the motorcade car with Bob Jackson and Tom Dillard, James Darnell, and one other person (Couch). As the car was approaching the corner of Houston and Elm, he heard a loud noise similar to a gun shot and upon hearing the second noise he realized it was a gun shot and at the sound of the next shot, the car in which he was riding was almost directly in front of the TSBD building. The car was stopped and he overheard Bob Jackson say, "There is a rifle." Jackson pointed up toward the TSBD building. Underwood looked up and saw nothing. (Commission Doc #5, page 17)

c. Malcolm O. Couch saw gun barrel being withdrawn. When interviewed on November 27, witness Couch stated that he was in the motorcade with Robert Jackson and that on Houston Street he heard three loud noises about ten seconds apart which sounded like a motorcycle backfire and as they turned the corner onto Elm he heard another noise and Jackson yelled to look up at the window. He immediately turned his head toward the area of the TSBD building and around the fifth or sixth floor he observed what appeared to be



a rifle being withdrawn from a window and by this time the car was approximately in front of the window in question but he could not observe any figure behind the window.

He said he recalled at least two Negroes on the third or fourth floor looking up towards the next floor. He said the car proceeded down Elm and under the underpass and by this time the Presidential car was on its way to the hospital. He advised the car stopped and he and Jackson got out and began taking shots of the area.

There is a discrepancy as to where the car was stopped, as Underwood and Dillard state the car was stopped in front of the TSBD building. Does this mean the entrance or under the window? Also, did Couch hear three or four shots? Also, the spacing of the shots does not necessarily coincide.

(Couch also says he has been informed by numerous sources that on the day of the assassination an employee of KRLD-TV, Wes Wise saw Jack Ruby emerge from the rear of the TSBD building. This does not appear to be confirmed) (Commission Doc. #5, page 18)

d. Witness James Richard Worrell, Jr. saw gun fire. This witness was interviewed on November 23 by the FBI, (Commission Doc. #5, page 19) and also signed an affidavit dated November 23 for the Dallas Police Department (Commission Doc. #81b, page 69). He said that on November 22 he was standing on the sidewalk in front of the TSBD building watching the motorcade pass and heard a shot from



above his head which he at first thought was a firecracker. When he looked up he saw about twelve inches of a gun barrel sticking out of a window of the building which was either on the fifth or sixth floor. He saw the gun fire once again and looked at the President in time to see him slump forward on the seat of his car. He was unable to see who was firing the gun.

He stated that he became frightened and started to run and just as he started to run he heard the gun fire two more times. He noted that some people said the gun fired three times but he felt there were four shots. (He does not say whether the window was on the southeast corner of the south side of the building or in the center or on the southwest corner of the floor.)

The witness further stated that he ran from Elm Street to Pacific Street on Houston. (The FBI report says he ran to Elm from Pacific Street on Houston.) When he had gone about one hundred yards he stopped to catch his breath and upon looking back saw a man he described as a white male, 5'8" to 5'10" (only 5'10" in the FBI interview) with dark hair and dark clothing and wearing some type of jacket, (in the affidavit he said a dark shirt or jacket open down in front), no hat, with nothing in hands, come out of the TSBD building and run "in the opposite direction from me." In his affidavit he said the person had average weight for height. In his FBI statement he said when he saw photographs of Oswald on television he felt that this was the person he had seen running away from the building. He stated that the person did not



look back but he was certain this was a white person since he had a profile view.

e. Amos Lee Euins, ninth grade student, says he saw the second and third shots fired. Amos Lee Euins was interviewed twice by the F.B.I. on November 29 and December 14 (Com'n. Doc. #205, pages 10-13) and also signed an affidavit dated November 22 for the Dallas Police (Com'n. Doc. #81b, page 22). In the F.B.I. interviews he says he is fourteen; in the affidavit he says he is age fifteen. His affidavit says that he was standing on the corner of Elm and Houston and could see the large red brick building across the street. He saw the President turn the corner and wave at him and Euins waived back and watched the car go down the street and about the time the car "got near the black and white sign" he said he heard a shot. He said he started looking around "and then I looked up on the red brick building. I saw a man in the window with a gun and I saw him shoot twice. He then stepped back behind some boxes. I could tell the gun was a rifle and that it sounded like an automatic rifle the way he was shooting. I just saw a little bit of the barrel, and some of the trigger housing. This was a white man, he did not have on a hat. I just saw this man for a few seconds."

In his F.B.I. interviews witness Euins said that he skipped school on that day and was standing on the northeast corner of the intersection of Elm and Houston facing the T.S.B.D. building. On his reinterview on December 14 he said that while standing at approximately 12:15 pm, until the time the motorcade came by he glanced

at the T.S.B.D. building and noticed what appeared to be a metal rod sticking out of what he believed was a fifth floor window on the southeast side of the building. He said he did not pay any attention to this rod at that time when shortly thereafter the motorcade passed him and after the President's car started down the hill he heard what he thought was a car backfire and looked around and also glanced at the T.S.B.D. building and on the fifth floor where he had seen what he thought to be a metal rod and he noticed the rifle in the window and saw the second and third shots fired. In his first interview he said he saw a man handling what appeared to be the rifle stock and that he knew it was a rifle because he heard the shots fired. He stated he could not tell anything about the man and that he never saw anything other than what appeared to be his hand on the stock. On his second interview he said he saw a man's hand on what appeared to be the trigger housing and he could also see a bald spot on the man's head. He said he did not see the face of the individual and could not identify him and said he was sure the man was white because his hand extended outside the window on the rifle.

Euins also stated that he heard what he believed was a fourth shot and that the individual in the window after firing the four shots began looking around and Euins at this time hid behind a concrete partition and he saw this individual withdraw the rifle and step back in the window. Euins told a police officer about seeing the rifle and the shots and the police officer thereafter entered the T.S.B.D. building and Euins was taken to the Dallas County Sheriff's office



where he furnished a signed statement.

There is some conflict in the interviews - in the first interviews he said he could not tell anything about the man and that he never saw anything other than what appeared to be his hand on the stock - and on the second interview he said he thought he could see a bald spot on the man's head and he saw the individual withdraw from the window.

On November 29 the step-father of the boy advised the F.B.I. interviewing agent that the boy told him he had seen what the boy related, but the step-father was not sure whether Euins had seen it or whether he had just imagined it.

f. Other eyewitnesses of window at the approximate time of assassination. Witness Ronald B. Fischer pursuant to an affidavit to the Dallas Police, November 22, Document #81b, page 23 stated that he was standing on the southwest corner of Elm and Houston with Robert E. Edwards and about thirty seconds before the motorcade came by Edwards turned to him and said there was a man on the fifth floor of the T.S.B.D. building at the window. Fisher looked up and saw the man and noticed that he seemed to be "laying down there or in a funny position anyway because all I could see was his head. I noticed that he was light headed and that he had on an open-neck shirt . . . he seemed to be in his twenties and his complexion seemed to be clear." Fischer turned away as the motorcade came around the corner and then he heard what he thought were three shots when the motorcade was about where the Stemmons Freeway sign is.

Detective W. E. Potts of the Dallas Police Department says that on November 25 he and Detective F. M. Turner took to the home of Ronald Fischer some pictures of Oswald and that Fischer stated that the picture looked like the person he saw looking out of the window on the sixth floor of the TSBD building a few minutes before the motorcade arrived, but he would not definitely say it was the man he saw; he said it looked like the man, according to Detective Potts. See Doc. 81b, page 231. Also, see Doc 81b, page 110 where the Dallas Police Department file says that Detectives Turner and Potts made identification of Oswald's picture "from witness Ronald B. Fischer who saw the defendant before shooting. Not positive on identification."

Fischer should be questioned as he says the fifth floor and as will be seen immediately following, Robert E. Edwards also says he saw the man on the fifth floor.

Robert E. Edwards on an affidavit dated November 22 says that he was with Ronald Fischer on the corner at Elm and Houston and happened to look up at the TSBD building and saw a man at a window on the fifth floor. The window was wide open all the way and there was a stack of boxes around him. He says that "Bob" (is this Ronald Fischer?) remarked that he must be hiding from somebody. Edwards said that he noticed the man had on a sport shirt that was light in color, yellow or white, something to that effect, and his hair was rather short and he thought he might be around twenty six. The motorcade rounded the corner about this time and then he says he thought he heard four shots

which came from the building. Edwards does not say whether the person he saw in the window was white or colored and he doesn't say whether the window was at the southeast corner or not nor does he comment about any other employees looking out of the window. See Doc. #81b, page 21.

Witnesses Ronald Fischer and Robert Edwin Edwards were also interviewed by the FBI on December 2; see Doc. #205, pages 19-22. Fischer said he noticed the man never moved during the entire minute or two he and Edwards were staring at him and he appeared to be standing in an awkward position, leaning forward, but not leaning out the window. He saw no gun or any object except the man and many boxes. He believed the man was white, in his late twenties, wearing an open-neck shirt, light in color, fair complected, high forehead, and light hair. Edwards said the man was visible only from the lower neckline up and was apparently standing between boxes which could be seen from the street. Neither could identify the man from pictures. Edwards said he was white with a light colored sport shirt, open at the neck, having short, light sandy hair. Edwards said he told Fischer how unusual it was for the man to be in the window.

James N. Crawford when interviewed on January 9 stated that he is a Deputy District Clerk at the Dallas County Courthouse and went to the southeast corner of Elm and Houston to watch the parade. His best recollection is that there was a definite pause of as much as fifteen to twenty seconds between the first and second sounds of the shots; the second and third sounds came very close together and by

the time of the third Crawford looked around and in looking up at the sixth floor of the TSBD building he observed a movement "which he described as a movement such as something being withdrawn quickly." Witness Crawford stated that this was in the left side of the sixth floor southeast corner window facing on Elm Street, which Crawford said was the only window at the time which appeared to be open. He noticed that there were boxes close to the window inside the building and he described the movement as light colored, possibly white, and it might have been the reflection of sun light upon a light colored object. Upon seeing this movement he says he immediately remarked to Mary Ann Mitchell (with whom he was watching the parade) that if "those were shots, they came from that window." He saw no smoke from the window and believed the motion he observed was a person but could not determine whether it was a figure of a man or a woman because of the short glimpse he got. Therefore he could not give a better description of what he observed except that it was a quick light movement which he immediately concluded was a person.

After hearing the President had been shot, Crawford went back to the street and walked to the TSBD building where he contacted Deputy Sheriff Allan Sweatt advising him of the movement that he had seen in the window of the TSBD and suggesting that a check be made on the sixth floor behind the boxes near the sixth floor window. See Doc. #329, pages 22-23. On Doc. #329, page 24, Mary Ann Mitchell is interviewed on January 18; she says the second shot was about four or five seconds



after the first. She said she saw the boxes in the sixth floor window but did not observe any person in the window. She was not asked and did not report on the so-called statement made by her companion, James N. Crawford. Mary Ann Mitchell should be further questioned in this regard. Also, we can verify this by Deputy Sheriff Allan Sweatt. This is also important in determining the number of shots, for a number of eyewitnesses claim there were four shots.

2. Witnesses looking out of window on south side of fifth floor of TSBD building

a. Harold ("Hank") Norman was in the window immediately below the assassin's window. Witness Norman is a Negro and together with two other Negroes, James Harold Jarman, Jr. (sometimes called "Junior" by the other TSBD employees) and Bonnie Ray Williams, saw the motorcade from the fifth floor of the TSBD building looking out of the south windows on the east portion thereof. Norman was in the easterly most window on the south side; Williams was in the window next to him; and Jarman was in the next window. Norman was interviewed twice by the FBI on November 22 and again in January (Doc. #5, page 26; Doc. #329, page 14). He also gave an affidavit to Secret Service, S.S. #491, Commission Doc. #87. In this Secret Service affidavit he says that he was watching the motorcade together with employees Williams and Jarman:

"We took a position in the southeast corner of the building on the fifth floor and I was looking out the window which was closest to the east end of the building overlooking Elm Street.



Just after the President passed by I heard a shot and several seconds later I heard two more shots. I knew that the shots had come from directly above, and I could hear the expended cartridges fall onto the floor. I could also hear the bolt action of the rifle." (This is the first time in any statement that he had said that he could hear cartridges fall and could hear the bolt action of the rifle.)

"I also saw some dust fall from the ceiling of the fifth floor and I felt sure that whoever had fired the shots was directly above me." (When first interviewed on November 26, he stated that when he heard the first shot he thought it had been fired from the floor directly above him and at that time he stuck his head from the window and looked upward toward the roof but could see nothing because small particles of dirt were falling from above him. On the November 26 interview he said two additional shots were fired after he had pulled his head in back from the window.)

"I saw all the people down on the street run toward the west side of the building so I went to the west side with Williams and Jarman and looked out the west side window. We discussed the shots and where they had come from and decided we had better go downstairs. We walked down the stairs to the first floor and did not see anyone on the stairway and from the time of the shots until we started down the stairs was about five minutes."



We must verify where on the west side of the building they stood to look out of the windows with relation to the stairway to see if they would have noticed anyone coming down the stairs. Here also, we should find out how long it took them to get there with particular reference to whether Oswald could have come down the stairway ahead of the time they got there.

b. T.S.B.D. employee Bonnie Ray Williams looking out of the fifth floor window felt the shots came from the sixth floor. Bonnie Ray Williams was interviewed twice by the F.B.I., signed one affidavit for the Dallas Police Department and was interviewed also by the Secret Service. In his first interview with the F.B.I. in November he said that he was looking out of a window on the south side of the fifth floor and heard two shots which sounded like they came from right over his head. He glanced up and saw no one. On his second F.B.I. interview in Doc. #329, page 13 he said that he was watching the parade with Jarman and Norman and that they heard some shooting and ran down to the west steps to the fourth floor and on down the stairway to the first floor. In the affidavit given to the Dallas Police Department he said that just after they saw the President coming around the corner on Houston from Main Street (instead of on Elm. from Houston) he heard two shots "that sounded like they came just above us. We ran to the west side of the building. We didn't see anybody . . . we stayed there and in a little while some officers came up. They left and then we took the elevator to the first. floor." See Doc. #81b, page 65.



On his interview with Secret Service employee Bonnie Ray Williams said that as soon as he finished eating his lunch (which was in the middle windows on the south side of the sixth floor and included a chicken sandwich and an empty Dr. Pepper bottle was left at this location together with chicken bones which he says he left) he went to the fifth floor of the building. This was prior to 12:15 p.m. On the fifth floor he met employees Jarman and Norman and he believes he was standing in the second set of double windows facing Elm Street from the east side of the building. He heard only two shots and felt they came from the sixth floor. He did not hear shells fall to the floor nor did he hear the bolt action of the rifle. Afterwards he went with Norman and Jarman to the windows on the west side of the building and looked out there and the three discussed what they should do, being convinced that the shots came from the sixth floor of the building. They decided to return to the first floor. He estimates that about five minutes passed between the time of the shots and the time he and the others started down the stairs to the first floor. (He also says he was one of the employees that moved the books on the sixth floor on the morning of November 22 in connection with the floor laying project.)

c. James Earl Jarman, Jr. looking out the fifth floor window heard three shots from above. T.S.B.D. employee Jarman (known as "Junior" - in this connection see interrogation of Oswald) was interviewed twice by the F.B.I. (in November - Doc. #5, page 335,



and on January 8, Doc. #329, page 12) and also signed an affidavit for the Dallas Police Department on November 23 (Doc. #81b, page 34) and in addition was interviewed by Secret Service (S.S. #491, page 10-11; Com'n. #87). He says he was standing near Williams in the front window overlooking Elm Street when the parade went by and a moment later he heard three shots. He went with Williams and Norman to the west side of the building where he looked out the windows for a few minutes and then went down the back stairway to the first floor. They saw no one on the stairway; he did not hear shells fall to the floor nor did he hear the bolt action of the rifle. He recalled that he and Williams and Norman had some discussion about what they should do, since they were convinced that the shots had come from the sixth floor, but they decided that it would be too dangerous for them to go to the sixth floor and then proceeded to the first floor where all the employees were gathering. He estimated they remained on the fifth floor for about five minutes after the shots before they started down the stairway. In his first F.B.I. interview he estimated that the second shot was three or four seconds after the first shot and the third shot was a second or two after the second and that these shots sounded too loud to have been anywhere outside the T.S.B.D. building. He said that Harold Norman stated at the time that something had fallen from above him and that a piece of debris, in addition had hit him in his face.

3. The rifle on the sixth floor - corroborating witnesses.

a. Arnold Rowland at around 12:15 p.m. saw a man with a rifle at the southwest corner of the sixth floor of the T.S.B.D.



building. Rowland is a highschool student, age 18, and was interviewed by the FBI on December 10 (Doc. #205, page 14) after earlier interviews on November 22 and November 23 (Doc. #5, pages 20-22) plus the signing of a statement on November 24 (Doc. #5, pages 23-24).

He also signed an affidavit dated November 22 (Doc. #81b, page 55) for the Dallas Police, in which he stated that at approximately 12:10 p.m. on November 22, he and his wife took a position on Houston Street at the west entrance of the Sheriff's office to observe the motorcade. He was on the sidewalk on the west side of the Dallas County Courthouse just under the office of the Sheriff and a few feet to the south of the elevator shaft which comes out of the sidewalk. There is a slight discrepancy of a few minutes as to just when he looked at the TSBD building, but the general consensus among the various statements is that it was around 12:15 p.m. He noticed that the second floor from the top had two adjoining windows at the southwest corner thereof facing Elm Street which were wide open and upon looking he saw what he thought was a man standing back about 15 feet from the window holding in his arms what appeared to be a high-powered rifle "because it looked as though it had a scope on it. He appeared to be holding this at a parade rest sort of position. I mentioned this to my wife and merely made the remark that he must be a Secret Service man. This man appeared to be a white man and appeared to have a light colored shirt on, open at the neck . . . of slender build and . . . dark hair." (It should be ascertained what he means by



"parade rest sort of position" because in the statement signed for the FBI he said the man "appeared to be holding a rifle with the scope attached in a ready position or in military terminology, port arms.") He said he saw him only momentarily and he seemed to disappear in the shadows of the room.

Rowland did not see the President get shot nor did he see any shots fired but he did hear three shots. He advised an officer of what he had seen at approximately 1:45 p.m. and was taken to the office of the Sheriff.

There is some discrepancy as to when the President passed by. On two occasions he said it was fifteen minutes after he saw the figure in the window, although in one other statement he says fifteen to twenty minutes later. Rowland is sure that he saw the man with the rifle at the southwest corner of the TSBD building, which is the corner nearest the triple underpass, and so stated when re-interviewed on December 10 - he assumed the person was a security guard and attempted to point him out to his wife but since she had forgotten her glasses she could not see that far.

TSBD warehouse manager Roy S. Truly when interviewed on November 22 said that the southwest corner of the sixth floor had been cleared of stock in order that plywood could be laid over the floor. The windows were free of book cartons and were therefore readily accessible. (See Doc. #205, page 135) This was also personally observed by FBI Agent Nat A. Pinkston (Doc. 205, page 134).

We should check all photographs to see whether the windows were open.



b. Mrs. Arnold Rowland heard her husband comment about a man with a rifle. Mrs. Arnold (Barbara) Rowland, age 17, high school student, in an affidavit dated November 22, said that she and her husband were standing at the side entrance of the Sheriff's office on Houston Street when her husband told her to look up at the building (TSBD building). He said that two adjoining windows were open on the second story from the top and that there was a man up there holding a rifle who must be a Secret Service man. "I looked up and Arnold told me he had moved back, but I didn't see anything because I am very near-sighted and didn't have my glasses on." In about fifteen minutes the motorcade came by. She heard a report and then a few seconds later another report and then in a few seconds a third report. See Doc. #81b, page 56. In her statement to the FBI on November 22, she said that they had been talking about security measures being taken to protect the President and she repeated what she said in her affidavit. (Doc. #5, page 25)

Both Rowland and his wife heard three shots; he said he heard the first report and then around eight seconds later another report and then about three seconds later a third report.

4. Corroborating physical evidence in building.

a. Three rifle bullet shells. At the southeast corner window on the sixth floor, three rifle bullet shells were found by Deputy Sheriff Luke E. Mooney. He notified Captain Fritz who was in charge of this portion of the investigation. In Doc. #5 at pages 462-463



there are shown Dallas Police Department photographs labeled picture #16 showing two rifle shells circled and picture #17 showing all three shells circled. (The third is somewhat away from the first two.) The three cartridge cases are known as FBI laboratory exhibits Q6, Q7, and Q48, according to Doc. #5, page 163 and Doc. #7, pages 333-336. The three 6.5 rifle shells were taken to the Dallas crime lab after they were found by Detective C. M. Dhority, according to Doc. #81b, page 110. (At least two shells were found prior to 1:12 p.m. - SS #468)

b. A rifle with scope attached was found on the sixth floor at approximately 1:22 p.m. Detective Boone of the Dallas Sheriff's office and Deputy Constable Seymour Weitzman found a rifle in the northwest corner of the sixth floor of the TSBD building and turned the rifle over to Captain Fritz of the Dallas Police Department. (Doc. #81b, page 109-a). According to the report of R. L. Sims and E. L. Boyd of the Dallas Police Department, the rifle was found between some boxes and partially covered by some paper about five feet from the west wall and about eight feet from the west stairway on the sixth floor of the TSBD building. (Doc. #81b, page 236) A photograph of the rifle in the original position of discovery is shown in Doc. #5, page 466, picture #24, and the overall view of the area where the rifle was discarded including the entrance to the staircase is shown as picture #23. Deputy Seymour Weitzman was interviewed twice (November 23 and 24, Doc. #5, pages 124-126). He had observed the motorcade turn west on Elm from Houston and shortly thereafter heard in a rapid succession three sounds which he believed to be gun shots and which he believed



to have come from a northwesterly direction from where he was standing. He first heard someone say the shots had come from behind a wooden fence and went over the fence to the railroad tracks but the railroad employees told him they had heard the sounds and believed they had come from the TSBD building. He entered the building and started the search and was directed by Captain Fritz to make a thorough search of the sixth floor. Boone was in the northwest corner and called his attention to a rifle which Boone had found between some boxes located in the northwest corner of the sixth floor. Weitzman made the notation of the time - 1:22 p.m. - and described the rifle as a 7.65 calibre mauzer bolt-action rifle which loads from a five shot clip and which was equipped with a four-power 18 scope of apparent Japanese manufacturer together with a sling. Captain Fritz appeared and took the rifle and ejected one round of live ammunition from it. There are different descriptions of the rifle as to calibre, etc. Messrs. Redlich and Eisenberg are working on the complete data.

c. The boxes stacked in the southeast corner of the sixth floor. When interviewed by the Secret Service (SS #491, Commission #87) TSBD employee Bonnie Ray Williams said that he was working with the crew that was laying plywood floor on the sixth floor of the building and was one of the employees who had moved boxes of books on the sixth floor on the morning of November 22 in connection with clearing an area preparatory to laying the new floor. (SS #491, Commission #87) Pictures which were taken of the sixth floor in the area of the southeast corner appear as xerox copies in Doc. #5, pages 461-465.

We should verify whether or not these stacks were made by the employees who were laying the floor.

In the reconstructed moving pictures by the Secret Service it was shown that someone sitting down in the southeast corner of the sixth floor could not be seen by someone on the south side of the sixth floor further to the west. Also it was stated that included in the boxes stacked in the southeast corner of the sixth floor were two cartons of ten Rolling Readers which of necessity would have come from a place several aisles away from the southeast corner because the Rolling Readers were not located nearby. Further investigation should be made of this entire area to determine who placed the books there and where the Rolling Readers came from. Detective Studebaker and Lieutenant Day of the Dallas Police Department may have information on this.

(Picture #13 described in Doc. #5 at page 448, in its description says, "the view looking southwest on the sixth floor . . ." We wonder if this should not be "the view looking to the southeast on the sixth floor"?)

According to Commission Document #345 which is the unofficial inventory of the materials relevant to the investigation in the possession of the FBI, #C40 constitutes four cardboard boxes from the sixth floor of the TSBD building. Are any of these cartons Rolling Readers?

C39 on this list of exhibits is a palm print found on a box by the window on the sixth floor of the TSBD building. We should verify what the report was on this palm print. A picture appears in Doc. #5, page 463 as picture #18 in a series of xerox copies of photographs.



5. Corroboration from victim's clothing, medical and autopsy reports, and location of fragments shows that the shots came from the rear and at a point higher than the car.

- a. The clothing of President Kennedy and Governor Connally.

We understand that on the coat of President Kennedy there is a hole in the back where there are ragged ends on the inside of the coat which indicate that this was an entrance point; and on the shirt of President Kennedy there are holes where the ragged ends are on the outside which indicate that this was an exit point. We do not have a complete report on this nor do we have the verification of the conclusion that can be drawn from these facts, and this should be obtained. In addition, there is no report with regard to the fabric examination of the clothing of Governor Connally and the conclusions that can be drawn therefrom, and this also should be obtained. This overlaps with Area I, and by agreement between Counsel Area I will handle the initial investigation and when the appropriate data has been obtained it will also be reviewed by Area II Counsel. Thus far we have a report whereby under date of December 5 the FBI laboratory advised James J. Rowley that as a result of examination of the President's clothing there was revealed the presence of a small hole in the back of the coat and shirt. The hole in the back of the coat is positioned approximately five and three-eighths inches below the top of the collar and one and three-quarter inches to the right of the middle seam and the hole in the shirt back is located in the same relative area being five and three-quarter inches below the top of the collar and one and one-eighth inches to the right of the middle.



"These holes are typical of bullet entrance holes." (Report does not say why.) Spectrographic examination of the fabric surrounding the holes in the back of the coat and shirt revealed minute traces of copper. (The lab report says the evidence of the bullet submitted in the case shows that the bullet was clad with copper metal.)

The FBI report further states that a ragged slit-like hole approximately one-half inch in length is located in the front of the shirt seven-eighths inches below the collar button and is through both the button and buttonhole portions of the shirt due to the overlap. The hole has the characteristics of an exit hole for a projectile. (The report does not say why.) No bullet metal was found in the fabric surrounding the hole in the front of the shirt. There is also a small elongated nick noted on the left side of the knot of the tie which may have been caused by the projectile after it had passed through the front of the shirt. The shirt is Exhibit 225, the coat Exhibit 222, the tie Exhibit 224. See Doc. #205, pages 153-154.

b. Wounds to Governor Connally. Commission Doc. #326 is a Secret Service report obtained through the three attending physicians for Governor Connally pursuant to a request by Messrs. Ball and Belin in an effort to ascertain the position of Governor Connally at the time he was wounded. Unfortunately there was a discrepancy in this report dated January 28 concerning whether or not the bullet after exiting the front of the chest entered the underside or the topside of the right wrist.



This would affect our decision of the position of the arm of Governor Connally at the time he was struck, which in turn affects his position in the moving pictures. This is material in determining the time between the shots. In any event, the bullet ended up in the left thigh after passing through the wrist. This would indicate a shot from the rear and from a point higher than the path of the car. A revised report was prepared pursuant to request of Counsel for the Commission - Document #381 - in which it is confirmed that the bullet entered the dorsal side of the wrist. The complete medical report on Governor Connally, by agreement of Counsel, will be undertaken by attorneys in Area I and will be reviewed by attorneys in Area II. The Parkland Hospital medical reports for Governor Connally appear in Secret Service Doc. #561, dated December 10, 1963, and show a wound entrance in the back and an exit below the right nipple of the chest and an entrance on the dorsal aspect of the right wrist and an exit along the volar surface of the wrist and then a slight wound in the left thigh.



c. Wounds to President Kennedy. The FBI report on the autopsy of the President (Doc. #7, pages 281-285) does not coincide with the actual pathological examination. According to the FBI report, Dr. Humes in the latter stages of the autopsy located an opening which appeared to be a bullet hole below the shoulders and two inches to the right of the middle line of the spinal column which was "probed with the finger at which time it was determined that the trajectory of the missile entering at this point had entered at a downward position of forty-five to sixty degrees. Further probing determined that the distance traveled by the missile was a short distance inasmuch as the end of the opening could be felt with the finger." No bullet could be found and the "Individuals performing the autopsy were at a loss to explain why they could find no bullets." Dr. Humes supposedly "advised that in his opinion" since there had been external cardiac massage performed at Parkland Hospital in Dallas "it was entirely possible that through such movement the bullet had worked its way back out of the point of entry and had fallen onto the stretcher."

This hearsay is contradicted by the formal autopsy report which under date of December 20 was sent by Secret Service and shows a large wound in the head and a second wound "presumably of entry" in the "upper right posterior thorax which cannot be easily probed" through the fascia and musculatura. "The wound presumably of exit was that



described by Dr. Malcolm Perry of Dallas in the lower interior cervical region. When observed by Dr. Perry the wound measured 'a few mm in diameter'; however it was extended as tracheostomy incision and thus its character is distorted at the time of autopsy. However, there is considerable ecchymosis of the strap muscles of the right side of the neck and of the fascia about the trachea adjacent to the line of a tracheostomy wound."

In the "summary" of the autopsy it has stated: "Based on the above observations it is our opinion that the deceased died as a result of two perforating gun shot wounds inflicted by high velocity projectiles fired by a person or persons unknown. The projectiles were fired from a point behind and somewhat above the level of the deceased. The observations and available information do not permit a satisfactory estimate as to the sequence of the two wounds."

It should be pointed out that at the outset of the autopsy there is background data entitled "Clinical Summary" in which it is stated that Bob Jackson saw a rifle disappearing into a window on an upper floor of the nearby Texas School Book Depository Building. Autopsy surgeons should be personally examined by Staff Counsel for determination of facts and resolution of inconsistencies.



The President's attending physicians at Parkland Hospital in Dallas will have to be examined in an effort to reconcile first reports that the wound in the front of the neck was an entrance wound. (The President was not removed from his lying-on-back position and consequently the Parkland surgeons did not notice the wound in the back.) It is our understanding that Counsel working in Area I are assuming primary responsibility for this aspect of the case, and Counsel for Area II will have an opportunity to be present at all appropriate times to review these matters.

d. Secret Service summary of trajectory. According to Secret Service report #633 dated December 12 (Commission Doc. #87) it is concluded that "the wounds indicate that both of the two bullets that struck the President were fired from a position to the rear of and above the level of the President as stated in the pathological examination report and that a more precise determination does not appear to be warranted by the pathological aspects. Consideration must be given to unknown factors such as the exact position of posture, both horizontal and vertical, of the President at the instant each of the projectiles entered his body; the speed and force of the bullets; the incline and speed of the automobile in which the President sat; the probable deflection of the missiles in the body after entrance and other variables."



Insofar as the second missile which struck the President is concerned, only the direction of the missile can be ascertained as i.e. from the rear; the exact exit point of portions of this bullet is unknown.

Secret Service agent John Joe Howlett in an interview with the FBI on November 29 stated that "with the aid of the movie films and the aid of a surveyer," the distance from the window ledge of the farthest window to the east of the sixth floor of the TSBD building south side to where the President was struck the first time on the neck was approximately 170 feet (within 2 to 3 feet). The distance between this same window ledge and the spot where the third shot struck was 260 feet. At that time Secret Service had not been able to ascertain the exact location where Governor Connally was shot. The first and third shot struck Kennedy and the second struck Connally, according to the moving pictures.

We are still undertaking a more exact determination to ascertain the precise location of the vehicle at the time of the first, second and third shots. We requested the original Zapruder moving picture film to help us in this area, since the original print was less blurred. Also, additional study is being made of this area by the FBI. In addition to Counsel of Areas I & II who are working on this problem, Messrs. Redlich and Eisenberg are also engaged in study.

(See Doc. #5, pages 117-118)



e. Bullet fragments from automobile. Counsel on Area I seek to determine whether these physical facts coincide with the determination that the shots came from the rear and from a point higher than the automobile. These findings will be reviewed by Counsel of Area II.

6. Miscellaneous evidence.

One of the problems in any investigation is the inactness of the observer. Even when one uses both his eyes and his ears, there is great variance of opinion. For instance, the observers differ as to the location of the President's car when the third shot struck. However, this inexactness can be relatively accurately resolved because of the moving pictures. There was also inexactness by observers as to how many shots were fired. Scores of persons were interviewed, and we have examined all of these statements. The overwhelming majority say three shots were fired. On the other hand, other estimates vary from two to five. The perfect illustration is the testimony of the employees who were on the fifth floor of the TSBD building directly below the position of the assassin on the sixth floor. Two of these employees heard three shots fired; the third employee heard two shots fired. The physical facts support the overwhelming majority opinion that three shots were fired; these physical facts include the findings



of the three empty shells as well as the medical reports and the moving picture films.

There is also some variance in the testimony of witnesses concerning where, on the basis of what they heard, the sounds came from. Again, most people believe that the shots came from the TSBD building, and even though the overwhelming majority of people inside the building believe the shots came from within that building, there are still a relatively few who thought the shots might have come from somewhere outside. Generally, these people were not located in proximity to the southeast corner of the sixth floor.

The first reports also indicated that the shots may have come from somewhere near the triple overpass, and as a matter of fact the testimony of Seymour Weitzman indicates that this is where he first thought people said the shots came from. However, when he got to the railroad tracks a railroad crew said the shots came from the TSBD building. In this area, the radio logs of the Dallas Police Department are relevant.



The radio logs of the Dallas Police Radio show that at 12:28 p.m. the motorcade was reported nearing the triple underpass. At 12:30 p.m. the following appears: "Go to the hospital, officers, Parkland Hospital, have them stand by, get men on top of the underpass, see what happened up there, go up to the overpass, and have Parkland stand by." At 12:32 p.m. there are references to going to Parkland Hospital and at 12:34 p.m. the following report appears: "A passerby states the shots came from the Texas School Book Depository building" to which the reply is made: "Get all the information." Then, at 12:35 p.m. another officer reports in: "I talked to a guy at the scene who says the shots were fired from the Texas School Book Depository building with the Hertz rent sign on top." The following reply was made: "Get his name, address, phone number and all information you can." At 12:36 p.m. another officer comes in and states over the police radio: "Witness says shots came from fifth floor, Texas Book Depository store at Houston and Elm. I have him with me now and we are sealing off the building." At 12:37 p.m.: "Get men to cover the building, Texas School Book Depository, believe the shots came from there, facing in on Elm Street. Looking at the building it will be the second window from the end in the upper right hand corner." At 12:38 p.m.: "A witness says he saw 'em pull the weapon from the window of the second floor on the southeast corner of the Depository building." (This probably



means the second floor from the top.) To which the reply is made: "Do you have the building covered off?" To which the reply is in turn made: "I am about three-fourths of a block away." The order was then given: "Report there." The reply to this is given: "I'll leave the witness."

The request then is made for information from another officer as to what happened and the reply is given: "Evidently there has been a shooting with the President involved. I do not know the seriousness of it . . . we have information the shots came from the fifth or fourth floor of the Book Depository store on the corner of Elm and Field, officers are now surrounding and searching the building." And at 12:43 p.m.: "The wanted person in this is a slender white male about 5' 10", 165, carrying what looked to be a 30-30 or some type of Winchester." These radio logs appear in Secret Service document 468, dated December 6 which is a transcript of the radio logs.

There does not appear to be any further need to count the number of people who said they heard shots from some place other than the TSBD building and compare this with the great majority of people who said the shots came from the TSBD building, in light of the other physical evidence.

7. Our Tentative Conclusion to Date is that the Place from Which the Shots were Fired was the Southeast Corner Window of the Sixth Floor on the South Side of the Texas Book Depository Building.



B. THE WEAPON FOUND ON THE SIXTH FLOOR OF THE TEXAS BOOK DEPOSITORY BUILDING WAS THE WEAPON FROM WHICH THE SHOTS WERE FIRED

1. The ballistic evidence identifies the rifle as the one which fired the shots.

a. The rifle shells found in the southeast corner of the sixth floor of the TSBD building were fired by this particular gun. The rifle which was a 6.5 mm Mannlicher-Carcano rifle with telescopic sight attached, serial number C2766, was marked by the FBI laboratory as K1. The first two rifle shells submitted for examination were marked Q6 and Q7. According to FBI laboratory report addressed to the Dallas Police Department on November 23, specimens Q6 and Q7, the test cartridge cases, were identified as having been fired from the rifle, K1. See Doc. 81b, p. 133. See also Doc. #5, p. 163. The third shell found in the southeast corner of the sixth floor of the TSBD building, marked Q48, was also compared with test cartridge cases fired from the K1 rifle. Q48 was also identified as having been fired from this rifle. See Doc. #7, p. 333-336 (Report dated December 2).

All three cartridge cases which were recovered in this case have been identified with this weapon. No fingerprints were located on any cartridge case.



The original test reports that we have are conclusions. Upon our request, we were given some of the actual evidentiary testimony and an analysis of how good and accurate is a test to determine whether rifle shells are fired by a particular gun. This area must be further explored.

b. The whole bullet found on the stretcher and the bullet fragment from the front seat cushion and the bullet fragment from beside the front seat were fired by the rifle, Exhibit K1.

(1) A whole bullet was found on a stretcher at Parkland Hospital. This bullet is known as FBI exhibit Q1 (Doc. 81b, p. 131). Secret Service file number 511, dated December 4, pertains to this whole bullet which was found by Mr. Tomlinson. He says that about 1:00 he was called to operate the self-service elevator that went from the emergency room to the second floor operating room. When he arrived at the elevator there was a stretcher there and he left it unattended for about an hour after first removing the stretcher from the elevator and placing it in a foyer which was separated from the emergency room by two sets of swinging doors. This area was secured by the Secret Service. When he returned about an hour later, the stretcher hit the wall and he noticed the bullet. Counsel for Area I are analyzing this matter in greater detail and Area II Counsel will review the findings of fact. In Secret Service file number 511 there are reports which appear to show this stretcher carried Governor Connally,



but there are no reports to show what happened to the stretcher of President Kennedy. The tentative conclusion thus far is that this whole bullet came from the stretcher of Governor Connally. The security officer at Parkland Hospital, O. P. Wright, turned this slug over to Secret Service at Parkland Hospital. (Doc. 81b, p. 110) this bullet was identified as having been fired from the rifle, exhibit K1. (Doc. 81b, p. 133; see also Doc. 5, p. 162-163)

(2) FBI exhibit Q2 is a bullet fragment from the front seat cushion and Q3 is a bullet fragment from beside the front seat and these fragments were identified by the FBI laboratory as having been fired from the rifle, K1. See Doc. 81b, p. 133; Doc #5, pp. 162-163.

(3) The first FBI reports submitted were only conclusions. We did not have the original factual data upon which these conclusions are based. On February 14, FBI laboratory man Roy H. Jevons was contacted and was asked to submit in writing the factual data upon which these conclusions are based together with accompanying exhibits. This has been done. These experts should be examined. We further recommend an independent analysis of all ballistic evidence be made by a non-governmental crime laboratory. It is not a matter of lack of confidence in the FBI. Rather, we are making the recommendation on the basis of our independent approach to this investigation and the presumption of innocence which is applicable.

2. Are the ballistic findings consistent with the other related physical evidence?

a. These bullet fragments and the place of their original location when discovered should be analyzed to verify whether or not



this original location integrates with the conclusion that the shots were fired from behind and above the car. Again Counsel in Area II will be working with Counsel in Area I.

b. One whole bullet was found on a stretcher; why was that bullet whole -- why did it not shatter, particularly since it hit one of the ribs of Governor Connally?

c. Bullet scrapings and fragments. The lead core on the outer bullet fragments corresponds with the lead core on the bullet fragment removed from the front seat cushion; Q2. FBI exhibits Q4 and Q5 are the metal fragments from the President's head; exhibit Q9 are metal fragments from the arm of Governor Connally; Q14 are three metal fragments recovered from the rear floorboard carpet; and Q15 constitutes scrapings from the inside surface of the windshield. (Doc 5, p. 162-165) Other information should be gained about the significance of this; it is believed that this is additional circumstantial evidence supporting the conclusion.

The fact that Q15 was a scraping from the inside surface of the windshield is further indication that the shots came from behind. The specific location of the scrapings and also the specific location of the metal fragments which were recovered from the rear floorboard carpet should be ascertained - Counsel in Area I are working on this problem.

d. How accurate is this rifle at a distance? Here we have problems of determining the precise location of the Presidential car insofar as possible at the time three shots were fired. The FBI and



Secret Service are both working on this problem and in addition to Counsel in Area I, Messrs. Redlich and Eisenberg are also analyzing this area. In addition we must know the initial effect of the telescopic sight on accuracy. Also, is accuracy impaired by changes in distance as the Presidential car moved down the street? Pursuant to a request made to the FBI laboratory, Agent Shaneyfelt when questioned agreed that through the use of moving pictures and the movement of the Presidential automobile with relation to a fixed point and accurate knowledge of the speed of the motion picture film (18.3 frames per second), it would be possible to determine the speed of the Presidential car at the time of the assassination. This would require that Shaneyfelt go to Dallas to take the necessary measurements. We recommend this be done.

e. The time element. What was the time lapse that occurred between each of the three shots and can this weapon be operated accurately within this time range? A major problem is that the moving pictures taken by Abraham Zapruder, which form the best basis for determining the time factors, were obstructed by a sign at about the time when the first shot was fired. Thus far the best estimate appears to be that there was a time factor of between five and six seconds from the time of the first shot to the time of the third shot.

(1) Counting backwards from the time of the third shot to the time the head of the President completely emerges from the sign in the Zapruder films, there are 89 frames with the camera speed at 18.3 frames per second. The President has been hit by the time his head emerges from the sign. The question is how many frames prior to that time was he hit?



Thus far it has been impossible to determine on the frame count of the camera the precise location of the second shot. It has already been mentioned that we received from the Dallas attending physicians of Governor Connally a composite picture of the Governor at the time the bullets struck and this could materially help in reconstructing this position from the camera on a frame by frame analysis. In addition, the moving picture film prints which have been available thus far are actually copies of the original print, and when interviewed Abraham Zapruder said that the original print was substantially clearer than the copies. A request has been made to Life to obtain for study purposes the original copy of the moving picture film; this has been supplied. We recommend 35 mm slides be made from the original print, including the entire film with no omission of the sprocket-hole portion.

(2) Under date of December 2, the FBI laboratory advised that the rifle, KL, had been tested for speed of firing: "It has been determined by actual firing tests that a skilled person can fire three accurately aimed shots with the rifle, KL, in five seconds." See Doc. #7, p. 334. Further investigation should be undertaken here.

(3) Additional questions. How good a marksman was Oswald? What was his military record in this regard? What is the effect of a telescopic sight and a moving target? We do not know whether Oswald was aiming three shots at Kennedy and missed one, or whether he was aiming three shots at Connally, and missed two, or whether he was



aiming two shots at Kennedy and one shot at Connally and had all three shots strike home. In analyzing newspaper publicity we do know that it was stated in the newspapers not later than November 20 that Governor Connally would ride in the Presidential car; thus, Oswald would have had access to the information that Connally would be in the car, and that Connally could also have been a target. In the reconstructed moving pictures, because of the angle of Elm Street and the angle of the line of sight from the rifle to the moving picture, there is not too much difference in the line of sight between the rifleman and Kennedy and the line of sight between the rifleman and Connally. Documentary exhibits should be attached.

f. What do the films tend to show?

(1) Abraham Zapruder of Dallas was standing in the park area north of Elm Street just west of the intersection of Elm and Houston with a Bell and Howell 8 mm zoom lens camera which was set, fully wound, manually, to take normal speed film. The control buttons for the zoom lens were not touched once he started taking photographs of the motorcade. (Zapruder stated his normal film speed was 24 frames per second; this is inaccurate. The FBI lab under date of February 3 in a report addressed to J. Lee Rankin, made a precise analysis of the film speed and stated that this analysis reconfirmed the earlier



figures obtained in average frames per second speed for the assassination film of 18 and 1/3 or 18/3 frames per second.) Zapruder recalled having heard only two shots. He had seen that the President had been hit. He took the exposed films immediately to be developed and stayed with the film through its entire processing and had the original print and three copies made. The original is on 16 mm film (which is split into two 8mm sections at the time of developing) and is therefore much clearer than those appearing on the 16 mm copies. Two copies were turned over to the Secret Service and the original and one copy was sold to Life magazine. See Doc. #7, p. 12 (interview on December 4).

(2) The film taken by Nix was analyzed by the FBI; the Nix camera had a speed of 18.5 frames per second. This might be helpful in determining the speed of the car and the time sequence.

(3) Mary N. Moorman took a picture of the President showing him slumped forward; the TSBD building does not appear at all on the entire photograph; rather the photograph is filled with the President's automobile.

3. The tentative conclusion to date is that the rifle found on the sixth floor of the TSBD building, (at approximately 1:22 p.m.) known as exhibit K1 was the weapon from which the shots were fired. This rifle bears the serial number C2766 and is described as a 6.5 mm Mannlicher-Carcano bolt action clip fed rifle.



C. The Weapon from Which the Fatal Shots Were Fired Was Owned by Lee Harvey Oswald.

1. Identification of weapon by manufacturer and serial number.

Detective C. M. Doughrity of the Dallas Police Department stated that he had examined the rifle obtained by other officers from the TSBD Building and made the following notes for descriptive data: the rifle was made in 1940 in Italy and bears serial number C2766, caliber 6.5. He did not observe the make of the gun. A scope mounted on the rifle bore the following: "4/18-coded Ordnance Department, Inc., California," the wording ".010 Japan." (See Document Number 5, page 390.) We have already discussed the need for further determination of the caliber, etc., of the rifle.

a. Serial Number 2766 - Alden's

James Ouimet, owner of Centry Arms, Inc., in St. Albans, Vermont, stated that his records disclosed that Italian-made 6.5 mm. carbines and rifles have been sold under the name Terni, which name probably means Mannlicher-Terni. He said 6.5 mm. Italian rifles designated Mannlich-Terni or Mannlicher-Carcano are similar in outward appearance and several thousand have been shipped by his company to various points and all shipments were recorded by serial numbers of the weapons. On July 5, 1962, he sent a shipment of 700 rifles of 6.5 Italian carbines to Aldens at Chicago, which included a rifle bearing serial number 2766. His records further disclosed that the rifle bearing this serial number was received by his company from Empire



Sporting Goods in Montreal, Canada. (Further investigation must be made whether or not this is another rifle with the same serial number. Thus far, we do not have any point of sale from Alden's in Chicago to Crescent Firearms in New York.)

(See Document 7, page 206.)

2. The source of purchase at retail was Klein's Sporting Goods in Chicago.

William J. Waldman, vice-president of Klein's Sporting Goods, Inc., in Chicago, Illinois, when interviewed on November 23, advised of a search of his records reflecting that an Italian carbine, serial number C2766, was shipped from Crescent Firearms, Inc., in New York on their Invoice Number 3178, dated February 7, 1963, the shipment going to Klein's. (Document Number 7, page 186.)

Mitchell Scibur, office manager of Klein's, when interviewed on November 23, explained the procedure underlying records his company made when opening gun cases. The bold face numbers found on the record are company control numbers which are assigned as the guns are taken from the case. Scibur stated that the serial number for each gun is visually checked and noted on the record with a tag name showing for each weapon the serial number and the company control number.



Company control number 836 shows a weapon serial number C2766 and the record also contains a notation on page 1 which reads as follows:

"Crescent Firearms
Italian Carcano T 38
6.5 it. Cal Rifle"

(Document Number 7, page 190.)

3. The rifle was ordered by, paid by, and shipped to
"A. Hidell, P. O. Box 2915, Dallas."

a. The order for the rifle.

When interviewed on November 23, Mr. Waldman, vice-president of Klein's Sporting Goods, Inc., stated that a reel of microfilm identified in the Klein's Sporting Goods files as

"Filmfill number 83
269688-270596
General Files"

contained a photograph of a Klein's Sporting Goods "order blank" bearing a stamped date on March 13, 1963, on transaction number 270502 showing the purchase of one Italian carbine, 6.5, W/4X scope, Klein's control number VC 836, serial number C2766, which was shipped to the purchaser on March 20, 1963.

This "order blank" identified the purchaser as one A. Hidell, P. O. Box 2915, Dallas, Texas.



The reel also contained a photograph of one envelope postmarked Dallas, Texas, dated March 12, (year indistinguishable) addressed to Klein's Department 358 with the upper left-hand corner containing a return address of "A. Hidell, P. O. Box 2915, Dallas, Texas" covering the lower left-hand portion of the envelope is a small advertisement of Klein's Sporting Goods containing the following information inserted in the spaces provided therein:

"Bulk item numbers: C20-J 750"

"Enclosed is: \$19.95"

"Name: A. Hidell"

"Address: P. O. Box 2915, Dallas, Texas"

Waldman is keeping the microfilm in his safe in his control.

(Document Number 7, pp. 187-188.)

In the report of the Dallas Police Department, It is stated on page 177 of Document 81b, that pursuant to a search of the premises at 2515 West Fifth, Irving, under a search warrant and an examination of Oswald's belongings, there was found by Detective Stovall "a cut-out portion of a magazine advertisement from Klein's Department Store in Chicago showing an advertisement of the murder weapon." (See report of Officers Rose, Stovall and Adamcik, at page 177.) Where is this exhibit?

b. Payment for the rifle.



William Waldman of Klein's Sporting Goods stated that the records of that company reflect that a rifle purchased by A. Hidell, P. O. Box 2915 in Dallas, was paid for with a money order received by the company on March 13, 1963, in the amount of \$21.45 which was deposited at the First National Bank of Chicago, on March 15, 1963, with the total amount of the deposit as \$13,827.98 which included two items of \$21.45, one of which was a postal money order (pmo) and the other an American Express Company money order. (Document Number 7, page 191.)

U. S. Postal Money Order Number 2202130462, in the amount of \$21.45, payable to Klein's Sporting Goods, signed A. Hidell, Post Office Box 2915, Dallas, Texas, issued March 12, 1963, Dallas, Texas, and endorsed in favor of First National Bank of Chicago, by Klein's was turned over by U. S. Secret Service Special Agent John H. Grimes, to the FBI Laboratory. (See Document Number 7, page 194.) This money order was obtained through the Post Office Department.

c. Shipment.

William J. Waldman, vice-president of Klein's Sporting Goods, Inc., advised that the Italian carbine 6.5 with W/4X for his records was shipped to Dallas on March 20, 1963, by parcel post not broken down with the bolt and scope intact. [The statement

does not refer to the rifle with the serial number. Nor does it indicate to whom it was shipped in Dallas.] (Document Number 7, page 185.)

Mitchell Scibor, of Klein's Sporting Goods, when interviewed on December 7, said that Italian carbine serial number C2766 was sold by Klein's to A. Hidell with the full power scope mounted. This is shown on the order as "Italian carbine 6.5 W 4X scope" for a single price of \$19.95. Scibor advised that if the rifle was sold alone, the price would be \$12.78. If the rifle would have been shipped with the rifle scope unmounted, separate entries and separate prices would have been shown on the order blank for both the rifle and the rifle scope. Scibor advised that the rifle would have been packed with the scope mounted and rifle assembled and then the entire unit wrapped for mailing. (Document Number 149, page 3.)

4. P. O. Box 2915 in Dallas was rented by Lee Harvey Oswald; and "A. J. Hidell" and "A. Hidell" are aliases used by Oswald.

a. Postal Department Records.

Page 2 of an unsigned report entitled "Assistance Rendered by the Postal Inspection Service in Investigation of President Kennedy's Assassination," shows that a

"... search by an inspector at the Dallas post office disclosed record of the issuance of money order No. 2,202,130,462, for \$21.45, on March 12, 1963. This paid order was located at the Records Center in Alexandria, Virginia on the early evening of



November 23. The order showed the remitter as A. Hidell, P.O. Box 2915, Dallas, Texas. This box was rented in the name of J. H. Oswald at that time and a forwarding order was later entered to have mail sent to New Orleans.

"Postal inspectors furnished to the FBI at their request the originals of applications for Post Office Boxes 6225 (Terminal Annex) and 2915 (General Post Office). The original forwarding request was turned over to the Secret Service at their request."

(The name of the renter as J. H. Oswald appears to be a typographical error as the actual application is "L.H. Oswald.")

On November 23, the FBI acknowledged receipt of the Post Office Box application for rental of Box Number 2915 and the change-in-address letters signed by Oswald. (See Document Number 5, page 176.) Post Office Box 2915 in the name of L. H. Oswald to which rifle was shipped on March 20, 1963, was rented from October 9, 1962, to May 14, 1963, according to Document 81b, page 130-a. The photostatic copy of the money order sent to Klein's in Chicago from Oswald is attached to this page of Document 81b.

b. Selective Service Card and Vaccination Certificate.

At the time of his arrest, Oswald had in his possession a Selective Service card in his own name and also one



in the name of "Alek James Hidell." (See Document Number 81b, page 130-a, and Document Number 5, pages 92-93.) In addition, under date of December 26, the FBI Laboratory furnished a report pertaining to specimen Qc343, which is a photocopy of the United States Marine Corps certificate of service identification card in the name "Alek James Hidel" and said that the result of the examination showed that Qc343 discloses "that this item is a photograph of a fraudulent and counterfeit card made directly or indirectly from the retouched negatives of the United States Marine Corps certificate of service identification card in the name of Lee Harvey Oswald, 1653230. These negatives are a part of Qc65a submitted previously." (Document Number 206, page 60.)

Included in the material found through a search of Oswald's room at 1026 North Beckley was an international certificate of vaccination against smallpox, reflecting the traveler's name as Lee H. Oswald of New Orleans, Louisiana, and indicating that Oswald was vaccinated on June 8, 1963, by "Doctor A. J. Hideel, P. O. Box 30016, New Orleans, Louisiana." (Is this FBI report inaccurate in the spelling of the doctor -- should it be Hidell?) The Dallas Police Department has a photocopy. (Document Number 5, page 134.) Is there a Dr. Hideel in New Orleans? Is this a forgery? Is the P.O. Box number transcribed accurately?

According to the document entitled "Assistance Rendered by the Postal Inspection Service in Investigation of President Kennedy's Assassination," the records of the Post Office Department show that Box 30061 was rented to L. H. Oswald on June 3, 1963, and others authorized to receive mail were A. J. Hidell and Marina Oswald.

c. Marina Oswald Testimony.

In her testimony on February 5, Marina Oswald stated that she had first learned that Oswald used the fictitious name "Hidel" in New Orleans when he was interviewed by some anti-Cubans and used this name and spoke of an organization. "I knew there was no such organization. And I know Hidel is merely an altered Fidel, and I laughed at such foolishness I said that it wasn't a nice thing to do and that some day it would be discovered anyhow.... In New Orleans, he represented himself as Oswald, but he said that the organization which he supposedly represented was headed by 'Hidel.' He was using the name Hidel to have a fictitious president or head of an organization which really was himself." (Vol. 8, Commission Proceedings, pp. 396-398.) [The court reporter should correct the transcript to show that the spelling of the alias is "Hidell" and not "Hidel."]

(The use of testimony or statements of Marina Oswald gives rise to what we believe to be a major problem and one which we will discuss in a separate memorandum.) Prior to the commencement of her testimony before the Commission, we had been advised by members of the Secret Service that they very much felt that Marina Oswald



had made entirely honest answers to the questions propounded her in the various interviews. Notwithstanding this impression, she substantially changed key portions of her story at the time she gave her testimony. There was also the inconsistency in the affidavit given by Marina Oswald to the Dallas Police Department of when she last saw the rifle. This entire matter bears not only upon the immediate goals of arriving at the actual facts, but it also bears on the ramifications of this report when it is finally published and the world finds out these substantial inconsistencies. It could also very much affect the continued acceptance of Marina Oswald by the American public.

All of this is compounded by the interrogation of Lee Harvey Oswald and the pattern of his answers and denials. Part of this pattern relates to changes in the story of Marina Oswald; this will be discussed, infra.)

5. Handwriting and handprinting identified on purchase documents.

The FBI Laboratory has identified the handwriting and handprinting on an envelope and order form marked Qc16 for the Italian carbine (Exhibit K1) and the money order for payment as the writings of Lee Harvey Oswald whose known writings are listed as K4 and K5.

Exhibit Qc16 is the marking for photographs from the microfilm of an envelope order form and order blank of Klein's Sporting Goods, Chicago, Illinois. The envelope with an order blank bears return address of "A. Hidell, P.O. Box 2915, Dallas, Texas." Order blank shows Italian carbine number C2766 with 4X-scope shipped 3/20/63.

(Document Number 5, page 173.)



At page 393 of Document Number 5, there is a summary conclusion that the results of the handwriting examination by the FBI under the heading "Results of FBI Laboratory Examination" reflect handwriting on money order made out to Klein's Sporting Goods bearing name of A. Hidell, Post Office Box 2915, Dallas, Texas, in the amount of \$21.45, used to purchase the weapon has been identified with the known handwriting of suspect Lee H. Oswald.

The basic source material for identification of handwriting is Exhibit K4 which is two letters obtained from the Navy file of Oswald and K5 which is the passport application of Oswald. (See Document Number 5, at page 173.) Are we sure that Oswald personally wrote these basic source materials? There are other possible sources such as his signature on the permits to visit him while he was in jail in Dallas (see Document 81b, page 393); his Selective Service card (Document Number 5, page 171); his original employment application at the Texas School Book Depository, if anyone saw him personally fill this out (Document Number 5, page 172). Of course, Marina Oswald, in her testimony on February 6, identified many exhibits as being in the handwriting of Oswald. (See Proceedings, February 6, Vol. 9, pages 525-533.)

The reports that we have seen are all conclusions.

We do not know the underlying evidence upon which these conclusions are based and should have a written report from the FBI with accompanying exhibits. It may be desirable to have an independent handwriting analysis to double-check this area. Certainly if Oswald were



alive today and he sought to deny that this was his handwriting, he would undertake the services of an independent examination. Since our entire frame of reference is based on an independent study with the applicable presumptions of innocence, we believe that some separate examination should be made apart from that of a governmental agency.

6. Fingerprints and palmprints on weapon..

According to the Dallas Police Department Files, Document 81b, page 109a, Lt. J. C. Day of the Crime Lab made investigation at the TSBD Building and took charge of the rifle used and lifted prints on building and from rifle and paper rifle was wrapped in. (Is this the same person as "Carl Day?")

When interviewed on November 30, Lieutenant Carl Day of the Crime Laboratory of the Dallas Police Department stated that on November 22 at approximately 1:45 p.m. on the sixth floor of the TSBD Building he examined an Italian-made rifle found in the northwest corner of the floor. He dusted the left side of the rifle at about where the clip housing is located and in front of the trigger housing he observed three impressions, two of which indicated patterns. The metal was rough so he did not attempt to make a lift. The gun was removed to the Crime Lab where on the night of November 22 he made three photographs of the three impressions thus located.



He then took the wooden part of the rifle off by loosening 3 or 4 screws and uncovered what he considered to be an old print with a loop formation which appear to be the heel of the right palm of some individual. This print was on the underside of the barrel completely covered by the wooden stock of the gun and not visible until he had removed the wooden portion of the gun. He estimated this print was within 3 inches of the front end of the wooden stock and he dusted this print with black powder and made one lift.

At this point, he was instructed not to examine the gun any further and therefore discontinued his examination. He also advised that even before he took the stock off he saw what appeared to be traces of palm print coming out from under the wood near the back of the metal portion of the gun. This print was partially covered by the wood. He had not time to examine this print and at the time he was instructed to discontinue his examination. (Document Number 7, pages 379-380.)

(Why was he instructed not to make any further examination of the gun? Is it too late now to make any further examination?)

One partial palm print "off underside gun barrel near end of foregrip" together with partial prints "found on trigger housing of rifle" was released to the FBI by Dallas Police Department, according to Document 81b, page 116.



The original FBI Lab Report on November 23, commencing at Document Number 5, page 162, states that the latent prints appearing on the photograph of the rifle K1 are too fragmentary and indistinct. However, Lt. Carl Day on November 22 advised FBI Agent Nat A. Pinkston that he had been successful in raising a partial latent print but had not time yet to photograph it or lift it but had left the rifle in his lab and intended to return immediately to do this. (Document Number 5, page 166.) On November 26, three negatives from the photographs taken which were believed to be a fingerprint or palm print on the trigger guard assembling a rifle were forwarded to the FBI Identification Division by FBI Agent Vincent E. Drain. (Document Number 5, page 167.)

On page 367 of Document Number 7, there is a report that states that under the date of November 29, the Latent Fingerprint Section of the Identification Division of the FBI advised concerning the latent impressions appearing on three negatives of one lift. Latent impressions appearing on the trigger guard assembly of the rifle are of no value. The latent palm print on the submitted lift marked "off underside gun barrel near end of foregrip C2766" has been identified as the right palm print of Lee Harvey Oswald.

We just had the conclusion of the identification of the right palmprint. We do not have the underlying factual evidence



upon which this conclusion is based. Also, we do not have a definitive statement to verify how accurate are the means of identification by palmprints.

7. Marina Oswald identified the rifle as Oswald's.

The rifle was introduced in evidence as Exhibit 139 during the examination of Marina Oswald and the transcript shows the following:

Mr. Thorne: Exhibit 139.

Mrs. Oswald: This is the faithful rifle of Lee Oswald.

Mr. Rankin: Is that the scope that it had on it, as far as you know?

Mrs. Oswald: Yes.

Mrs. Oswald also identified Exhibit 140 as the blanket that was in the Paine garage and used as a cover for the rifle.

(See Volume 9 of Report of Proceedings of President's Commission, February 6, page 556.)

Marina Oswald first saw the rifle on Neeley Street. She thought that it was in February. She saw it in a small room where Oswald spent a great deal of the time where he read and where he kept his things. When she first saw the rifle assembled, it did not have a scope on it. She testified that when she first saw the rifle she asked him, "What do you need a rifle for?" His reply was that



it would come in handy sometime for hunting; this was not surprising because in Russia he, too, had a rifle. Mr. Rankin then asked her if in Russia he had a rifle or a shotgun, and she said she didn't know the difference. "One or the other shoots. You are men. That is your business." (Vol. 6, Report of Proceedings of the President's Commission, pages 249-250.)

Marina Oswald, on February 3, testified that initially she hadn't paid any attention whether or not the rifle had a telescopic lens -- she said "A rifle was a rifle" but the first time she remembered seeing the telescopic sight was in New Orleans. She said probably it was on before but she simply hadn't paid any attention to it. She said that when she saw it she thought that all rifles have that. (It should be expressly noted as shown on page 65 that Marina Oswald, a few minutes earlier, had testified that when she first saw the rifle assembled it did not have a scope on it.) She made an objection to having a rifle around but Oswald replied that since ^{she} / was a woman she didn't understand him and that she shouldn't bother him, and that it was for a man to have a rifle. (Vol. 6, Report of Proceedings of the President's Commission, pages 254-255.)

Marina Oswald, on February 3, testified that when she first arrived in New Orleans she noticed the rifle and that it was kept in a closet-like room with his things in it where he had his clothes and all of his other belongings. She said she knows for sure that he did not take the rifle away from their home in New Orleans but that there is a screened-in porch at their apartment and that sometimes on



evenings after dark he would sit there with his rifle. She did not know what he did with it but she came there by chance once and saw him sitting there with his rifle. This began to happen quite frequently after he was arrested in connection with the Fair Play for Cuba demonstration. (Vol. 6, Report of Proceedings of the President's Commission, February 3, pages 271-272.)

Marina Oswald said that at Irving the rifle was wrapped in a blanket and she was sure when the police had come the rifle was still in the blanket because it was all rolled together and therefore when they took the blanket and the rifle was not in it she was very surprised. She said as you enter the garage from the street it was in the front part on the left and that next to the rifle there were some suitcases and that Ruth Paine had some paper barrels in the garage. Marina says that the blanket always had the appearance of having something inside of it and she only looked at it once and was always sure that the rifle was in it and therefore it is very hard to determine whether or not it was taken. (Vol. 8, Commission Proceedings, on February 5, pages 406-407.)

When Marina went to New Orleans, Oswald went ahead of her by bus and took many things with him. She doesn't remember exactly whether he took the gun with him to New Orleans but she said it seemed to her that it was not among her things. (Vol. 6, Commission Proceedings, on February 3, page 266.)



Marina Oswald on February 3 testified that when Mrs. Paine came with her station wagon to move her household goods from New Orleans back to Texas and that the wife was carried in the station wagon. Oswald loaded everything because Mrs. Oswald was pregnant and she said she knew that Oswald loaded the rifle on. After she arrived, she tried to put the child's crib together and when she looked for certain parts she came upon something wrapped in a blanket which she thought was part of the bed but it turned out to be the rifle. She doesn't know where the pistol was. When she found the rifle wrapped in the blanket, it was located in the garage where the rest of the things were in the part of the garage that is closer to the street, and the rifle was lying down on the floor. (Vol. 6, Commission Proceedings, February 3, pages 285-286.)

a. Marina Oswald says she saw the rifle only once
Irving,
in/Texas; there is a discrepancy in time.

Marina Oswald testified that with one exception she never examined the rifle in the garage at Irving. She said it was wrapped in a blanket and was lying on the floor. She said it was only once that she was interested in finding out what was in the blanket and she saw that it was a rifle and that was about a week after she came from New Orleans and she saw a wooden part of the rifle in the blanket in the Paine garage. (Report of Commission Proceedings, Vol. 7, page 362.) She arrived from New Orleans



around September 24, so this would put the time that she saw the rifle around September 30 - October 1.

However, Marina Oswald, on November 22, signed an affidavit which says that "Lee spent the night last night in Irving. This morning Lee was gone before I got up. When the officers came to my house they asked me if Lee had a rifle. I told them he used to have a rifle but that was in Russia. I knew there was a rifle in Mrs. Paine's garage. Two weeks ago, I was in the garage and saw the same blanket that the police got. I opened the blanket and saw a rifle in it. This blanket is the same one that I saw today in the same place. Today is the first time that I saw the blanket empty. Today at the police station they showed me a rifle. This was like the rifle my husband had. It was a dark gun. But I don't remember the sight on it. It could be the same rifle but I'm not sure. Lee packed our things in Mrs. Paine's car in New Orleans. Mrs. Paine and me drove to Dallas." (Document 81b, page 46.)

If the affidavit were to be believed, it would place the time that she saw the rifle in Irving at around November 8, rather than September 30 - October 1.

Marina Oswald when interviewed on December 2, said that she knew Oswald owned a rifle but was not aware of where he bought it or obtained it. Following his return from New Orleans, Oswald kept the rifle in the Paine garage along with other belongings of his and that the rifle was wrapped in a blanket which he described as brown with green squares. The blanket with the rifle was in the garage as late as three weeks following Oswald's return from New Orleans in early October, this would be about October 25, 1963. (Document Number 6, page 273.) Here we have another discrepancy: Marina Oswald now says or implies that she saw the rifle in the blanket around October 25.

Photocopy from Gerald R. Ford Library



b. Discrepancy in Neeley Street testimony and the telescopic sight.

We have previously seen on page 66, supra, that whereas on February 3 Marina Oswald testified on pages 249-250 that when she first saw the rifle assembled it did not have a scope on it, she later testified on that same day, on pages 254-255, that initially she had not paid any attention whether or not the rifle had a telescopic lens, and the first time she remembered seeing the telescopic sight was in New Orleans. In her testimony about seeing the rifle at the apartment on Neeley St., Marina Oswald stated that the rifle was always either in a corner standing up or on a shelf. The gun that he had in Russia he sold there and did not bring back with him. This particular rifle was the only one she knew of that her husband had after she was married to him. She said that Oswald's friend, De Morienschildt, had said that the rifle had been shown to him but that Mrs. Oswald didn't remember that being done. Marina said that it was not as if the rifle was in the open -- Oswald would hang a coat or something to mask its presence in the room, and when he walked out in the evening sometimes she didn't know whether he took it with him or not. She further said that although before (during the FBI and Secret Service interviews) she had said she had never seen it before, she was not sworn in but now inasmuch as she is sworn in she is going to tell the truth. (Vol. 6, Commission Proceedings, pages 250-251.) We are not satisfied with this explanation without additional detailed interrogation.

Mrs. George De Morienschildt, when interviewed on December 19 by the First Secretary of the American Embassy in Haiti, Mr. Norman E. Warner, said that upon reflection she could have seen the Oswald gun when they were living on Neeley St. She recalls that Mrs. Oswald had

Photocopy from Gerald R. Ford Library

opened the closet door, disclosing a gun standing inside. Mrs. Oswald remarked, "Look how crazy he is," referring to her husband's having a gun. (Document Number 206, pages 169-170.)

Marina Oswald when interviewed on November 30, said that she had seen many times the rifle that was owned by Oswald. She recalls specifically seeing it when they lived on Neeley Street and she knows Oswald had the rifle in the garage at the Paine residence. She did not know that the rifle had a scope on it. She asked Oswald why he had the rifle and he told her that it was for hunting purposes. She replied that he could not expect to go hunting if he did not have a car, and he assured her that one day he would have a car. (Document Number 6, page 266.)

8. The picture of Oswald with the rifle and the pistol.

On December 2, Captain Fritz of the Homicide Bureau of the Dallas Police Department, advised that the original photograph of Oswald holding a gun and papers and wearing a sidearm, was found during the search of property of Oswald located in a box in the garage of Mrs. Ruth Paine in Irving, Texas, the search being made by Homicide and Robbery Detectives, Dallas Police Department, G. F. Rose, H. M. Moore, R. S. Stovall, and J. P. Adamcik, conducted on November 23, 1963, under search warrant from Joe E. Brown, Justice of the Peace in Dallas. This photograph is numbered 46. The FBI report at Document Number 7, page 388, states that an enlargement of this photograph had been furnished the FBI and Secret Service. It will be necessary to have the original photograph to determine whether or not it was shot from either of the two cameras owned by Oswald. It should be noted that this photograph was found in a box together with 46 other personal photographs, one of which was another pose of Oswald with the rifle and the

pistol. Marina Oswald identified all of these photographs and her identification of each of these appears in Document Number 7, pages 390 and 391. (See also Document 81b, page 111.)

a. FBI Report

The photograph of Oswald with the rifle and with the pistol on his right hip was received by the FBI Lab on November 25, and on the date of November 26, the FBI reported that this photograph, called Qc31, is of insufficient detail to permit a definite determination that the gun held by Oswald and Qc31 is the murder weapon. (Document Number 7, p.326.)

In an oral interview, FBI Agent Shaneyfelt said that there was a means in the FBI Laboratory whereby a photograph could be examined and then if a camera were available from which the photograph might have been taken, it could accurately be determined whether or not the particular camera took the particular photograph. The two cameras which might have taken the pictures should be submitted to the FBI Laboratory for a full examination. We should request a report which contains the underlying evidence upon which any conclusions are reached. (These photographs have already been examined in general by the FBI Lab. See Document Number 205, page 192.)

b. Interview with Marina Oswald

When interviewed on December 2, Marina Oswald stated that she had snapped the photograph of Oswald showing him in a pose with the rifle in his hands and holding a paper on which the word "militant" appears and with a pistol at his waist. She said that Oswald had struck his pose and asked her to take his picture with the camera. She was hanging up



diapers at the time and recalled that she was real busy when she took the picture. She said they had two cameras, one Russian and one American, but she does not recall with which camera she took the photograph. It was taken at their Neeley address toward the end of February, or toward the end of March, 1963. When Marina saw it developed, she said Oswald had a pistol at his belt which she did not observe when she took the picture. She recalled she asked him why he struck such a silly pose and he said he just wanted a photograph for remembrance sake.

(Document Number 6, page 273.)

Marina Oswald, when interviewed on December 4, stated that she thought that she took the picture of Oswald with the rifle in his hand and the pistol at his belt within a few weeks before or either after the attempt on General Walker's life. (Document Number 6, pp.285-286.)

c. Testimony of Marina Oswald

In her testimony on February 6, Marina Oswald identified Exhibit 133 as the two pictures, each one with a different pose, which she took when she was out hanging up the diapers and her husband asked her to take pictures of him with the pistol and the rifle. She believed these pictures were taken before the Walker incident. Exhibit 144 is an enlargement of one of those pictures. In the pictures, Oswald appears to have a newspaper and one of the pictures he has the newspaper in his right hand, and in the other in his left hand. The newspaper says "Militant". She believes that these pictures were taken about two weeks



before the Walker incident. (See Report of President's Commission, Vol. 9, pages 551-553.)

On February 3, after Marina Oswald testified that the first time she remembered seeing the telescopic sight on the rifle was in New Orleans.

Mr. Rankin: Is that the same rifle that you are referring to that you took the picture of with your husband and when he had the pistol, too?

Mrs. Oswald: Yes. I asked him then why he had dressed himself up like that, with the rifle and the pistol, and I thought he had gone crazy, and he said he wanted to send that to a newspaper. That was not my business -- it was man's business --

Mr. Rankin: Do you recall the day that you took the picture of him with the rifle and the pistol?

Mrs. Oswald: I think that was towards the end of February, possibly the beginning of March. I can't say exactly because I didn't attach any significance to it at the time. It was the only time I took any picture . . . it was on a Sunday . . .

Mr. Rankin: How did it occur? Did he come to you and ask you to take the picture?

Mrs. Oswald: "I was hanging up diapers and he came up to me with the rifle and I was even a little scared and he gave me the camera and asked me to press a certain button."

He was dressed up with the pistol at the time. At that time I did



not pay any attention to whether or not the rifle had the telescopic lens or the time the picture was taken. I just saw Lee. A specialist would see it immediately, of course. At the time I was questioned, I had even forgotten that I had taken two photographs -- I thought there was only one -- I thought they were two identical pictures, but they turned out to be two different poses.

Mr. Rankin: . . . Did you put them (the photographs) in the photograph album yourself?

Mrs. Oswald: Lee gave me one photograph and asked me to keep it for June somewhere. Of course, June doesn't need photographs like that.

(Vol. 6, Report of Proceedings of Commission, February 3, pages 255-257.)

On Document 81b, page 111, it is stated that the picture was found by H. M. Moore of the Dallas Police Department, who made a search of the premises at 2515 West Fifth Street, (Also on that page, it is stated that G. F. Rose, together with R. S. Stovall, searched the premises at 2515 West Fifth Street in Irving, Texas, and recovered the blanket in which the rifle was wrapped. We should have a definitive statement that when these two officers recovered the blanket, it was empty and did not have a rifle in it.



d. The blanket in the Paine garage.

Marina Oswald, in her testimony on February 5, stated that she learned about the assassination while watching television with Ruth Paine who told her that someone had shot at the President. Ruth Paine did not say anything about the possibility of Oswald being involved but she said "by the way, they fired from the building in which Lee is working." Marina Oswald's testimony continues: "My heart stopped. I then went to the garage to see whether the rifle was there, and I saw that the blanket was still there, and I said "Thank God." I thought, "Can there really be such a stupid man in the world that would do something like that?" . . .

Mr. Rankin: Did you look in the blanket to see if the rifle was there?

Mrs. Oswald: I didn't unroll the blanket. It was in its usual position and it appeared to have something inside . . .

Mr. Rankin: When did you learn that the rifle was not in the blanket?

Mrs. Oswald: When the police arrived and asked whether my husband had a rifle and I said "Yes".

Mr. Rankin: Then what happened?



Mrs. Oswald: They began to search the apartment. When they came to the garage and took the blanket, I thought, "Well, now they will find it." They opened the blanket but there was no rifle there. Then, of course, I already knew that it was Lee. Because before that, while I thought that the rifle was at home, I did not think that Lee had done that." . . .

Mr. Rankin: Did you watch the police open the blanket to see if the rifle was there?

Mrs. Oswald: Yes.

Mr. Rankin: Did Mrs. Paine also watch them?

Mrs. Oswald: It seems to me, as far as I remember.

(Vol. 8, Report of Proceedings of President's Commission, pages 423-425.)

Mrs. Paine should be questioned on this entire matter.

9. Tentative conclusion to date:

The weapon from which the fatal shots were fired was owned by Lee Harvey Oswald.



D. THE ACTIVITIES OF THE OWNER OF THE RIFLE, LEE HARVEY OSWALD,
DURING THE TWENTY-FOUR HOUR PERIOD PRIOR TO THE ASSASSINATION.

1. Access to the Sixth Floor of TSBD Building. According to the records of O. V. Campbell, Vice President and Secretary of the Texas School Book Depository, Oswald commenced working for the Company on October 15, 1963 and had not missed a day's work thereafter through November 22. (Document No. 5, page 336) His working hours were 8:00 a.m. to 4:45 p.m. with a lunch period from 12:00 Noon to 12:45 p.m. Superintendent Roy S. Truly, who at times is called the Foreman, stated there are no punch clocks and no one keeps a strict accounting of the time taken for lunch. Warehouse Superintendent Truly said that as a TSBD building employee, Oswald had access to all seven floors of the TSBD building. (See Document No. 5, pages 327 and 328.)

2. The Trip to Irving in the Middle of the Week. On Thursday night, November 21, Oswald went to his Irving residence for the first time in the middle of the week since he had commenced work at the TSBD building.

a. The statements of the landlady and the housekeeper at 1026 North Beckley. Mrs. Gladys Johnson, wife of the owner of the residence at 1026 North Beckley, when interviewed on November 22 stated that when Oswald rented the room he told her he would be gone almost every week end to visit his wife, but he wanted to rent the room to be near his work.



He was home every night except on week-ends where he went to visit his wife, with the following exceptions:

(1) Monday, November 11, he did not return, but he returned on the night of November 12 after work; (this was a legal holiday);

(2) On the week-end of November 15-17, he was at the house and was not absent to any extent--Mrs. Johnson saw him on Saturday and also on Sunday;

(3) On the night of November 21 he did not return to the house. (See Document No. 5, pages 358-359.) Mrs. Earlene Roberts, housekeeper at 1026 North Beckley, when interviewed on November 22 stated that Oswald was never out a single evening during the time he stayed at the house, except for trips to Irving, Texas, on week-ends and except on the night of November 21. (Document No. 5, pages 354-355.)

b. Buell Wesley Frazier, who drove Oswald to Irving on week ends, said that the only exception was on November 21. When interviewed on November 22, Buell Wesley Frazier said that when Oswald first started work he and Frazier discussed Oswald riding in Frazier's vehicle, Oswald telling Frazier that he (Oswald) would like to ride with him to Irving on Friday evening and return to work with him in Dallas on Monday morning, and Frazier agreeing with this arrangement.



Thereafter, Frazier drove Oswald on the week ends from his place of employment to the residence of Oswald's wife in Irving and returned him to work on Monday morning. (Frazier does not here definitely state that the trip to Irving on Thursday, November 21, was the only trip to Irving on a week night.) (See Document No.5, page 315.)

In an affidavit dated December 5, Buell Wesley Frazier stated that when he first met Oswald on Oswald's first day of work at the TSBD Building, Oswald told him that he lived in Irving. "I told him he could ride home with me since he had stated that he did not have a car. Lee stated that he would ride with me on Friday evenings and Monday mornings since he had an apartment in Oak Cliff. Each week end on Friday evening Lee would ride home with me and come back on Monday morning with the exception of one week end which Lee Oswald said he was staying at Oak Cliff to take a driver's test. He previously told me that he was wanting to drive." (In a written statement in an earlier portion of this same report Frazier states that he believes it was the week end of November 16-17 that Oswald said he was going to take an examination for a driver's license, but this specific date does not appear in the affidavit.) "On Thursday morning of November 21, 1963, Lee asked me if he could ride home with me that night. Lee had never gone home in the middle of the week before so I asked him why and he stated that he was

going home to get some curtain rods for his apartment. I asked if he was going home Friday and he said no. On Thursday afternoon I took him to Irving and left him out in front of Ruth Paine's house." (Marina Oswald was staying with Ruth Paine.) (See SS Document No. 491, Commission No. 87.)

We should endeavor to ascertain what time during the morning Oswald approached Frazier for a ride home on November 21. Roy S. Truly, Superintendent of the TSDB, said that approximately 10:30 A.M. on November 21 the first issue of the "Dallas Times Herald" appeared on the downtown streets of Dallas displaying the schedule of the President's route prominently on the first page. Before this schedule appeared, Truly stated that he was completely unaware of the parade route and that he heard no conversation from any of the employees at the TSBD concerning this parade. After the "Times Herald" appeared on the downtown streets there was immediately considerable excitement and conversation among the employees at the TSBD concerning the fact that the parade would pass right in front of their building. (Truly also pointed out that it was erroneous to assume that the only possible route the parade could take from the downtown area to the Dallas Trade Mart was past the TSBD; there were at



least two other routes which he considered "from a political consideration" to be better.) (See Document No. 329, page 5, interview on January 13.)

c. These facts are confirmed by Marina Oswald in her interviews and in her testimony. On Tuesday, February 4, Marina Oswald testified that her husband rode with a boy who would bring him back from Dallas at around 5:30 P.M. on a Friday and would leave on Monday morning to return to Dallas.

Mr. Rankin: Did your husband ever come in the middle of the week?

Mrs. Oswald: No, only during the last week when all of this happened with reference to the assassination of the President - he came on a Thursday. (See Vol 7, page 359, Commission Proceedings, February 4.)

When interviewed on November 30, Marina Oswald stated that after her husband returned to Dallas in early October, 1963, he spent every week end in Irving with two exceptions:

On a date which he could not remember, he informed her that he had an appointment to see about another job on the next day, Saturday, and therefore would not be there on Friday; he said he did not like the work at the TSBD Building and wanted to find another job and had seen an ad and was going to answer it. On Saturday he appeared at the

Paines' and said that he had applied for the job with a photographic concern, but had been unsuccessful. (Does this integrate with the testimony of Frazier?) The other week end when he did not visit her on a Friday was on November 15-17 where she had told him that one of the Paine children was having a birthday and that Mr. Paine would be over and it would be inconvenient for Oswald to spend the week end. The only other exception to this sequence was on Thursday, November 21, when he appeared announced at the Paine residence at about 5:45 p.m. Marina Oswald asked him why he had come and he had replied that he had gotten lonesome and wanted to make up because of the argument that had been started previously when he had gotten angry because Mrs. Paine had called him at his Dallas rooming house under his correct name of Lee Oswald, whereas he was staying there under an assumed name of O. H. Lee. (Document No. 6, pages 262-264)

d. Use of Alias O. H. Lee. A. C. Johnson, owner of the premises at 1026 North Beckley Street, knew Lee Harvey Oswald as "O. H. Lee". (Document #5, page 357) So did his wife, Mrs. Gladys Johnson, who stated that the man she knew as "O. H. Lee" first asked her about a room in the first week of October. She had nothing at that time, but later on October 14, around 3-4 p.m., he returned to her home and she had a small room vacant then and rented it to him. (Document #5, page 358) Mrs. Earline Roberts, housekeeper at 1026 North Beckley Street, also knew Oswald as "O. H. Lee". (Document #5, page 353)

3. The Curtain Rod Story and the Package. Buell Wesley

Frazier when interviewed on December 1 stated that on Thursday, November 21, some time before noon he was approached by Oswald at the TSBD Building. Oswald asked him if he could ride home with him that night and Frazier told him that he could but asked him why he wanted a ride, since he usually rode home with Frazier on Friday nights, returning on Monday morning. Oswald replied that he wanted to get some curtain rods in Irving and take them to his room in Oak Cliff. (Oswald did not have a package and was not carrying anything with him at the time that he got in Frazier's car at around 4:45 p.m. on November 21.) See Document #7, page 294.

In an affidavit dated December 5 Frazier said that he asked Oswald "why" he was going home in the middle of the week because he had never done this before, and Oswald said he was going to get some curtain rods for his apartment. "I asked him if he was going home on Friday and he said no. On Thursday afternoon I took him to Irving and left him out in front of the Ruth Paine house." (Secret Service Document No. 491, Commission No. 87) See also first interview of Frazier in Document No. 5, pp. 316-318.

Mrs. Ruth Paine when interviewed on November 22 said that on the night of November 21 Oswald made no mention to her of curtain rods and she definitely had no plans to give him any. Marina Oswald was staying at the Ruth Paine home. (Document No. 5, page 315)

Mrs. Marina Oswald in her testimony of February 5 had no conversation with her husband about curtain rods:



Mr. Rankin: On the evening of the 21st was anything said about curtain rods or his taking curtain rods to town on the following day?

Mrs. Oswald: Well, I didn't have any.

Mr. Rankin: He didn't say anything like that?

Mrs. Oswald: No.

(Commission Proceedings, Vol. 8, pages 409-411)

Linnie Mae (Frazier) Randle, sister of Buell Wesley Frazier, said that on the night of November 21 she saw Oswald get out of her brother's car. Subsequently, she asked her brother why Oswald was visiting his wife on Thursday evening as he usually did not visit her until Friday evening of each week. Frazier told her that Oswald claimed he was visiting his wife on Thursday night because he is fixing up his apartment and Ruth Paine, with whom his wife resides, was going to give him some curtain rods. (Document No. 5, page 320)

4. Conversations and activities of Oswald on the evening of November 21.

a. Interviews with Marina Oswald. In an interview on November 30, Marina Oswald stated that her husband appeared unannounced on Thursday November 21 at the Paine residence and told Marina Oswald that he had come home because he had gotten lonesome and that he wanted to make up with her. She said that she was still mad with him because he was staying at his rooming house under a false name. Oswald played



outside with the children for a while and then had gone to bed around 8:30 p.m. (while outside he would have had access to the garage and the gun). Marina Oswald stated that she did not know Oswald went to the Paine garage that night but stated that he could have easily done so because he was outside with the children a good deal. She said generally Oswald would go to the garage on the weekends because many of their things were stored there and she would ask him to get something for her from these things. She said that she did not pay any particular attention to when he went or what he did when he went to the garage. Marina Oswald went to bed at midnight.

She also remembers that he told her that night that he would not be able to come to the Paine residence for the weekend of November 22 to 24. She asked him why and he said it was not convenient to disturb people so often.

She also remembers that on the evening of November 21 she came running from the kitchen to see Oswald in another part of the house and asked him how it would be to see a real live president, referring to the visit of President Kennedy. Oswald was extremely short in his answer and said something like "I don't know" and abruptly terminated the conversation (Document No. 6, pp. 264-265).

When interviewed on January 15, Marina Oswald said her husband told her when he arrived unexpectedly on the evening of November 21 that he was lonesome for her and the children and that at the time



she thought he had primarily come to patch up the quarrel between them. She recalled Oswald retiring to his bed approximately two hours before she had (no time discrepancy) but she does not believe he was asleep when she retired. She said, in fact, she believes he did not go to sleep until the early morning hours and for that reason he did not awaken when the alarm clock went off. She said upon reflection that she would now say Oswald had been nervous because he had not gone to sleep as he usually did. She did not think at the time of his being nervous. (Document 329, pp. 228-229).

b. Testimony of Marina Oswald. In her testimony on February 5, Marina Oswald said that her husband told her that since he was home on Thursday it wouldn't make any sense to come again on Friday. She doesn't think that he was asleep when he went to bed because in the morning when the alarm went off he hadn't awakened as usual before the alarm went off and she thought he had probably fallen asleep very late. Another unusual thing in the evening of the 21st was that Oswald asked Marina whether she had bought some shoes for herself and she said no that she had not had time. "He asked me whether June needed anything and told me to buy everything that I needed for myself and for June and for the children. This was rather unusual for him that he would mention that first." See Commission Proceedings Vol. 8, pp. 409-411. (There is a discrepancy for as will be shown, infra, in an interview on January 15, Marina



Oswald related that this conversation took place on the morning of November 22 rather than on the previous evening."

In her testimony on February 5 Marina Oswald said that her husband told her he came home on Thursday because he was lonely and because he had not come home on the preceding weekend and wanted to make his peace with her. They had quarrelled--she was angry because of the argument which included the fictitious name under which he was living in Dallas. She said that she was angry and that he was upset because she would not speak with him. She said that Oswald suggested that they rent an apartment in Dallas and that he was tired of living alone and perhaps the reason for her being so angry was the fact they were not living together and if she would want he would rent an apartment in Dallas on Friday and that he wanted her to live with him in Dallas. He repeated this several times; she refused and said it would be better if she remained with Ruth Paine until the holidays because they were spending less money this way. She said he appeared to be more upset at this point and stopped talking and sat down and watched television and went to bed about 9:00. She went to sleep about 11:30 but it seemed to her he was not really asleep.

Ruth Paine told her in the morning that in the previous evening (November 21) Ruth Paine had worked in the garage and that she noticed that she had put out the light but that the light was on later, at least in the morning, and she guessed that Lee was in the garage.



Later in her testimony Marina said that although at first she said 9:00, perhaps it was not until 10:00 when Oswald went to bed, and that Ruth Paine prior to that time had gone to her room so that Lee might have been in the garage some time between 9 and 10, but that Marina thought that it would have been more likely that he would have been there in the early morning and turned on the light. (See Vol. 8, pp. 400-402, and page 405, Report of Commission Proceedings.)

/s/ Activities of Oswald in Irving, Texas, on the morning of November 22.

Marina Oswald when interviewed on January 15 said that Oswald did not awaken when the alarm clock went off and therefore she believes he did not go to sleep until the early morning hours. She said upon reflection she would now say Oswald had been nervous because he had not gone to sleep as he usually did. At the time she did not think of his being nervous. She did not say how she knew that he did not go to sleep until the early morning hours other than this reasoning. On the morning of November 22 after Oswald had arisen and was leaving the bedroom and while she was in bed feeding the baby she mentioned to him that she had not had time previously to purchase shoes which they had agreed she needed. Oswald then told her to buy the shoes and to buy anything that was necessary for the children out of the money which



they had saved and which was in a wallet in the dresser drawer. Marina states that in reflection now she believes this to be strange because Oswald had been most cruel and did not allow her to spend hardly any money. (Document 329, pp. 228-229)

Marina Oswald says she knows of nothing Oswald took with him from the Paine house to work in the next morning, and he did not bring anything home with him on the previous night. (Document No. 6, p. 78)

In her testimony before the Commission she said that in the morning Oswald got up and said goodbye and left, and she did not prepare him breakfast. (Vol. 8, pp. 400-402, Report of Commission Proceedings)

Also in her testimony on February 5, she said that when she woke up on the morning of the 22nd she went to the kitchen to see if Oswald had breakfast but the coffee pot was cold and he was not there and when she met Mrs. Paine later that morning she asked her whether Oswald had coffee or not and Mrs. Paine said probably he made himself some instant coffee but probably hadn't had any breakfast that morning. The only thing Oswald told Marina was to take as much money as she needed and to buy everything she needed and that when asked whether or not her husband carried any package with him when he left the house on November 22 she replied: "I think that he had a package with his lunch, but a small package." (Vol. 8, Report of Proceedings, pp. 420-422) This should be further clarified.

Oswald left his wedding ring on the dresser in Irving, Texas; Marina Oswald did not discover this until after the police came to her house following the arrest of her husband. (Document No. 329, p. 225-226 - Interview on January 15) This is the only time Oswald left his wedding ring at home.



Linnie Mae (Frazier) Randle, sister of Buell Wesley Frazier, when interviewed on December 1 stated that on the morning of November 22 at approximately 7:10 to 7:15 a.m. she was standing at her sink looking out the window when she saw Oswald walking diagonally across Westbrook Street toward the back yard of her house. Westbrook Street borders her home on the west and Oswald was proceeding from Fifth Street diagonally in a northeastern direction. He came across the street toward the carport which adjoins the kitchen. She opened the back door a slight bit to see what he was doing and saw him go to the far side of her brother's car which was parked just north of the carport and headed in an easterly direction toward Westbrook Street. She noticed Oswald opening the right rear door of the car and, presuming he was getting in the car, she turned back to the sink after hearing the car door shut. She then looked up out the window and saw him looking in the window at her from the outside. She was somewhat startled and somewhat irritated and called to her brother that Oswald was waiting to ride to work with him.

At the time she saw Oswald walking across the street he was carrying a long package wrapped in brown paper or a brown sack in his right hand.. It appeared to contain something heavy. She said it was long but it did not touch the ground as he walked across the street.

(Document No. 7, pp. 288-289)



When interviewed on November 22, Buell Wesley Frazier said that Oswald was waiting outside his residence to go to work and that after breakfast Frazier left the house to get into his car and got in on the driver's side and Oswald got in the front seat on the passenger side. As Frazier got into the car he glanced at the rear seat behind Oswald at which time he saw what appeared to be to him a bulky brown paper sack sitting on the back seat which he described as the kind of sack that one obtains in a five and ten cent store. After glancing at the sack he inquired of Oswald as to what was in the sack, to which Oswald replied, "curtain rods."

In an affidavit dated December 5, Frazier said that while he was eating breakfast and his sister was fixing his lunch about 7:00 in the morning his mother looked up and asked who was at the window and he said that it was Lee. At approximately 7:20 "I started out to the carport and met Lee there. He was not in the car as yet. He had put a package in the back of the car. I got into the car and sort of glanced over my shoulder and saw a package in the seat. The package was approximately two feet in length. It was a brown paper sack and was folded so that the contents could not be seen. I asked Lee about the package and he said it was curtain rods. He had told me the previous day he was going to bring some curtain rods. Lee said very little on the way to work and did not speak until the subject was brought up. . . . Every time Lee rode to work with me he always brought his own lunch, but on the day of the assassination he did



not bring his lunch . . . " (Secret Service Document No. 491, Commission No. 87)

6. Oswald carried the long brown sack into the TSBD building on November 22.

Buell Wesley Frazier when interviewed on November 22 said that Oswald carried the package in a straight-up position under his right arm and appeared to be holding the end of whatever was in the package as he carried it into the TSBD building. The package was approximately two feet in length. (Document No. 5, pp. 316-318) On an affidavit dated December 5 Frazier said: "When we arrived at work I parked the car in the parking lot. Lee got out and took the package, and I stayed in the car charging my battery. Lee waited for me by the fence. As I got out of the car, Lee started walking into the warehouse; therefore, he was always a few feet ahead of me. The package was under his arm lengthwise and the paper was all that could be seen. Lee came in the first door at the back of the Depository Building. I did not see him when I entered the building after him. The package was approximately two feet in length and appeared to be of bulky brown paper. The time that Oswald carried the package into the building was approximately 7:55 a.m." (Document No. 5, pp. 316-318)

Linnie Mae (Frazier) Randle, sister of Buell Wesley Frazier, said that when she saw Oswald carrying the package "it appeared to



contain something heavy." She said it was long but did not touch the ground as he walked across the street. (Document No. 7, pp. 228-289) In an earlier interview she had stated that the package was approximately three feet by six inches and it is stated there that she could not identify the color of the paper when shown some brown package paper by the Dallas Police. (Document No. 5) The FBI attempted to re-enact the action of Oswald walking across the street. An FBI agent carried the replica sack with wood in it to simulate weight. The replica was shortened by folding the open top down to the desired length in accordance with Mrs. Randle's observation. FBI Special Agent Gibbon A. McNeely grasped the top of the sack with his hand much like a right handed batter would pick up a baseball bat when approaching the plate in accordance with Mrs. Randle's instruction. When the proper length of the sack was reached according to her estimate, it was measured and found to be 27 inches long. She demonstrated the width of the sack as it appeared to her and her designation of the replica sack was found to be $8\frac{1}{2}$ inches wide. (Document No. 7, pp. 288-289)

No witness knows what happened to the sack after Oswald brought it into the TSBD building at approximately 7:55 a.m. Also, we do not know whether or not Frazier also "came in the first door in the back of the Depository Building;" in his statement he said he did not see Oswald when he (Frazier) entered the building. Frazier should be questioned with regard to the particular door he entered and the particular route he took after he entered the building.



7. Difficulties in identification of size and color of brown sack.

On December 1 a replica sack was made from 24 inch wide wrapping paper found in the shipping area of the TSBD building and four inch wide tape. Frazier, after reviewing this, stated that his conclusion that the sack was thin, crinkly paper of the type used by five and ten cent stores was based to a considerable extent on the fact that the color of the sack was a very light brown as compared with the type of dark brown paper used for heavier grocery sacks. He noted that the color of the replica sack was the same color as the package which he had seen in the possession of Oswald on the morning of November 22. In an effort to determine the measurements of the sack Oswald was carrying, FBI Special Agent Bardwell D. Odum placed the replica sack under his armpit and Frazier demonstrated how much of the package he could see and it was found that the part of the package visible measured nine inches by one inch. Frazier said that the closest distance he was to Oswald when Oswald was carrying the package was about twelve feet. (There appear to be some discrepancies in this statement also.)

Frazier then examined the original sack which was found on the sixth floor of the TSBD building and stated that if the original sack in its original state was the color of the replica sack it could have been the sack or package which he saw in the possession of



Oswald on the morning of November 22, but he does not feel that he is in a position to definitely state that this original is or is not the sack. On the replica sack the estimated width of the package in possession of Oswald was indicated by Frazier to be six inches wide.

The record is not clear why Frazier was not first shown the original sack, rather than the replica. Perhaps it is because the original sack was dusted for prints and in so dusting it could have affected the color of the sack. But in any event this should be made more clear. (See Document No. 7, pp. 294-296.)

Linnie Mae (Frazier) Randle also examined a replica of the sack made from 24 inch wide brown wrapping paper with four inch gummed brown paper tape from the TSBD building shipping room area and stated that that was the same kind of paper that made up the sack or package which she saw Oswald carrying. She was shown the original paper sack which had been found by the sixth floor window where the empty cartridge cases were found and from which apparently the shots were fired and she stated that if that original sack was previously the same color as the replica sack, then the original sack could have been the one that she saw Oswald carrying on the morning of November 22. Again we have the intimation that something happened in the original sack that changed the color. This should be made more clear by definitive statement; if nothing did happen to change the color, then there has



been a failure of identification by these two eye witnesses of the original sack found on the sixth floor of the TSBD building.

(See Document No. 7, pp. 288-289.)

Under date of December 27 the FBI Lab furnished information concerning specimen K-52 which was a replica sack made at the TSBD building from paper and tape available in the shipping room of the TSBD building, and it was determined that the paper tape used for specimen K-52 is different from the paper and tape used for the Q-10 paper bag which was previously submitted in the case. (See Document 206, p. 47.)

Buell Wesley Frazier was given the polygraph test and while the test was being run he was shown what appeared to be a homemade brown heavy paper gun case. Frazier said it was possible that this was the case, but he did not think it resembled it.

(See Document No. 75, p. 463.) We should have a more detailed report on this polygraph test.



8. The finding of the bag in the southeast corner of the sixth floor of the TSBD Building.

The report of Dallas police officer Leslie D. Montgomery states that on the afternoon of November 22, while on the sixth floor of the TSBD Building, he "found a long brown paper sack" that looked like a home-made item. It was beneath and to the left of the window in the southeast corner of the sixth floor from where the shots were fired. (See Document 81b, page 223.) Also, Lt. Carl Day, of the Dallas Police Department, said that he found the brown paper bag shaped like a gun case near the scene of the shooting on the sixth floor of the TSBD Building. He also said that the manager of the building, Mr. Truly, saw this bag at the time it was taken into his possession. (Document #5, page 129.) Also, in Document #5, page 128, there is the statement that Detective R. L. Studebaker, of the Crime Scene Search Section of the Dallas Police Department, found the brown pack of wrapping paper and tape which apparently had concealed the rifle and in which the rifle had been wrapped when it was taken into the TSBD Building. These officers should be re-interviewed to find just who found the



bag and precisely where it was found. According to the Dallas Police files, Document 81(b), page 110, Detective Marvin Johnson made investigation at the TSBD Building and recovered the long brown paper the rifle was wrapped in, together with Detective L. D. Montgomery. At Document 81(b), page 116, it is stated that one home-made paper bag resembling a home-made gun case was released from the Dallas Police Department to the FBI.

9. Identification of Fingerprint and Palm Print on Bag

In the files of the FBI, the wrapping paper in the shape of a large paper bag is known as Exhibit Q10. (Document 81b, page 132.) Under date of November 23, the FBI Laboratory furnished a report to the Dallas Chief of Police and the Chief of the U. S. Secret Service from the FBI office in Dallas pertaining to laboratory reports on specimens received. Q10 is called "wrapping paper in shape of a large bag." Included in this report is the following: "a latent fingerprint was developed on the wrapping paper, Q10, which was identified with the left index finger impression of Lee Harvey Oswald. In addition, one latent palm print developed on specimen Q10 was identified with the right palm print of Oswald." (See Document Number 5, pages 162 and 165.)

According to the Dallas Police Department files, Document 81(b), page 109a, Lt. J. C. Day of the Crime Lab made the investigation at the TSBD Building and lifted the prints from the paper that the rifle was wrapped in.



10. The clipboard found on the sixth floor.

Franki Kaiser, when interviewed on December 2, said that he is employed as an order filler at the TSBD Building and that on the morning of December 2 he found on the sixth floor of the building a clipboard which he had made and which had been turned over to Oswald for Oswald's use when Oswald went to work at this concern. The clipboard which he knew to have been used by Oswald had been tossed on the floor behind some boxes of books in the northwest corner of the sixth floor next to the entrance of the stairway. (The precise location should be located with relation to the place the rifle was found.) On this clipboard were three orders for books which were located on the sixth floor of the TSBD Building; these orders were all dated November 22 and the complete information on these orders appears at page 381 of Document Number 7. Verification of the TSBD records should be made to ascertain whether or not there is any way to show that documentary records or check-sheets indicate that these orders were to have been filled by Oswald. Also, there is no report concerning the examination of the clipboard or the orders for any latent fingerprints or palm prints.

TSBD employee, Charles D. Givens, during an interview by Secret Service which occurred sometime on or shortly after December 2, stated that on November 22 he along with other employees were working on the sixth floor laying the new plywood

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floor and he saw Oswald on the sixth floor about 11:45 a.m. and that Oswald was carrying a clipboard that appeared to have some orders on it. Givens thought that Oswald was looking for some books to fill an order and did not give the matter further thought. Shortly thereafter, he and the other employees working on the floor laying project quit for lunch quit for lunch and they took both elevators. They were racing the elevators to the first floor and Givens heard Oswald call to them to send one of the elevators back up. (Secret Service Number 491, page 6.)

There is a time discrepancy, for when interviewed on November 22, Givens said that he worked on the sixth floor until 11:30 and then took an elevator down to the first floor at around 11:35 and on the way down Oswald yelled at Givens to close the gates on the elevator so that Oswald could have the elevator returned to the sixth floor. (Document Number 5, page 329.) And in an affidavit dated November 22, in the Dallas police files at Document 81b, page 27, Givens says he worked on the sixth floor until 11:30 and then went downstairs into the back room and at 12 o'clock took his lunch. Also, when interviewed on November 22, he said that he was working on the sixth floor and recalled observing Oswald during the morning working on the fifth floor and recalled Oswald returning a newspaper in the domino room where the employees

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eat lunch at 11:50 a.m. (Document Number 5, page 329.)

As will be seen infra, some of the employees with whom Givens was working had different estimates of the time in which the elevator was taken downstairs. This time ranges from 11:45 (James Earl Jarman, Jr., Document 81b, page 34) to 12:05 p.m. (Bonnie Ray Williams, Document 329, page 13). In any event, further examination must be made in this area.

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11. Other Activities in TSBD Building Prior to the
Time of Assassination.

The following is a chronological resume of the statements by TSBD employees pertaining to when they saw Oswald on the morning of November 22 between the time that he entered the building and the time of the assassination:

In the time period from 8:00 a.m. to 8:59 a.m., we find that Oswald was seen by Danny Garcia Arce on the first floor of the building around the book racks somewhere between 8:00 a.m. and 8:05 a.m. when Arce first came into the building. When first observed, Oswald was not carrying any brown paper bag or sack. (Document #7, page 300; Document #205, pages 6-8.) Oswald was also seen at about 8:00 a.m. filling orders on the first floor by Bonnie Ray Williams. (Document #5, pages 330-331.) James Jarman saw Oswald on the first floor around 8:15 a.m.; Oswald had incorrectly filled an order for books and Jarman, an order checker, told Oswald



to obtain the right books. (Document #5, page 334.) TSBD employee Jack Dougherty said that he saw Oswald at approximately 8:00 a.m. when he, Oswald, arrived. (Document #206, page 11.) (Dougherty may be somewhat retarded, according to reports. The statement taken does not record whether or not he saw Oswald with a package.)

In the time period between 9:00 and 9:59 a.m., Oswald was seen only by Jarman who says he saw Oswald around 9:00 a.m. or possibly a little later. Jarman said Oswald looked out of the window and observed the people gathering outside the building and asked Jarman why they were there. Jarman told him the President was supposed to come that way sometime that morning. Oswald asked which way the procession would be going and Jarman told him he thought probably it would be going down Main Street, turning on Houston and then on Elm. (Document #5, page 334.) Although Jarman is the only employee who specifically recalled seeing Oswald during this hour, other employees could have seen Oswald during this period but are rather indefinite as to just exactly when they saw Oswald. For instance, Frazier saw Oswald one or two occasions in the morning prior to 11:00 a.m., and Givens recalled observing Oswald during the morning working on the fifth floor prior to 11:35 a.m. (Document #5, page 329); and William H. Shelley, when interviewed on November 22, saw Oswald on at least one or two occasions prior to 11:45 a.m. (Document #5, page 371.)



In the time period between 10:00 and 10:59 a.m., Billy Lovelady saw Oswald on the sixth floor at around 10:00 a.m. (Document 35, page 332.) Roy Lewis saw Oswald on the first floor at 10:30 a.m. where Oswald was filling orders. (Document #205, page 23.)

In the time period between 11:00 and 11:59 a.m., Oswald was seen by Danny Garcia Arce on the sixth floor around 11 o'clock where Oswald was by himself with a piece of paper in his hand. (Document 205, pages 6-8.) Frazier said that he saw Oswald on the first floor at around 11:00 a.m. (Document 205.) No employee specifically recalls seeing Oswald next until Jarman who recalls seeing Oswald between 11:30 and 12:00 when Oswald was taking the elevator to an upper floor with an order-filler pad. (Is this a clipboard?) (Document #5, page 334.) Charles Givens says he saw Oswald on the sixth floor with a clipboard at around 11:45 a.m. (SS #491.) There are some contradictions in his testimony.

Employee Charles Givens, when interviewed on November 22, said he worked on the sixth floor of the TSBD Building until 11:30 a.m. He recalled Oswald returning a newspaper in the domino room where the employees eat lunch at 11:50 a.m. (Earlier, Givens states that he took an elevator from the sixth to first floor



where he used the restroom at about 11:35-11:40 a.m. and that he then walked around on the first floor until noon, at which time he walked on to the sidewalk and then the classified parking lot at Elm and Record Street.) (Document #5, page 329.)

Several employees laying the new floor in the southwest portion of the sixth floor took an elevator down before noon and saw Oswald on the fifth floor as the elevators were passing down. These include Danny Garcia Arce, who places the time at around 11:50 a.m. (Document 205, pages 6-8; Billy Lovelady, who also places the time at 11:50 a.m.; Charles Givens, who has a variance in the time periods as will be hereinafter set forth.

According to Lovelady, at about 11:50 a.m., he, Givens, Arce, and another employee started down from the sixth floor on the two elevators to take their lunch break; and as they passed the fifth floor, Lovelady heard Oswald call for them to stop but one of the four told Oswald that they were going to wash their hands and did not stop. (Document #5, page 332.) Givens referred to this elevator trip as being taken at around 11:35 a.m. and said that on the way down Oswald yelled at Givens to close the gates on the elevator so that Oswald could have the elevator returned to the sixth floor. (Document #5, page 329.)

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In an affidavit dated November 22, Givens said that he worked on the sixth floor until 11:30 a.m. and then went downstairs into the bathroom and at 12 o'clock took his lunch period and went into the parking lot at Record and Main and heard the shots from there. (Document 81b, page 27.)

In a statement in SS #491, Givens contradicted his earlier statement that he took the elevator down at around 11:35 a.m. for he said that he saw Oswald at about 11:45 a.m. on the sixth floor with a clipboard and that shortly thereafter Givens and the other employees on the floor laying project quit for lunch, took both elevators, and raced the elevators to the first floor. Givens heard Oswald call to them to send one of the elevators back up. This would correspond with the consensus of the other employees on the elevator that they went down at 11:50 a.m. but does not correlate with the earlier statement by Givens that he saw Oswald at 11:50 a.m. with a newspaper in the domino room.

From 12:00-12:15 p.m., Mrs. R. E. Arnold, a secretary in the second floor office of the TSBD Building, believes that she saw Oswald in the hallway by the front door and the other doors located on the first floor. She could not be sure this was Oswald, but she said she felt it was and believed the time to be a few minutes before 12:15 p.m. when interviewed on November 26. (Document #5, page 41.)

Employee Bonnie Ray Williams says that on November 22 he worked installing flooring on the sixth floor until 11:30 a.m. at which time he went down on an elevator to the first floor at the same time employee Charles Givens was descending on the other elevator. Going down he saw Oswald on the fifth floor. At approximately noon, Williams took the elevator to the sixth floor with his lunch. He stayed there about 3 minutes and seeing no one there descended to the fifth floor using the stairs at the west end of the building. He there joined two other men known as "Hank" and "Junior." While working on the sixth floor until 11:30 a.m. on November 22, he did not see anyone in the southeast corner of the building. He stated there are a number of shelves stacked with books in this area and he would have been unable to see this corner from where he was working. He stated that he did go to the windows on the south side of the sixth floor in the middle of the building about three minutes after 12:00 and did not see anyone at any of the windows at that time. (Document 5, pages 330-331.)

On a later interview by Secret Service, Bonnie Ray Williams was working with the crew that was laying the plywood floor on the sixth floor of the building, and as he and the others were coming down from the sixth floor for lunch shortly before noon, Oswald called



to them from either the fifth or sixth floor and asked them to send up an elevator. Williams stated that the elevator was not sent up. After Williams picked up his lunch on the first floor, he returned to the sixth floor and sat near the windows in the center of the building overlooking Elm Street and ate his lunch. Included in his lunch was a chicken sandwich and Williams claims that there were some chicken bones in the sandwich and he left them on the floor at the time he ate. He also left an empty Dr. Pepper bottle at the same location which he drank with his lunch.

Williams said that he spent just a few minutes eating his lunch and during that time he did not see anyone else or hear anything on the sixth floor. As soon as he finished eating his lunch, Williams went to the fifth floor of the building and he estimated the time to be prior to 12:15 p.m. There he met Norman and Jarman and they remained at that location and watched the Presidential parade pass by. (SS #491.)

With regard to the chicken bones on the sixth floor, William H. Shelley stated that he observed an employee other than Oswald eating fried chicken at the location where the bones were found fairly early in the morning on November 22 and is certain that the bones and waxed paper were left there by this other employee and not Oswald. Shelley says that he last saw Oswald between 11:45



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and noon. (Document #5, page 371.) When interviewed on December 2 by Secret Service, Shelley said that Oswald was last seen by him at about 11:50 a.m. when Oswald was working at his normal duties on the first floor and was wearing khaki trousers and a tee shirt. Shelley, who is the senior employee in the Shipping and Order Filling Department and acts as foreman, said that Oswald always arrived at work on time, never missed a day's work, and he learned the operations of his job faster than any other new employee they had hired. (SS #491.)

Employee Eddie Piper said that at about 12:00 noon on November 22 he saw Oswald on the first floor and at that time Oswald said, "I am going up to eat my lunch." Piper had earlier seen Oswald on the first floor during the morning filling orders. Piper stated that he ate his own lunch on the first floor and was still on that floor at the time of the shots. In light of Oswald's statements during his interrogation, Piper should be re-interviewed to ascertain just exactly where he ate his lunch.. (SS #491, page 6; Document #206, page 13.)

TSBD employee Troy Eugene West did not see Oswald during the day of the assassination. He said that at the time of the assassination, he was just starting to eat his lunch on the first floor of the building near the area where he normally works. He heard



the shots fired and stated that before he could leave the building, many people came in, including many police officers. Where did he work and where did he eat lunch? These questions are important because of Oswald's claim in his interrogation that he was on the first floor eating lunch at the time of the assassination. Finally, West should be asked if there was anyone else eating lunch with him in the lunch room at the time of the assassination. (Document #491, page 11; Commission #87.)

The only employee who recalls seeing Oswald between 12:00 and 12:30 is Mrs. R. E. Arnold who said she could not be sure. All employees when interviewed should be asked about any observations of Oswald between 12:00 and 12:30 p.m.; this would most assuredly be done by any competent defense attorney, were Oswald living and facing trial.



E. The Activities of Oswald in the
TSBD Building after the Assassination

1. The Encounter in the Lunch Room

a. Mr. Roy S. Truly, superintendent of the TSBD building, was interviewed shortly after the assassination (Document No. 5). He signed an affidavit dated November 23 for the Dallas Police Department (Document 81(b), p. 62), and an affidavit dated December 4 for the Secret Service. In his first interview with the FBI, he said that he saw Oswald in the small lunchroom next to the business office on the second floor of the TSBD Building not more than 2 or 3 minutes after the shooting. In his affidavit of November 23, he said that after hearing 3 explosions which he realized must have been shots, "I saw an officer break through the crowd and then I went to our building. I realized he did not know anything about the building, so I ran in with him. The officer and I went through the Shipping Department to the freight elevator. We then started up the stairway. We hit the second floor landing, the officer stuck his head into the lunch room area where there are coke and candy machines. Lee Oswald was in there. The officer had his gun on Oswald and asked me if he was an employee. I answered yes. We then went up to the fifth floor where we found the elevator open."

In his December 4 affidavit, he added that he accompanied the officer inside the TSBD Building. "He asked me something about the location of the stairway, and I accompanied him to the rear of the building. We paused momentarily by the freight elevator, but since neither were on this floor, we ran up the back stairway to the second floor. I had started to go up the stairway to the third floor when I



noticed that the officer was not following, and I heard him say something. I then went back and found he was standing near the entrance to the lunch-room, and he had drawn his weapon. Just inside the lunchroom door, Lee Oswald was standing and the officer was facing him. At the time, the officer asked me if this man worked here to which I replied, 'yes'." In any event, these statements should be reconciled and time elements reconstructed.

b. M. L. Baker, patrolman, Dallas Police Department, entered the TSBD building shortly after the assassination. When first interviewed by the FBI, Officer Baker made no comment as to the elapsed time between the rifle shots and his entry into the building (Document No. 5, pp. 338-339). This may have been an inadvertence, but upon re-interview, we should ask for his best estimate as to this time interval.

In a notarized statement (Dallas Police Files, Document No. 81(b) p. 6) Baker reported that as he approached Elm and Houston on his motorcycle, "I heard three shots. I realized these shots were rifle shots and I began to try to figure out where they came from. I decided the shots came from the building on the northwest corner of Elm and Houston I jumped off my motorcycle and ran inside the building. As I entered the door, I saw several people standing around. I asked these people where the stairs were. A man stepped forward and stated that he was the building manager and that he would show me where the stairs were. I followed the man to the rear of the building and said, 'Let's take the elevator.' The elevator was hung several floors up so we used the stairs instead. As we reached the third or fourth

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floor, I saw a man walking away from the stairway . . ." This was Oswald. He was wearing a light brown jacket according to Officer Baker.

(1) Pauline E. Saunders was standing in the last line of spectators nearest the door to the TSBD Building. Immediately after the Presidential parade passed, she heard 3 loud blasts and immediately realized the shots or whatever it was came from the building above her. She said that within a matter of 10 seconds, a uniformed police officer in a white helmet ran into the building but she did not observe him any further and could not state where he went in the building. She did not see Oswald after she went back into the lobby but she said the lobby was crowded with people at this time. Mrs. Saunders further said the stairwell would probably have been the easiest way to leave without being too noticeable since the stairwell is in need of repair and employees had been instructed not to use the stairwell. (See Document Number 5, page 60).

(2) Mrs. Geneviva L. Hine, when interviewed on November 23, stated that after hearing the shots she looked out the window on the east side of the building and saw several people on Houston Street and Elm Street running in various directions. "Almost immediately after she observed this, a policeman came into the office where she was and told her not to leave." She was tending the telephone switch-board. (Document Number 5, page 370).

c. Mrs. R. A. Reid, clerical supervisor at the TSBD Building was the next person who encountered Oswald as he was coming from the back hallway. Mrs. Reid was interviewed on November 26 (Document Number 5, page 27; see also Document Number 7, page 309, for a

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second interview). In addition, she signed an affidavit on November 23 for the Dallas Police Department (Document Number 81(b), page 54) and signed another affidavit on December 4 for the Secret Service (Secret Service Number 491, Commission 87); in addition, she gave an oral statement to the Secret Service (Document Number 491, page 12).

Mrs. Reid observed the motorcade from a position in front of the TSBD Building. She heard three shots which she later determined came from the building and the only thing she noticed was that the three shots had come from overhead somewhere and at the conclusion of the shots she had turned and saw some Negro boys standing at a window of the building. (November 26 interview). She also says that "I remarked to Mr. Campbell, who was standing nearby, that I thought the shots had come from our building but I heard someone say no, I think it was farther down the street. I went back into our building and up to the second floor of our office. Just after I entered the office, I saw one of the men who worked in the warehouse come through the back-office door near the lunchroom and the rear stairway." (Affidavit dated November 23). This was Oswald. She said to him that someone had shot the President and that she hoped they didn't hit him and Oswald walked on out of the office proceeding toward the front entrance of the office which leads into a hallway where the elevators and stairway are adjacent to each other. He was carrying a Coca-Cola and wearing a white tee shirt and no jacket. (Mrs. Reid was shown the rust brown sport shirt and said she could not recall ever seeing the shirt before and was certain Oswald did not have this shirt on at the time she saw him on November 22). (Document No. 7, p. 309.)

2. The Time Sequence

Whoever fired the shots from the sixth floor had to descend to lower floors. There are two means of exit: The elevator and the stairs. When Baker and Truly reached the sixth floor, no one was there. Oswald is a prime suspect apart from all other evidence because of his presence in the building at the time the shots were fired and because of his later disappearance from the building. If he were the assassin, he had to descend to the second floor in a short space of time in order to meet Truly and Baker at the lunchroom door and Mrs. Reid in the hall. The FBI surveyed ten different routes from the window on the sixth floor floor to leaving the building, all of said routes going to the front door. The shortest time for any of the routes is 1 minute 45 seconds and the longest is 3 minutes 49 seconds. The route which the FBI believes most probable would be to walk from the window on the sixth floor to the stairway, down the stairway to the second floor, from stairway to lunchroom, spending thirty seconds in the lunchroom, and then to walk to the front stairway and downstairs to the first floor and then out the front door: Total elapsed time - 2 minutes 25 seconds. (Document No. 5, pp. 120-123. See also S.S.# 324)

We should time a walk from the sixth floor window to the stairway and down past the fifth floor. The three Negroes who were standing at the fifth floor windows at the southeast corner of the building ran over to the stairway after they heard the shots. They did not see anyone descend by stairway from the sixth floor. We should time a descent from the Southeast corner windows on the sixth floor to the second floor lunchroom where Truly and Patrolman Baker saw Oswald. (See Document No. 5, pp. 120-121).

a. TSBD employee, Bonnie Ray Williams, when interviewed on November 23 stated that he watched the Presidential car pass from the middle windows on the south side of the building on the fifth floor. After the shots, he and two other employees known as "Hank" and "Junior" ran to the west end of the building. While standing at the west end, a police officer came up on the elevator and looked all around the fifth floor and left the floor. William says that he was standing where he would have seen anyone coming down from the sixth floor via the stairs and he did not see anyone. Someone might have been coming down on the elevator and he would not have noticed that. These three employees should be questioned concerning the amount of time between the last of the shots and their running to the west end of the building. See earlier statements of these three employees. (Document Number 5).

b. Vickie Adams, employed on the fourth floor of the TSBD Building, when interviewed on November 24, stated that she went to the second window from the left of the building on the fourth floor and opened same in order to see the motorcade and was there with a fellow employee, Sandra Styles. As the motorcade passed, she heard three loud reports that she first thought to be firecrackers and what she believed came from toward the right of the building, rather than from the left and above. (Does she mean by right, to her right, i.e. the west?) After the third shot, she observed the Presidential car speed up and rush away. She then ran immediately to the back of the building to where the stairs were located and ran down the stairs. No one else was observed at the stairs at this time and she said she was sure that this would be the only

means of escape from the building from the sixth floor. She and her friends ran out of the building, turned to the left and ran across the railroad tracks. Five minutes later, they were directed to return to the building. We should pin down this time sequence of her running down the stairs. (Document Number 5, pages 39-40.)

c. Employee Doris Burns worked on the third floor and saw the motorcade pass, from the office of Allyn and Bacon, and someone stated that there had been a shooting. She returned to the office of MacMillan Company where she worked and thereafter went to the women's rest room on the third floor, next to the back stairs. While in the rest room, she heard someone running down the steps. See Document Number 5, page 368 -- interview on November 24.



d. Time of Departure and Exit Point

When Oswald left Mrs. Reid, he was walking toward the front entrance of the office which leads into a hallway where the elevators and stairway are adjacent to each other. (Document Number 5, page 27.) We know that Oswald left the building but we do not know precisely when he left the building or from what exit. The time element is somewhat inexact. The Dallas police radio log shows that at 12:36 p.m. an officer, number 260, radioed that "Witness says shots came from fifth floor, Texas Book Depository Store at Houston and Elm. I have him with me now and we are sealing off the building." At 12:37 p.m., officer number 142 radioed: "Get men to cover the building, Texas School Book Depository, believe the shots came from there, facing it on Elm Street, looking at the building it will be the second window from the end in the upper right-hand corner." And at 12:38 p.m., officer number 137 radioed: "A witness says he saw 'em pull the weapon from the window off the second floor on the southeast corner of the Depository Building" to which the reply is made: "Do you have the building covered off?" The rejoinder is: "I am about 3/4ths of a block away" and the order is given "Report there." At 12:43 p.m., the question is asked, "Are you having them contain the block surrounding the building?" "Yes, we are sealing the building until it can be searched." (See Secret Service Document Number 468.) Thus, from the time standpoint, the building was not sealed off until 12:36 p.m. at the earliest and perhaps it was not sealed off until some minutes later at 12:43 p.m.

Robert McNeil, NBC correspondent, says that he was riding in the first press bus about seven or eight cars behind the President and

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on hearing the shots, got up out of the bus immediately and followed some police officers who were running up the grass slope to the right of the road in which the President was shot. He climbed the fence and followed the police who appeared to be chasing someone or under the impression they were chasing someone across the railroad tracks.

"Wanting to phone news of the shooting, I left there and went to the nearest place that looked like an office." He entered the front door of the TSBD Building about four minutes after the shooting. He said he saw three men in shirt sleeves on the ground floor who seemed calm. He asked for a telephone and was directed to a phone by a pillar in the middle of the room. He said he placed his call and left and does not believe any police officers entered the building before him or until he left. Later, he checked with his New York news desk and the time of the placement of the call was 12:36 p.m. (Interview on November 30. Document 206, page 5.)

Could Oswald have talked to McNeil? At one time in the interrogation of Oswald (Secret Service Document Number 177), he said that when he was standing in front of the TSBD Building and about to leave it, a young, crew-cut man rushed up to him and said he was from the Secret Service and showed a book of identification and asked him where the phone was. Oswald said he pointed toward the pay phone in the building and then saw the man actually go to the phone before he left. (The various stories of Oswald about his leaving the building will be more fully discussed in connection with his entire interrogation, infra.)

e. Betty Jean Thornton, employed on the fourth floor of the TSBD Building, was standing on the street when the motorcade passed by and heard what she thought was a number of firecrackers and then immediately afterwards someone said that the President was hit. She saw people running toward the embankment as if the shots had come from that direction. She said she turned toward the TSBD Building and entered the same but did not observe anyone in the lobby or anyone on the stairwell. She had never seen Oswald before as far as she knows. (Document Number 5, page 63.)

f. E. E. Bowers, Jr., when interviewed on November 22, said that he is a tower man in the north tower of the Union Terminal Building and this tower is located just north and west of the TSBD Building. He was watching the motorcade from his tower at about 12:28 p.m. when he heard three shots. He saw no one run from the west or south sides of the TSBD Building. He should be interviewed to ascertain how long after the shooting he maintained his watch on these two sides of the building. (Document Number 5, page 43.)

g. James Robert Underwood, who was an occupant in car number 7 or 8 of the Presidential motorcade, when interviewed on November 25, stated that at the sound of the third shot the car in which he was riding was almost directly in front of the TSBD Building and stopped. After looking toward the TSBD Building and not seeing anything resembling a rifle protruding from a window, he stated that at this time he left the car in which he was riding and for sometime afterwards he was near the entrance of the TSBD Building but did not notice a person resembling Oswald coming from the building.



3. Discovery of Oswald's Absence from the Building

a. Roy S. Truly reported that Oswald was missing no more than 15 minutes after he had seen him in the lunchroom. In an affidavit dated November 23, Truly stated that he was watching the motorcade, together with Mr. O. V. Campbell, when he heard what sounded like an explosion. "I heard three such explosions. Then I realized that they must have been shots. I saw an officer break through the crowd and then I went to our building. I realized he did not know anything about the building, so I ran in with him. The officer and I went through the Shipping Department to the freight elevator. We then started up the stairway. We hit the second floor landing, the officer stuck his head into the lunchroom area where there are coke and candy machines. Lee Oswald was in there. The officer had his gun on Oswald and asked me if he was an employee. I answered yes. We then went up to the fifth floor where we found the elevator open. We took the elevator to the seventh floor and out on the roof." Some 15 minutes later, after they checked through the building, he did not find Oswald. He asked Mr. Shelley if he had seen Oswald and Kelley said no. He told the police that Oswald was missing. (Document Number 81(b), page 62.)

In an affidavit dated December 4 and forming a part of Secret Service Control File 491 (Commission Number 87), Roy S. Truly stated that on November 22 he stood directly in front of the building entrance until the Presidential motorcade passed by. "I heard three shots fired and moments later a man who I believed to be a motorcycle policeman came



running up the entrance of the building, and I accompanied him inside. He asked me something about the location of the stairway, and I accompanied him to the rear of the building. We paused momentarily by the freight elevator but since neither were on this floor, we ran up the back stairway to the second floor. I had started to go up the stairway to the third floor when I noticed that the officer was not following, and I heard him say something. I then went back and found he was standing near the entrance to the lunchroom, and he had drawn his weapon. Just inside the lunchroom door, Lee Oswald was standing and the officer was facing him. At the time, the officer asked me if this man worked here to which I replied, 'yes.' The officer and I then proceeded to the stairway and continued on up to about the fifth floor where I noticed a freight elevator. We rode the freight elevator up to the seventh floor and ran up a little stairway to a small penthouse which had a door opening on to the roof. We made a quick examination of the roof top area and the officer over the lot below. We stopped momentarily on the other floors for a quick look and then returned to the first floor. By this time, there were numerous people, including police officers, on the first floor of the building. A few minutes after returning to the first floor, I noticed officers taking the names and addresses of the various people of the building. At the time many of the shipping and order room boys were standing in one location, and I noticed that Lee Oswald was not among the group. Therefore, I notified the authorities that this boy was missing."



b. William H. Shelley, who had been put in charge of Oswald by Truly, also noticed that Oswald was missing. In an affidavit dated November 22, he said that he went outside to see the motorcade and after the shooting, "I started checking around and I missed Lee. I asked Mr. Truly about him and he told me that he had not seen him." (Document Number 81(b), page 60.) (This is not precisely true, for actually Mr. Truly had seen Oswald a few minutes after the assassination. Perhaps, what Shelley means is that Truly told him he had not seen him at the time he was asked the question. In any event, this should be checked out.)

c. Captain Fritz, of the Dallas Police Department, left the TSBD Building to make a quick check of any police record for Oswald and then drive to Irving, Texas, his listed address, to apprehend him as a suspect; at City Hall, he was advised that Oswald was there as a prisoner in connection with the shooting of Officer J. D. Tippit. In his report of the commencement of his interrogation of Oswald, Captain Fritz stated that at about the time that Lt. Day of the Crime Lab had finished his work with the rifle and Captain Fritz had picked it up and found it had a cartridge in the chamber which he ejected, "some officer came to me and told me that Mr. Roy S. Truly wanted to see me as one of his men had left the building. I had talked to Mr. Truly previously and at that time he thought everyone was accounted for who worked in the building. Mr. Truly came with another officer and told me that a Lee Harvey Oswald had left the building. I asked if he had an address where this man lived, and he told me that he did, that it was in Irving at 2515 W. Fifth Street.



"I then left the rest of the search of the building with Chief Lumpkin and other officers who were there and told Detectives R. M. Simms and E. L. Boyd to accompany me to the City Hall where we could make a quick check of the police record and any other information of value and we would then go to Irving, Texas, in an effort to apprehend this man. While I was in the building, I was told that Officer J. D. Tippit had been shot in Oak Cliff. Immediately after I reached my office, I asked the officers who had brought in a prisoner from the Tippit shooting who the man was who shot the officer. They told me his name was Lee Harvey Oswald, and I replied that this was our suspect in the President's killing." (See Document 81(b), at pages 136a-b.) (The matter of Officer J. D. Tippit will be discussed in Division H, infra, commencing on page .)

The report of the Dallas Police Department contains what purports to be a complete list of all persons who were employed in the Texas School Book Depository Building on November 22, 1963. (Document 81(b), p. 127) Most of these were interviewed. We suggest additional interviews and investigation. We should obtain the names and addresses of everyone who had reason to be in that building on the morning of November 22, 1963. Each of these persons should be asked:

1. To account for his whereabouts at the time the President was shot.
2. To state whether he was alone or with someone else, and if with with someone else, all other names should be taken.
3. If he saw Lee Oswald at that time.



4. If he saw anyone in that building that morning who was a stranger to that building.

5. At what time did he leave the TSBD Building for the day.

4. The Station Wagon Story

a. Marvin C. Robinson, when interviewed on November 23, stated that between 12:30 and 1:00 p.m. of the afternoon of November 22, while traveling west on Elm Street, he crossed the intersection of Elm and Houston shortly after the assassination of President Kennedy and that after he had crossed Houston Street and was in front of the TSBD Building, a light colored Nash station wagon suddenly appeared before him. This vehicle stopped and a white male came down the grass covered incline between the building and the street and entered the station wagon after which it drove away in the direction of the Oak Cliff section of Dallas. He does not recall the license number on this station wagon and whether or not it bore a Texas license plate and did not pay any particular attention to the individual who entered the station wagon and would be unable to identify him. (Document Number 5, page 70.)

b. Roger Craig, when first interviewed on November 22, stated that he was employed as a Deputy Sheriff in the Dallas County Sheriff's Department and was standing in front of the Deputy Sheriff's office at 505 Main Street at the time the motorcade of President Kennedy was approaching the triple underpass. He stated that he heard a shot and ran around the corner on to Houston Street and went through the parking area and briefly searched the area of Elm Street. Shortly after this, approximately three or four minutes, he came back across Elm Street and observed an individual run down the grass area from the direction of the TSBD Building. He heard this individual whistle and a white Rambler station wagon driven a Negro male

pulled over to the curb and the individual got in and the car headed toward the Dallas-Fort Worth Turnpike.

At 5:18 p.m. on November 22, he was given an opportunity to observe Oswald in the office of Captain Fritz in the Dallas Police Department and said he is positive that Oswald is identical with the same individual he observed getting into the Rambler station wagon as mentioned above. (Document Number 5, page 69.)

When re-interviewed on November 25, he said that after hearing the shrill whistle, he looked up and saw a man running across the lawn toward Elm Street from the direction of the Texas School Book Depository Building and noticed an automobile traveling west on Elm which he feels was a white Rambler station wagon with a luggage rack on top and observed the driver look at the man running down the hill and the driver stopped at the curb and the man on foot got in and they left going west on Elm Street. Craig feels it was a 1963 Texas license and when later interviewed described the driver as a white male American, dark complected, short hair, wearing a light-colored jacket.

Craig stated that he had previously described the driver of the car as a Negro male but has since decided that he was a white male and the man he had seen running across the lawn was a white male, height 5' 9", weight 140 lbs., built slender, hair sandy, dressed in brown shirt and blue trousers. When Craig heard later that afternoon that the Dallas Police Department had a suspect

in the shooting of Officer Tippit, he called Captain Fritz and gave him the description of Oswald as the man he had seen crossing the lawn and was advised to view the suspect at the Dallas Police Department and went there and identified Oswald as the person he had seen running from the TSBD Building and further stated that there is no doubt in his mind that the man he observed running from the TSBD Building and the person he viewed at the Dallas Police Department are identical. (Document Number 5, pages 71-72.)

Craig says that after hearing the three shots, he crossed Houston Street, met a Dallas city police officer who advised him that the noises were gun shots, then proceeded to the Santa Fe railroad tracks which run alongside the TSBD Building, noticed a car with a woman sitting in it, immediately took her to a Mr. Lummy Lewis at the Dallas County Sheriff's office who took her name and address, then went back to the southwest corner of the TSBD Building and there talked with a young man and his wife who claimed they had observed a man at a window of the TSBD Building holding a rifle about 15 minutes before the parade passed but assumed he was a Secret Service man, took these people to Mr. Lewis, who took their names and addresses, then crossed to the south side of Elm in front of the TSBD Building to see if he could see marks on the pavement which indicate that a bullet had ricocheted and it was at that time

that he heard the shrill whistle and saw the man running across the lawn toward Elm Street coming from the direction of the TSBD Building. The time required to do this should be reconstructed.

The record is silent as to why Roger Craig saw Oswald in Captain Fritz's office rather than in a police lineup.

Sheriff Bill Decker, when interviewed on December 9, said that Deputy Sheriff Roger Craig in his opinion is a reliable employee who is completely honest in his belief that he saw Oswald getting into a white Rambler immediately after the shooting, even though Craig is obviously mistaken in his belief. Decker said he has discussed this identification with Craig and he pointed to him the witnesses corroborated by the transfer found in Oswald's possession which shows that Oswald left the assassination by a city bus. Craig stated to Decker that he was aware of all that and knew that this indicated that Craig was mistaken in his identification but he still saw someone getting into a white Rambler and still believes this person was Oswald. (Document Number 205, page 42.)

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F. ROUTE FOLLOWED BY OSWALD FROM TSBD BUILDING TO ROOMING HOUSE

1. Route of Oswald from the TSBD Building to Murphy and Elm Streets

With the exception of the witnesses whose testimony is quoted above in the station wagon story, no reliable eye witness claims to have seen Oswald leave the building, but Mary S. Bledsoe, 621 N. Marsalis Street, Dallas, declares that Oswald boarded a city bus at the corner of Murphy and Elm Streets shortly after the assassination. Her identification is positive. She knew Oswald. He rented a room from her and lived in her home from October 7 to October 14, 1963. Her identification is therefore reliable.

We can only speculate as to the course taken by Oswald from the corner of Elm and Houston to the corner of Elm and Murphy. The distance is seven blocks. An FBI agent walked this distance in $4\frac{1}{2}$ minutes. There is some discrepancy in the reports. In Document Number 7, page 380, the FBI states that a man walked directly east on Elm Street a distance of five blocks in five minutes. A more circuitous route was followed in another experiment. A man walked from the front door of the TSBD Building, one block east on Elm, then one block north to Pacific, then east on Pacific to Lamar, south of Lamar to Elm, and then east to the bus stop at Murphy and Elm, a distance of seven blocks which required seven minutes. In another FBI report, it is stated that the distance from the front door of the TSBD Building to the bus stop at Murphy and Elm was walked three times at an average speed of $6\frac{1}{2}$ minutes for the seven blocks' distance. (Document Number 5, pages 120-123.) These time variances should be resolved. Both the FBI and Secret Service agreed on the timing of a bus ride in heavy traffic from the bus stop at Murphy and Elm to the bus stop at Poydras and Elm --

a distance of two blocks. Buses were timed in heavy traffic and the agreed time estimate was four minutes average.

Oswald could have boarded the bus at a location closer to the TSBD Building. After riding two blocks on the bus, he was two blocks closer to the building than when he boarded the bus. A map of this particular bus route should be obtained to verify how close the bus came to the TSBD Building.

2. The Bus Ride

a. Mary Bledsoe

On November 22, Mrs. Bledsoe told the FBI that she had viewed the President's motorcade on the street opposite from Titcher's Department Store on Elm Street. After the motorcade went by, she walked over to St. Paul and Elm Street and got on a Marsalis bus. She paid her fare and sat down in a seat directly opposite the driver facing the aisle and the bus proceeded down Elm Street. When the bus stopped on Murphy Street, she saw Oswald get on, pay his fare, walk to the rear of the bus where he sat down. She said Oswald was nervous and wearing dirty clothes. After he got on the bus, traffic going west on Elm became heavy, the bus made short jerky moves, and while stopped, a passing motorist told the driver that the President had been shot. People in the bus began talking about this and shortly thereafter, Oswald got up from the rear seat, came to the front of the bus passing in front of her, got off from the front entrance at the next stop and disappeared into the crowd. Point of departure was before the bus reached Lamar Street. (Document Number 5, pages 340-341.)



When re-interviewed on November 27, Mary E. Bledsoe stated that she watched the motorcade on a spot on the southeast corner of Main and St. Paul. (Is this the same as on the street opposite from Tiche's Department Store on Elm Street?) She said that she got on the bus approximately 10 minutes after the motorcade had passed St. Paul and Main and that Oswald got on in the vicinity of Murphy Street and got off in the front of the bus, although he could have gotten off on the side door, and the bus was two blocks further west along Elm Street, but had not come to Lamar Street. (Document Number 5, page 343.) In an affidavit dated November 23, she said that Oswald got off two or three blocks after he got on. (Document Number 81b, page 9.)

b. Bus driver Cecil J. McWatters, when interviewed on November 22, said that he was driving a bus which he called the "Munger" bus which left the corner of St. Paul and Elm at 12:36 p.m. proceeding west on Elm. He arrived at Field Street at about 12:40 p.m. and from there on to Commerce and Houston and was delayed 15 to 20 minutes because of a traffic jam. While in the jam, he heard over a radio in a car sitting next to the bus at the corner of Poydras and Elm Street that the President had been shot.

After turning off Elm onto Houston, he went across the Houston Street viaduct to Oak Cliff and then turned south on



Marsalis Street. After he turned on Marsalis, he said to a male passenger: "I wonder where they shot the President?" The man replied, "They shot him in the temple." When a woman subsequently boarded the bus and McWatters told her to check the story with the young man she commented that the young man was smiling and McWatters glanced back and saw a sort of grin. McWatters is unable to state at what point the man got on the bus but believes it was between the corner of Elm and Poydras and the corner of Commerce and Houston. He can't say when the man disembarked but he believes it was south of Saner in Oak Cliff. He cannot recall the man by description of clothing. He states he was a teenager, 5' 8", 155 lbs., medium build and slim face.

In a police lineup, he picked Oswald on November 22 as the only one who resembles the man who had ridden on the bus but he stated that he cannot specifically identify him as being on the bus or as being the person who made the remark that the President was shot in the temple.

At the time of Oswald's arrest, a Dallas transfer was found in his pocket. McWatters examined this transfer. He identified it as a transfer issued by him on November 22. He stated that all transfers issued on this run from north to south show a time of 1 p.m. and that 1 p.m. was shown on the transfer exhibited to him at the police department. He further stated that he recognized the mark of his ticket punch on this transfer in the "PM" box and in the "Lakewood" box. Query: How distinctive are ticket punches of Dallas bus drivers? The transfer was dated November 22. (Document No. 5, pp. 346-347.) (See also affidavit dated November 22, Document 81(b), p. 38.)

In his affidavit, the bus driver stated that he was driving Marsalis bus #1213. We should inquire if this is the Munger bus?

R. M. Simms of the Dallas Police Department found a bus transfer in Oswald's left shirt pocket. This was just prior to the first "showup." Oswald at that time made no comment as to the transfer (see Document No. 5, p. 142). Oswald in his interrogation, infra, later admitted that he had received the transfer. The personal property taken from Oswald at the time of his arrest by the Dallas Police Department is shown on Dallas Police Department Property Clerk's Invoice No. 11378G. Item number 3 is Dallas Transit Company's shoppers transfer dated Friday, November 22, 1963, bearing number 004459 perforated "p.m." and also perforated "Lakewood" bearing the initials on the back "R. M. S." (Document 205, page 195.) (Is there a time stamp on this transfer?)

In his affidavit on November 22, the bus driver stated that "I don't remember where I let this man off. The man looks like the number 2 I saw in the lineup tonight. A transfer number 004459 is a transfer from my bus with my punchmark." (Document No. 81(b), p. 38.) Detectives C. N. Dhority and C. W. Brown stated that they were present when McWatters made identification of Oswald in the lineup and McWatters made identification of the transfer which Oswald had in his possession at the time of arrest. (Document 81(b), p. 110.)

3. The Taxicab Ride

Cab driver William Wayne Whaley, when interviewed by the FBI on November 23, stated that at about 12:30 p.m. he was sitting in his cab at the cab stand located at the Greyhound Bus Terminal at Lamar and Jackson Streets in Dallas on November 22. A few minutes earlier, he had begun to hear sirens and noticed a few blocks away that people were running around excitedly. At about that time, he noticed from his rear-view

mirror a young man come up to his cab from the rear from the direction of Commerce Street, that is, from the north. (Document Number 5, pages 348-350.) According to an affidavit given the Dallas Police Department on November 23 (Document 81(b), page 64), Whaley stated: "This boy walked up to the cab, he was walking south on Lamar from Commerce, he asked if he could get a cab, I told him, yes, and I opened the back door. He shut the back door and said he wanted to sit in the front. The boy said he wanted to go to the 500 block of North Beckley. After he had gotten into the cab and I had turned my meter on, a lady came up to the cab and asked if she could get in the cab. As I recall, I said there will be one behind me very soon. I am not sure whether the man passenger repeated this to her or not, but I think he may have. I then drove away. I asked him what all the sirens were about and he didn't say anything so I didn't say anything to him. I turned right on Jackson and traveled to Austin Street where I turned left and traveled Austin to Wood Street where I turned right on Wood Street. I traveled Wood Street to Houston Street, turned left, went over to the viaduct to Zang's Boulevard and traveled Zang's to Beckley and turned left and traveled on Beckley until I reached the 500 block of North Beckley. When I got in the 500 block of North Beckley, he said this will do and I stopped. The fare was 95 cents and he gave me a dollar and told me to keep the change. The boy got out of the cab and walked in front of the cab at an angle south on Beckley Street. This boy was small, 5'8", had on a dark shirt with white spots or something on it. He had a bracelet on his left wrist. He looked like he was 25 or 26 years old. At



approximately 2:15 p.m. this afternoon, I viewed a lineup of four men in this City Hall. The number 3 man, who I now know as Lee Harvey Oswald, was the man who I carried from the Greyhound Bus Station to the 500 block of North Beckley.

When interviewed by the FBI, he said that at the police station he was shown a photograph of Oswald and Whaley stated that this was the man he referred to. Immediately following the interview, he positively identified Oswald from the lineup. This does not appear to be the best identification procedure.

Detective C. N. Dhority says that he was present on November 23 at 2:15 p.m. when cab driver William W. Whaley made identification of Oswald in a lineup. Oswald was number 3 man in a 4 man lineup. (Document 81(b), page 110.)

In another interview on November 29, Whaley was interviewed with regard to his route and the possible time. He stated the following route: from Greyhound Terminal at Lamar and Jackson Streets as turning left on Austin to Wood, Wood to Houston, left across viaduct, then up Zangs to Beckley where he turned south and drove to the 500 block where Oswald left. Oswald walked in front of the cab, angled south walking across Beckley Street. Whaley then turned north back to Zangs where he proceeded back across the viaduct where he turned into the Union Station Terminal through the Express Company which has an entrance through the viaduct. Average speed 25 miles per hour until he hit viaduct, then 43 miles per hour until Zangs. Governor on car limit speed of 43 m.p.h. on Zang Street about 35 m.p.h. and then slowed down to 25 m.p.h. on Beckley.



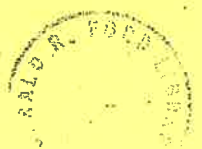
No traffic signal stop until at Zangs and Beckley Street where he stopped for a few seconds. Estimate of entire trip 10-11 minutes from beginning until return to Union Terminal. (Document Number 5, pages 351-352.)

When interviewed on November 29, Whaley said that when he got back to Union Station after the trip of 10 or 11 minutes, he logged in his time at 12:45 p.m. He said his watch is usually about two minutes slow but he does not know for sure if this was true on November 22. His trip manifest is kept in the company office. (Document Number 5, page 351.) There is an obvious time discrepancy. This may be accounted for because his starting point of 12:30 p.m. he says is a "few minutes" after he began to hear sirens and notice a lot of people running about excitedly a few blocks away.

E. E. Potts, personnel manager of City Transportation Company, when interviewed on November 29, stated that the manifest of driver W. W. Whaley for November 22 shows that pickup number 14 was a passenger from "Greyhound" to "500 West Beckley" with a fare of \$.95 and a time-out listed as 12:30 and a time-in as 12:45. (Document Number 5, page 352.)

We should verify than an identification bracelet was either found on Oswald or was picked up as a part of his belongings at his Beckley Street room.

(The fact that Oswald asked to be let off in the 500 block of North Beckley rather than in front of his apartment five or six blocks away raises a suspicion that he tried to conceal this method of transportation.)



The walk from the point of disembarkation of the bus from Elm and Poydras to Jackson and Lamar at the cab stand is four blocks. The FBI survey times this as three minutes; so does the Secret Service. (Document Number 5, pages 120-123, SS Number 324.) The cab trip Secret Service estimates took seven minutes at an average speed of 35 miles per hour and 2.6 miles. FBI has seven minutes for both maximum speeds of 35 m.p.h. and 25 m.p.h. (the latter with fewer stops) and eight and a half minutes at 30 m.p.h. -- more stop lights. A cab driver's total time included the return trip to Union Station.

4. Oswald's Arrival at his Rooming House

Mrs. Earlene Roberts, housekeeper at 1026 North Beckley, when interviewed on November 22, stated that just after learning the President had been shot while she was watching television Oswald came in, went into his room, got his coat, and left again. She said that she remarked to him, "You sure are in a big hurry," and Oswald said nothing. She fixes the time of arrival at about 1:00 p.m. She said he stayed no longer than four or five minutes, (?) and that he entered the house, went into his room, left again, did not stop to look at television, said nothing, and was very hurried as he left. He had put on a dark colored jacket and was zipping up the



front of his jacket as he walked out the front door. Several minutes later, she looked out the window and saw him standing by the bus stop on Beckley and she did not see him again. (There is another Secret Service Report dated December 12, or so, which has an additional statement which has to be examined. Among other things, are we sure that Oswald did not wash his hands or face, etc.) (See Document Number 5, pages 353 and 355, and Secret Service Report Number 641, dated December 12.) What about any statements from Mrs. Gladys Johnson, wife of the owner of the residence at 1026 North Beckley, or anyone else watching television?

Oswald rented the room under the alias of O. H. Lee (see Document Number 5, page 367). This is according to the testimony of A. C. Johnson, owner of the premises. See also testimony of housekeeper Earlene Roberts. (Document Number 5, page 353.) See testimony of Mrs. Johnson (Document Number 5, page 358).

The FBI states that the distance from the 500 block of North Beckley to 1026 North Beckley is .4 miles and estimates it requires an average walking time of 6 minutes. The same estimate is made by Secret Service. (Document Number 5, pages 120-123; Secret Service Document Number 324.)



From the bus stop at 1026 North Beckley where Oswald was last seen by Mrs. Earlene Roberts to the 400 block of East 10th Street, where Patrolman J. D. Tippit was shot, is .8 miles and requires 12 minutes walking time according to the estimates of both the FBI and Secret Service. Fixing the time of assassination at approximately 12:30, we have the following of travel minimum and maximum times/ from the southeast corner of the sixth floor of the TSBD Building to the residence at 1026 North Beckley (assuming 22 minutes and 25 seconds as the time from the southeast corner of the sixth floor to the front of the TSBD Building); 26 minutes and 55 seconds to 30 minutes and 25 seconds. Assuming a 12:30 p.m. exact time for assassination, this would place arrival at the rooming house on North Beckley as somewhere between 3 minutes of 1:00 and 1/2 minutes after 1:00, which integrates with the estimated time of arrival fixed by housekeeper Mrs. Earlene Roberts at about 1:00 p.m. (Document Number 5, page 120-123; Secret Service Document Number 324.)

The transcript of the radio logs for the Dallas Police Department show that the citizen's call pertaining to the shooting of Officer Tippit occurred at 1:18 p.m. and that the notice to all squads were sent out at 1:18 p.m. This also integrates with the time sequence as Mrs. Earlene Roberts stated he was in the house no longer than



4 to 5 minutes and that a few minutes after he left out the front door, she saw him standing by the bus stop but did not see him again. The walking time required from the bus stop to the point of encounter with Officer Tippit, as has been previously stated, is 12 minutes for the .8 mile.

G. The Murder of Officer J. D. Tippit

1. Two witnesses saw Oswald kill Tippit.

a. Cab driver William W. Scoggins

In an affidavit dated November 23 (Document Number 81b, page 57), Cab driver, W. W. Scoggins, says that on Friday, November 22, at approximately 1:00 p.m., after discharging a passenger, he drove his cab to the Gentlemen's Club at 125 South Patton. He couldn't find a parking place in front of the Club so he walked to 10th Street and parked on Patton at 10th heading north and walked back to the Club to get a drink -- watch TV -- and then went back to the cab to eat lunch.

"About the time I started to eat my lunch, I saw a police car going east on 10th. The police stopped on 10th, just east of Patton. The officer got out of his car and evidently said something to a man who was walking west on 10th. When the policeman spoke to him, the man stopped. The next thing that attracted my attention



was the gun firing. I heard 3 or 4 shots and I saw smoke near the squad car. The officer fell beside the squad car on the driver's side and the man the officer was talking to started running. He ran west on 10th to Patton and then south on Patton to Jefferson. After the man passed my cab, I picked up my mike and reported the shooting to my dispatcher.... I do not know the man that shot the officer, but I would recognize him if I saw him again. When the man ran past my cab he had a pistol in his left hand. I heard him mumble something like 'Poor dumb cop' or 'Poor damn cop' twice as he went past." Another man ran up who had a gun in his hand and said "Let's see if we can find him." Then the man got in the cab, Scoggins circled around several blocks but did not see the man that shot the officer.

He gave a similar report in FBI interview on November 23 (Document Number 5, pages 74-76) with the following additions: he was parked on the east side of Patton at 10th Street, heading north on the right side of the street where a stop sign had been but which had been removed. He estimated the time at which he got out his lunch at about 1:25 p.m. He said the police car of Officer Tippit was going at a slow rate of speed. (How slow? Did the police car seem to be looking for someone?) He was not asked whether or not the man had the pistol in his right or left hand at the time of the shooting, if he knows.

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In an affidavit given Secret Service dated December 2 (Document Number 469, Commission Number 87), he estimated that the time that he parked his taxicab was at 1:05 p.m. He said that he had just started eating his lunch when he noticed a police car going east on 10th Street and that he started to continue eating his lunch when he saw the police officer get out of the car. At that point, he could not see the man that stopped at the car. He heard 3 or 4 gun shots and as he looked toward the police car, he saw the police officer grab at his stomach with both arms, topped forward toward the direction the cruiser was facing at the time. "At this point, I jumped out of the cab and ran directly across the street to the west side of Patton Street just south of east 10th. When I got to the other side of the street and looked back, I saw the man who I later identified at the Dallas Police Department coming from the direction of the police cruiser. As I got out of my cab, the man came west on 10th Street, cut across the yard of the house on the corner of 10th and Patton, and proceeded south on Patton on the east side of the street.... I saw that this man was holding a revolver in his left hand and I noticed that as he went by the gun was being held in an unusual manner. The position of the gun in the man's hand it appeared was that he may have been trying to unload it. As the man went by, he appeared to be trotting. He proceeded a short distance south on Patton toward Jefferson when

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I ran back to the cab to call the dispatcher for aid." After another police cruiser got there, Scoggins and another man got in the cab to try and hunt for Oswald and went north on Patton and possibly turned west on 10th Street. "When we left the intersection of 10th and Patton, we did not go to Patton and Jefferson, but went in a northerly direction which would be opposite from the intersection of Patton and Jefferson Streets."

(C) On November 23, Scoggins went to a police lineup where he picked Oswald out of the lineup as being the same individual as he had seen shoot Officer Tippit. He stated he was no more than 15 feet from Oswald as Oswald fled the scene of the shooting and that he is positive that Oswald did the shooting. (See Document Number 5, page 76.)

(D) There is a discrepancy as to the actual time. Of course, we have the report on the police radio, but it might be helpful to check with the cab company to get a written verification of their records, since Scoggins fixed the time at about 1:25 p.m.

b. Helen Louise Markham.

Helen Louise Markham, in an affidavit dated November 22, stated that at approximately 1:16 p.m., she was standing on the corner of East 10th and Patton Streets waiting for traffic to go by when she saw a squad car stop in front of 404 East 10th



about 50 feet "from where I was standing. I saw a young white man walk up to the squad car opposite the driver's side, lean over and put his arms on the door of the car for a few seconds, and then straightened up and stepped back from the car 2 or 3 feet. At this point, the officer got out of the squad car and started around in front of the car and just as he got even with the left front wheel this young man shot the officer and the officer fell to the pavement. I screamed and the man ran west on East 10th across Patton Street and went out of sight." (Document 81b, page 37.)

(3) There are some discrepancies in an interview on November 22 with the FBI. She says the shooting occurred around 1:30 p.m. and that the officer got out of the driver's side and walked around behind the car and on rounding the corner of the car was shot twice in the head by the young man. She said the young man ran west to 10th Street to the corner and turned to the south and disappeared. She said she was sure she could identify him and described him as a white male about 18 with black hair, red complexion, wearing black shoes with a tan jacket and dark trousers. (Document Number 5, page 79.) When re-interviewed on November 25, she stated that she had identified Oswald at the Dallas Police Department and was positive he is the individual that killed the police officer. She also examined a photograph of Oswald and identified him as the killer. (Document Number 5, page 80.)

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In a Secret Service Document 469 on an affidavit dated December 2, she said she recalled two shots and after that the man started fooling around with his pistol and calmly walked away until he saw her when he started running.

2. Five witnesses heard the shots and saw Oswald fleeing,
gun in hand.

a. Jeanette Davis, also known as Barbara Jeanette Davis, on an affidavit dated November 22, stated that shortly after 1:00 p.m., she was lying with her sister-in-law on the bed with the kids and heard a shot and jumped up and heard another shot, and went to the door and saw a man walking across her front yard unloading a gun. A woman was standing across the street screaming that "He shot him, he killed him" and pointed towards the police car. She (Jeanette Davis) ran back in the house and called the operator and reported this to the police and when the police ^arrived she showed one of them where she saw the man emptying his gun and they found a shell and after the police left her sister-in-law, Virginia Davis, found another shell which was turned over to the police. That night they saw a police lineup and the number 2 man in the 4-man lineup was the one she had seen in her yard unloading the gun. (Document Number 81b, page 18.)

In an affidavit dated December 1 (Secret Service Number 447), she stated that her home was at 400 East 10th Street. She saw the man after she opened the front door and also the screen door. "The man was on the sidewalk directly in front of me and was

shaking shells from a pistol into his hand. My front door is approximately 25-30 feet from the point where I first saw the man with the gun. The man was walking in a normal manner and did not appear to be excited or in a hurry as he removed the shells from the gun. The man was walking in a northerly direction and walked across the corner of my property toward Patton Street. At about the time he approached the hedges on the corner of my property closest to the intersection of Patton and East 10th Street, a woman started yelling from across the intersection. I heard the woman yell "He shot him, he killed him." The man sort of glanced up at the woman but continued on at a normal walking speed still taking shells out of the gun. The woman that yelled out also pointed out a police car parked almost in front of the driveway of the house next door to mine. I saw the police car and turned and went back into the house and called the police. After making the call to the police, I went back out of the house, but the man I had seen walk across my lawn was out of sight."

b. Virginia Ruth Davis, on an affidavit dated November 22 (Document 81b, page 19), stated that the time was around 1:30 p.m. on November 22 and that she was in the apartment of her sister-in-law -- they live in the same house in different apartments. They heard a shot and then another shot and ran to the side door at Patton Street. She says that she "saw the boy cutting



across our yard and he was unloading his gun." She and her sister-in-law walked outside and a woman was hollering "He's dead, he's dead, he's shot." This woman told Jeanette to call the police and she did. She said she saw the officer that had been shot lying on 10th Street after the police were called, and that her sister-in-law found an empty shell and gave it to the police and after the police left she (Virginia Davis) found another empty shell in the yard which she gave to Detective Dhority. She identified the man unloading the gun as number 2 man in the lineup which she saw that night on November 22.

In an affidavit dated December 1 (Secret Service Number 447), she stated that immediately following the first report there was another loud bang. "We then jumped out and ran to the front door." When we got to the door and went out on the porch, I saw a man who I later that day identified at the Dallas Police Department. This man was coming across the yard and was almost to the walk which leads directly to the porch and is in a direct line with our front door. The man had a revolver in his left hand and was shaking the shells out of it into his right hand. As the man passed directly in front of us he looked up for a second or so and then continued on across the yard toward Patton Street in a normal walk. At about this time, a woman directly across the intersection from our house yelled out

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"He's dead, he's dead, he shot him." The man glanced up at the woman and kept on walking. He walked around the corner of the house that faces Patton Street and out of sight. After calling the police, when the police arrived "we searched the area on the side of the house that faces Patton Street, and Barbara found a gun shell that had been fired. After the police left, we again searched the area and I found a gun shell that had been fired. I later turned this shell over to the Dallas Police Department."

c. Ted Callaway, in an affidavit dated November 22, (Document Number 81b, page 15) said that he was the manager of the used car lot at 501 East Jefferson and about 1:00 p.m. he heard some shots and ran into Patton Street and looked to see what the shooting was about and he saw a white man running south on Patton with a pistol in hand. He said he hollered at him and he looked around and kept on going. Callaway then ran around on 10th Street and saw a police officer laying in the street who looked dead and he got the officer's gun and hollered at the cab driver to come on and try to catch the man. They drove up Patton to Jefferson, looked all around, but did not see him. Callaway also said the "number 2 man in the lineup that I saw at City Hall was the man that I saw with the gun in his hand."

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In an affidavit dated December 3 (Secret Service Number 447), he reaffirmed his earlier affidavit and added that he heard 5 gun shots in all: a series of 2 shots followed by a series of 3 shots and "immediately jumped off the porch and headed toward Patton Street." While proceeding toward Patton Street, he saw Oswald "crossing from the east side of Patton to the west side of the same street close to the intersection of Patton and East 10th. I went the remaining distance, probably 50 feet in all, to Patton Street, and watched the man come south on Patton on the west side of the street. The man was not in a dead run but rather in a good trot. When he reached a point approximately 20 feet north of me and across the street from me I hollered out to him, "Man what the hell's going on" or something like that. At that point, he slowed his pace slightly and turned and looked at me. He appeared to be very pale but not excited. He had a pistol in his right hand and was carrying it in a "raised pistol position." I think he answered me, but I could not hear what he said. He also shrugged his shoulders as if to say he did not know what was happening. As I turned to my left after he passed... I could see the man with the pistol going through the yard of the apartment house at the northwest corner of Jefferson and Patton. It appeared that he was heading west on Jefferson on the north side of the street. I then proceeded to the scene of the shooting.

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The witness proceeded to the scene of the shooting, picked up the police officer service revolver and got the cab driver at the scene to help try to find Oswald. The cab turned west on 10th and south on Crawford to Jefferson and then west on Jefferson to Beckley where the cab turned north. During the time on Jefferson, they did not see the man with the pistol. In his affidavit, he also again stated he identified Oswald at the police station.

d. Sam Guinyard, in an affidavit dated November 22 (Document 81b, page 28), stated that he works as a porter at the used-car lot at 501 East Jefferson and around 1 o'clock on November 22 he heard some shooting near Patton and 10th Street. "I ran out and looked. I saw a white man running south on Patton Street with a pistol in his hand. The last time I saw of this man he was running west on Jefferson. I went around on 10th Street and saw a policeman laying in the street. He was bloody and looked dead to me. "The number 2 man in the lineup I saw at the City Hall was the same man I saw running with a pistol in his hand."

e. William Arthur Smith, when interviewed on December 12, claimed that he observed Officer Tippit when he was being shot but did not report it to the police because he claimed he had been on 2 years' probation for auto theft and thought he might get

into trouble. He said he was too far away from the individual to positively identify him but he said he was a white male, about 5'7" or 5'8", 20-25, weight 150-160, wearing a light shirt, light brown jacket and dark pants. He said he did not believe it was Oswald when he first saw Oswald on TV because it looked like Oswald had light colored hair. He stated that the individual he observed had dark hair. He said he saw this individual walk up to the police car and as the policeman started to emerge he heard 4 or 5 shots, the policeman fell to the ground, whereupon the white male continued down 10th Street and turned left on Patton heading toward Jefferson. This was the last time he saw the individual when he immediately went up to talk to Mrs. Markham, a neighbor, who was a witness to the shooting also and has been interviewed by the police.

(Document 205, page 243.)

3. The murder weapon.

At the time of apprehension of Oswald, Patrolman M. N. McDonald "managed to get my right hand on the pistol over the suspect's hand. I could feel his hand on the trigger. I then got a secure grip on the butt of the pistol. I jerked the pistol and as it was clearing the suspect's clothing and grip I heard the snap of the hammer and the pistol crossed over my left cheek



causing a 4-inch scratch. I brought the pistol away still holding the butt and pointing it to the floor at arm's length away from anyone. I recognized Officer Bob Carroll and handed the pistol to him.... I marked the pistol and 6 rounds at Central Station. The primer of one round was dented on this fire at the time of the struggle with the suspect." (Report dated December 3, Document 81b, page 93.) Detective Bob K. Carroll said that in the course of the struggle with Oswald "I observed a pistol with the muzzle pointed in my direction. I grabbed the pistol and stuck it in my belt... While enroute to City Hall, I released the pistol to Sergeant Jerry Hill." (Document 81b, pages 81-82.) Police Sergeant Gerald L. Hill stated that after the apprehension of the suspect he was placed in the rear seat of the police car and that he (Hill) got in the center of the front seat and as Officer Carroll started to get into the car, he pulled a stubbed-nose revolver from his belt and handed it to Sergeant Hill." He stated that this was the suspect's gun and that he had obtained it from Officer McDonald immediately after the suspect was subdued. When the pistol was given to me, it was fully loaded and one of the shells had a hammer mark on the primer. I retained this gun in my possession until approximately 3:15 p.m., Friday, November 22, in the presence of Officers Carroll and McDonald, I turned the weapon over to Detective T. L. Baker of

the Homicide and Robbery Bureau. At the time the pistol was released to Detective Baker, McDonald, Carroll and I had all marked it for identification purposes, and in the presence of McDonald and Carroll, I marked the sides of the casing on all of the shells which were also turned over to Detective Baker at the same time. (Document 81b, pages 87-88.) At Document 81b, page 130, there is a listing of the evidence and there is included one .38 cal. pistol, 2" barrel, S&W, Rev. sandblast finish, brown wooden handles, ser. #510210. Rel. to FBI Agent 11/22/63 and again 11/26/63. To the right of this notation is the following commentary: "M. N. McDonald, D.P.D., took it from Oswald at 231 West Jefferson, gave it to Sergeant Jerry Hill who gave it to Det. Baker." We should get the statement from Baker that this particular revolver that he received has the serial number listed in the Dallas Police Department files.

4. Ballistic evidence.

Under date of November 23, the FBI Lab report addressed to the Dallas Police Department acknowledged evidence received, including K3, a .38 special Smith & Wesson revolver, serial #V510210, assembly #65248. (Document 81b, pages 131-132.) Also, this report acknowledged as specimen Q13 a bullet from Officer Tippit. Under date of December 5, the FBI Laboratory



furnished the following information concerning an examination requested by the Dallas Police Department pertaining to specimens Q74-Q77 being four .38 special cartridge cases.

The results of the examination were that "the four cartridge cases, Q74-Q77, were compared with test cartridge cases obtained from the previously submitted revolver, Q3. As a result, Q74-Q77 were all identified as having been fired in K3.

We should have a better chain of identification to show that these were the same four cartridge cases picked up at the scene of the Tippit shooting. We also should have the underlying evidence re data supporting this conclusion rather than just the conclusion itself. (See Document #7, page 351.) In its laboratory report on November 23, the FBI Laboratory stated that no latent prints of value were developed on Oswald's revolver, the cartridge cases or the unfired cartridge. With specific reference to the bullet from Officer Tippit, Q13, the report states that the bullet "is so badly mutilated that there are not sufficient individual microscopic characteristics present for identification purposes. It was determined, however, that the .38 special Smith & Wesson revolver, K3, is among those weapons which produce general rifling impressions with the type found on Q13. (Document 81b, page 133.) The release of the four shell hulls are shown in Document 81b, page 117, and the release of the revolver and slug from Tippit is shown as Document 81b, page 116. This is to the FBI Lab. Why weren't the other bullets examined by the FBI laboratory?

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5. Oswald owned the murder weapon.

a. Purchase of the pistol.

H. W. Michaelis, office manager of George Rose and Company, Inc., in Los Angeles, when interviewed on November 30, advised that Smith & Wesson .38 revolver, Victory model, with parkerized finish bearing serial #V510210 and assembly #65248 originally had a 5-inch barrel but had been shortened to 2- $\frac{1}{2}$ inches, had been in one of five cases of similar guns purchased by his company from Empire Wholesale Sporting Goods, in Montreal and received by his company on January 3, 1963.

Michaelis located and furnished a printed mail form clipped from a publication which had been received by his company ordering one ".38 ST. W. 2" "BBL." for \$29.95. The order transmitted \$10.00 cash, bore illegible name which appeared to be A. G. or A. J. Hidell, age 28, date of order January 27 (no year shown), P. O. Box 2915, Dallas, Texas. Also written in ink on the order form was an order of one box of ammunition and one holster, but a line was drawn through these items cancelling that portion of the order. The order provided for the name of a witness that the person ordering the gun was a U. S. citizen, not convicted of a felony; on the order the name appeared to be "D. A. Dittal."

The order was mailed to and shipped out under the name of Seaport Traders, Inc., which Michaelis stated is the name under which his company does mail order business; their invoice

#A5371 was prepared under date of March 13, 1963, to ship "S. & W. .38 Special 2" Commando" to A. J. Hidell, P. O. Box 2915, Dallas, Texas, balance c.o.d. \$19.95. The order was actually shipped on March 20, by a railway express which collected the remaining \$19.95, which railway express then sent to Seaport Traders, Inc., also collecting a \$1.27 c.o.d. service charge.

Michaelis also furnished the shipping copy of this invoice which railway express agency receipt completed at the time and a railway express form showing that \$19.95 had been collected from Hidell and paid to Seaport Traders, Inc. When re-interviewed on December 2, he furnished a loose-leaf notebook on which is entered the serial number V510210 for .38 Smith & Wesson 2" revolver shipped by that company under the mail-order name of that company to A. J. Hidell at P. O. Box 2915, Dallas, Texas, under date of March 20, 1963, in response to a mail order sent to the company by Hidell under date of January 27 (year not shown on mail order form). (See Document #7, pages 229-231.) The c.o.d. records are not shown.

P. O. Box 2915 in Dallas was rented by Lee Harvey Oswald; and "A. J. Hidell" and "A. Hidell" are aliases used by Oswald. (See pages 56-59, supra, of this memorandum -- commencing with paragraph #4 of section C.)

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The FBI Laboratory examined the mail order coupon for the purchase of this revolver and in the laboratory report, Document #Q89, is a mail order coupon bearing the name "A. J. Hidell" and dated January 27, 1963, on which the name of witness appears to be "J. F. Drittal" addressed P. O. Box 2915, Dallas, Texas. The coupon further bears the printed wording "Seaport Traders, Inc." Under date of December 2, 1963, the FBI Laboratory advised that it was concluded that Q89 was prepared by Lee Harvey Oswald, and the writing under Exhibits K4, K5, etc. (See Document #7, page 353.)

Marina Oswald, in her testimony on February 6, identified Exhibit 135 as being written in the handwriting of Oswald. Exhibit 135 is the coupon under which it appears the rifle was ordered showing an enclosed \$10 notation "check for \$29.95, A. J. Hidell, age 28, P. O. Box 2915, Dallas, Texas," and it is marked "1 -- quantity. .38 St. W. 2" barrel, \$29.95." (See Vol. 9 of Report of Proceedings of Commission at page 554.)

Marina Oswald identified the pistol as belonging to her husband.

On February 6, Marina Oswald testified with regard to Exhibit 143.

Mr. Thorne: Exhibit 143 is the pistol.



Mrs. Oswald: Lee Oswald's.

Mr. Rankin: You recognize that as the pistol of your husband?

Mrs. Oswald: Yes.

(See Vol. 9, Report of Commission Proceedings, pages 558-559.)

a. Mrs. Oswald further identified Exhibit 144, saying "That is a holster for Lee's pistol." She said that that was the same holster that was in the pictures that she took and the pistol is the same pistol as in those pictures as far as she can tell. The rifle also appeared to be the same. (See page 559, Vol. 9.)

b. Marina Oswald said that she first recalled the pistol on Neeley Street. She thinks he acquired the rifle before he acquired the pistol. She said she saw the pistol twice -- once in his room and the second time when she took the photographs. (Vol. 6, Commission Proceedings, February 3, pages 253-254.)

c. A holster for a hand gun was seen in Oswald's room on the late afternoon of November 22, 1963, by housekeeper, Mrs. Earlene Roberts, according to an interview on November 22. (Document Number 5, page 353.)

6. Time of murder.

The eyewitnesses have varying time estimates of precisely when the murder occurred. According to the transcript of radio logs of the Dallas Police Department (SS #468), the citizen's

call on the police radio from the Tippit automobile came in at 1:18 p.m. and the announcement, "Attention all squads, for information, we have a report an officer has been involved in a shooting in the 400 block of East 10th" went out at 1:18 p.m.

a. Dr. Richard A. Liguori on the house staff of Methodist Hospital pronounced Tippit dead at 1:25 p.m. and said there appeared to be three wounds in the body -- one in the right temple which could have caused instant death, one in the left chest, the bullet being deflected by a brass button of the uniform and the bullet being found only about one inch under the surface, and the third wound in the upper abdomen. (Document #5, page 81, interview by SA Robert C. Lish.)

b. Edward S. Virgil, supervisor of the Dispatching Office of the city transportation company of Dallas advised his record reflects on a message received from Scoggins to the effect that Scoggins had just witnessed the shooting at 1:25 p.m. and that his first action was to notify the Police Department. (Document #5, page 78.)

c. T. F. Bowley on an affidavit on December 2 said that he was heading north on Marsalis and turned west on 10th Street on Friday, November 22, and after traveling a block noticed the Dallas Police squad car stopped in the traffic lane heading east on 10th Street and saw a police officer lying next to the left front wheel.

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He stopped his car and got out to go to the scene and he looked at his watch and it said 1:10 p.m. He called the police by using the radio in the police car. A few minutes later, an ambulance came to the scene. (Document Number 81b, page 11.)

d. The police radio log records do not reflect that prior to the time of the Tippit shooting a request went out to pick up Oswald. However, between 12:43 p.m. and 12:45 p.m. there was a description of the person wanted in the assassination broadcast by the Dallas police based on the eyewitnesses who had seen the man with the rifle. The wanted notice "described the suspect as slender, white, male, about 30, about 5'10", 165 lbs. and reportedly armed with a 30-caliber rifle." (See Secret Service Report #447, dated December 5.)

e. There was an inconsistency from the time element in one of the Secret Service reports -- SS #324, dated December 1 -- in which it is stated that Patrolman Tippit was killed at approximately 1 p.m. The report also stated that Oswald fired two shots at Tippit. Of course, Helen Markham recalled hearing two shots; Barbara Jeanette Davis recalled hearing two shots; Virginia Ruth Davis recalled hearing two shots; the cab driver, William W. Scoggins, recalled hearing three shots to four shots; and Ted Callaway recalled hearing two shots followed by a series of three shots. These inconsistencies

should be resolved so far as possible, although as previously stated, the ear is not exact and the best evidence would be the physical evidence of the shells found which were turned over to the laboratory and determined to have been fired by the weapon owned by Oswald.

H. Arrest of Oswald.

1. Entrance into theater.

a. Johnny C. Brewer, in an interview dated December 4 (SS #474) stated that sometime after 1:00 p.m. on November 22 he was listening to the radio and heard the news flash announcing the shooting of a Dallas police officer. (He is employed as a shoe clerk at the Hardy Shoe Shop at 213 West Jefferson Boulevard.) Shortly thereafter, he heard sirens, apparently on police cars, approaching Jefferson Boulevard on Zang Boulevard and at approximately the time the police cars must have turned east on Jefferson Boulevard (judging from the sound) he saw Oswald "duck in from the sidewalk to the entrance way to the shoe store." According to Brewer, Oswald appeared to be excited and breathing heavily. He walked rapidly toward the store door and stopped approximately twelve feet from the sidewalk and stood staring in the window without looking at the shows exhibited within. It is Brewer's recollection that Oswald's hair was mussed up and that he was wearing a brown sport shirt with the tails out over a white tee shirt. After the sound of the police sirens

subsided, Oswald turned and walked rapidly out of the store entrance and turned west on the sidewalk of Jefferson Boulevard. Brewer then left his position behind the counter, went to the sidewalk, and observed Oswald walking rapidly close to the building fronts toward the Texas Theater. At this point, Oswald was approximately in front of Thomsen's Furniture Store, 225 West Jefferson Boulevard, which is approximately 52 yards from the Hardy Shoe Store, Brewer watched Oswald walk to the entrance of the theater and turn in.

After seeing Oswald turn in, Brewer then walked to the theater and asked the ticket seller, Julia Postal, if she had just sold a ticket to a man with a brown shirt and she replied "no" and she had not seen anyone enter the theater as she was listening to her portable radio. Brewer entered the theater lobby and asked the usher, Don Burrows, nick-named "Butch," and he had not seen anyone enter as he was behind and below the candy concession counter working. They walked to the exit doors and neither was open. They went to the front of the theater and Brewer estimated there were approximately 10 patrons in the lower floor and about the same number in the balcony and he did not recognize Oswald as being in either place, although he heard a seat pop up and thought the sound came from the left front part of the theater.

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Brewer then went to the ticket office and told Miss Postal to call the police after which he went back and stood by the exit nearest the screen and the usher stood at the exit at the rear of the theater and at approximately 10 or 15 minutes after Brewer arrived at the theater while he was standing at the exit, the lights were turned on and he saw Oswald sitting in the center section, 5 to 6 rows down from the rear. He saw Oswald stand up when the lights went on, walk to the right aisle, and then return to the seat he had left. About this time, Brewer heard people outside his exit and he opened the door. Police entered and grabbed Brewer, who then explained to the police that Oswald was still in the theater. Brewer and one of the officers went to the stage where Brewer pointed to Oswald and about this time police officers entered from the rear and Officer McDonald went in toward Oswald. Oswald stood up and hit Officer McDonald in the face and knocked him back. Officers with McDonald at the time assisted him and grabbed Oswald, who had a gun in his right hand. (See also Document 81b, page 14, affidavit dated December 6.)

b. Julia Postal, who works in the Ticket Office of the Texas Theater, says that on Friday, November 22, at around 1:30 p.m. or a little later, she was working in the Ticket Office at the theater listening to her transistor radio which had just announced

that the President was dead. She says she had just seen a police car go west on Jefferson and as the police went by a man ducked inside the theater. She said that she stepped from the box office to the front and looked west and as she turned around, Johnny Brewer, manager of Hardy's Shoe Store, was standing there. As she started back in the office, "Johnny asked me if I sold that man a ticket. I asked him what man? He said that man that just ducked in here. I told him no, I didn't but I had noticed him as he ducked in here." She asked Brewer if he would go inside to try to find him and Brewer went in and came out and said that he didn't see him. She said she told Brewer that he had to be there and that he was running from the police for something and asked Brewer and Warren Burroughs, an usher, to go and look again and check the lounges as well and they both came back and said he wasn't in there. Brewer said he heard a seat pop as if someone had got out of it but didn't see anyone. She said she told him she was going to call the police and had him and the usher check the exits to see if they had been opened and, if not, to stand by them. She called the police, saying that when the police drove by, the man ducked ; the officer on the other end of the telephone asked if the man had bought a ticket, and she said no, he did not, and then she gave a physical description of the man and the officer said that they would be right out. In a minute or two, the police were there. She didn't see anything that went on inside the theater. In about ten minutes,



the officers "came out with the man that I had called about. When the officers brought him out, he was still struggling with them."

(Document Number 81(b), page 51.)

c. The distance between the point of the shooting of Officer Tippit and the walk to the Texas Theater at 231 West Jefferson is .6 miles. The FBI states that this takes approximately 10 minutes to walk. (Document #5, pages 120-123.) The Secret Service time-table also gives 10 minutes but includes the time involved with the encounter and shooting of Tippit. (SS #324)

d. Jacket with zipper found. According to Document 81b, page 117, the gray, man's jacket with a zipper opening was found on the parking lot west of Patton between 10th and Jefferson. According to Document 205, page 206, on November 28, Captain George M. Doughty of the Dallas Police Department Crime Lab, turned over to FBI SA Vincent E. Drain, several articles, one of which was a gray, man's jacket, bearing tag #D9738 on the bottom of the jacket which was found by Captain Westbrook of the Dallas Police Department on an open parking lot west of Patton Street between 10th and Jefferson Streets in Dallas. The jacket is a gray man's jacket with a zipper opening in it. We should check this out to see if it is in his route. We should also check on the lab report on the jacket; we believe there is identification of the jacket by Marina Oswald.

e. Route

c. With regard to the route taken by Oswald from the time of the encounter with Officer Tippit to the time of his apprehension, Secret Service Reprot #469, dated December 5, has the following route: when first seen, Oswald was at a point just east of Officer Tippit's police cruiser on East 10th Street and on the south side of the street walking in a westerly direction toward the Patton Street. (Was he walking in the direction of a main intersection where hitch-hikers could be picked up -- this should be definitely ascertained.) After the shooting, Oswald continued west on 10th Street where he turned south on Patton trotting a short distance on the east side of Patton and then crossing diagonally to the west side of Patton going south toward Jefferson Avenue. Oswald then turned west on Jefferson Avenue proceeding west on the north side of the street. The theater is on the north side of Jefferson Avenue, as is the shoe store where Johnny C. Brewer is employed.

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2. Resistance to arrest.

a. Police witnesses

Patrolman M. N. McDonald, at approximately 2:00 p.m.

*of M. McDonald's
1st picture
cartridge
& Pistol*

entered the rear exit of the Texas Theater and was met by a man dressed in civilian clothes who said that the suspect who had acted suspiciously as he ran in the theater was sitting at the rear alone wearing a brown shirt. After making a quick search of two persons seated in the center, "I then walked out of the row and towards the suspect. When I got within one foot of him, I told the suspect to get on his feet. He stood up immediately bringing his hands up about shoulder high and saying, "Well, it's all over now."

I was reaching for his waist and he struck me on the nose with his left hand. With his right hand, he reached to his waist and both of our hands were on the pistol that was stuck in his belt under his shirt. We both fell into the seat struggling for the pistol. At this time, I yelled, "I've got him." Three uniformed officers came to my aid immediately ... I managed to get my right hand on the pistol over the suspect's hand. I could feel his hand on the trigger. I then got a secure grip on the butt of the pistol. I jerked the pistol and as I was clearing the suspect's clothing and grip, I heard the snap of the hammer and the pistol crossed over my left cheek causing a



2. Resistance to arrest.

a. Police witnesses

Patrolman M. N. McDonald, at approximately 2:00 p.m. entered the rear exit of the Texas Theater and was met by a man dressed in civilian clothes who said that the suspect who had acted suspiciously as he ran in the theater was sitting at the rear alone wearing a brown shirt. After making a quick search of two persons seated in the center, "I then walked out of the row and towards the suspect. When I got within one foot of him, I told the suspect to get on his feet. He stood up immediately bringing his hands up about shoulder high and saying, "Well, it's all over now."

I was reaching for his waist and he struck me on the nose with his left hand. With his right hand, he reached to his waist and both of our hands were on the pistol that was stuck in his belt under his shirt. We both fell into the seat struggling for the pistol. At this time, I yelled, "I've got him." Three uniformed officers came to my aid immediately ... I managed to get my right hand on the pistol over the suspect's hand. I could feel his hand on the trigger. I then got a secure grip on the butt of the pistol. I jerked the pistol and as it was clearing the suspect's clothing and grip, I heard the snap of the hammer and the pistol crossed over my left cheek causing a



four-inch scratch. I brought the pistol away still holding the butt and pointing it to the floor at arm's length away from anyone. I recognized Officer Bob Carroll and handed the pistol to him. I marked the pistol and six rounds at Central Station. The primer of one round was dented on misfire at the time of the struggle with the suspect. (Statement dated December 3, Document 81b, page 93.)

Patrolman Charles T. Walker of the Dallas Police Department, on a statement dated December 2, stated that he entered the rear door of the Texas Theater with Officers McDonald and Hutson and that Officer McDonald and he walked across the stage and jumped down to the main seating. Officer Hutson walked down the stairs next to the door "we had entered. They first walked toward two men in the center of the theater and searched them." While searching these two men, the arrested person was observed sitting further back in the show on the third seat from the rear of the show. I walked back to the fourth aisle and back to the row the suspect was sitting. Officer McDonald had walked back to the row where the suspect was. Officer Hutson had entered the row behind the suspect walking ahead of me toward the suspect.

I observed Officer McDonald as he walked up to the suspect and said something to him. The suspect stood up and faced

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Officer McDonald.... Officer McDonald reached down as if to search the suspect and as he did the suspect hit him in the face. Officer McDonald started grappling with the suspect and Officer Hutson and I ran toward them. Officer Hutson reached over from the seat behind the suspect and grabbed him around the neck. I reached and grabbed the suspect's left arm... I could see Officer McDonald and the suspect grappling over the gun. The suspect had his right hand on it and so did Officer McDonald. The gun was being waved around approximately waist high. I heard a click of the revolver as it snapped, but I do not know what direction the revolver was pointing when it snapped.

Officer Hawkins told me to bring the suspect's arm around a little so that he could get the hand clips on. (Document 81b, pages 100-101.)

Patrolman T. A. Hutson, approached the theater from the alley at the rear. "An unknown white male opened the fire exit door near the stage and I searched his purse and he identified himself as an employee at Hardy's Shoe Store. He said the suspect was in the theater.... I observed the suspect sitting the center section from the third row in the back in the fifth seat north of the south aisle of the center section. As I entered the row of seats behind the suspect, he jumped up and hit Officer McDonald in the face with his fist. Officer McDonald was in the seat next to the one in which the suspect was originally sitting and the suspect was up out of his seat struggling.

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with Officer McDonald. I reached over the back of the seats and placed my right arm around the suspect's neck and pulled him up on the back of the seat. Officer C. T. Walker came up and was struggling with the suspect's left hand and as Officer McDonald struggled with the suspect's right hand, he moved it to his waist and drew a pistol, and as Officer McDonald tried to disarm the suspect, I heard the pistol snap. (Document 81b, December 3, pages 89-90.)

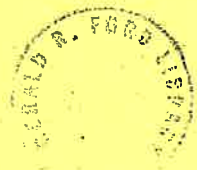
Patrolman Ray Hawkins, of the Dallas Police Department, drove up to the alley to the rear of the Texas Theater and went to the exit door of the theater. There was a white male at the door who said he was the manager of the shoe store next door and that he had seen the person inside the theater. Hawkins walked in with the person who had said that he had seen the suspect. "He pointed to a white male sitting in the rear of the center section, and at this time, I jumped off the stage and started toward the person. I was walking up the north aisle when Officer McDonald walked up the south aisle and approached the person in question. The subject stood up and as Officer McDonald started to search him, he struck Officer McDonald in the face. The subject and Officer McDonald began to fight and both fell down in the seats. Officer Walker and I ran toward the subject and grabbed him by the left arm. The subject had reached in his belt for his gun, and Officer McDonald was holding his right

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hand with the gun in it. Officer Houston had entered the row behind the suspect and grabbed him around the neck and held him up. Officer G. L. Hill then took the gun." (Document #81b, December 2, pages 85-86.)

Detective Bob K. Carroll, of the Dallas Police Department, was searching the balcony of the Texas Theater. "When we entered the theater, we were told by a white female that the suspect was in the balcony." While in the balcony, "I heard someone shout that he was on the lower floor. We started down. Lyon slipped and sprained his ankle; I continued on down. When I arrived at the lower floor, Lee Harvey Oswald was resisting vigorously. Sergeant Jerry Hill, Officers M. N. McDonald, C. T. Walker and Ray Hawkins and myself converged on Oswald. At this time, I observed a pistol with the muzzle pointed in my direction. I grabbed the pistol and stuck it in my belt and then continued to assist in the subduing of Oswald.... When we were removing Oswald from the theater, he was hollering that he had not resisted arrest and that he wanted to complain of police brutality.... While enroute to City Hall, I released the pistol of Sergeant Jerry.... Enroute to City Hall, Oswald was belligerent and said very little except that why was he being arrested other than for having a pistol." (Document #81b, December 4, pages 81-82.)

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Police Sergeant Gerald L. Hill, by police radio while looking for the suspect in the slaying of Officer Tippit, received information that the suspect was in the Texas Theater. When he arrived at the Texas Theater, he was told that the building was covered outside and to go inside. He requested an usher or the manager to turn on as many lights as possible and went with Detective Bentley to the balcony after seeing all fire exits were covered and having a check of all patrons he started back to the lower floor and about the time that he reached the bottom of the stairs, he heard an officer yell, "I've got him!". "And, I also heard a struggle. I ran inside the lower floor of the theater and saw several officers attempting to restrain a person. Someone yelled that the man had a pistol and then as I joined the other officers in attempting to complete the arrest, I heard someone else say they had the gun. Officers McDonald, Houston, Hawkins, Walker, Carroll, Lyon, Bentley, Bob Barrett from the FBI and I succeeded in subduing the suspect and while the other officers held the suspect, Officer Ray Hawkins and I handcuffed the suspect."

The suspect was placed in the rear seat of the police car with Officer Bentley on the left and Officer Walker on the right. Sergeant Hill sat in the center of the front seat and as Officer Carroll started to get into the car, he pulled a stubbed nose revolver from his belt and handed it to Sergeant Hill. "He stated that this was the

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suspect's gun and that he had obtained it from Officer McDonald immediately after the suspect was subdued. When the pistol was given to me, it was fully loaded and one of the shells had a hammer mark on the primer. I retained this gun in my possession until approximately 3:15 p.m., Friday, November 22, in the presence of Officers Carroll and McDonald, I turned the weapon over to T. L. Baker (Detective) of the Homicide and Robbery Bureau. At the time the pistol was released to Detective Baker, McDonald, Carroll and I had all marked it for identification purposes, and in the presence of McDonald and Carroll, I marked the side of the casing on all the shells, which were also turned over to Detective Baker at the same time. (Document 81b, pages 87-88.)

Lieutenant Paul Bentley, of the Dallas Police Department, when interviewed on December 3, stated that he was at the Texas Theater on November 22, and assisted in the apprehension of Oswald and at that time Oswald had in his hand the pistol which he attempted to fire which was taken from him by Bentley and other officers. He does not specifically identify the pistol except to say that the non-fired shells in the gun were examined and one had a slight dip caused by the firing pins striking it. (Document #7, page 224.)

b. Patrons in theater as witnesses.

George Jefferson Applin, Jr., signed a notarized statement on November 22



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that around 1:45 p.m. on November 22 he was seated on the main floor of the Texas Theater watching the movie and saw an officer walking down the aisle with a riot gun and about that time the light came on in the theater. He saw the officer walk to the front of the theater, walk back up the aisle, and he saw the officer shake two men down and ask a man sitting by himself to stand up and as the officer started to shake him down the "boy" took a swing at the officer and then "the next thing I could see was this boy had his arm around the officer's left shoulder and had a pistol in his hand. I heard the pistol snap at least once. Then, I saw a large group of officers subdue this boy and arrest him." (Document #81b, page 4.)

This witness was also interviewed on December 14 (Document 206, page 68-69) when he stated that when Oswald pulled the trigger the gun was on the officer's shoulder. In addition, in an affidavit dated December 1, he stated that he was in the main floor about five or six rows from the back in approximately the middle of the row which is in the left section of seats as you face the screen. (SS #469).

J. Interrogation of Oswald at Police Station.

1. Time and number of interrogation sessions.

Oswald was interviewed on the afternoon of November 22, which interview was concluded at approximately 4:05 p.m. when Oswald

was removed for a line-up. The interview was conducted by Captain Fritz of the Dallas Police Department and was made partially in the presence of Agents James P. Hosty, Jr., and James W. Bookhout of the FBI who came into the interview room at 3:15 p.m. On November 23, at 10:25 a.m., Oswald was brought from jail for an interview with Captain Fritz at which FBI Agent Bookhout and Secret Service Agent Forrest Sorrells, United States Marshall Robert Nash and Homicide's officers were present. This interview lasted from approximately 10:25 a.m. until Oswald was placed back in jail at 11:33 a.m. on November 23. At 12:35 p.m., Oswald was brought for another interview with Captain Fritz and some of the other officers and Inspector Kelley and Secret Service. He was placed back in jail at 1:10 p.m., the interview having commenced at about 12:35 p.m.

At 6:00 p.m., Oswald came back to the office of Captain Fritz and in the presence of FBI Agent Bookhout, homicide officers, and Inspector Kelley, another interview was conducted and he was returned to jail about 7:15 p.m.

On the morning of November 24, there was another interview with Oswald at 9:30 a.m. which terminated at approximately 11:10 a.m. and which included Captain Fritz, Secret Service Agent Sorrells, Secret Service Inspector Kelley, three detectives assigned



to guarding Oswald (who did not take part in the interrogation) and Postal Inspector H. D. Holmes.

2. Manner of interrogation

In the concluding part of the report of Captain Fritz of the Dallas Police Department on the interrogation of Lee Harvey Oswald (Document 81b, page 138-e), the following statement is made: "Inasmuch as this report was made from rough notes and memory, it is entirely possible that one of the questions could be in a separate interview from the one indicated on this report. He was interviewed under the most adverse conditions in my office which is 9'6" by 14' and has only one front door, which forced us to move this prisoner through hundreds of people each time he was carried from my office to the jail door, some 20' during each of these transfers. The crowd would attempt to jam around him, shouting questions and many containing slurs. This office is also surrounded by large glass windows, and there were many officers working next to these windows. I have no recording in this office and was unable to record the interview. I was interrupted many times during these interviews to step from the office to talk to another witness or secure additional information from officers needed for the interrogation."

3. Admissions and denials of Oswald during interrogation.

a. Statements re ownership of pistol.

At the time of his arrest in the theater, Oswald had in his possession the pistol and consequently could not very well deny owning the weapon. In his first interview on Nov. 23 he said that he had purchased the pistol "about six months ago". He declined to state where he had purchased it. (See Document Number 5, pages 101-102.) It should also be noted

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that when Oswald was searched, he had five live .38 bullets in his shirt. (Document 81b page 111.) He did not explain why he carried the extra bullets. When he left his rooming house he had his original chamber loaded plus four bullets represented by the four empty cartridge cases found in his shirt. The very fact that he carried these extra bullets is important.

b. Denial re photograph of Oswald with rifle and pistol.

On the second interview on November 23, Captain J. W. Fritz exhibited to Oswald a photograph obtained by search warrant from the Paine residence which showed Oswald holding a rifle and wearing a holstered pistol. "Oswald was asked if this was a photograph of himself. Oswald stated that he would not discuss the photograph without advice of an attorney. He stated that the head of the individual in the photograph could be his but it was entirely possible that the police department had superimposed this part of the photograph over the body of someone else. He pointed out that numerous news media had snapped his photograph during the day and the possibility existed that the police had doctored up this photograph. Oswald denied that he had purchased any rifle from Klein's store in Chicago, Illinois. (Document Number 5, page 103.) The Secret Service Report of this interview, Secret Service Document No. 338, states that the evening interview "was conducted with Oswald with the purpose of displaying to him the blow-ups of the photograph showing him holding a rifle and a pistol," and a copy of a paper called the "Militant," and "The Worker" which were seized by search warrant. "When the photographs were presented to Oswald, he sneered at them saying that they were fake photographs; that he

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had been photographed a number of times the day before by the police and apparently after they had photographed him they superimposed on the photographs a rifle and put a gun in his pocket. He got in a long argument with Captain Fritz about his knowledge of photography and asked Fritz a number of times whether the smaller photograph was made from the larger or whether the larger photograph was made from the smaller. He said that at the proper time, he would show that the photographs were fakes. Fritz told him that the smaller photograph was taken from his effects at the garage. Oswald became arrogant and refused to answer any further questions concerning the photographs and would not identify the photographs as being photographs of himself.

The report of Captain Fritz states that on the evening interview of November 23, "I showed Oswald an enlarged picture of him holding a rifle and wearing a pistol. This picture had been enlarged by our Crime Lab from a picture found in the garage of Mrs. Paine's home. He said that the picture was not his, that the face was his face, but that the picture had been made by someone superimposing his face, the other part of the picture was not him at all and that he had never seen the picture before. When I told him that the picture was recovered from Mrs. Paine's garage, he said that the picture had never been in his possession, and I explained to him that it was an enlargement of the small picture obtained in the



search. At that time, I showed him the smaller picture. He denied ever seeing that picture and said that he knew all about photography, that he has done a lot of work in photography himself, that the small picture was a reduced picture of the large picture, and had been made by some person unknown to him. He further stated that since he had been photographed here in the City Hall and that people had been taking his picture while being transferred from my office to the jail door that someone had been able to get his picture of his face and that with that they had made this picture. He told me that he understood photography real well and that in time he would be able to show that it was not his picture and that it had been made by someone else. At this time, he said he did not want to answer any more questions and he was returned to the jail about 7:15 p.m. (Document 81b, page 138b-c.)

On the morning of November 24, Captain Fritz states: "I again asked him about the gun and about the picture of him holding a similar rifle, and at that time he again positively denied having any knowledge of the picture or the rifle and denied that he had ever lived on Neeley Street, and when I told him that friends who had visited him there said that he had lived there, he said that they were mistaken about visiting him there because he had never lived there." (Document 81b, page 138c-d.)

The report of Secret Service Inspector Kelley says that he arrived "when Captain Fritz was again requesting Oswald to identify the place where the photograph of him holding the gun was taken. Captain Fritz indicated that it would save the police a great deal of time if he would tell them where the place was located. Oswald refused to discuss the matter." (See Document #177.)

Oswald did admit that he subscribes to the "Militant," which he is shown holding in the photograph,

6. Denial re purchase or ownership of rifle.

During his first interview, the records of Captain Fritz show: "I asked him if he owned a rifle, and he said he did not." (See Document 81b, page 136c.) This same statement appears on the FBI Reports. See Document #5, page 90, where SA James P. Hosty, Jr., and James W. Bookhout say that "Captain Fritz asked Oswald if he had ever owned a rifle and Oswald ... denied ever owning a rifle himself."

In the Secret Service Report of the interview on November 23 commencing at 10:30 a.m., it is stated that Oswald "denied that he had ever owned a rifle." (See Secret Service Document #338.) And in the Captain Fritz report of the interviews, it is stated that after showing the rifle to Marina Oswald who "could not positively identify it, but said that it looked like the rifle that her husband had and that he had been keeping it in the garage at Mrs. Paine's home in Irving" he then after this "questioned Oswald further about the rifle

but he denied owning a rifle at all, and said that he did have a small rifle some years past." (See Document #89b, page 137a.) In the FBI report of this interview on November 23, it is stated that "Oswald denied having kept a rifle in Mrs. Paine's garage at Irving, Texas.... Oswald stated that he has no receipts of purchase of any guns and does not own a rifle and has never ordered any guns or has he ever possessed a rifle." (See Document #5 at page 100, interview by SA James W. Bookhout.)

The interview on the evening of November 23, in the record of SA James W. Bookhout, shows that Oswald denied that he had purchased any rifle from Klein's Store in Chicago, Illinois. (Document #5, page 103.)

When interviewed on the morning of November 24, Oswald again denied that he had ever bought any rifle by mail order or bought any money order for the purpose of paying for such a rifle. In fact, he claimed he owned no rifle and had not practiced or shot a rifle other than possibly a .22 small bore rifle since his days with the Marine Corps. He stated that "how could I afford to order a rifle on my salary of \$1.25 an hour when I can hardly feed myself on what I make." (See Memorandum of Interview by Postal Inspector H. B. Holmes.) The notes of Captain Fritz of this interview on the morning

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of November 24 states: "I again asked him about the gun and about the picture of holding a similar rifle, and at that time he again positively denied having any knowledge of the picture or the rifle and denied that he had ever lived on Neely Street and when I told him that friends who had visited him there said that he had lived there, he said they were mistaken about visiting him there because he had never lived there."
(See Document Number 81b, page 138c-d.)

d. Denial re shooting of President Kennedy, Governor Connally, and Officer Tippit.

The FBI reports that on the interview of Oswald on November 22, Oswald "frantically denied shooting Police Officer Tippit or shooting President John F. Kennedy." (Document number 5, page 91.) On his interview on November 23, he was asked whether or not he shot the President, and whether or not he had shot Governor Connally, and he said that he had not as to both questions. (See memorandum of Secret Service Report on Interviews, Secret Service Document #338, and memorandum of FBI Report, Document #5, page 102.)

On the morning of November 24, he denied knowing anything of the shooting of the President or the shooting of Officer Tippit.
(See Dallas Police Report of Captain Fritz, Document 81b, page 138c.)

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(See also Memorandum of Interview on November 24 by Postal Inspector H. D. Holmes, who states with regard to Oswald: "He denied emphatically, having taken part or having any knowledge of the shooting of the policeman Tippit or the President, stating that so far as he is concerned the reason he was in custody was because he 'popped the policeman in the nose in a theater on Jefferson Avenue.'")

e. Denial of curtain rod story and bringing of package into TSBD Building.

When interviewed on November 23, Oswald "stated that he was not in the process of fixing up his apartment and he denied telling Wesley Frazier that the purpose of his visit to Irving, Texas, on the night of November 21, was to obtain some curtain rods from Mrs. Ruth Paine." (See Document Number 5, page 99. See also Secret Service Report #338: "In response to questions put by Captain Fritz, Oswald...denied that he brought a package to work on that day and he denied that he had ever had any conversation about curtain rods with a boy named Wesley who drove him to his employment." At 137b of Document 81b, Fritz says: "I asked him if he had told Wesley Frazier why he had gone home a different night, and if he had told him anything about bringing back some curtain rods, he denied it." Fritz pointed out that he usually went to see his wife on

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week-ends but this time he had gone on Thursday night.

B. Statement re Location on first floor at time of shooting.

According to the notes of Captain Fritz, Oswald during his first interview said in response to the question to which part of the building he was in at the time the President was shot, "he was having his lunch about that time on the first floor." (Document 81b at page 136b.)

During one of his interviews on November 23, the notes of Captain Fritz say: "In talking with him further about his location at the time the President was killed, he said he ate lunch with some of the colored boys who worked with them. One of them was called "Junior" and the other one was a little short man and his name he did not know. He said he had a cheese sandwich and some fruit and that was the only package he brought with him to work and denied he had brought the long package described by Mr. Frazier and his sister." (Document 81b, page 137c.)

This latter statement also appears in the report of Thomas J. Kelley of the Secret Service as taking place on the interview on November 23 which commenced at 10:30 a.m. See Secret Service Document #338. In the FBI report of the first interview, it is stated "Oswald stated that he went to lunch at approximately noon and he claimed he ate his lunch on the first floor in the

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lunchroom; however, he went to the second floor where the coca-cola machine was located and obtained a bottle of coca-cola for his lunch. Oswald claimed to be on the first floor when President John F. Kennedy passed this building." (Document Number 5, page 90.)

William H. Shelley, on January 6, advised SA Emery E. Horton that the Negro employee at the TSBD, commonly known as "Junior" is James Jarman. Shelley is department manager at the TSBD. (Document Number 329, page 10.)

g. Statements re leaving TSBD building after assassination.

In regard to his absence from the building after the assassination, Oswald stated at his interview on November 22, according to the notes of Captain Fritz: "I asked him why he left the building, and he said there was so much excitement and he didn't think there would be any more work done that day, and that this company wasn't particular about their hours, that they did not punch a clock, and he thought it would be just as well that he left for the rest of the afternoon . . . I asked him where he went to when he left work, and he told me that he had a room at 1026 North Beckley, that he went over there and changed his trousers and got his pistol and went to the picture show. I asked him why he carried a pistol and he remarked, "You know how boys are when they have a gun, they just carry it." (See Document 81b pages 136b-c.)



The FBI Summary of the interview on that day shows in this area: "Oswald claimed to be on the first floor when President John F. Kennedy passed this building. After hearing what had happened, he said because of all the confusion there would be no work performed that afternoon so he decided to go home. Oswald stated that he then went home by bus and changed his clothes and went to a movie. Oswald admitted to carrying a pistol with him to this movie stating he did this because he felt like it, giving no other reason. Oswald further admitted attempting to fight the Dallas police officers who arrested him in this movie theater when he received a cut and a bump. Oswald frantically denied shooting Dallas police officer Tippit or shooting President Kennedy." (Document #5, page 90.)

In another FBI report on this interview: "Oswald ^{he} stated that/took his coke down to the first floor and stood around and had lunch in the employee's lunch room. He thereafter went outside and stood around 5 or 10 minutes with Foreman Bill Shelley and thereafter went home. He stated he left work because, in his opinion, based on the remarks of Bill Shelley, he did not believe that there was going to be any more work that day due to the confusion in the building. He stated after arriving at his residence, then he went to a movie, where he was subsequently apprehended by the Dallas Police Department. (Document #5, page 97, SA James W. Bookhout.)

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h. In re possible meeting with NBC newsman in front of building.

In the November 24 interview, the Secret Service Report, Document #177, dated November 24, states that Oswald says when he was standing in front of the TSBD Building and about to leave it, a young crew-cut man rushed up to him and said he was from the Secret Service, showed a book of identification, and asked him where the phone was. Oswald said he pointed toward the pay phone in the building and that he saw the man actually go to the phone before he left.

(Query: Was this McNeil, the NBC newsman -- this could have set the time Oswald left the building because the newsman gives the exact time of his call according to the records of NBC in New York.)

(See E.2.d. page 119)

The memorandum of the interview by Postal Inspector H. D. Holmes on November 24 shows during the interview Oswald said that following the meeting with the policeman and Truly on the second floor, he "simply walked out the front door of the building. I don't recall that anyone asked why he left or where or how he went. I just presumed this had been covered in an earlier questioning."

In this report of this interview by Captain Fritz, there is nothing pertaining to this subject.

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1. Statements re Bus Ride and Taxicab Ride

On November 23, at his first interview in the morning, the notes of Captain Fritz show: "During this interview I talked to Oswald about his leaving the building, and he told me that he left by bus and rode to a stop near home and walked on to his house. At the time of Oswald's arrest, he had a bus transfer in his pocket. He admitted that this was given to him by the bus driver when he rode the bus after leaving the building.

One of the officers had told me that a cab driver, William Wayne Whaley, thought he had recognized Oswald's picture as the man who had gotten in his cab near the bus station and rode to Beckley Avenue. I asked Oswald if he had ridden in a cab on that day and he said, "Yes, I did ride in a cab. The bus I got on near where I worked got into heavy traffic and was traveling too slow and he got off and caught a cab." I asked him about his conversation with the cab driver, and he said he remembered that when he got in the cab a lady came up who also wanted a cab, and he told Oswald to tell the lady to "take another cab."

During this conversation, he told me he reached his home by cab and changed both his shirt and his trousers before going to the show. He said his cab fare was \$.85. When asked what he did with his clothing he took off when he got home, he said he put them in the dirty clothes. (See Document 81b at pages 137b-c.)



On the FBI Report of the November 23 interview, Oswald stated that following his departure from the TSBD, he boarded a city bus to his residence and obtained a transfer upon departure from the bus. He stated that officers at the time of arresting him took his transfer out of his pocket.

Later in the interview, Oswald stated that it was not exactly true as recently stated by him that he rode a bus from his place of employment to his residence on November 22; he stated he actually did board a bus at his employment but after about a block or two, due to the traffic congestion, he left the bus and rode a city cab to his apartment on North Beckley. He recalled at the time of getting into the cab some lady looked in and asked the driver to call her a cab. He stated he might have made some remarks to the cab driver merely for the purpose of passing the time of day at that time. He recalled that his fare was approximately \$.85. He stated that after arriving at his apartment, he changed his shirt and trousers because they were dirty and described his dirty clothes as being a reddish colored long-sleeved shirt with a button-down collar and gray colored trousers and indicated that he had placed these articles of clothing in the lower drawer of his dresser.

In the memorandum of the Secret Service interview on the morning of November 23 in Secret Service Document #338, dated December 1: "In response to questions put by Captain Fritz,

Oswald said that immediately after having left the building where he worked, he went by bus to the theater where he was arrested; that when he got on the bus he secured a transfer and thereafter transferred to other buses to get to his destination. He denied that he brought a large package to work on that day...Fritz asked him if he had ridden a taxi that day and Oswald then changed his story and said that when he got on the bus he found it was going too slow, and after two blocks he got off the bus and took a cab to his home; that he passed the time with the cab driver and that the cab driver had told him that the President was shot. He paid a cab fare of \$.85. In response to questions, he stated that this was the first time he had ever ridden in a cab since the bus was always available. He said he went home, changed his trousers and shirt, put his shirt in the drawer-- this was a red shirt -- and he put it with his dirty clothes. He described the shirt as having a button-down collar and a reddish color and the trousers a gray color."

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jl. In re use of name Hidell.

Oswald had in his possession at the time of his arrest a photo of a Selective Service System card with the picture of Oswald entitled "Notice of Classification" and name "Alek James Hidell, S.S.N. 42-224-29-5321." The card has certain other information including the address of the Texas Local Board and the card shows erasures and retyping of the information indicated, and bears the long-hand signature "Alek J. Hidell." On his interview on November 22, Oswald declined to explain his possession of the photograph of this Selective Service card. (See Document Number 5, page 92-93.) (He also had a Selective Service card for himself.)



In the Dallas Police report file, Document 81b, page 136-d, Fritz says that during the second day of interviews, Fritz asked him about another identification card in his pocket bearing the name of "Alex Hidell" with regard to the Fair Play For Cuba Committee and Oswald said he picked up that name in New Orleans while working on the Fair Play For Cuba organization. The FBI file with regard to the Selective Service card says: "With regard to the Selective Service card in the possession of Oswald bearing the photograph of Oswald and the name of Alek J. Hidell, Oswald admitted that he carried the Selective Service card but declined to state that he wrote the signature of Alek J. Hidell appearing on same. He further declined to state the purpose of carrying same or any use he had made of same."

(Document #5, page 101. On the other hand, Secret Service Report #338 says: "At this time, Captain Fritz showed a Selective Service card that was taken out of his wallet which bore the name of Alex Hidell. Oswald refused to discuss this after being asked for an explanation of it, both by Fritz and by James Bookhout, the FBI agent."

In the third interview, according to the records of the interview by Postal Inspector H. D. Holmes, Captain Fritz "asked him if he knew of anyone by the name of A. J. Hidell and he denied that he did. When asked if he had ever used this name as an alias

he also made a denial. In fact, he stated that he had never used the name, didn't know anyone by this name, and never had heard of the name before. Captain Fritz then asked him about the identification card in his pocket bearing such a name and he flared up and stated 'I've told you all I'm going to about that card. You take the notes, just read them for yourself, if you want to refresh your memory.' He told Captain Fritz that 'You have the card. Now you know as much about it as I do.'" (Oswald's Russian nickname was "Aleck".)

(Document #385 IV, pages 74-76

k. Statements re P.O. Box.

When interviewed on November 24, Oswald admitted that he had rented P.O. Box 2915 at the Main Post Office in Dallas for several months prior to going to New Orleans. See Memorandum of Interview of Postal Inspector H. D. Holmes. When asked if he had a Post Office box in New Orleans, he stated that he did. When asked if he permitted anyone other than himself to get mail at Box 30061 at New Orleans, he stated that he did not. Then, after denying that anyone else was permitted to get mail in the box, he was reminded that the application showed the name Marina Oswald as being entitled to receive mail in the box and he replied "Well so what, she was my wife and I see nothing wrong with that and it could very well be that I did place her name on the application."

He was then reminded that the application also showed the name A. J. Hidell was entitled to receive mail in the box, to which he simply "shrugged his shoulders and stated 'I don't recall anything about that.'"

h. Denial of trip to Mexico City.

During his first interview, Oswald stated that he had never been to Mexico except Tijuana on one occasion. (However, he did admit to having been in Russia for three years.) (Document Number 5, page 90.) (See also Captain Fritz' report, Document 81b, page 136-c, where it is stated: "Mr. Hosty also asked Oswald if he had been to Mexico City, which he denied.")

J. Miscellaneous Evidence and Problems.

1. Prior practice with rifle.

a. Interview with Marina Oswald.

Marina Oswald cannot recall ever hearing Oswald state

that he was going to fire the rifle in practice or that he had fired it in practice and that the only time she knows that he fired the rifle was the time that he confessed that he had tried to kill General Walker by shooting at him with the rifle. She said when interviewed on December 4, that the only time that she believes that he could have practiced firing the rifle would have been when he was supposed to have been attending evening typewriting class. (Document #6, page 286.) Query: Did she ever see him working the rifle bolt back and forth and sighting the rifle and without actually firing it? (Interview on November 30 by Agents Anatole Bogulslav and Wallace R. Heitman.)

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b. Testimony of Marina Oswald.

Marina Oswald, in her testimony before the Commission on February 3, said that she had seen Oswald clean the rifle about 4 or 5 times and she thought this was normal because when you have a rifle you must clean it from time to time. He did not tell her that he had been using it and it needed to be cleaned after use. She never did see him take the rifle away from the Neeley Street apartment, although she said that she thought he probably did sometimes. She said that sometimes she would be in the kitchen and he would be in his room downstairs and would say goodbye and he may have taken it at that time. "He probably did. Perhaps he purely waited for an occasion when he could take it away without my seeing it....



Mr. Rankin: Did you learn at any time that he had been practicing with the rifle?

Mrs. Oswald: I think that he went once or twice. I didn't actually see him take the rifle, but I knew that he was practicing.

Mr. Rankin: Could you give us a little help on how you knew?

Mrs. Oswald: He told me ... he would mention that in passing ... he would say, "Well today, I will take the rifle along for practice." Therefore, I don't know whether he took it from the house or whether perhaps he even kept the rifle somewhere outside. There was a little square, sort of a little courtyard where he might have kept it. (Vol. 6, Report of Proceedings of the President's Commission, pages 251-253.)

Marina Oswald on February 3 testified that after Oswald shot at General Walker she did not notice his taking the rifle out anymore to practice. (Vol. 6, Report of Proceedings of the President's Commission, page 265.)

Marina Oswald said that in New Orleans Oswald did not take the rifle out of the apartment but quite frequently after dark in the evenings he would sit with his rifle on a screened-in porch.



Mr. Rankin: From what you observed about his having the rifle on the back porch, in the dark, could you tell whether or not he was trying to practice with a telescopic lens?

Mrs. Oswald: Yes. I asked him why. But this time he was preparing to go to Cuba. That was his explanation for practicing with the rifle. These occasions when he would be practicing with the rifle would be almost every evening. (Vol. 6, Report of Proceedings of the President's Commission, February 3, page _____.)

Marina Oswald, in her testimony on February 4, stated that on week-ends when her husband came to visit her in Irving she never observed him going to the garage and practicing with the rifle, although he did go to the garage to look at their things that were there. She says that she never saw him leave the house when he could have been going to the garage and practicing with his rifle because Ruth Paine was there. She says that she didn't notice anything. She said that she thinks that it takes considerable time to practice with a rifle and he never spent any great deal of time in the garage.

She also said that in New Orleans she never actually saw him working the bolt because it was dark, but she would hear the noise from it from time to time. (Vol. 7, Report of Commission Proceedings, pages 365-366.)

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Marina Oswald in her testimony on February 5 with reference to Oswald's practicing with the rifle and the telescopic lens, too. The rifle ~~was~~ always had the lens on it. Oswald was on the porch and she didn't know exactly how he practiced because she was in the house and was busy. She just knew that he sat on the porch with his rifle during the darkness. The neighbors could not see him on the porch with the gun in the dark. (Report of Commission Proceedings, Vol. 8, pages 398-399, dated February 5.)

In her testimony on February 6, Marina Oswald identified Exhibit 122 as a cardboard box containing an assortment of items of Oswald. "I think he used this to clean the rifle."

Mr. Rankin: You are showing us pipe cleaners that you say your husband used to clean the rifle, as you remember?

Mrs. Oswald: Yes.

(See Vol. 9, Proceedings of President's Commission, page 543.)

When Mrs. Oswald testified on February 3 with regard to the rifle practice, at pages 251-253, she said she was describing a period when she was still at Neeley Street and that she didn't know where Oswald practiced but she thinks it was at the Airport -- Love Field -- and that he was practicing out in the open and not at a rifle range. (Vol. 6, Report of Proceedings of the President's Commission, page 254.)

In the testimony of Marina Oswald on February 6:

Mr. Rankin: Mrs. Oswald, if I may return a moment with you to the time you told us about your husband practicing with the rifle at Love Field. As I recall your testimony, you said that he told you that he had taken the rifle and practiced with it there, is that right?

Mrs. Oswald: I knew that he practiced with it there. He told me later.

Mr. Rankin: And by practicing with it, did you mean that he fired the rifle there, as you understand it?

Mrs. Oswald: I don't know what he did with it there. He probably fired it. But I didn't see him.

Mr. Rankin: And then you said that you had seen him cleaning it after he came back, is that right?

Mrs. Oswald: Yes.

Mr. Rankin: Now, do you recall your husband having any ammunition around the house at any time?

Mrs. Oswald: Yes.

Mr. Rankin: And where do you remember his having it in the places you lived?

Mrs. Oswald: On Neeley Street, and Dallas, and in New Orleans.

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Mr. Rankin: Do you know whether that was rifle ammunition or rifle and pistol ammunition?

Mrs. Oswald: I think it was for the rifle. Perhaps he had some pistol ammunition there, but I would not know the difference.

Mr. Rankin: Did you observe how much ammunition he had at any time?

Mrs. Oswald: He had a box about the size of this.... About the size here on the pad.

Mr. Rankin: About three inches wide and six inches long?

Mrs. Oswald: Probably.

(From Vol. 9, Report of Proceedings of President's Commission, pages 483-484.)

In a Secret Service report dated February 6, Commission #379, it is stated that it is illegal to fire a weapon within the city limits of Dallas, and that Love Field is in the Dallas city limits. "To the southwest of Love Field, approximately three miles from the Love Field property line, lies an area largely unpopulated which consists of marsh land and forests bordering the Elm Fork of the Trinity River and consisting of approximately fifty square miles. Located within this area are numerous places where



a person could fire weapons." There are also two gun clubs, neither one of which has any record of Oswald's being there. Oswald could not have been there without being a club member.... The property adjoining the gun club affords numerous places for someone to fire a weapon and this has been done on occasions without drawing any undue attention; that quite often people go into the wooded area in the proximity of the gun club to hunt and target practice...."

On February 10, 1964, Secret Service contacted the Dallas Transit Company re bus service described above. The company does have a bus that operates in the close proximity of this area during daylight hours, on weekdays, at intervals of fifty-six minutes; however, the bus service does not operate in that area on week-ends."

Query: Is this the area of Love Field, or does it also include the area three miles away where the guns can be fired, which is largely ^{an}unpopulated area consisting of marshland and forest?

c. Statements of witnesses re practice at rifle range.

On pages 233-278 of the December 10 Gemberling Report, there are statements from witnesses alleging target practice by Oswald. It is not believed that any of these statements is sufficiently accurate to show with a high degree of certainty that Oswald engaged in target practice in Dallas.



All the cartridge cases submitted from the various rifle ranges for examination by the FBI laboratories had been found not to have been fired from the rifle K1. (See Document #7, page 355.) A target sent from a rifle range has been found not to have any fingerprints of Oswald. (Document #7, page 371.)

d. Practice while in Marines.

Items recovered at Irving, Texas, by Detectives Moore, Rose and Stovall included a sharpshooter medal. (Document #81b, page 295.)

William Earl Odum, Director of the Office of News Service of the Department of Defense, gave the following information with regard to the file of Oswald that during the period that he was in the United States he received training in the use of an M-1, Browning automatic pistol, a riot gun and .45 caliber pistol. (Document #75, page 394.)

e. Miscellaneous.

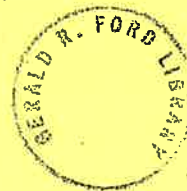
The FBI Laboratory found one latent fingerprint which has been identified as a right thumb impression of Oswald on a copy of "The American Rifle" magazine (one of the magazines previously submitted by Aaron T. Albe. (Document #75, pages 455-456.) (There is some doubt as to the spelling of this witness' name, for on Document #75, page 324, there is a re-interview on November 25 with this witness whose name is now stated to be



"Adrian Alba." In this interview, he expressed the opinion that Oswald would necessarily have had a great deal of practice in firing a rifle with a scope sight to be able to "get off as many shots" as he did during the assassination of President Kennedy at Dallas. He further explained that having had experience in shooting rifles with scope sights, he knows that it takes a period of time for one to adjust his eyesight to the image at which he is firing after each shot. He added that this is not as easy as an open sight and that a bolt action rifle would add to the time necessarily consumed in firing such a rifle. He therefore believed that Oswald had much practice in firing a gun of this type. Alba advised, however, that he knew of no rifle practice which Oswald had engaged in while in New Orleans. He did not believe Oswald belonged to any of the local gun clubs. It would have been almost impossible for Oswald to practice with the rifle around New Orleans unless he belonged to a gun club.

On an interview in Document #6, page 81, Marina Oswald stated that Oswald had never been seen by her practicing with his rifle or any other firearm and had never told her he was going to practice and she had never seen any ammunition around the houses in which they had lived. He never told her that he was a good shot with a rifle but she said that when they came to the United States from Russia, Oswald's mother showed her Oswald's medals he had earned as a Marine and there was one for good marksmanship.

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With regard to whether or not Oswald did any practice target shooting in Dallas, housekeeper Mrs. Earlene Roberts at 1026 North Beckley, when interviewed on November 22, stated that Oswald (whom she knew as O. H. Lee) was in his room every evening from October 14 through November 20, except that he was usually gone on week-ends and she knows this from seeing him and hearing him about the house. However, there are exceptions on November 11, when Oswald did not return to work until November 12 because of a holiday. On the following week-end, he was in his room on Friday night and she saw him on Saturday afternoon on November 16 but she was away from the house on November 17 (Sunday). The only other night was November 21. Oswald seldom left the house for more than a few minutes and, to the best of her knowledge, was never out a single evening during the time he stayed at the house except for the exceptions hereinbefore noted.

However, it should be noted from an interview on November 22 that he would return at 6:00 or 7:00 in the evening. This gives quite a bit of latitude between the time at which he left work, which according to Roy S. Truly would ordinarily be 4:45 p.m. (Document #5, pages 353-355.)

2. Prior Similar Acts -- The General Walker Incident.

a. The letter left for Marina Oswald.



Marina Oswald, when interviewed on December 3, stated that one night during the spring while she and Oswald were in residence at Neeley Street address, she became worried about Oswald because he had not returned to their home very late in the evening. He had stated that he was going to a typewriting class and when he did not return by 10:00 she went into her room in which he kept his personal things and in this room she noticed a letter handwritten in the Russian language. The letter was read to her and upon the reading of the letter Marina stated immediately it was written to her by Oswald and she had found the original letter in the room at the former address on Neeley Street in Dallas one evening when Oswald had not returned by 10:00 when he was supposed to be going to a typewriting class. (Document #6, page 282.)

Marina Oswald, when interviewed on December 4, was exhibited the handwritten letter written in the Russian language which was furnished to the FBI office at Dallas by the Secret Service and stated that the letter was in the handwriting of Oswald and she knew it had been written by him and had found the letter in the room where he kept his belongings in the house on Neeley Street in Dallas on the night that Oswald confessed to her that he tried to assassinate General Walker. (Document #6, page 294.)

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The English translation of the letter appears in
Document 205, pages 166-167:

- "1. This is the key to the mail box which is located in the main post office in the city on Ervay Street. This is the same street where the drug store, in which you always waited, is located. You will find the mail box in the post office which is located 4 blocks from the drug store on that street. I paid for the box last month so don't worry about it.
- "2. Send the information as to what has happened to me to the Embassy and include newspaper clippings (should there be anything about me in the newspapers) I believe that the Embassy will come quickly to your assistance on learning everything.
- "3. I paid the house rent on the 2nd so don't worry about it.
- "4. Recently I also paid for water and gas.
- "5. The money from work will possibly be coming. The money will be sent to our post office box. Go to the bank and cash the check.
- "6. You can either throw out or give my clothing etc. away. Do not keep these. However, I prefer that you hold on to my personal papers (military, civil etc.)
- "7. Certain of my documents are in the small blue valise.
- "8. The address book can be found on my table in the study should you need same.
- "9. We have friends here. The Red Cross also will help you. (Red Cross in English)
- "10. I left you as much money as I could, \$60.00 on the second of the month. You and the baby

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(apparently) can live for another 2 months using \$10.00 per week.

"11. If I am alive and taken prisoner, the city jail is located at the end of the bridge through which we always passed on going to the city (right in the beginning of the city after crossing the bridge)."

Under date of December 5, the FBI Lab advised that Document Q207, which was a letter written in Russian found in Oswald's room on the night of April 10, 1963, by Marina Oswald, was examined and it was concluded that specimen Q207 was written whose known writings are marked as by Oswald/ K4, K5 and K43. (Document #205, page 165.)

On February 3, Marina Oswald testified about finding the note on the night that Oswald did not return before 10 o'clock. (Vol. 6, Report of Commission Proceedings, pages 257-259.) On February 4, the letter was identified by Marina Oswald as Exhibit 1; she stated that Exhibit 1 "is the note that I found in connection with the Walker incident. (Vol. 7, Commission Proceedings, pages 317-318.)

b. Marina Oswald's statements re conduct of her husband.

When interviewed on November 30, Marina Oswald described the actions of her husband when he came home on the night of the Walker shooting. She said that about midnight Oswald came rushing into the house and was very agitated and excited with a pale face, and as soon as he entered he turned on the radio. Later, he laid down on the bed and Marina again noticed how very pale he was.

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She asked what was wrong and he stated to her that he had tried to kill General Walker by shooting at him with the rifle but did not know whether he had hit him or not. He said he wanted to find out on the radio whether or not he had hit him. Marina said she became angry with Oswald for shooting at General Walker and he replied to her that Walker was the leader of the Fascist organization here and it was best to remove him. Marina said she was quite relieved when she found out that Oswald had missed General Walker with a rifle bullet. She said she and Oswald were listening to the radio reports about the rifle shot at General Walker and Oswald was translating reports for her.

Oswald did not have the rifle with him when he returned to the house, and to her knowledge did not take the rifle with him when he left the house that evening. The next night she talked to him about the attempted assassination and he told her that he had hid the rifle which he used to shoot at General Walker in some bushes or in the ground, she did not remember which.

She stated that she thought Oswald used the same rifle he had at the house on Neeley Street and at the Paine Street address.

She advised that for a period of about a month before this attempt on Walker's life, Oswald had been very agitated and had closed himself in his room for long periods of time while he wrote

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and read. She said it was evident that he had been thinking about the assassination attempt for some period of time. Oswald did not mention General Walker in her presence before the night of the attempted assassination and did not speak of the incident again after the second night following the assassination attempt.

Oswald told her that he had gone to the Walker house on foot and after he fired the rifle he ran away and that he could run very fast. He came home on the bus. (Document #6, pages 282-284.)

Marina Oswald, when interviewed on December 4, stated that she believes that at the time of the attempted assassination of General Walker, Oswald was employed at a printing-type company in Dallas, was attending a typewriting class at Dallas evening school for either two or three nights a week or he would usually come back at 9:00, and during this period they were living at the Neeley Street address. (Document #6, page 285.)

Marina Oswald, in her testimony on February 3, said that "before the incident with General Walker, I know that Lee was preparing for something great. He took photographs of that house and he told me not to enter his room. I didn't know about these photographs, but when I came into the room once in general, he tried to make it so that I would spend less time in that room. I noticed that quite accidentally one time when I was cleaning the room



he tried to take care of it himself. I asked him what kind of photographs are these, but he didn't say anything to me."

Mr. Rankin: That is the photograph of the Walker house that you are asking about?

Mrs. Oswald: Yes. Later, after he had fired, he told me about it. I didn't know that he intended to do it -- that he was planning to do it.

(Vol. 6, Report of Proceedings of the President's Commission, pages 252-253.)

On February 3, Marina Oswald testified that two or three weeks after she took the photographs of Oswald with the rifle and pistol she learned that her husband had shot at General Walker. She said that evening he went out and she thought that he had gone to his classes or perhaps that he just walked out or went out on his own business and when it was around 10:00 or 10:30 or perhaps even later she got worried and went to his room and was pacing around and saw the note there. She didn't look for the gun at the time. On the note it said "If I am arrested" and "there are certain other questions, such as, for example, the key to the mail box is in such and such a place and that he left me some money to last me for sometime and I couldn't understand it all. What can he be arrested for." When Oswald came back, she asked what happened, but he was very pale

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and it was very late and she said he told her not to ask any questions. He only told her that he had shot at General Walker. She said that in his state she decided it would be best to leave him alone and it would be purposeless to question him but in the morning she asked him "Where is the rifle? What did he do with it?" And he said that he had burried it far away from the Walker place because dogs could find it by smell. Marina said she told Oswald that he had no right to kill people in peacetime and that Oswald said he thought that this was a very bad man, that he was a Fascist and was the leader of a Fascist organization and when she said that even though all this might be true just the same he had no right to take Walker's life. Oswald said that if someone had caught Hitler in time it would havr saved many lives. She said she told him that is no method to prove your ideas by means of a rifle.

Mrs. Oswald further said that he had been planning for two months or perhaps even a little earlier to do this and that she could tell it from his conduct. (Vol. 6, Report of Proceedings of the President's Commission, pages 257-259.)

On February 3, Marina Oswald testified that Oswald had been planning the Walker shooting for two months or perhaps a little longer, according to what he told her, and that he had a notebook in which he noted down quite a few details. It was



written in English. She noticed a photograph which he later told her was the picture of the Walker house. Sometimes Oswald would lock himself in his room and write in the book; Marina thought he was writing some kind of memoirs as he had written about his life in the Soviet Union and she knew of nothing else he had in the book other than the Walker house photograph and also a map of Dallas. He used a bus. Mrs. Oswald said that her husband told her that before the actual time of the shooting he had also gone out to shoot but he had returned and had not fired because there were many people at a church across the street. She asked him about the note and he said he had in mind that if in case he were arrested she should know what to do. She thinks that it was on a Sunday when he took the rifle. The actual shooting was in the middle of the week. Oswald told her after the shooting that when he fired he did not know whether he had hit Walker or not. He didn't take the bus from there. He ran several kilometers and then took the bus. And he turned on the radio and listened but there were no reports. The next day he bought a paper and there he read it was only chance that saved Walker's life. If he had not moved, he might have been killed. The only comment Oswald had about Walker moving is that Oswald said he had taken very good aim and that it was just chance that caused him to miss. He was very sorry that he had not hit him. (Vol. 6, Report of Proceedings of the President's Commission, February 3, pages 260-262.)

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After the General Walker incident, Marina asked her husband to give his word that he would not repeat anything like that and that she would save the note and if something like that should be repeated again, she would go to the police and would have the proof in the form of a note and that Oswald said he would not repeat anything like that again.

Several days after that, the De Morienschildts came to us and as soon as he opened the door, he said, "Lee, how is it possible that you missed?"

"I looked at Lee. I thought that he had told the De Morienschildts about it. And Lee looked at me, and he apparently thought that I had told the De Morienschildts about it. It was kind of dark. But I noticed that his face changed, that he became almost speechless. (It was in the evening.)" The Morienschildts asked Lee not because Lee had told them about it, "but I think because he is smart enough man to have been able to guess it.... He is simply a liberal... I don't think he is being justly accused of being a communist."

Oswald did not ask for the note back but Marina testified that after that he thought that "what he had written in his book might be proof against him, and he destroyed it." This is the notebook in which he had the Walker house picture. She hid the note



among things in a cook book . After the Walker incident, she insisted that he move from Dallas, even though he had given his word not to use the rifle again, and so she asked him to take her to the place where he was born -- New Orleans. She also testified that she asked him to get rid of the rifle. (Vol. 6, Commission Proceedings, February 3, pages 262-264.)

c. Photographs of Walker residence.

Marina Oswald identified Exhibit P-2 in Exhibit 2 as being a photograph of the Walker residence.

"Q. When did you see this photograph of the Walker residence, P-2, in this Exhibit 2?

Mrs. Oswald: After the Walker incident, Lee showed it to me.

Mr. Rankin: And how did you know it was a photograph of the Walker residence?

Mrs. Oswald: He told me that."

Marina Oswald also identified Exhibit P-1 of Exhibit 3 as being the Walker residence. (Vol. 7, Commission Proceedings, pages 319-321.)

Exhibit 6 was also identified by Mrs. Oswald as being two photographs of the Walker house which she first saw after the incident at about the same time she saw the other picture she described. (Vol. 7., Commission Proceedings, February 4, page 324.)

d. Ballistic reports on bullet from Walker house.

Under date of December 9, the FBI Lab advised that specimen Q188, which was the bullet from Edwin A. Walker's residence because of the extreme mutilation and distortion of Q188 and because the individual microscopic marks left on bullets by the barrel of a K1 rifle could have changed subsequent to the time Q188 was fired and it was not possible to determine whether or not Q188 was fired from the rifle, K1.

The Lab report did say that the remaining physical characteristics of the bullet Q188 are the same as those of the bullet and bullet fragments recovered in connection with the assassination of President Kennedy and are the same as those of 6.5 mm. Mannlicher-Carcano bullets manufactured by the Western Cartridge Company but that the mutilation of Q188 prevents stating that it is of Western manufacture to the exclusion of all other sources.

Q188 was fired from a barrel rifle with four bands and grooves, right twist. Mannlicher-Carcano rifles are the type used in the assassination of President Kennedy (as specimen K1) are among those which produce general rifling impression such as was found on specimen Q188. (Document #205, page 168.)

e. Miscellaneous.

With reference to the photograph Marina Oswald had taken of Oswald showing the pose with the rifle in his hand and

remember whether it was a few weeks before or a few weeks after.

(Document #6, pages 285-286.)

3. Other Laboratory Tests.

a. The paraffin test.

The report of the paraffin test, together with the drawings thereof, appears in Document #5 at pages 146-149. The paraffin test on the cheek is negative. The paraffin test on the left hand is positive on the palm of the hand, particularly the area below the middle finger and the fourth finger, and on the side of the thumb. Also, on the center of the back of the left hand, there are nitrate positive marks showing. On the right hand on the palm side, there are positive nitrate marks on all fingers and the thumb -- the marks on the fingers being around one-third to one-fourth from the end. Also, on the palm and the left portion thereof, not too far from the wrist, there is a positive nitrate showing. On the back of the hand, near the juncture of the thumb. and the index finger, there ^{are} ~~is~~ also nitrate positive marks. The three paraffin casts which were made from the right cheek, right hand and left hand were delivered by Captain George Dougherty of the Dallas Police Department to



laboratory technician, Al Anderson, and the Dallas City County Criminal Investigation Laboratory and Parkland Hospital, and Anderson assisted Dr. M. F. Mason in connecting the nitrate tests and Anderson made the drawings as to where the nitrates were found. The report of Dr. Mason said that in the paraffin tests of the right and left hands, he found "punctate traces of nitrate, which would be consistent with the person who had handled and or fired a firearm. " (Document #5, page 147.)

The complete significance of the paraffin test must be determined. Messrs. Redlich and Eisenberg are working in this area and their findings will be carefully studied by counsel in area II, particularly since our entire efforts are based on an independent determination of who was the assassin, rather than from the viewpoint of a prosecutor. If anyone firing a rifle within a few hours prior to the submission of a paraffin test on the right cheek with a high degree of certainty^{would} have nitrates on his right cheek which could not be readily removed, this is a factor weighing against the conclusion that Lee Harvey Oswald was the assassin.

b. Hairs found on blanket.

Officer Bobby G. Brown, of the Crime Scene Search Center Section of the Dallas Police Department, together with

Officer Jack Donahue with the consent of Oswald obtained scrappings from under his fingernails on each hand and specimens of hair from the head, right arm pit, chest, right forearm, pubic area and right leg which he made available to FBI SA C. Ray Hall, and As a result of examination, nothing was found which could be tied in with the rifle, K1, or the paper bag, Q10, ^{but}, the FBI Laboratory reported that the microscopic characteristics of the K10, limb hairs, and K11, pubic hairs, of Oswald matched in microscopic content several brown limb hairs and brown pubic hairs, all of Caucasian origin, found in the debris previously removed from the Q12 blanket. ~~Thereat, there-~~ fore, these hairs originated either from Oswald or from another Caucasian person whose limb and pubic hairs exhibit the same microscopic characteristics. (See Document #5, pages 143-144.) Looking at the results of this test from the viewpoint of Lee Harvey Oswald, the test has limited credibility since many other persons could have had such hairs exhibit the same microscopic characteristics. On the other hand, the very fact that these findings are not contradictory is of some circumstantial value.

c. Fibers found adhering to rifle.

According to the FBI Lab Report addressed to the Dallas Police Department on November 23, a small tuft of textile fibers found adhering to a jagged area on the left side of the metal



butt plate on the rifle, K1, included gray-black, dark blue and orange-yellow cotton fibers which match in microscopic characteristics the gray-black, dark blue and orange-yellow cotton fibers composing the Q11 shirt of the suspect. These fibers could have originated from this shirt. (Document 81b, page 133). Fibers do not exhibit sufficient individual microscopic characteristics to be positively identified as originating from a particular source to the exclusion of all others. (Document 81b, page 134.)

Again looking at the results of this test from the viewpoint of Oswald, this is not positive proof that he fired this particular weapon, since other shirts worn by other persons could lead to the same results. On the other hand, this is circumstantial evidence which should be considered with the understanding of its limitation. It should also be pointed out that under date of December 5, the FBI Lab reported on various articles of clothing submitted for examination, Exhibits Q179-187, of which Exhibits Q181 and 182 were sweaters and Q187 were shirts, and could find no fibers there which would match with the fibers previously found on the K1 gun. (Document #205, pages 162-163.)

4. The Clothing of Oswald.

a. Testimony prior to entry into TSBD Building on morning of November 22.



Marina Oswald, in her interrogation, believed that when Oswald went to work on the morning of November 22, he was wearing gray pants which were marked Exhibit 157, but she does not remember the shirt that he wore. (Vol. 9, Commission Proceedings, February 6, pages 560-563.)

Buell Wesley Frazier, when interviewed on December 1, said that when Oswald went home on the afternoon of November 21, he was wearing a dark rust colored shirt and a gray jacket, waist length. (Document 7, page 294). When interviewed on December 5, he said he did not pay any attention to the clothing that Oswald was wearing on the morning of November 22 but he felt certain that Oswald was wearing a jacket on this date. Frazier was unable to identify the sport shirt with a hole in the right sleeve which was shown to him. (Document #7, page 304.) In an affidavit dated December 5, Frazier stated that all he can recall on the morning of November 22 was that Oswald was wearing a gray wool jacket. He does not recall what kind of shirt or pants he was wearing.

On an affidavit dated November 22, Mrs. Linnie Mae Randle said that when she saw Oswald on the morning of November 22 carrying the long brown package he was bareheaded and wearing a light brown or tan shirt. She does not remember what kind of trousers he had on. (Document 81b, page 53.)



When interviewed on December 5, she said that to the best of her recollection, Oswald was wearing a tan shirt and gray jacket.

When shown the rust-brown sport shirt, she said it does not look familiar to her and that although Oswald could have been wearing this shirt, she believes that the shirt he was wearing on the morning of November 22 was a solid color and light. (Document #7, page 308.)

b. Clothing in building prior to assassination.

TSBD employee Charles Douglas Givens, when interviewed on December 5, stated that on November 22 he saw Oswald and to the best of his recollection Oswald was wearing a long-sleeve sport shirt brown in color. He stated that on occasions he had seen Oswald wearing a tee shirt. When shown the brown sport shirt with the hole in the right sleeve at the elbow, Givens stated that it looked similar to the one Oswald was wearing on November 22 but he could not state definitely that this was the shirt. (Document #7, page 306.)

TSBD employee James Jarman, when interviewed on December 5, advised that he could not recall what type of clothing Oswald was wearing on November 22 but that Oswald usually worked in a white tee shirt. There was a dressing room on the first floor where the employees could change their clothing and leave their shirts when they commence working. When Oswald worked in a tee shirt, he usually had a regular shirt in the dressing room.

(Document #7, page 307.)



TS BD employee Bonnie Ray Williams, when interviewed on December 5, stated that to the best of his recollection on the morning of November 22 Oswald was wearing a gray corduroy pair of pants and a grayish looking sport shirt with long sleeves. When shown the rust-brown shirt, he was unable to identify it and could not recall ever seeing Oswald wearing this shirt or a shirt similar in appearance.

c. Persons in building after assassination.

Supervisor Roy S. Truly, when interviewed on December 5, advised to the best of his recollection Oswald was wearing either a white tee shirt or a light-colored shirt and light trousers. He stated that most of the employees usually worked in their tee shirts and that there is a small room on the first floor of the TSBD Building where employees could smoke and hang up their shirts and coats.

Truly was shown the rust-brown sport shirt with the hole in the right sleeve and said that although the shirt looked familiar to him, he believes that Oswald was wearing light clothing and had on a white tee shirt and a light-colored sport shirt.

(Document #7, page 305.)

In an affidavit dated December 4, he said that when he encountered Oswald shortly after the shooting, Oswald was



wearing light-colored clothing and probably a tee shirt. (SS #491.) Officer Baker who was with Roy S. Truly and saw Oswald shortly after the assassination stated that Oswald was wearing a light brown jacket in an affidavit appearing in SS #491.

Mrs. R. A. Reid, when interviewed on November 26, said that to the best of her recollection when she saw Oswald he was wearing a white tee shirt and was not wearing a jacket at that time. (Document #5, page 27; see also Document #7, page 309 and SS #491.) When shown the rust-brown sport shirt, she said she could not recall ever seeing the shirt before and was certain Oswald did not have this shirt on at the time she saw him on November 22. (Document #7, page 309.) She does not recall what his trousers were like. (Document 81b, page 54.)

d. Persons seeing Oswald after leaving the TSBD building until the time of the murder of Officer Tippit.

When re-interviewed on November 27, former landlady Bledsoe says that Oswald looked "ragged and dirty" when he got on the bus. He was wearing a brown shirt which had a hole in one elbow, gray pants, no jacket, and something "ragged" around his belt line. (Document #5, page 343.)

Detective F. M. Turner of the Dallas Police Department on December 4 was shown a faded brown long-sleeve



shirt which was included among the material received from the Dallas Police Department having been seized by search warrant from the room of Oswald at 1026 North Beckley. Turner identified this shirt as being the shirt he personally seized by search warrant from Oswald's room on November 22 in the presence of Detective Walter E. Potts and District Attorney Bill Alexander. (Document #7, page 318.)

Mrs. Mary E. Bledsoe, the former landlady of Oswald, when interviewed on December 4, was exhibited a dark rust colored shirt alleged to have been worn by Oswald on the day of the assassination. When the shirt was removed from an envelope in which it was contained, Mrs. Bledsoe at first said, "No, no. That is not the shirt," She then inquired as to whether the shirt had a ragged elbow, and when she observed the hole in the right elbow of the shirt, she quickly stated, "Yes, yes. This is the shirt."

She qualified her first answer that it was not the shirt by stating she seemed to recall the shirt Oswald wore on November 22 was dirty. Then, she said when she observed the ragged elbow on the shirt she was positive this was the shirt Oswald was wearing when she saw him on the bus. She stated she is positive he was wearing a long sleeve shirt of the same dark appearance as the shirt she observed at her residence on December 4 and Oswald was not wearing a jacket or coat. She stated the shirt she saw him wearing was of a brown or dark brown color.

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She stated her first impression was that the left sleeve on Oswald's shirt was the sleeve that had the ragged elbow; however, she was not positive. She observed Oswald when he got on the bus and when he got off the bus. She did not note Oswald had his shirt tail tucked into his pants and that his pants were ragged around the top. (Document #7, pages 302-303.)

Cab driver William Wayne Whaley, on an affidavit dated November 23, said that Oswald had on a dark shirt "with white spots or something on it. He had a bracelet on his left wrist." (Document 81b, page 64.)

In an interview on November 23, he referred to a heavy identification bracelet on Oswald's left wrist and said that Oswald was dressed in gray khaki pants which looked as though they had been slept in and had on a dark colored shirt which nearly matched the pants but were somewhat darker and had some light color in it with long sleeves and the top two or three buttons unbuttoned. The man wore no hat. (Document #5, pages 348-350.)

William Wayne Whaley, when interviewed on December 18, examined a brown long sleeved man's sport shirt and stated that he cannot definitely say whether or not the shirt worn by Oswald on November 22 when he took him from the Greyhound Bus Station to the 500 block of Beckley. He said that this may well be

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the shirt since as he recalls Oswald was wearing gray work pants and a gray work jacket and he had on a darker shirt which had a gold streak in it. He also recalled that the shirt was open down the front to about the fourth button and he does not recall Oswald's wearing an undershirt. He also recalls that the shirt as well as the rest of Oswald's attire was unpressed and wrinkled as though it had not been ironed after washing or as though he had slept in the clothes.

(Document #205, page 150.)

Earlene Roberts, housekeeper at 1026 North Beckley, when interviewed on November 22, stated that when Oswald entered the house at about 1:00 p.m., he was wearing a light colored shirt, either short sleeved or with the sleeves rolled up, dark pants and no jacket. She cannot recall what he was wearing when he left, but she remembers that he was putting on a jacket and zipping it up in the front when he left the house. She has the impression that he had changed clothes but cannot definitely recall anything other than the jacket. (Document #5, page 355.)

A gray man's jacket with zippered opening was found by Captain Westbrook of the Dallas Police Department on the parking lot west of Patton between 10th and Jefferson. (See Document #81b, page 117, and Document #205, page 206.)



Marina Oswald, when interviewed on December 19, was shown a faded blue cloth jacket with padding bearing the label "Sir Jac" with zipper front. She immediately identified this jacket as being the property of Oswald, saying she recognized it because she has handled it and washed it for Oswald. (Document #206, page 188. Is this the same jacket that was found on the parking lot?

Under date of December 31, the FBI Laboratory furnished a report on Q350 being a blue jacket. Several brown head hairs and hair clippings were found in the debris removed from the Q350 jacket and these hairs match in microscopic characteristics of previously submitted K7 hair sample of Oswald and originated either from him or from another Caucasian person whose head has the same microscopic characteristics. It is pointed out that hairs do not possess enough individual microscopic characteristics to be positively identified as originating from a particular person to the exclusion of all others. None of the textile fibers previously removed from the K1 rifle could be associated with the Q350 jacket. The Q350 jacket was examined and processed to determine whether or not any gun powder residues were present and no nitrates or nitrites such as would be present in gun powder residues were found. It is pointed out that the absence of nitrates and nitrites does not necessarily indicate that the jacket was not worn by a person firing a weapon

since such residues are not normally deposited on a suit of clothing.

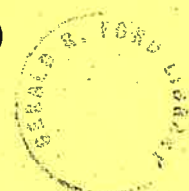
(Document #329, pages 52-53.)

e. Persons seeing Oswald from the time of the murder of Officer Tippit until apprehension.

When interviewed on November 22, Mrs. Helen Markham described Oswald as a white male, about 18, black hair, red complexion, wearing black shoes, tan jacket and dark trousers. (Document #5, page 79.)

William Arthur Smith said the individual he saw shortly after the Tippit shooting was wearing a light shirt, light brown jacket and dark pants. (Document #205, page 243.) Johnny Calvin Brewer said that when he saw Oswald he was wearing a brown sport shirt with the tails out over a white tee shirt. (SS#474.) Officers at the Dallas Police Department were interviewed about the color of clothing worn by Oswald at the time of his apprehension. Patrolman Ray Hawkins, when interviewed on December 4 and shown the shirts, said that he was positive that this was the shirt Oswald was wearing when he was arrested. He participated in this arrest and accompanied Oswald to the office of Captain Will Fritz and at no time was this shirt removed until Oswald was turned over to Fritz. (Document #7, page 312.) Captain W. R. Westbrook, after viewing this shirt on December 4, stated that he "is thoroughly certain" that he saw Oswald wearing this at the time of his arrest. (Document 7, page 313.)

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Lieutenant Paul Bentley was at the scene at the time of the arrest and that he observed Oswald wearing this shirt and that this shirt was worn by Oswald all during the time of his arrest, subsequent to his arrest and transportation to the Dallas Police Department. Bentley accompanied Oswald to the office of Fritz. (Document #7, page 314.) Bob K. Carroll, who accompanied Oswald after the arrest to the Homicide Bureau in the office of Captain Fritz, stated that this was the shirt Oswald wore at the time of his arrest and until the time he was turned over to Fritz. (Document #7, page 315.) Captain Will Fritz on December 4 stated he could positively state that this was the same shirt Oswald was wearing at the time he was brought to his office on November 22 by the arresting officers. Fritz stated that Oswald said that he had changed his trousers that day on a November 22 interview but had not changed his shirt; on November 23, Oswald claimed he had changed his entire clothing. (Document #7, page 316.) Also, on December 4, Detective James R. Leavelle stated he could positively state that this is the same shirt he observed on Oswald at the time he was brought by the arresting officer to the office of Captain Fritz. (Document #7, page 317.)

Looking at this entire area from the viewpoint of the accused, we do not believe that Oswald could be identified from his clothing alone because there is too much variance in the



description of his clothing. On the other hand, the description of the shirt worn by Oswald with the neck open on the morning of November 22 does correspond with the description of the clothing given by people who saw the figure in the window on the sixth floor of the TSBD Building shortly prior to and at the time of the assassination.

5. Additional Statements Which Should Be Obtained.

At the end of this memorandum, we have a list of witnesses who should be interviewed in Dallas and whose testimony should be taken in question and answer form. Certain of these people are key witnesses whose testimony in any event should be taken by the Commission. It may not be desirable to have testimony taken twice, once by way of deposition and once in front of the Commission, and as to those key witnesses, perhaps the best approach would be to have the on-the-scene interview followed by the interrogation in front of the Commission.

To the list of witnesses should be added the name of Marina Oswald. We have heretofore in this memorandum stated our opinion that we are not completely satisfied with the record of this witness as it now stands. Our concern is illustrated by her complete change in her discussion of the Mexican trip. At the time of her interrogation in front of the Commission, she made substantial disclosures about her knowledge of this trip, yet, ^{as} recently as January 16, she was interviewed with the following memorandum



3

summarizing the results: "Marina was again questioned concerning the trip taken by Lee Harvey Oswald to Mexico in September-October of 1963. She said Oswald had not told her anything whatsoever about any intentions on his part to go to Mexico. She said he had not told her upon his return to Dallas in early October 1963 that he had been to Mexico. She said she received no information whatsoever that he had intentions of going to Mexico or that he had been in Mexico. She said her first knowledge of Oswald's travel to Mexico had been that which she gained from television programs at Dallas immediately following the assassination of President Kennedy." (Document 329, page 230.)

When one compares this with the pattern of answers of Lee Harvey Oswald during his interrogation, there is some cause for concern. If there was any pattern to Oswald's interrogation, it is that he lied about key facts which directly concerned his involvement in the shootings. For instance, he admitted that he took a bus ride and he admitted that he took a cab ride after the assassination; he admitted that he was a Marxist and, of course, he admitted that he owned the pistol which he had when apprehended. On the other hand, he denied he ever bought a rifle, he denied he owned a rifle, he denied shooting the President, he denied shooting Officer Tippit,



he denied that the picture showing him with a rifle and pistol was actually taken of him, and he denied that he had ever been in Mexico City. Why he made this last denial is a matter of conjecture. But the pattern is clear and is all the more vivid in light of the complete denial by Marina Oswald of any knowledge as recently as January 16.

Be that as it may, the key conclusion which we wish to draw here is that we do not necessarily have all of the story from Marina Oswald, and careful investigation should be made in this area followed by further interrogation.

K. The Following Tentative Conclusions Are Made on the Basis of the Evidence Examined Thus Far:

1. The shots were fired from the Texas School Book Depository Building, and in particular from the southeast corner window of the south side of the building on the sixth floor.
2. The weapon used to fire the bullets was a rifle thus far determined to be a 6.5 mm. Mannlicher-Carcano bolt-action clip-fed rifle, Serial No. C2766, equipped with a telescopic sight of Japanese manufacturer.
3. The assassination weapon was owned by Lee Harvey Oswald and his fingerprints appear on the weapon.



4. At the time of the assassination, Lee Harvey Oswald was in the Texas School Book Depository Building and prior to the assassination was on the sixth floor.
5. The fingerprints and palm prints of Lee Harvey Oswald appear on the assassination weapon and are proper means of identification.
6. Lee Harvey Oswald is the only TSBD Building employee who left the building immediately after the assassination.
7. Lee Harvey Oswald took a circuitous route upon leaving the TSBD Building.
8. Lee Harvey Oswald murdered Patrolman J. D. Tippit.
9. Lee Harvey Oswald is the assassin of President John F. Kennedy.

L. Limitations of Analysis of Area of Inquiry of Messrs. Joseph A. Ball and David W. Belin.

1. In this particular section, we are not analyzing motive.
2. In this particular section, we are not analyzing whether or not there were any other persons, groups, or any group outside of the country involved in the assassination.



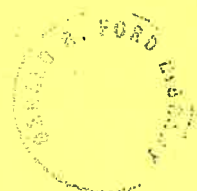
RECOMMENDATIONS FOR IMMEDIATE FUTURE ACTION

After a review of the evidence which is in this report, we suggest that the following witnesses be interviewed in Dallas, Texas.

All of these witnesses should have their testimony taken by the question and answer method. The Commission may desire to have certain key witnesses examined before it; the depositions of all other witnesses should be taken in Dallas, Texas, before staff examiners. In this way, a body of evidence can be speedily developed for submission to the Commission for final determination.

The following is a list of witnesses which should be examined; the asterisk mark denotes those witnesses which we suggest be brought to Washington to testify. From this list we have omitted witnesses which are being covered in overlapping areas such as Mrs. Paine and the ballistics experts. Of course, we will want to be present at the time of interview and examination of such other witnesses.

In addition to the testimony of the foregoing witnesses, we believe that substantial additional investigation is necessary as pointed out in various pages of this report. This additional work ranges from the laboratory examinations we have requested to the need for careful check of all TSBD employees by way of independent witness verification as to location at the time of the shooting. If



requested, we can prepare a summary letter extracting and summarizing these recommendations as they appear in this report.

These witnesses will establish--

A. The place from which the shots were fired

- *1. Howard L. Brennan
- *2. Robert H. Jackson
- 3. Thomas C. Dillard
- 4. James R. Underwood
- 5. Malcolm Couch
- 6. James Worrell, Jr.
- 7. Amos Euins
- 8. Robert E. Edwards
- 9. Ronald B. Fischer
- 10. James R. Crawford
- 11. James Earl Jarman, Jr.
- 12. Bonnie Ray Williams
- 13. Harold Norman
- 14. Arnold Rowland
- 15. Barbara Rowland

B. Identification of the weapon

- 1. Deputy Constable Seymour Weitzman
- *2. Deputy Sheriff Boone
- *3. Deputy Sheriff Luke Mooney

Dallas Police Department Witnesses

- *4. Lt. Carl Day
- *5. Capt. J. W. Fritz
- 6. Det. R. L. Studebaker
- 7. Det. Johnny Hicks
- 8. Det. Pete Barnes
- 9. Det. Marvin Johnson
- 10. Det. L. D. Montgomery
- 11. Det. C. N. Dhority
- 12. Det. C. W. Brown
- 13. R. W. Simms
- 14. E. L. Boyd

15. C. F. Rose
16. R. S. Stovall
17. H. M. Moore
18. J. P. Adamcik
19. Patrolman Baker
20. O. P. Wright, Security Officer, Parkland Hospital

C. After the shooting

- *1. Roy S. Truly
2. William H. Shelley
3. Mrs. Reid
4. Frankie Kaiser
5. Robert McNeil

D. The trip to Irving and return

- *1. Buell Wesley Frazier
- *2. Linnie Mae Randle

E. The station wagon story

1. Deputy Sheriff Roger Craig
2. Marvin C. Robinson

F. The bus and taxi ride

1. Mary Bledsoe
2. Cecil J. McWatters
3. William Whaley

G. The return to the lodgings

1. A. C. Johnson
2. Gladys Johnson
3. Earlene Roberts

H. The murder of Tippit

- *1. W. W. Scoggins
- *2. Helen Markham
3. Jeanette Davis
4. Virginia Davis
5. Ted Callaway
6. Sam Guinyard
7. William Arthur Smith

I. The arrest of Oswald

1. John Brewer
2. Julia Postal
- *3. Officer MacDonald, Dallas Police Dept.
4. C. T. Walker, Dallas Police Dept.
5. K. E. Lyon, Dallas Police Dept.
6. T. A. Hutson, Dallas Police Dept.
7. Gerald L. Hill, Dallas Police Dept.
8. Ray Hawkins, Dallas Police Dept.
9. Bob K. Carroll, Dallas Police Dept.

Note: Probably the only officers necessary to examine are MacDonald, Hutson, Carroll, Hawkins, Lyon and Walker.

J. Doctors at Parkland Hospital

1. Dr. Liguore in re Tippit
2. Dr. Charles Carrico in re Kennedy
3. Dr. Malcolm O. Perry in re Kennedy
4. Dr. Robert Shaw in re Connally
5. Dr. Charles Gregory in re Connally
6. Dr. Shires in re Connally

The assigned areas I and II overlap to such an extent that the examination of witnesses under A and J can be shared by Messrs. Belin, Ball and Specter. If the Commission agrees, we can divide the interview and interrogation among these three staff members. We should, therefore, be provided with--

1. An automobile in Dallas for transportation of witnesses and staff members.
2. Officers to summon witnesses.
3. Office space; preferably three private offices with a reception room.

4. A shorthand reporter for each examiner.

It would be our policy to interview each witness and, if possible, record his testimony that day. Some witnesses must be interviewed on the scene. We estimate a total time for depositions as ten working days. We will accommodate our schedule to the convenience of the witnesses. It is estimated that we must be in Dallas for at least two days before we commence the taking of evidence.

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Enclosure to detailed description attached
to letter dated 2/18/64 to

Honorable J. Lee Rankin
General Counsel
The President's Commission
200 Maryland Avenue, Northeast
Washington, D. C. 20002

May 8, 1964

IV. Lee Harvey Oswald was the assassin of President Kennedy

Summary of Testimony of Cortlandt Cunningham, 21 Hearings (3/11/64)
Linnie May Randle, 21 Hearings (3/11/64)
Buell Wesley Frazier, 21 Hearings (3/11/64)
William Wayne Whaley, 22 Hearings (3/12/64)
Cecil J. McWatters, 22 Hearings (3/12/64)

Summary of Deposition of Domingo Benavides, 38 Depositions (4/2/64)
Johnny Calvin Brewer, 38 Depositions (4/2/64)
Mrs. Virginia Davis, 38 Depositions (4/2/64)
Harry D. Holmes, 38 Depositions (4/2/64)
Victoria Elizabeth Adams, 48 Depositions (4/7/64)
W. E. Barnes, 48 Depositions (4/7/64)
Barbara Rowland, 48 Depositions (4/7/64)
E. D. Brewer, 59 Depositions (4/9/64)
Bob K. Carroll, 59 Depositions (4/9/64)
Robert Edwin Edwards, 59 Depositions (4/9/64)
D. V. Harkness, 59 Depositions (4/9/64)
Clyde A. Haygood, 59 Depositions (4/9/64)

Sent a copy of each of the foregoing documents to Mr. Ball. Since a copy of each paper is missing, I assume that Mr. Belin took it along to Des Moines on May 7, 1963.

M. C. Y.

May 12, 1964

Sent Xerox copies of all of the foregoing material to Mr. Belin today. He told Mrs. Eide that he did not take the carbon copies.

M.C.Y.

CHAPTER IV

LEE HARVEY OSWALD WAS THE ASSASSIN OF PRESIDENT KENNEDY

The preceding chapter has established that the bullets which killed President Kennedy and wounded Governor Connally were fired from the southeast corner window of the sixth floor of the Texas School Book Depository Building and that the weapon which fired these bullets was a Mannlicher-Carcano 6.5 millimeter Italian rifle bearing the serial number C2766. Based on the following further findings the Commission has concluded that the shots were fired by Lee Harvey Oswald:

(1) Oswald owned the rifle used to commit the assassination, (2) Oswald had access to and was present at the window from which the shots were fired, (3) Oswald brought the rifle into the Depository Building on the morning of the assassination, (4) Oswald killed Dallas Police Officer J. D. Tippit in an attempt to escape, and (5) Oswald resisted arrest by drawing a fully-loaded pistol and attempting to kill a police officer. In addition, the Commission has made the following findings which have probative value in that they reinforce the conclusion, fully established by the principal findings, that Lee Harvey Oswald was the assassin: (1) Oswald's actions between the assassination of President Kennedy and the killing of Officer Tippit were consistent with his having performed both acts, (2) Oswald lied in his statements to the police following his arrest, (3) Oswald attempted to kill Major General Edwin A. Walker, thereby demonstrating a willingness to commit an act of assassination, and (4) Oswald possessed a capability with a rifle which would have enabled him to commit the assassination.

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THE ASSASSINATION WEAPON BELONGED TO LEE HARVEY OSWALD

THE RIFLE WAS PURCHASED BY ONE "A. HIDEELL"

Shortly after the Mannlicher-Carcano rifle was found on the sixth floor of the Texas School Book Depository Building, agents of the Federal Bureau of Investigation checked retail outlets in Dallas and learned that Crescent Firearms, Inc., of New York City was the importer of surplus Italian 6.5 military rifles. During the evening of November 22, 1963, an investigation of the records of Crescent Firearms revealed that an Italian carbine, serial number C2766, had been shipped by Crescent to Klein's Sporting Goods Company of Chicago, Illinois.

At 10:00 p.m., the officers of Klein's were asked to check their records for the sale of this gun. After searching throughout the night, at 4:00 a.m., William Waldman and Mitchell Scibor of Klein's discovered that a rifle bearing serial number C2766 had been shipped to one A. Hidell, Dallas, Texas, Post Office Box 2915, on March 20, 1963.

According to its microfilm records, Klein's received an order for a rifle on March 13, 1963, on a coupon clipped from the February 1963 issue of the American Rifleman magazine. The order was signed "A. Hidell, P. O. Box 2915, Dallas, Texas." The envelope which contained the coupon bore a return address in handwriting, "A. Hidell, P. O. Box 2915, Dallas, Texas." The envelope also contained a money order in the amount of \$21.45, purchased as No. 2,202,130,462 in Dallas, Texas, on March 12, 1963. Klein's bank records show that the deposit on March 13, 1963, contained an item of \$21.45. The shipping order

form prepared by Klein's shows an imprint made by the cash register which recorded the receipt of \$21.45 on March 13, 1963. Without the scope, the price of the rifle was \$12.78, and with scope attached the price was \$19.95. The additional sum of \$1.50 was for postage and handling. According to the Vice-President of Klein's, the scope was mounted on the rifle by a gunsmith employed by Klein's, and the rifle was undoubtedly shipped fully assembled in accordance with customary company procedures.

Klein's records clearly identify the specific rifle shipped against this order. The rifle had been received by Klein's from Crescent on February 21, 1963, bearing the manufacturer's serial number C2766. On that date, a control number, VC 836, was placed on this rifle. According to Klein's shipping order form, one Italian carbine 6.5 X-4X scope, control number VC 836, serial number C2766, was shipped parcel post to A. Hidell, P. O. Box 2915, Dallas, Texas, on March 20, 1963.

THE RIFLE WAS SHIPPED TO LEE OSWALD'S POST OFFICE BOX

Post Office Box 2915 in Dallas, Texas, had been rented to Lee Harvey Oswald on October 9, 1962. The application for this box was introduced into evidence as Commission Exhibit 791. Mr. Alwyn Cole, Treasury Department expert on handwriting identification, testified that

Lee Oswald's signature on this application, as well as his printed name and address, were in the same handwriting as appears on certain documents known to contain the writing of Lee Oswald, such as letters, a passport application, and endorsements of checks made out to Oswald. Document examiners of the Federal Bureau of Investigation confirmed this finding.

Oswald rented this box from October 9, 1962, until it was closed on May 14, 1963. He probably did not receive mail from the box after he left Dallas for New Orleans on April 23, 1963. The rifle, however, was shipped to Box 2915, Dallas, Texas, from Chicago on March 20, 1963, which would indicate that it was received in Dallas during the period that Oswald rented and used the box to which it was sent.

OSWALD WROTE THE RIFLE PURCHASE DOCUMENTS USING THE NAME "HIDELL"

The purchaser of the rifle used to assassinate President Kennedy filled out a mail-order form, purchased a postal money order and enclosed both documents in an envelope addressed to Klein's Sporting Goods Company. Klein's retained a microfilm record of the documents and the envelope. The document examiners for the Treasury Department and the Federal Bureau of Investigation testified unequivocally that the bold printing on the face of the mail-order coupon was in the hand printing of Lee Oswald and that the writing on the envelope was Oswald's as well.

The cancelled money order coupon in the amount of \$21.45, purchased from the Dallas Post Office, was obtained from the Post Office Department. Opposite the printed words "Paid To" were the written words "Klein's Sporting Goods," and opposite the printed word "From" were the written words "A. Hidell, Post Office Box 2915, Dallas, Texas." These written words were in the handwriting of Lee Oswald.

OSWALD FREQUENTLY USED THE NAME "HIDELL" AS AN ALIAS

Oswald's use of the name "Hidell" to purchase the assassination weapon was one of several instances in which he used the name "Hidell" as an alias. When Oswald was arrested on the day of the assassination, he had in his possession a Smith and Wesson .38 caliber revolver which had been purchased by mail-order coupon from Seaport-Traders, Inc., a mail order division of George Rose and Company, Los Angeles. The mail-order coupon listed the purchaser as "A. J. Hidell Age 28" with the address of P. O. Box 2915 in Dallas, Texas. Handwriting experts from the Federal Bureau of Investigation and the Treasury Department testified that the writing on the mail order form was in the hand of Lee H. Oswald.

During Oswald's stay in New Orleans, in the summer of 1963, he made extensive use of the "Hidell" name. On June 3, 1963, he rented Post Office Box 30061 in New Orleans and listed Marina Oswald and A. J. Hidell as additional persons persons entitled to received mail in the box. Expert testimony confirmed that the writing on this application was that of Lee Oswald.

Hidell's name on the post office box application was part of Oswald's creation of a non-existent Hidell as President of the so-called New Orleans Chapter of the Fair Play for Cuba Committee. Marina Oswald testified that she first learned of Oswald's use of the fictitious name "Hidell" in connection with his pro-Castro activities in New Orleans. According to her testimony, he compelled her to write the name "Hidell" on cards in the space designated for the signature of the "Chapter President." The printed literature of the "chapter" referred to "Hidell" as President. Marina Oswald testified, "I knew there was no such organization and I know Hidell is merely an altered Fidel and I laughed at such foolishness. . . . I said that it wasn't a nice thing to do and that someday it would be discovered anyhow. . . ."

He represented himself as Oswald, but he was using the name Hidell to have a fictitious president of an organization of which he was the only member.

Oswald had taken considerable trouble to create forged documents for his alias. In his wallet at the time of arrest, was a Selective Service card in Oswald's name, and a second Selective Service card in the name of Alek James Hidell. Experts on questioned documents from the Treasury Department and the Federal Bureau of Investigation testified that the Hidell card is a forgery. Among the properties of Oswald which were found in the garage at 2515 West 5th Street, Irving, Texas, were two photographic negatives. Upon later examination, it became

apparent that the Selective Service card of Oswald had been photographed and "retouched for the purpose of blocking out certain parts." The name "Alek James Hidell," the Selective Service number, the date of mailing, the signature of the member or clerk of the local board, and the color of eyes were typed directly onto the photographic print, and a second photograph was taken of the forged negative. The photograph attached to the forged Selective Service card of "Alek James Hidell" bears the unmistakable likeness of Lee Harvey Oswald.

Oswald had also forged a certificate of Marine Corps service in the name of "Alek James Hidell," using one of the negatives found in the garage. The forged card was in his possession at the time of his arrest.

In Oswald's personal effects found in his room at 1026 North Beckley was an international certificate of vaccination signed by "Dr. A. J. Hideel," P. O. Box 30016, New Orleans, Louisiana. This certified that Lee Oswald had been vaccinated for smallpox on June 8, 1963. This was also a forgery. The signature of Dr. Hideel was in the handwriting of Lee H. Oswald. There is no "Dr. Hideel" licensed to practice medicine in Louisiana. There is no P. O. Box 30016 in the New Orleans Post Office, but, as has been shown, Oswald had rented P. O. Box 30061 in New Orleans.

Oswald probably chose "Alek" as a first name for Hidell because in Russia he had been given the nickname "Alek" by his Russian friends. In possession of the Commission are letters from friends of Oswald, addressing him with the familiar "Alek."

OSWALD'S PALMPRINT WAS ON UNDERSIDE OF RIFLE BARREL

Oswald's purchase of the rifle was determined within 24 hours after the assassination and confirmed through the testimony of expert witnesses before the Commission. Additional proof establishes that Oswald not only purchased the rifle but also handled it. After it was examined for fingerprints by the Dallas Police Department, the rifle was forwarded to the Federal Bureau of Investigation Laboratory in Washington where it was examined for fingerprints on the morning of November 23, 1963. Conducting the examination was Sebastian F. Latona, Supervisor of the Latent Fingerprint Section of the FBI's Identification Division, who later testified before the Commission. Mr. Latona has had 32 years' experience in the analysis of fingerprint identification.

When he first examined the rifle, he could see prints on the left side of the trigger-guard area, but they were insufficient to effect identification. They were latent prints of no value. The metal of this particular rifle does not lend itself to a good, clear print as the metal is poorly finished and will absorb moisture from the skin. On the first examination, therefore, Latona found no identifiable prints on the rifle.

On November 22, however, before surrendering possession of the rifle to the FBI Laboratory, Lieutenant Day of the Dallas Police Department lifted a palmprint from the underside of the gun barrel "near the firing end of the barrel about three inches under the woodstock when I took the woodstock loose." This print could only have been made when the

gun was disassembled, as it was hidden by the wooden grip. Moreover, when a print is lifted, the powder may be removed, thereby obliterating completely the original print on the object itself.

Day forwarded the print to the Bureau laboratory in Washington, D. C. where it was received on November 29. It bore a card which was marked "off underside gun barrel near end of foregrip C2766." Latona examined this print for the first time on November 29 and has testified that he found it to be the right palmprint of Lee Harvey Oswald. Neither Day nor Latona found prints on the wooden stock. Day stated that he did not expect fingerprints to be found on the rough wood or on the rough metal.

At the request of the Commission, Mr. Arthur Mandella, fingerprint expert with the New York City Police Department, conducted an independent examination and agreed that this was the right palmprint of Oswald. Latona's findings were also confirmed by Ronald G. Wittmus, fingerprint expert of the Bureau laboratory.

FIBERS FOUND ON THE RIFLE MATCH THE FIBERS
IN LEE HARVEY OSWALD'S SHIRT

In a crevice between the butt plate of the rifle and the wooden stock there were several cotton fibers of dark blue, grayish black, and orange-yellow shades. When Lee Harvey Oswald was arrested in the

Texas Theatre after the shooting of Officer Tippit, he was wearing a cotton sport shirt containing similarly colored fibers. On November 23, 1963, these fibers were examined by Paul M. Stombaugh, a special agent with the Federal Bureau of Investigation assigned to the Hair and Fiber Unit of the Bureau laboratory. Mr. Stombaugh testified that the fibers found on the rifle matched those in Oswald's shirt both as to color and as to the twist in the fibers. Of even greater significance was the fact that there was a match of shades within each color.

Mr. Stombaugh explained in his testimony that in fiber analysis, as distinct from fingerprint or ballistics analysis, it is not possible to state with scientific certainty that fibers come from a certain piece of clothing to the exclusion of all others. It depends upon the number of matches and whether the matches are merely of colors or of shades. He concluded that the fibers "could easily have come from the shirt." Moreover, he stated, "In my mind I feel that these fibers came from this shirt, but I know of no scientific method to prove this, so therefore I am unable to say this."

ADDITIONAL PROOF OF RIFLE OWNERSHIP

When Marina Oswald appeared before the Commission and was shown the rifle used in the assassination, she said, "This is the fateful

rifle of Lee Oswald." She testified further that Lee owned only one rifle in the United States following their return from the Soviet Union.

During the period from March 2, 1963 to April 4, 1963, the Oswalds lived on Neeley Street in a rented house which had a small back yard. One Sunday, while Marina was hanging diapers, Lee Oswald asked her to take a picture of him holding a rifle, a pistol and issues of two newspapers--"The Worker" and "The Militant." Two poses were taken and when Marina Oswald was shown these pictures she testified that she had taken them with an Imperial Reflex camera which belonged to her husband. The negative of one of these pictures was found among Oswald's possessions and was examined by Special Agent Lyndal L. Shaneyfelt, a photography expert with the Federal Bureau of Investigation.

Using a recognized technique of identifying whether a picture was taken with a particular camera, Shaneyfelt compared a negative of one of the pictures with a negative which he made by taking a new picture with Oswald's camera. Shaneyfelt concluded that the negative of one of the pictures snapped by Marina was exposed in Oswald's Imperial Reflex Camera to the exclusion of all other cameras. It was not possible to perform the same test with regard to the second picture because the negative was never recovered.

Both pictures, however, have the identical backgrounds and, judging from the shadows, were taken at the same time of day. Marina Oswald testified, "I took both the pictures at the same time and with the same camera."

In one of these pictures, Oswald is holding the rifle in such a manner as to make it possible to identify certain of its characteristics. Shaneyfelt took a simulated photograph of the rifle used in the assassination, attempting to duplicate the lighting of the photograph found among Oswald's possessions. Although he could not find any "really specific peculiarities" to base a "positive identification to the exclusion of all other rifles," he testified, "I found it to be the same general configuration. All appearances were the same. I found no differences."

The dates surrounding the taking of this picture and the purchase of the rifle tend to support the conclusion that the rifle in the photograph is the rifle which Oswald bought from Klein's. The rifle was shipped from Klein's on March 20 at a time when the Oswalds were living on Neeley Street. From an examination of one of the photographs, the Commission was able to determine the dates of the issues of "The Militant" and "The Worker" which Oswald was holding in his hand. By checking the actual mailing dates of these issues, it was established that the photographs must have been taken sometime after March 27, 1963. Marina Oswald testified that the photographs

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were taken on a Sunday about two weeks before the shooting of Major General Edwin A. Walker which occurred on April 10, 1963. By Sunday, March 31, 1963, Oswald had undoubtedly received the rifle shipped from Chicago on March 20, the pistol shipped from Los Angeles on the same date, and the two newspapers which he was holding. This particular Sunday was ten days prior to the Walker shooting.

The authenticity of these pictures has been further established by a comparison of photographs taken of the Neeley Street back yard from the same angle as the pictures taken by Marina. They are photographs of the same scene. Moreover, Shaneyfelt testified that the photographs were not composites of two different photographs and that Oswald's face had not been superimposed on another body.

OSWALD HAD ACCESS TO AND WAS PRESENT AT
THE WINDOW FROM WHICH THE SHOTS WERE FIRED

Lee Harvey Oswald was hired on October 15, 1963, by the Texas School Book Depository as an "order filler." His duties required him to work principally on the first and sixth floors of the Depository Building, gathering books listed on orders and delivering them to the shipping room on the first floor. He had easy access to the sixth floor, and it was from the southeast corner window of this floor that the shots were fired. On the basis of the

physical evidence found near the window, buttressed by the testimony of eyewitnesses, the Commission has concluded that Lee Harvey Oswald was present at this window at the time of the assassination.

PALM PRINTS AND FINGERPRINTS OF
OSWALD WERE ON CARTONS NEAR AND IN WINDOW

Below the southeast corner window on the sixth floor of the Texas School Book Depository was a large carton of books measuring 22" x 18" x 20" which had been taken from a stack along the south wall. On top of this carton were two small cartons marked "Rolling Readers," each one measuring 6" x 6" x 12". The top "Rolling Readers" carton was resting ^{partially} on the windowsill. These two small cartons had been moved from a stack three aisles away. The arrangement of boxes in the window appeared to be a convenient gun rest. Alongside these boxes was another carton placed on the floor so as to permit a man to sit and look southwesterly down Elm Street over the top of the "Rolling Readers" carton which rested on the windowsill.

The top "Rolling Readers" carton was forwarded to the Federal Bureau of Investigation Laboratory in Washington where it was processed chemically by Sebastian F. Latona, Supervisor of the Latent Fingerprint Section. He developed one identifiable palm print and one identifiable fingerprint. Latona identified the palm print as being the left palm print of Lee Harvey Oswald and the fingerprint as the print of the right index finger of Lee Harvey Oswald.

The significance of the prints on this "Rolling Readers" box becomes apparent when one considers the work that was being performed on the sixth floor on November 22. On the west end of the floor a new floor was being laid and as a result books were being moved from the west to the east end of the building. The "Rolling Readers" cartons had not been moved by the floor-layers and had apparently been moved to their window location from their regular position solely to act as the gun rest.

The box on the floor, next to the three boxes near the window, had recently been moved by the floor-layers from the west wall to the east wall. Lieutenant Day of the Dallas Police found a palm print on the upper edge of this carton. He dusted the print, taped it, and cut it from the carton. This print was found to be the right palm print of Lee Harvey Oswald. It was on the side of the box which faced the window.

This print was also forwarded to the Federal Bureau of Investigation, and Mr. Latona in his testimony before the Commission identified it as the right palm print of Oswald. He said that "not too long" a time had elapsed between the time that the print was placed on the carton and the time that it had been examined. Although Bureau experiments had shown that twenty-four hours was a likely maximum time, Latona stated that he could not testify with certainty to a period of less than three days.

The position of this palm print on the carton was described by Latona as "parallel with the long axis of the box and at right angles with the short axis;" the bottom of the palm rested on the box. Someone sitting on the box facing the window would have his palm in this position if he placed his hand behind his right hip.

The independent investigation of Mr. Arthur Mandella of the New York City Police Department reached the same conclusion that the prints found on the cartons were those of Lee Oswald. Mandella testified that he was "positive" on his identification of these prints. Moreover, another expert with the Bureau laboratory, Ronald G. Wittmus, conducted a separate examination and agreed with the findings of Mr. Latona and Mr. Mandella.

OSWALD'S PRINTS ON HOME-MADE PAPER BAG

A bag of brown wrapping paper, fashioned with three-inch tape, was found in the southeast corner of the building near the window from which the shots were fired. The bag was folded and lay parallel to the south wall. The paper bag was long enough to carry the rifle which was found on the sixth floor that day if the rifle were disassembled. The longest part of the disassembled rifle is 34.8 inches. The paper which formed the bag was clumsily held together by tape. Lieutenant Day of the Dallas Police immediately concluded that this bag had been used to transport the rifle. He wrote on the

bag, "Found next to the sixth floor window gun fired from. May have been used to carry gun. Lt. J. C. Day."

When forwarded to the laboratory of the Federal Bureau of Investigation, the bag had already been processed with powder. The Bureau does not use powder on paper because the fingerprint is absorbed on the surface of the material, and the powder will not develop the print. Mr. Latona of the Bureau laboratory removed as much powder as he could and subjected the bag to an iodine-fuming method. No latent prints were developed. He then used a three per cent silver-nitrate solution. Silver nitrate reacts with the sodium chloride, the ordinary salt exuded in perspiring, to form silver chloride, which is sensitive to light. Under a carbon arc lamp excess discoloration will appear whenever salt from the fingers comes in contact with the silver nitrate solution. A latent palmprint and a latent fingerprint were developed in this way and they were identified by Latona as the fingerprint and the palmprint of Lee Oswald. The portion of the palm which was identified was the heel of the right palm, i.e., the area near the wrist, on the little finger side. The fingerprint which was identified was of the left index finger.

The prints on the bag were also examined by Ronald G. Wittmus of the Bureau laboratory, and by Arthur Mandella, a fingerprint expert with the New York City Police Department. Both agreed that the prints were those of Lee Oswald.

OSWALD WAS SEEN ON THE SIXTH FLOOR APPROXIMATELY
35 MINUTES BEFORE THE SHOTS WERE FIRED

Additional testimony linking Oswald with the point from which the shots were fired was provided by the testimony of Charles Givens, who was the last employee to see Oswald inside the building prior to the assassination. During the morning of November 22, Givens was working with the floor-laying crew in the southwest portion of the sixth floor of the Depository Building. At about 11:45 a.m. Givens, along with other members of the floor-laying crew, came down in both elevators. The employees raced the elevators to the first floor. Givens saw Oswald standing at the gate on the fifth floor as the elevator went by. After Givens came downstairs to the first floor, he "discovered I left my cigarettes in my jacket poccket upstairs, and I took the elevator back upstairs to get my jacket with my cigarettes in it." He saw Oswald with a clipboard in his hand, walking from the southeast corner of the sixth floor toward the elevator. Givens said to Oswald, "Boy, are you going downstairs? . . . It's near lunch time." Oswald said, "No, sir. When you get downstairs, close the gate to the elevator." Oswald had reference to the west elevator which operates by push button and only with the gate closed. Givens said, "Okay," and rode down in the east elevator. When he reached the first floor, the west elevator--the one with the gate--was not there. Givens thought this was about 11:55 a.m.

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The significance of Givens' observation that Oswald was carrying his clipboard became apparent on December 2, 1963, when an employee, Frankie Kaiser, found a clipboard in the northwest corner of the sixth floor at the west wall a few feet from where the rifle was found. It was on the floor, hidden by book cartons. This clipboard had been made by Frankie Kaiser and had his name on it. Kaiser declared it to be clipboard which Oswald had appropriated from Kaiser when Oswald came to work at the Depository. There were three invoices on this clipboard, each bearing the date of November 22. The unfilled orders were for Scott-Foresman books which are located on the first and sixth floors.

EYEWITNESS IDENTIFICATION

Howard L. Brennan was an eyewitness to the shooting and in his testimony before the Commission he said that Lee Harvey Oswald, whom he viewed in a police lineup on the night of the assassination, was the man he saw fire the shots from the sixth floor window of the Depository Building. At the time the shots were fired Brennan was in an excellent position to observe someone in this window because he was sitting on a concrete wall on the southwest corner of Elm and Houston Streets and he was looking north at the Depository Building which was directly in front of him. The window was approximately 120 feet away.

In the five-minute period before the motorcade arrived, Brennan saw a man leave and return to the window "a couple of times." After hearing the first shot, which he thought was a motorcycle backfire, Brennan glanced up at the window. He testified:

"Well, then something, just right after this explosion, made me think that it was a firecracker being thrown from the Texas Book Store. And I glanced up. And this man that I saw previous was aiming for his last shot. . . Well, as it appeared to me he was standing up and resting against the left windowsill, with gun shouldered to his right shoulder, holding the gun with his left hand and taking positive aim and fired his last shot. As I calculate a couple of seconds. He drew the gun back from the window as though he was drawing it back to his side and maybe paused for another second as though to assure himself that he hit his mark and then he disappeared."

Within minutes of the assassination Brennan described the man to the police as white, slender, weighing about 165 pounds, about 5'10" tall, and in his early 30's. This description led to the radio alert sent to police cars at approximately 12:44 p.m. In a sworn statement given to the police later the same day, Brennan described the man in similar terms, except that he indicated the weight as between 165 and 175 pounds and the height was omitted. In his testimony before the Commission Brennan described the person he saw as ". . . a man in his early thirties, fair complexion, slender, but neat, neat slender, possible 5-foot 10 . . . 160 to 170 pounds." Oswald was 5'9", slender, and 24 years old. Although he gave his weight as 140 pounds, the autopsy report indicated an estimated weight of 150 pounds.

Brennan's description should also be compared with the eyewitness description of the man who shot Dallas Police Officer J. D. Tippit which was broadcast over the Dallas Police Radio at 1:22 p.m. The suspect was described as "a white male about 30, 5'8", black hair, slender. . . ." At 1:29 p.m. the police radio reported that the description which had been given by Brennan in connection with the assassination. Approximately five minutes later the police radio reported that "an eyeball witness" described the suspect in the Tippit shooting as "a white male, 27, 5'11", 165 pounds, black wavy hair." As will be discussed fully below, the Commission has concluded that this suspect was Lee Harvey Oswald.

Although Brennan testified that the man in the window was standing at the time he fired the shots, it is most probable that he was either sitting or kneeling. The half-open window, the arrangement of the boxes, and the angle of the shots virtually preclude a standing position. It is understandable, however, for Brennan to have believed that the man with the rifle was standing. A photograph of the building taken seconds after the assassination shows three employees looking out of the fifth floor window directly below the window from which the shots were fired. They appear to be standing, but the testimony of these employees, together with photographs subsequently taken of them at the scene of the assassination, establishes that they were in fact either squatting or kneeling. The window ledges in the Depository Building are lower than in most buildings so that a person squatting or kneeling has more of his body exposed than would normally be the case. From the street, this creates the impression that the person is standing.

Shortly after the assassination Brennan noticed two of these employees being escorted from the building and he immediately identified them as having been in the fifth floor windows. When the three employees appeared before the Commission, Brennan accurately identified the two whom he saw leave the building. The two men were Harold Norman and James Jarman, Jr., each of whom confirmed that when they came out of the door of the Depository they saw Brennan talking to a police officer. Norman stated, ". . . I remember him talking and I believe I remember seeing him saying that he saw us when we first went up to the fifth floor window, he saw us then." Jarman heard Brennan "talking to this officer about that he had heard these shots and he had seen the barrel of the gun sticking out the window, and he said that the shots came from inside the building."

During the evening of November 22, Brennan was present at a police lineup and identified Oswald as the person who bore the closest resemblance to the man in the window but at the time he said he was unable to make a positive identification. Prior to the lineup, Brennan had seen Oswald's picture on television and he told the Commission that whether this effected his identification "is something I do not know." In an interview with agents of the Federal Bureau of Investigation on December 17, 1963, Brennan stated that he was sure that the person firing the rifle was Lee Harvey Oswald. In another interview with FBI agents on January 7, 1964, Brennan appeared to

revert to his earlier position of inability to make a positive identification, but in his testimony before the Commission, Brennan stated that his remarks of January 7 were intended by him merely as an accurate report of what he said on November 22.

Brennan told the Commission that he was able to make a positive identification in the lineup on November 22 but did not do so because he felt that the assassination was "a communist activity, and I felt like there hadn't been more than one eyewitness, and if it got to be a known fact that I was an eyewitness, my family or I, either one, might not be safe." When specifically asked before the Commission whether or not he could positively identify the man he saw in the sixth floor window as the same man he saw in the police station, Brennan stated, "I could at that time--I could, with all sincerity, identify him as being the same man."

The Commission's finding that Lee Harvey Oswald was the assassin of President Kennedy is supported by evidence apart from the testimony of Brennan. Although the record indicates that Brennan was an accurate observer, he declined positively/^{to} identify Oswald when he first saw him in the police lineup. The Commission, therefore, does not base its finding that Lee Harvey Oswald was the assassin of President Kennedy on the later certain identification of Oswald by Brennan.