

WC testimony of Deputy Sheriff Luke Mooney, III WC 281

He found the three spent brass cartridges near the 6th floor southeast corner window. 284-85. He did not touch them, and made sure no one else did until Capt. Fritz, whom he had signalled to come up through the open window, arrived and picked them up. He saw the rifle where Officer Boone found it near the northwest corner of the 6th floor. 289-90. There were a number of photographers taking pictures on the 6th floor at this time; Mooney assumed they were with the press. 290. (Although it is not entirely clear, counsel's questions and Mooney's responses as a whole suggest that the photographs Mooney was asked about (CE 509 through 514) were not taken of the sniper's nest, cartridges, etc. before they were disturbed, but rather were later "recreations.")

WC testimony of Captain J.W. Fritz, IV WC 202

Dallas Police Dept. Captain in charge of homicide and robbery bureau. 202. He was in the TSBD conducting a bottoms-up, floor-to-floor search, although he would go to a particular spot when an officer "would find something that looked like something I should know about and I ran back and forth from floor to floor as we were searching, and it wasn't very long until someone called me and told me they wanted me to come to the front window, the corner window, they had found some empty cartridges." 205. Fritz ordered an unidentified officer to make sure that no one disturb the cartridges or the boxes until an officer from the crime lab had photographed and dusted for prints. 205. The crime lab did this "almost immediately." Lt. Carl Day was the officer to whom Fritz spoke about taking photographs, but Fritz did not actually see Day take them, as he

"went on searching the building." 205.

Fritz gave the same order when the rifle was found. After the rifle was photographed and dusted for prints, Fritz picked it up, ejected a live cartridge, and kept the live shell himself. 205-06. "Later I gave it to the crime lab who, in turn, turned it over to the FBI." 205. Fritz didn't think he marked that live cartridge. Fritz hedged about whether, at that time, he thought that the rifle was a Mauser or heard other officers say at the scene it was a Mauser, although he was "certainly sure that I never did give anyone any different caliber than the one that shows on the cartridges." 206. Fritz did not initial the rifle. 206. Fritz was not certain, but he believed he gave the rifle to Lt. Day, who took it to city hall. 206. Later that afternoon, Fritz "asked Lieutenant Day to bring the rifle down after I sent after Mrs. Oswald, and had her to look at the rifle. She couldn't identify it positively but she said it looked like the rifle that he had, but she couldn't say for sure." 211. At no time was the rifle shown to Lee Oswald. 214.

The brown wrapping paper which allegedly concealed the rifle was found "a little later." Fritz "wasn't down there when that was found." 220.

"I believe that one of my officers, Mr. Boyd, found some cartridges in his [Oswald's] pocket in the room after he came to the city hall. I can't tell you the exact time when he searched him." 211. These were ".38 cartridges for a .38 pistol." 212. Fritz later agrees that 5 live cartridges were found in Oswald's pocket. 230.

Around 9 pm on 11/22/63, Oswald was given a paraffin test in Fritz's

office. 218.

Oswald was arrested with the .38 caliber pistol in his possession. It was fully loaded when he was arrested. The witnesses at the scene of the Tippit shooting "told us as he [Oswald] was reloading the gun as he ran across the yard." 219. When asked if the pistol appeared to have been recently fired, Fritz replied: "I don't believe you can tell about that too well any more. You know the old style ammunition you could tell if a gun had been fired recently by the residue left in the barrel and smelling the barrel, but with the new ammunition they don't have that he was using new ammunition." 219.

"Interrogation of Lee Harvey Oswald"

[undated, unsigned report, apparently by Fritz, at p. 136 of CE 2003]

Page 1: "We conducted the investigation at [TSBD] . . . immediately after the President was shot and after we had found the location where Lee Harvey Oswald had done the shooting from and left three empty cartridge cases on the floor and the rifle had been found partially hidden under some boxes near the back stairway. These pieces of evidence were protected until the Crime Lab could get pictures and make a search for fingerprints. After Lt. Day, of the Crime Lab, had finished his work with the rifle, I picked it up and found that it had a cartridge in the chamber, which I ejected."

Page 5: "I showed the rifle to Marina Oswald, and she 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."

Oswald "denied owning a rifle at all." "Marina Oswald (sic) had told me that she thought her husband might have brought the rifle from New Orleans, which he denied."

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WC Testimony of Lt. J.C. Day, IV WC 249

Assigned to crime scene search section of the identification bureau. 249. Arrived at TSBD "about 1:12" pm. Inspector Sawyer of Dallas PD directed him to 6th floor. 249. Patrolman (not sure who) told him that "some hulls" had been found in the southeast corner. 249. Day "took photographs of the three hulls as they were found before they were moved." 250. He identifies CE 715 as one of these pictures, taken by Detective R.L. Studebaker at Day's direction. 250. He identifies CE 716 as a photograph taken of the hulls at the same time from a different angle. 250. Day reiterates that CE 715 and 716 "were taken before anything was moved, to the best of my knowledge. I was advised when I got there nothing had been moved" -- he thinks by Detective Sims, but he isn't sure. 250.

After these photos were taken, Day testified: "I processed these three hulls for fingerprints, using a powder. Mr. Sims picked them up by the ends and handed them to me. I processed each of the three; did not find fingerprints. As I had finished that, Captain Fritz sent word for me to come to the northwest part of the building, the rifle had been found, and he wanted photographs." 253. "At that time the hulls were placed in an envelope and the envelope marked. The three hulls were not marked at that time. Mr. Sims took possession of them." 253. Day wrote his

name, "Dallas Police Department," and the date on the envelope. 253.
The envelope was not sealed when Day gave it to Sims. 254, 256.

At 10 pm that night "this envelope came back to me with two hulls in it. . . . [I]t was in a group of stuff, a group of evidence, we were getting ready to release to the FBI. I don't know who brought them back. Vince Drain, FBI, was present with the stuff, the first I noticed it. At that time there were two hulls inside.

"I was advised the homicide division was retaining the third for their use. At that time I marked the two hulls inside of this, still inside this envelope" by scratching "Day" on the small end. 254. Day is not certain, but believes that the envelope had not been sealed at all when he saw it again at 10 pm (as opposed to sealed and opened). 256. The envelope, with the two marked hulls, were "sent in with the gun" to the FBI. 255. Vince Drain took possession of the envelope; Day thinks that Drain put his initials on the upper left-hand corner of the envelope (Exhibit 717) to show that he received it. Day thinks the "Q numbers" on the envelope "are FBI numbers affixed here in Washington." 256. On the other side of the envelope is "RMS," for R. M. Sims. Sims wrote the date and time that he took the envelope from Day -- 1:23 pm, 11/22/63.

Day also says: "I told you in our conversation in Dallas that I marked those at the scene. After reviewing my records, I didn't think I was on all three of those hulls that you have, indicating I did not mark them at the scene, then I remembered putting them in the envelope, and Sims taking them. (Emphasis added.)

"It was further confirmed today when I noticed that the third hull, which I did not give you, or come to me through you, does not have my mark on it." 254.

Day agrees with Belin that Belin had interviewed Day in Dallas approximately two weeks ago. 254.

CE 543 is the hull that was retained by homicide bureau the night of 11/22, the hull that Day didn't mark. Day testified he "think[s]" CE 543 is one of the hulls he saw at the crime scene, because it "has the initials 'G.D.' on it, which is George Doughty, the captain that I worked under." 255. Doughty was not present at the TSBD. 255. Day did not remember whether 543 was "flattened out at the small end" when he saw it at the TSBD, as it appeared to be when he testified. 255.

Day photographed where the rifle was found, producing CE 718. At the same time Studebaker took an "identical shot[]", although his knee appeared in the picture. Only the one that Day took was admitted as an exhibit. 257. Day then asked Fritz "if he was ready for me to pick it up, and he said, yes. I picked the gun up by the wooden stock. I noted that the stock was too rough apparently to take fingerprints, so I picked it up, and Captain Fritz opened the bolt as I held the gun. A live round fell to the floor." 258. Day then put "Day" on the small end of it at the scene. 258. He also processed it for prints, but didn't find any. 258. Day identified CE 141 as this live round. Fritz then took possession of the round, while Day took possession of the rifle. 258. He scratched "J.C. Day" on the stock. 260. Day identified CE 139 as the same rifle.

Day took the rifle back to his office, recorded (by dictation to his secretary, who typed): "'4 x 18, coatged, Ordinance Optics, Inc., Hollywood, California, O10 Japan. OSC inside a cloverleaf design.' . . . That was stamped on the scopic sight on top of the gun. On the gun itself, '6.5 caliber C-2766, 1940 made in Italy.'" 260. He also dictated (Day apparently read from the dictated record, although according to Meagher it is not anywhere in the WC exhibits): "'When bolt opened one live round was in the barrel. No prints are on the live round. Three spent hulls were found under the window. They were picked up by Detective Sims and witnessed by Lieutenant Day and Studebaker. The clip is stamped 'SMI, 9 x 2.'" 260. While in the process of testing the gun for prints, Day "received instructions from the chief's office to go no further with the processing, it was to be released to the FBI for them to complete." 260. The FBI picked up the rifle and took it from his office at 11:45 pm on 11/22/63. 261. The rifle was returned to the Dallas Police on 11/24, but on 11/26 "we received instructions to send back to the FBI everything that we had." 262. Most, if not all, of this evidence was "released to Agent Vince Drain at 2 p.m., November 26." 273.

Day said he "think[s]" there were newsmen on the 6th floor when the rifle was found. 263. Day said he never referred to the rifle as a Mauser or any kind of rifle other than the description he dictated. 263. He said: "Some of the newsmen, when I first carried the rifle out, asked me if it was a .30-06, and at another time they asked me if it was a Mauser. I did not give them an answer." 263.

Day said: "when en route to the office with Mr. Odum, the FBI agent who drove me in [apparently from the TSBD to the police office?], he radioed it

in, he radioed in what it was [6.5 caliber] to the FBI over the air." 264.

Day took the rifle "to the office and locked it up in a box in my office at Captain Fritz' direction." Then he "went back to the School Book Depository and stayed there. It was around three that I got back, and I was in that building until about 6, directing the other officers as to what we needed in the way of photographs and some drawing, and so forth." 264.

(Day slips "slugs" for "hulls" found near window; counsel corrects him. 266.)

Day identified Exhibit 573 as the slug gotten from General Walker's home, "April 10, 1963, by Detective B. G. Brown, one of the officers under m supervision. He brought this in and released it to me." 273. It "has my name 'Day' scratched in it." 273. Day released it "to the FBI agent B.D. Odum on December 2, 1963, at 4:10 pm," and never again had it in his possession." 273.

Day did not put his initials or mark on the revolver. 274.

Day testified: "Under my direction they made paraffin casts of the hand of Lee Harvey Oswald in Captain Fritz' office." 275. "I directed them to make it, and also paraffin casts or just of a piece of paraffin on the left side of the face to see if there were any nitrates there.

"Belin: On the left side or right side of the face?

Day: Right side." 276.

Paraffin test on the face was negative, but Day testified that it was unlikely that a rifle such as Oswald's would leave traces of nitrates on the face, or even on the hands, for paraffin to detect. 276. He had never done a paraffin test on a face before. 276. The test was positive for nitrates on the casts of his hands, which Day associated with firing the revolver. 276.

Day had the report of this test; he testified: "This is the report submitted by the laboratory at Dallas who first processed this paraffin. Later on the FBI did come and want this paraffin, and it was turned over to them, also the can from which this was made. I don't know what purpose they wanted it for." 276.

WC Testimony of Detective V.J. Brian, Dallas Police Department, V WC 48

Brian was at the Dallas Trade Mart when "they came in and got us and told us that [JFK] . . . had been shot, and that a man in the Book Depository down there and told us to go down there and see if we could get him out, and four of us detectives down there got in a car and we went to the Book Depository and we arrived there a short time, I don't know what time it was, a short time after the shooting occurred." 48. These four were Lieutenant Revill, Brian, "a detective, O.J. Tarver, and a detective, Roy W. Westphal." 48. "We searched the Book Depository for a couple of hours. We spent about 2 hours, I would guess, approximately 2 hours down there searching the Depository." 48.

Brian himself didn't find any evidence; however, he "was there on the floor when the man found shells over in a corner when -- where the assassin was

hidden at. But other than that, I wasn't present when anything was found." 48. A "police sergeant, Jerry Hill, hollered, I was on the opposite side of the sixth floor, hollered that he had, this is where he shot from, and shells were laying there, and I walked from where I was at over to the other corner of the building and looked, and that is about the extent of my investigation there because they called the crime laboratory and everybody else to get down there and they got an officer to guard the place and not let nobody get around and we went on searching the building." 48.

"Mr. Rankin: What did you see, how many shells did you see?

"Mr. Brian: I am going to guess.

"Mr. Rankin: We don't want you to guess. If you can tell us your recollection, that is all.

"Mr. Brian: Well, the first time I went over there, I believe I saw two, but I am not sure, but I went back again later and there were three shells there.

"Mr. Rankin: Now after that, did you leave the Depository Building?" 49.

"[A]fter we spent considerable time, we went from the top floor down to the bottom floor, back up, going through it, and we finally wound up on the second floor taking all the acoustic tile out of the ceiling looking up to see if anybody was hidden up there, and I believe that was the last thing we did in the building." 49. After that, Revill, Brian, Tarver and Westphal

"all went back to the car and left to go to city hall." 49. They arrived at city hall "[p]robably around 2 o'clock or somewhere in that. I don't really know to be truthful because I didn't pay any attention to the time but it was around 2 o'clock, I would guess." 49.

When asked who was in the car with him on the way from the TSBD, Brian said: "Lieutenant Revill, myself, Westphal, Tarver, and we gave a man a lift, and I don't remember whether he was a CID, I don't know the man, I don't remember whether he was a CIC agent or a CID or OSI, he was some type of, as I recall, Army intelligence man.

"Mr. Dulles: Army, Air Force, or something?"

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Revill is "presently assigned as section supervisor of criminal intelligence, which is a part of the Special Service Bureau." 73. His "immediate supervisor is Capt. W.P. Gannaway," who in turn reported directly to Chief Curry. 73.

"[T]he detectives assigned to my unit and myself were assigned to the Trade Mart, where Mr. Kennedy was to speak. Upon hearing of the shooting, three of us, or four of us, went to the [TSBD] and started a systematical search and there were many, many officers present at that time. I made a report to Chief Lumpkin naming all of the officers that I could recall being there. This was on a Friday." 78.

WC Testimony of Lt. Jack Revill, V WC 33

"I am presently in charge of the criminal intelligence section." 33. That section's "primary responsibility is to investigate crimes of an organized nature, subversive activities, racial matters, labor racketeering, and to do anything that the chief might desire. . . . I report to a captain who is in charge of the special service bureau . . . Capt. Pat Gannaway." 33. "We conducted a systematic search of the [TSBD], evacuated the people working in the building, and took names, addresses, and phone numbers of all of these people before they were permitted to leave." 34. "I had taken Detective Brian with me from the Trade Mart, Dallas Trade Mart, upon hearing of the shots being fired at Mr. Kennedy. I took Detective Brian and two other officers assigned to my unit," Detective R.W. Westphal and Detective O.J. Tarver. 34. They came back to the police department by automobile; Brian, Tarver, and Westphal were with him in the car. 34. This "must have been about 2:45, 2:50." 34. Revill left the TSBD "about

2:30, 2:35." 36.

WC Deposition of Sergeant Gerald Lynn Hill, Dallas Police Department, VWC 43

On 11/22/63, Hill was on duty "on special assignment, detached from the police patrol division, and assigned to the police personnel office investigating applicants for the police department." 44. He was working at the personnel office in city hall "and did not have an assignment of any kind pertaining to the President's trip." 44. When he heard that the president had been shot, he "walked down to the far end of the hall on the third floor where there is an intercom box connected to the radio from the dispatcher's office, and also you can hear the field side of the intercom of anything that is said to the police radio, and this is done in the press room.

"I stood there for a minute and I heard a voice which I am almost sure was Inspector Sawyer . . . saying we think we have located the building where the shots were fired from at Elm and Houston Streets, and send us some help.

"At this time I went back to the personnel office and told the captain [apparently Westbrook, who just before Hill described as "my commander" and who was present in the office when Hill learned that the president had been shot] that Inspector Sawyer requested assistance at Elm and Houston Streets. The captain said, 'Go ahead and go.'" 44-45.

Inspector Sawyer was at TSBD when Hill arrived. Sawyer said that they had enough men outside to secure the building and they should "go in [the building] and check it out." 45. "About this time Captain Fritz and two or three more detectives from homicide, a boy named Roy Westphal, who

works for the special service bureau, and a couple of uniformed officers, and a couple of deputy sheriffs came up.

"Now you identified them to me the other day, the two boys that were on the sixth floor from the sheriff's office.

"Mr. Belin: I think when we chatted briefly the other day, I believe I said Boone and Mooney. Does that sound familiar?

"Mr. Hill: I wouldn't know, but I know they identified themselves to us as deputy sheriffs, and some more people knew them." 45.

After checking the seventh floor, Hill and the two deputies "went down to sixth." 46. "I started to the right side of the building . . . it would have been the west side." 46. "We hadn't been there but a minute until someone yelled, 'Here it is,' or words to that effect." 46. "[O]n the floor near the baseboard or against the baseboard of the south wall of the building, in front of the second window, in front of the, well, we would have to say second window from the east corner, were three spent shells. "This is actually the jacket that holds the powder and not the slug. At this point, I asked the deputy sheriff to guard the scene, not to let anybody touch anything, and I went over still further west to another window about the middle of the building on the south side and yelled down to the street for them to send us the crime lab. Not knowing or not getting any indication from the street that they heard me, I asked the deputies again to guard the scene and I would go down and make sure that the crime lab was en route.

"When I got toward the back, at this time I heard the freight elevator moving, and I went back to the back of the building to either catch the freight elevator or the stairs, and Captain Fritz and his men were coming up on the elevator.

"I told him what we found and pointed out the general area, pointed out the deputies to them, and told him also that I was going to make sure the crime lab was en route.

"About the time I got to the street, Lieutenant Day from the crime lab was arriving and walking up toward the front door. I told him that the area we had found where the shots were fired from was on the sixth floor on the southeast corner, and that they were guarding the scene so nobody would touch anything until he got there. And he said, 'All right.'

"And he went on into the building, and I went over to tell Inspector Sawyer, who was standing almost directly in front of the building . . . I was talking to Inspector Sawyer, telling him what we found, when Sgt. C. B. Owens of Oak Cliff -- he was the senior sergeant out there that day, and actually acting lieutenant -- came up and wanted to know what we wanted him to do." 47. "We were standing there with Inspector Sawyer and Assistant District Attorney Bill Alexander came up to us, and we had been standing there for a minute when we heard the strange voice on the police radio that said something to the effect that . . . an officer had been shot." 47. "And prior, on our way to the location from the city hall, a description had been broadcast of a possible suspect in the assassination . . . a white male, 5'8", 160 pounds, wearing a jacket, a light shirt, dark trousers, and sort of bushy brown hair." 47. Owens, Alexander, Hill, and

a reporter, Jim Ewell, went to the site of the shooting. 47. "[J]ust before we got to Colorado on Beckley, an ambulance with a police car behind it passed us en route to Methodist Hospital. . . Tippit had already been removed. The first man that came up to me, he said, 'The man that shot him was a white male about 5'10", weighing 160 to 170 pounds, had on a jacket and a pair of dark trousers, and brown bushy hair.'" 47. "At this point the first squad rolled up, and that would have been squad 105, which had been dispatched from downtown. An officer named Joe Poe, and I believe his partner was a boy named Jez." 47. "I told him to stay at the scene and guard the car and talk to as many witnesses as they could find to the incident, and that we were going to start checking the area." 47. Hill did not get the name of the "first man that came up to" him, but turned him over to Poe. 48.

After searching around the area in Owens's car (48), returned to the immediate scene of the shooting, and gave Owens the keys to the car. 48.

"[A]t this point [Poe] came up to me with a Winston cigarette package . . . Poe showed me a Winston cigarette package that contained three spent jackets from shells that he said a citizen had pointed out to him where the suspect had reloaded his gun and dropped these in the grass, and that the citizen had picked them up and put them in the Winston package.

"I told Poe to maintain the chain of evidence as small as possible, for him to retain these at that time, and to be sure and mark them for evidence, and then turn them over to the crime lab when he got there, or to homicide." 48-49.

Hill proceeded to the Texas Theater and participated in Oswald's arrest.

"At about this time [when Oswald was handcuffed] Captain Westbrook and a man who was later in the day identified to me as, I believe his name was Barnett, an FBI agent --

"Mr. Belin: Would it be Barrett?

"Mr. Hill: Yes.

"Mr. Belin: Do you remember his first name?

"Mr. Hill: Bob was identified to me later in the day by Captain Westbrook. Came in from, I presume they came in from the north fire exit, which would have actually been coming in from outside, and came over to us, and Captain Westbrook instructed us to get the man out of there as soon as possible. . . . I heard later, and -- but not actually to my own knowledge, that [the FBI agent] was riding with Captain Westbrook.

"To my knowledge, I don't know this, but I understand he had ridden out from town with Captain Westbrook, that he was gravitating toward the incident in Oak Cliff, and he had arrived at the theatre just possibly before we came in, or right after we went in, and was still outside." 50-51.

"As [Bob Carroll] started to get in the car, he handed me a pistol, which he identified as the one that had been taken from the suspect in the theatre." 54. Hill describes and identifies CE 143: "This is a .38 caliber revolver, Smith & Wesson, with a 2" barrel that would contain six shells. It is an older gun that has been blue steeled, and has a worn wooden handle." 54.

Hill finds his mark in a "crack" "to the inside of the pistol grip hlding the gun in the air. It would begin under the trigger guard to where the last name H-i-l-l scratched in the metal." 54. He put his name there "at approximately 4 p.m., the afternoon of Friday, November 22, 1963, in the personnel office of the police department." 54. He kept the gun in his possession from the time that Carroll gave it to him to the time he marked it. 54-55.

When Carroll gave him the gun, Hill "broke the gun open to see how many shells it contained and how many live rounds it had in it. . . . There were six in the chambers of the gun. One of them had an indention in the primer that appeared to be caused by the hammer. There were five others. All of the shells at this time had indentions.

"All of the shells appeared to have at one time or another scotch tape on them because in an area that would have been the width of a half inch strip of scotch tape, there was a kind of a bit of lint and residue on the jacket of the shell." 55. Hill marked all six of the shells. 55. "They were not taken out of the gun, as I recall, sir, until we arrived at the station." There, Hill took them out. 55. "All six shells remained in my possession until I initialed them." 55. These are Commission Exhibit 145 (2 shells) and Commission Exhibit 518 (four shells) -- but Belin isn't sure about the CE identifications. 55-56. After he marked the gun and shells, Hill gave them to Detective T.L. Baker of the homicide bureau. "He came to the personnel office and requested that they be given to him, and I marked them and turned them over to him at this point." 56.

"At one point after I opened the pistol, and I did open it in the car, and

found that one of the slugs or one of the shells did have an indentation to the primer that could have been caused by the hammer, we made a comment that he tried or he did pull the trigger." 61.

12/5/63 Statement of Sgt. Gerald L. Hill, Dallas PD, CE 2003, pp. 87-88

"As Officer Carroll started to get into the car, he pulled a snub-nosed revolver from his belt and handed it to me. 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 pm, Friday, November 22, 1963, when 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 side of the casing on all the shells, which were also turned over to Detective Baker at the same time."

WC Deposition of Patrolman J.M. Poe, VII WC 66

On duty in patrol car with L.E. Jez in "western end of downtown section" when they heard JFK had been shot -- "We heard the call come out on the radio. There was a signal 19, which would be a shooting of the President,

at Elm and Houston streets . . . we reported to the scene . . . [t]o Elm and Houston . . . We helped cover off the building and control the crowd," then went to scene of Tippit shooting. 67.

"I was standing close to the squad car using the squad car as part of the block to keep the crowd back and had run out of rope, and heard a citizen, I presume, get on the radio, and -- because he didn't know radio procedure, called and said a police officer was shot out there . . . The ambulance had already picked him up and the officer had left the scene when we arrived. . . . Mrs. Markham, I talked to her first and we got a description of the man that shot Tippit. . . . White male, about 25, about 5 feet 8, brown hair, medium, and I believe she said had on a white jacket at the time." 68.

"I talked to a Spanish man, but I don't remember his name. Dominique, I believe.

"Mr. Ball: Domingo Benavides?

"Mr. Poe: I believe that is correct; yes, sir. . . . He told me, give me the same, or similar description of the man, and told me he was running out across this lawn. He was unloading his pistol as he ran, and he picked the shells up. . . . He said he picked the two hulls up." 68.

The witness handed the hulls to Poe. When asked if he marked the hulls, Poe testified: "I couldn't swear to it; no, sir." Poe said "I turned the hulls into the crime lab, which was at the scene. . . . I believe [to] Pete Barnes, but I wouldn't swear to it." 68.

"Mr. Ball: How many cartridges, or empty cartridges or shells were given to you?

"Mr. Poe: There were two in an empty Winston cigarette package.

"Mr. Ball: Did you save the Winston cigarette package?

"Mr. Poe: I turned it in with the two cartridges.

"Mr. Ball: To the crime lab?

"Mr. Poe: Yes, sir.

"Mr. Ball: Now, I have here a package which has been marked 'Q' -- FBI lab. Q-74 to Q-77. Would you look those over and see if there is any identification on there by you to indicate that those were the hulls given to you by Benavides?

"Mr. Poe: I want to say these two are mine, but I couldn't swear to it.

"Mr. Ball: Did you make a mark?

"Mr. Poe: I can't swear to it; no, sir.

"Mr. Ball: But there is a mark on two of these?

"Mr. Poe: There is a mark. I believe I put on them, but I couldn't swear to it. I couldn't make them out any more.

"Mr. Ball: Now, the ones you said you made a mark on are -- you think it is these two? Q-77 and Q-75?

"Mr. Poe: Yes, sir; those two there." 69.

WC Deposition of Captain W.R. Westbrook, Dallas Police Dept., VII WC 109

He is personnel officer, in charge of background investigations and civilian complaints. On the day of the assassination, he was attending to routine duties. 110.

"somebody, and I don't know who it was, came into my office and said they needed more men at this Texas Depository Building . . . so I sent the men that were in my office, which were then Sergeants Stringer and Carver, and possibly Joe Fields and McGee . . . and then I walked on down the hall spreading the word and telling the other people that they needed some men down there, and practically everybody left immediately. . . . I sat around a while . . . I finally couldn't stand it any longer, so I started to the Texas Depository Building, and believe it or not, I walked. There wasn't a car available, and so I walked." 110.

When Westbrook reached the building, he "contacted [his] sergeant Sgt. R. D. Stringer, and he was standing in front and so then I went into the building to help start the search and I was on the first floor and I had walked down an aisle and opened a door onto an outside loading dock, and when I came out on this dock, one of the men hollered and said there had been an officer killed in Oak Cliff. . . . Sergeant Stringer and I and some

patrolman -- I don't recall his name -- then drove to the immediate vicinity of where Officer Tippit had been shot and killed.

"Of course, the body was already gone . . ." 111.

Westbrook checked out a report that a "suspicious person had been sighted running into the public library." 111. When he returned to the scene of the Tippit shooting "I met Bob Barrett, the FBI agent, and Sergeant Stringer and Barrett and I were together. . . someone hollered a patrolman hollered -- 'It's just come over the radio that they've got a suspicious person in the Texas Theatre.'

"Then, Sergeant Stringer, I, and Agent Barrett got in another squad car" and went to the Theatre. 111.

"Mr. Ball: Were you in the personnel office at a time that a gun was brought in?

"Mr. Westbrook: Yes, sir; it was brought to my office when it shouldn't have been. . . . It was marked by Officer Jerry Hill and a couple or three more, and when they come in with the gun, I just went on down and told Captain Fritz that the gun was in my office and he sent a man up after it." 118.

WC Deposition Testimony of Domingo Benavides, VI WC 444

Heard three shots. 447. Saw Tippit fall. "Then I seen the man turn and walk back to the sidewalk and go on the sidewalk and he walked

maybe 5 foot and then kind of stalled. He didn't exactly stop. And he threw one shell and must have took five or six more steps and threw the other shell up, and then he kind of stepped up to a pretty good trot going around the corner." 448. Benavides called in on Tippit's radio, then a passerby whom Benavides couldn't identify was standing beside the car and he also called in on the radio. 449. Later in the deposition Benavides says this man was Ted Callaway. 452.

"I seen him throw the shells and I started to stop and pick them up, and I thought I'd better not so when I came back, after I had gotten back, I picked up the shells." 449.

"As he turned the corner he was putting another shell in his gun. . . . I didn't see him actually put a shell in his gun, but he acted like he was trying to reload it.

Maybe he was trying to take out another shell, but he could have been reloading it or something." 449.

"Mr. Belin: Where was he when you saw him throwing shells? Had he already started throwing shells?

"Mr. Benavides: No, sir. He had just got back to the sidewalk when he threw the first one and when he threw the second one, he had already cut back into the yard. He just sort of cut across.

"Mr. Belin: Now you saw him throw two shells?

"Mr. Benavides: Yes, sir.

"Mr. Belin: You saw where he threw the shells?

"Mr. Benavides: Yes, sir.

"Mr. Belin: Did you later go back in that area and try and find the shells?

"Mr. Benavides: Yes. Well, right after that I went back and I knew exactly where they was at, and I went over and picked up one in my hand, not thinking and I dropped it, that maybe they want fingerprints off it, so I took out an empty pack of cigarettes I had and picked them up with a little stick and put them in this cigarette package. . . . One of them went down inside of a bush, and the other one was by the bush." 450.

Benavides gave the shells in the cigarette package to a police officer, whose name he didn't ask, but "a young guy, maybe 24." 451. Benavides didn't tell the police what he had seen at that time, instead he went back to work. 451. Around 4 o'clock, two police officers came to his workplace to see him -- there were a lot of reporters there too. "Then I found out that they thought this was the guy that killed the President. At the time I didn't know the President was dead or he had been shot. So I was just trying to hide from the reporters and everything, and these two officers came around and asked me if I'd seen him, I told him yes, and told them what I had seen, and they asked me if I could identify him, and I said I don't think I could." 451-52.

11/22/63 Affidavit of Barbara Jeanette Davis, CE 2003, p. 18

Heard shots, saw a man walking away from Tippit scene "unloading a gun."

"When the police arrived I showed one of them where I saw this man emptying his gun and we found a shell. After the police had left I went back into the yard and Virginia [Davis, sister-in-law] found another shell which I turned over to the police."

11/22/63 Affidavit of Virginia Davis, CE 2003, p. 19

"Jeanette found a empty shell that the man had unloaded and gave it to the police. After the Police had left I found a empty shell in our yard. This is the same shell I gave to Detective Dhority."

WC Testimony of Mrs. Barbara Jeanette Davis, III WC 342

She heard two shots, went to front door, saw man with gun in his right hand walking across yard, appeared to be emptying gun. 343-45. Later looked "in the grass beside the house" and "found one shell" under a window, probably 1-1/2 to 2 hours after the policeman was shot. 345-46. Her sister-in-law found another shell near "a little cement walk right . . . by her door" around 4:30 or t:00 that afternoon. 345. Apparently she gave the Secret Service an affidavit dated December 1, 1963. 348-49.

WC Deposition of Charlie Virginia Davis, VI WC 454

Heard two shots and ran with sister-in-law to front door. 456. "We saw that boy cut across [our] lawn emptying the shells out of the gun." 457. He was holding the gun in his right hand and emptying the shells with his left. 459-60. They didn't see him drop the shells, but later found two on the ground. 460. She's not sure when this was, but thinks

between 1:30 and 2:00. 461. Her sister-in-law found a shell "by my front door of the apartment where we live, right there in the grass where he dropped them." This was "by the side" of the house, about five feet away from the house. 463. As best as she can recall, the shell was gray. Jeanette (sister-in-law) gave the shell to "some detective." 463.

Virginia found another shell around 4 that afternoon, about ten minutes after all the police had gone. 464. She does not remember anybody else finding shells. 464. "[B]efore I picked it up, this boy told me that was walking along with us helping . . . see if we could find anything for evidence, he told me the police would get me if I picked it up by my fingers, and take fingerprints, and I got scared and ran to the house and got a Kleenex tissue and brought back outside and wrapped the shell in." 464. Jeanette took it and put it on her mantlepiece; they gave it to the police later that day, around 5:30, when they came back. 464. She didn't know the name of the policeman she gave it to, and didn't recognize the name Detective Dhority from her statement. 464.

Her statement to Dallas authorities on 11/22/63 is Davis Deposition Exhibit Number 2; her statement to Secret Service on 12/1/63 is Davis Deposition Exhibit Number 3. 465.

WC Deposition of Detective C.N. Dhority, Dallas Police Department, VII WC

Works in homicide dept. under Captain Fritz. 150.

"Mr. Ball: Now, did Captain Fritz give you some rifle shells to deliver to

somebody?

"Mr. Dhority: Yes, sir.

"Mr. Ball: About what time of the night or day was that?

"Mr. Dhority: I don't recall when it was, but, from his office there I took them up to the crime lab. [Context makes reasonably clear this was some time on 11/22.]

"Mr. Ball: Were there three spent 6.5 rifle shells, is that right?

"Mr. Dhority: Yes, sir.

"Mr. Ball: Did you return any shells to Captain Fritz?

"Mr. Dhority: Yes, sir.

"Mr. Ball: All of them or one of them?

"Mr. Dhority: No; he told me to bring him one back.

"Mr. Ball: You brought one back in an envelope?

"Mr. Dhority: Yes.

"Mr. Ball: And Lieutenant Day kept two; is that right?

"Mr. Dhority: That's right." 152-53.

Dhority was also present when paraffin casts were made of Oswald's hands and face by Pete Barnes and Johnny Hicks. 153.

Lt. Wells sent him and another officer, C.W. Brown, to the Davis home. "Virginia gave me a .38 hull . . . I believe that she said that she found it in her front yard." 153. They then took Virginia and Jeanette Davis downtown to take affidavits and have them at a lineup, which occurred around 7:30 that night. 153. Brown took the affidavit from Jeanette, and Dhority took the affidavit from Virginia. 154. Dhority wasn't sure, but thought that Jeanette had mentioned she had found another shell and given it to the police earlier that day. 154.

12/3/64 Statement of Detective Paul L. Bentley, Dallas PD, CE 2003, p. 77-78

"Sgt. Jerry Hill had the S&W 38 cal. pistol with six (6) shells in his possession on the way to the City Hall" after Oswald's arrest in the Texas Theatre. "This pistol was initialed by me and turned over to Lt. Baker and Captain Fritz by Sgt. Hill."

12/4/63 Statement of Detective Bob K. Carroll, Dallas PD, CE 2003, p. 81-82

"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. . . . While enroute to the City Hall, I released the pistol to Sgt. Jerry Hill."

12/2/63 Statement of Patrolman Ray Hawkins, Dallas PD, CE 2003, p.

85-86

"The subject had reached in his belt for a gun, and Officer McDonald was holding his right hand with the gun in it. Officer Hutson had entered the row behind the suspect, and grabbed him around the neck and held him up. Sergeant G. L. Hill then took the gun."

12/3/63 Statement of Patrolman T.A. Hutson, Dallas PD, CE 2003, p.

89-90

Oswald "drew a pistol and as Officer McDonald tried to disarm the suspect, I heard the pistol snap. Officer Ray Hawkins came over and helped in the struggle as Officer McDonald took the pistol from the suspect's right hand."

12/4/63 Statement of Patrolman M.N. McDonald, CE 2003, p. 92-93

"I jerked the pistol and as it was clearing the suspect's clothing and grip I heard the snap of the hammer . . . I brought the pistol away still holding the butt and pointing it to the floor at arms length away from anyone. . . . I recognized Officer Rob 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."

12/3/63 Statement of Captain W.R. Westbrook, Dallas PD, CE 2003, p.

102

"Detective Bob Carroll said that he had the suspect's gun."

WC Testimony of Deputy Sheriff Eugene Boone, III WC

291

At time of assassination, Boone was "in front of the sheriff's office" on Main Street near Houston. 291. With him were Officer Mooney, Ralph Walters, Buddy Walthers, Allen Sweatt, L.C. Smith, and Officer Gramstaff. 291.

"Well, it was approximately 1 o'clock when he heard the shots. The motorcade had already passed by us and turned back to the north on Houston Street. And we heard what we thought to be a shot. And there seemed to be a pause between the first shot and the second shot and third shots -- a little longer pause. And we raced across [Houston S]treet" to the "cement works" on the grassy knoll. 292. Boone and other officers searched the railroad yard. 292. They "located a boy by the name of Betzer. He had taken what he thought was some photographs, or there were photographs -- he thought he might have had a portion of the building.

"Later on we were able to ascertain that the shots had come from the building, from that southeast corner over there. And he had some photographs, but they didn't extend past the second floor on the building. . . . I took him on over to the sheriff's office, and placed him in the sheriff's office, took his camera, to bring it back to the ID Bureau to be developed. Placed him in the sheriff's office at that time to await somebody to take a statement from him." 292.

Walters and Gramstaff had returned from the TSBD to get some flashlights to search the attic. "So we got the lights and went over to the building. At that time, we proceeded directly to the sixth floor.

'Mr. Ball: Somebody tell you to go to the sixth floor?

'Mr. Boone. Well, that is just where everybody was going. . . . This was after Officer Mooney found the shells. . . . They said the shells had been found on the sixth floor. At that time, I didn't know he had found them." 292. "I proceeded to the east end of the building, I guess, and started working our way across the building to the west wall, looking in, under, and around all the boxes and pallets, and what-have-you that were on the floor. Looking for the weapon. And as I got to the west wall, there were a row of windows there, and a slight space between some boxes and the wall. I squeezed through them.

"When I did--I had my light in my hand. I was slinging it around on the floor, and I caught a glimpse of the rifle, stuffed down between two rows of boxes with another box or so pulled over the top of it. And I hollered that the rifle was here. . . . Some of the other officers came over to look at it. I told them to stand back, not to get around close, they might want to take prints of some of the boxes, and not touch the rifle. And at that time Captain Fritz and an ID man came over. I believe the ID's man was Lieutenant Day -- I am not sure. They came over and the weapon was photographed as it lay. And at that time Captain Fritz picked it up by the strap, and it was removed from the place where it was." 293.

Boone authenticates CE 514 through 517. 293-94. "There was some newsman up there right behind Officer Whitman and myself who took movie film of it, too. I don't know his name." 294. It was 1:22 pm when Boone found the rifle: he looked at his watch and recorded the time. 294.

As to CE 139, Boone said: "It looks like the same rifle. I have no way of being positive . . . I did not touch the weapon at all." Boone heard Captain Fritz refer to the rifle as a Mauser: "He had knelt down there to look at it, and before he removed it, not knowing what it was, he said that is what it looks like. This is when Lieutenant Day, I believe his name is, the ID man was getting ready to photograph it. We were just discussing it back and forth. And he said it looks like a 7.65 Mauser." 295.

WC Deposition of Seymour Weitzman, Deputy Constable, Dallas County, VIIWC 105

At time of assassination was standing at corner of Main and Houston with Deputy Constable Bill Hutton. 106. Heard "[t]hree distinct shots" -- "First one, then the second two seemed to be simultaneously." 106. "I immediately ran toward the President's car. . . . somebody said the shots or the firecrackers, whatever it was . . . came from the wall. I immediately scaled that wall . . . between the railroad overpass . . . and the monument section." 106. He went into the railroad yard where there were "other officers, Secret Service as well, and somebody started, there was something red in the street and I went back over the wall and somebody brought me a piece of what he thought to be a firecracker and it turned out to be, I believe, . . . , but I turned it over to one of the Secret Service men and I told them it should go to the lab because it looked to me like human bone. I later found out it was supposedly a portion of the President's skull." 107.

Weitzman then went into the TSBD. He and Boone were searching the sixth floor, "and as he was looking over the rear section of the building, I would say the northwest corner, I was on the floor looking under the flat at the same time he was looking on the top side and we saw the gun, I would say, simultaneously and I said 'There it is' and he started hollering, 'We got it.'" 107. Weitzman didn't touch the gun; "we made a man-tight barricade until the crime lab came up and removed the gun itself. . . . I'm not sure what the lieutenant's name was, but I remember Captain Fritz. . . . After that, I returned to my office and I was called down to the city that afternoon later to make a statement on what I had seen." 107. In that statement to the Dallas Police Department, Weitzman said the rifle was a

7.65 Mauser because that's what it looked like to him. 108. He said that he was "[f]airly familiar" with rifles because he "was in the sporting goods business awhile." 108.

[An affidavit of Weitzman dated 11/23/63, CE 2003, p. 63, appears to be the statement he describes in his testimony as made the afternoon of 11/22/63. It says that, after hearing three shots while standing at corner of Main and Houston, he "ran in an northwest direction and scaled a fence towards where we thought the shots came from. Then someone said they thought the shots came from the old Texas Building. I immediately ran to the Texas Building and started looking inside. At this time Captain Fritz arrived and ordered all of the sixth floor sealed off and searched. I was working with Deputy S. Boone of the Sheriff's Department and helping in the search. We were in the northwest corner of the sixth floor when Deputy Boone and myself spotted the rifle about the same time. This rifle was a 7.65 Mauser bolt action equipped with a 4/18 scope, a thick leather brownish-black sling on it. The rifle was between some boxes near the stairway. The time the rifle was found was 1:22 pm. Captain Fritz took charge of the rifle and ejected one live round from the chamber. I then went back to the office after this.]"

In a subsequent statement to the FBI, he said that the rifle was a Mauser bolt action with a 2.5 power Weaver scope, "but it wasn't; it turned out to be anything but a Weaver, but that was at a glance." 109. Also in the FBI statement, he apparently had described the metal portion of the gun as a "gun metal color;" in this deposition he further described it as "blue." 109. The wooden portion of the rifle was "brown, I would say not a mahogany brown but dark oak brown." 109. In the FBI statement, he

apparently had described the wood as "rough" and the rear portion of the bolt as "visibly worn." 109.

He believed the rifle was found at 1:22 pm (at counsel's suggestion), but he wasn't sure. 109. He agreed that Fritz ejected one live round from the chamber. 109.

WC Deposition of Ruth Jeanette Standridge, Parkland Hospital, VI WC 115

Is head nurse for emergency rooms at Parkland. 115. On day of assassination, was "working as charge nurse in the major surgery area." 115. Connally was brought into trauma room 2. 116. "we began to take his clothing off and the orderlies continued that and the doctors and I started handing the syringe and medicine and things necessary to start the IV." 116. When she first saw Connally, "He was laying on his back on the cart," an "emergency cart on rollers . . . it's just a thin fixture with rubber padding on the top," made "[o]f metal with four big tires on it." 116. Underneath Connally was a sheet, on top of him "we put a sheet when we unclothed him." 116. He was completely undressed. 116.

She didn't notice a bullet, or anything else unusual, in his clothing, and didn't hear the sound of anything fall. 117. After he was undressed, he was taken to the emergency elevator on the same same emergency cart he came in on. 117. She helped push him part of the way, then went back into the trauma room to get his clothes while others continued pushing him. 117. She didn't see him pushed onto the elevator, but saw the same people on the elevator with a cart with a man on it (couldn't specifically see it was Connally) just as the elevator doors were closing. 117-18. "just a

few seconds" had elapsed. 118. She gave his clothes to a man who identified himself as Cliff Carter, with the governor's party; she doesn't know what happened to them after that, but heard that they were found in Rep. Gonzales's office in Washington, D.C.

WC Deposition of Jane Carolyn Wester, Parkland Hospital, VI WC 120

Registered nurse and assistant supervisor for operating rooms. 120. Connally's "stretcher arrived by an elevator which is in the operating room -- it comes directly from the emergency room and which -- there were several doctors with him that brought the stretchers up." 121. "We proceeded to room 5 and outside of room 5 we transferred Governor Connally from the stretcher onto an operating table and removed his clothes from the bottom of the stretcher and placed them in the hallway by the operating table. . . then moved the table into the operating room. . . I don't recall any clothes that he had on." "As far as I know, the only thing he had was a sheet on him." "He arrived without his clothes. They were on the bottom of the cart in a paper sack." 121. The operating table was then moved into operating room 5. She accompanied it "as far as the doorway with him." 122. She then "took the stretcher and rolled it to the center area of the operating room suite -- rolled the sheets up on the stretcher into a small bundle . . . I believe there were two sheets and I rolled one inside the other up into a small bundle." 122. In addition to the sheets, on the stretcher "There were several glassine packets, small packets of hypodermic needles -- well, packed in and sterilized in. There were several others -- some alcohol sponges and a roll of 1-inch tape." In response to Specter's specific question, she said she "can't remember" gloves on the cart. 122. In response to another such question about "any tools

on one end of the stretcher," she stated "I know I set something down on the cart, I think it was a curved hemostat -- I couldn't say for sure." 122.

She "moved the stretcher back to the center area . . . and an orderly, R.J. Jimison, walked up . . . [a]nd he stood at the cart while I rolled the sheets up and removed the items from the cart, and from there he took the cart and proceeded to the elevator with it and the last time I saw him he was standing at the elevator with the cart waiting for him to be picked up." 122.

Description of stretcher: "it has four wheels and a lower shelf, a thin mattress on it, and side rails on it, on each side of the cart. It has a rubber rim at the edge of it, sort of a bumper type to the upper shelf of the cart." 122-23. The mattress "remained on the cart." 123. She didn't see Jeanette Standrige during this time; she believes that Henrietta Ross "walked up on my right as I was rolling the sheets up." 122-23. She didn't see Darrell C. Tomlinson at this time either. 123. Specter asked: "Did the sheet on which the Governor was lying have anything on it?" She responded: "It had some blood." 123.

WC Deposition of Henrietta M. Ross, Parkland Hospital, VI WC 123

Ross was "an operating room technician" whose duties on 11/22/63 were to "[s]tand in the hall and guard the hall and not let anyone pass by [she] did not know." 124.

She saw Connally moved off of the elevator and "as he came down the hall on the cart." 124. "There were doctors all around in the corridor and I

don't know exactly who -- I only remember one person" -- Dr. Gustafason, who gave her is coat to hang up. When Specter specifically asked, she agreed that Jane Wester was there. 124. "They pushed him down in front of room 5 and onto the operating table and put him on it." 124. They pushed him on "a stretcher from the emergency room." 124.

She described the stretcher: "It has four legs, four wheels and has a little rubber sheet on it, I mean, a rubber mattress, and the length of the normal body is the length of the cart." 124. It is made of metal. 124. After Connally was taken off the stretcher, it was pushed "back up toward room 3," toward the elevator, by Jimison, an orderly. 124. The last she saw the stretcher, Jimison was pushing it in front of room 3. 124.

WC Deposition of R.J. Jimison, Parkland Hospital, VI WC 125

He was an orderly on duty on 11/22/63. The first he saw Connally, the governor "was on the second floor in the operating room suite, near room 4, where his operation was performed." 125. When Specter asked if he was taken to room 4 or room 5, he replied: "I thought it was room 4, but maybe it could have been room 5, but I taken it to be room 4." 125. Jimison "assisted in helping move him from the carriage to the operating table." 125. He "helped lift him off of the table, but usuallly we help put them in the room -- at that time there was so many doctors that I didn't." 125.

He did not see Connally from the time he came off the elevator. 126. Connally was about 20 feet from the elevator, and "about 20 or 30 feet" from Jimison, when he first saw him. 126. There were doctors around

Connally at the time. 126. Jimison did not help push the stretcher, but he followed it and helped take Connally off the stretcher. 126. After that, the stretcher "was moved back from the table, of course, because they had to make room for the doctors to get up close to the table, which was back just a'ways and when I got free -- whether it was Miss Wester or Mrs. Ross there -- they pushed it back a little further, but they didn't get quite to the elevator with it; I came along and pushed it onto the elevator myself and loaded it on and pushed the door closed." 126.

On the stretcher at that time, he "noticed nothing more than a little flat mattress and two sheets as usual . . . flat out on the bed." 126. When Specter specifically asked "Had they been rolled up?", he replied: "More or less, not rolled, which yes, usually they is, the mattress and sheets are all just throwed, one of them about halfway, it would be just throwed about halfway.

"Mr. Specter: Were the sheets flat or just turned over?"

"Mr. Jimison: Well, just turned over.

"Mr. Specter: Were they crumpled up in any way?"

"Mr. Jimison: Well, there was a possibility it was strictly -- a tragic day.

"Mr. Specter: It was what?"

"Mr. Jimison: It was a tragic day.

"Mr. Specter: Right, and everybody was a little shook up on account of it?"

"Mr. Jimison: We didn't look too close.

"Mr. Specter: Was there anything else on the stretcher?"

"Mr. Jimison: I never noticed anything else at all." 126.

In response to specific questions, Jimison allowed: "There could have been something -- small stuff, but nothing large like bundles or anything like that." 126

Jimison did not ride with the stretcher on the elevator, nor was it his usual practice to do so. Instead, the elevator takes the stretcher downstairs, unaccompanied, to the emergency room, where "it can be cleaned up there and remade and put in use again." 126. Afterwards, Jimison did not put any other stretchers on that elevator until the end of his shift at 3:30, and he believed he would have been in a position to see anyone else do so. 127-28. That is the only elevator which goes from the operating area to the emergency area on the ground floor. 126.

WC Deposition of Darrell Tomlinson, Parkland Hospital, VI WC 128

Senior engineer at Parkland Hospital; "in charge of the powerplant here at the hospital, which takes care of the heating and air-conditioning services for the building." 129. "we have one elevator that goes from the basement to the third floor, that's what we call the emergency elevator. It's in the south section of the hospital and that would be your most direct

route to go from the ground floor, which emergency is on, to the operating rooms on two." 129. On 11/22/63, at some time around noon, "we received a call in the engineer's office, the chief engineer's office, and he requested someone to operate the elevator." 129. He testified that there wasn't any mechanical difficulty with the elevator, but that "it was an ordinary type elevator, and if it isn't keyed off it will stop every time somebody pushes a button, and they preferred it to go only to the second floor and to the ground floor unless otherwise instructed by the administrator." 129. By "keying it off," as requested, Tomlinson would prevent the elevator from responding to pushed buttons on any floor and exclusively control it with his own manual operation. 129.

He came to the elevator "around 1 o'clock." 129. There was one stretcher on the elevator when he arrived there. 129. It "had sheets on it and had a white covering" -- later described as a "white sheet" -- "on the pad." 129. Tomlinson didn't believe there was anything else on the pad, but was "not sure." 129. Tomlinson "took [the stretcher] off of the elevator and put it over against the south wall" on the "ground floor." 129. At that time, there "was a stretcher about 2 feet from the wall already there." 130. The stretcher that Tomlinson moved out of the elevator he marked as with an A on Tomlinson exhibit 2 [there is no Tomlinson exhibit 1 in the WC volumes]; the stretcher that was already on the ground floor he marked with a B. 130.

Tomlinson testified: "I don't recall how long it had been exactly, but an intern or doctor, I didn't know which, came to use the men's room there in the elevator lobby." 130 The men's room was "right there (indicating) beside the 'B' stretcher. . . . he pushed the stretcher out from the wall to get

in, and then when he came out he just walked off and didn't push the stretcher back up against the wall, so I pushed it out of the way where we would have clear area in front of the elevator."

"Mr. Specter: And where did you push it to?"

"Mr. Tomlinson: I pushed it back up against the wall."

"Mr. Specter: What, if anything, happened then?"

"Mr. Tomlinson: I bumped the wall and a spent cartridge or bullet rolled out that apparently had been lodged under the edge of the mat."

"Mr. Specter: And that was from which stretcher?"

"Mr. Tomlinson: I believe that it was 'B.'" 130.

On stretcher "B" "at one end they had one or two sheets rolled up; I didn't examine them. They were bloody. They were rolled up on the east end of it and there were a few surgical instruments on the opposite end and a sterile pack or so. . . . Like gauze or something like that." 131. In response to specific questions, he said "[t]here could have been" an alcohol sponge, but "No; I don't think" there was a roll of 1-inch tape. 131. When asked if there were empty packets from hypodermic needles, he said "it had some paper there but I don't know what they came from." 131.

"Mr. Specter: Now, Mr. Tomlinson, are you sure that it was stretcher 'A' that you took out of the elevator and not stretcher 'B'?"

"Mr. Tomlinson: Well, really, I can't be positive, just to be perfectly honest about it, I can't be positive, because I really didn't pay that much attention to it. The stretcher was on the elevator and I pushed it off of there and I believe we made one or two calls up before I straightened out the stretcher up against the wall.

"Mr. Specter: When you say 'one or two calls,' what do you mean by that?

"Mr. Tomlinson: Went to pick up the technician from the second floor to bring him down to the ground floor to get blood.

"Mr. Specter: And when you say before you straightened the stretcher up, what do you mean by that?

"Mr. Tomlinson: Well, we just rolled them out of the way where we had some room on the elevator -- that's a small elevator.

"Mr. Specter: So, when you rolled you them out of the elevator, when you rolled the stretcher out of the elevator, did you place it against the wall at that time?

"Mr. Tomlinson: No." 131.

Both of the stretchers were "similar" in construction. 131.

Tomlinson had been interviewed once by the FBI ("I think that was the latter part of November") and once by the Secret Service ("Approximately a

week later, the first part of December"). 132. Tomlinson recalls that he told the FBI and the Secret Service what he said in this deposition: that he's not sure, but he thinks the bullet came from stretcher "B," that is, not the stretcher that he moved off the elevator. 132.

"Here's the deal -- I rolled that thing off, we got a call, and went to second floor, picked the man up and brought him down. He went on over across, to clear out of the emergency area, but across from it, and picked up two pints of, I believe it was, blood. He told me to hold for him, he had to get right back to the operating room, so I held, and the minute he hit there, we took off for the second floor and I came back to the ground. Now, I don't know how many people went through that -- I don't know how many people hit them -- I don't know anything about what could have happened to them in between the time I was gone, and I made several trips before I discovered the bullet on the end of it there." 132-33.

Specter told Tomlinson before they went on record and under oath "that the Secret Service man wrote a report where he said that the bullet was found on the stretcher which you took off the elevator." 133. Tomlinson said that this information did not effect his recollection of what he had told the Secret Service man. 133. After further questioning, Tomlinson says he's he "couldn't be real truthful in saying I told [the Secret Service agent] this or that" as to whether he said he simply wasn't sure which stretcher he had taken off of the elevator, or said he thought "A" was the one he had taken off the elevator. 133.

Tomlinson didn't know where the stretcher he found on the elevator came from and didn't see anybody put it there. 134.

In this deposition, Tomlinson isn't asked, and doesn't give any information about, anything that happened after he first saw the bullet

List of "Office Witnesses" in CE 2003, starting on unnumbered page after
109

Det. Johnny Hicks, Crime Lab: "Made paraffin case of Defendant's hands and face."

Det. Pete Barnes, Crime Lab: "Made paraffin castt of Defendant's hands and face."

Capt. G.M. Doughty, ID Bureau: "Had charge of evidence which he tuirned over to FBI."

O.P. Wright, Security Officer, Parkland Hospital: "Recovered 6.5 rifle slug, turned it over to Secret Service at Parkland."

Det. C.N. Dhority: "Took 3 spent 6.5 rifle shells to crime lab."

J.P. Adamcik, Dallas PD: "Was present when defendant's wife made identification of defendant's rifle."

R.H. Sims, Dallas PD: "Recovered evidence from [TSBD] . . . "

E.L. Boyd, Dallas PD: "Same as above [Sims], also found 5 live .38 shells in left front pocket of defendant when searched in the showup room."

"list of evidence released to the FBI from our [Dallas PD] crime lab

11-26-63"

[p. 116 of CE 2003]

List evidently prepared by H.W. Hill, Property Clerk. States: "This inventory was made and invoice typed in Crime Scene Search Section office in presence of: [hwr signatures] J.C. Day, G. M. Doughty." HWR notation: "Received by Vince Drain, FBI."

Listed items include:

"1 - Italian make 6.5 Ser. # C 2766
blue steel - wood stock - brn leather
sling with 4 x 18 Coated Ordinance
Optics Inc. Hollywood California
O 10 Japan telescopic sight.

"1 - Slug (believed to be 38 Cal)

"1 - 38 Cal S & W Revolver - Sandblast
brn wd hndles - 2" bbl Ser #510210

"1 - Live round 6.5 mm shell

"2 - Spent 6.5 hulls ('found under window')."

"list of evidence that was released to the FBI from our crime lab

11-28-63"

[CE 2003, p. 117; w/ caption "Identification Bureau, Crime Scene Research

Section"

HWR signature "Vince Drain 11/28/63."

Among items released:

"5 - live 38 cal. Western Special shells initialed EB which were found in the left front pocket of Lee Harvey Oswald.

"4 - live 38 cal. shells initialed HILL (2 Western Special and 2 R P SPL. Removed from gun of Oswald at time arr.

"4 - Halls (RP SPL - 2 initialed RD) (1 initialed D) and 1 Western found by Virginia Davis."

Case Report on Tippit shooting, list of witnesses

[starting on unnumbered page after p. 118, CE 2003]

Benavides is not listed.

" M. N. McDonald, Radio Patrol Officer . . . While struggling for possession of Oswald's pistol it was snapped one time in his face. He did succeed in getting the pistol and giving it to another officer." p. 119.

"Bob K. Carroll . . . took pistol from McDonald and later turned it over to Sgt. Hill while enroute to city hall." p. 119.

"Gerald Hill, Sergeant . . . received pistol from Carroll and released it to Det.

T.L. Baker at City Hall, Homicide Office." p. 120.

"Barbara Jennette Davis . . . After police arrived, she showed them the spot, and a empty shell was found." p. 120.

Virginia Davis is listed as witness, but no mention is made of her finding a spent shell.

Undated list of evidence, CE 2003, starting p. 130

Listed items include:

"1 Italian make 6.5 rifle, serial # C 2766, blue steel, wood stock, brown leather sling with 4 x 18 Coated Ordinance Optics Inc. Hollywood California. 0 10 Japan telescopic sight. Carcano carbine Found by Dept. Sheriff Weitzman on 6th floor, 411 Elm, 5' from west wall and 8' from stairway.

"1 .38 slug 1 button (Taken from body of J.D. Tippit at Methodist Hospital by Dr. Paul Moellenhoff at 1:30 pm. He gave them to R.A. Davenport.

"1 .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 M.N. McDonald, DPD, took it from Oswald at 231 W. Jefferson, gave it to Sgt. Jerry Hill who gave it to Det. Baker.

"Bullet fragments taken from body of Governor Connally Mrs. Audrey Bell, Operating room nurse, to Bob Nolan, D.P.S., to Capt. Fritz, to Crime

lab, to FBI.

"Live round 6.5, 6.5 spent rounds (3) [HWR] Recovered by Dept. Sheriff Luke Mooney at 411 Elm, 6th floor, southeast window."

Report of FBI Lab, 11/23/63, to Chief Curry
[starting at p. 131 of CE 2003]

"Evidence received from Special Agent Elmer L. Todd, Washington Field Office of the FBI on 11/22/63: Q1 Bullet from stretcher

"Evidence received from Special Agent Orin Bartlett of the FBI on 11/22/63: Q2 Bullet fragment from front seat cushion, Q3 Bullet fragment from beside front seat

"Evidence received from Special Agent James W. Sibert and Special Agent Francis O'Neill, Jr., of the Baltimore Office of the FBI on 11/23/63: Q4 Metal fragment from the President's Head, Q5 Metal fragment from the President's head

"Evidence received from Special Agent Vincent E. Drain of the Dallas Office of the FBI on 11/23/63: Q6 6.5 millimeter Mannlicher-Carcano cartridge case from building, Q7 6.5 millimeter Mannlicher-Carcano cartridge case from building, Q8 6.5 millimeter Mannlicher-Carcano cartridge from rifle Q9 Metal fragment from arm of Governor John Connolly . . . Q13 Bullet from Officer Tippett . . . K1 6.5 millimeter Mannlicher-Carcano rifle, with telescopic sight, Serial No. C2766 . . . K3 .38 Special Smith and Wesson revolver, Serial No. V510210, Assembly No.

65248

"Evidence obtained by FBI Laboratory personnel during examination of the President's limousine: Q14 Three metal fragments recovered from rear floor board carpet, Q15 Scraping from inside surface of windshield.

"No latent prints of value were developed on . . . the clip in the rifle."

N.B.: The rest of this report is of substantive interest, not just chain of custody.

Undated "T.L. Baker's Report", starting at p. 162 of CE 2003

"Some of the officers got off [the elevator] to search [the sixth] floor and Capt. Fritz, Dets. Sims and Boyd went to the 7th floor and began the search there. At 1:15 PM Deputy Sheriff, Luke E. Mooney, found the empty rounds on the floor under the southeast window, and Capt. Fritz was notified. He inspected the scene and placed Dets. Johnson and Montgomery in charge of the scene where the empty rounds were found to await the arrival of Lt. Day of the Crime Lab. He then instigated a thorough search of the entire floor from east to west. At 1:20 PM Lt. Day arrived and Johnson and Montgomery assisted him. At 1:25 PM Deputy Sheriff Weitzman found the rifle on the 6th floor, five feet from the west wall and eight feet from the stairway. . . . Capt. Fritz, Det. Sims and Boyd left 411 Elm and stopped by Sheriff Decker's office for a short time and then returned to the Homicide and Robbery office. They arrived shortly after Oswald was brought in."

Page 5: "While searching Oswald again prior to the showup [with Markham at 4:35 pm 11/22], Det. Boyd found 5 live rounds of .38 ammunition in his left front pocket."

Page 6: "At 8:55 PM Det. Hicks and Studebaker came to the Homicide and Robbery office and fingerprinted Lee Oswald. A few minutes later Det. Pete Barnes came in, and the three Crime Lab men made paraffin cast of L ee Oswald's hands."

Undated "Report on Officer's Duties In Regard to Officer Tippit's Murder" by C.W. Brown, starting at p. 192 of CE 2003

"At approximately 6:50 pm [11/22] Lt. T.P. Wells received a telephone call from a Mrs. Barbara Jeanette Davis . . . stating that her sister-in-law . . . had found an empty .38 cal. shell in their front yard. My partner, C.N. Dhority, and myself drove to the Davis residence where Mrs. Barbara Jeanette Davis handed my partner the spent shell at approximately 7:00 pm."

Undated "Report on Officer's Duties In Regard to the President's Murder" by C.N. Dhority, starting at p. 194 of CE 2003

"About 9:00 PM, Capt. J. W. Fritz gave me three spent 6.5 rifle shells and advised me to take them to the Crime Lab to Lt. Day and return one of them back to him. Lt. Day examined all the shells for prints and put one in an envelope that I returned to Capt. Fritz. While I was at the Crime Lab, Lt. Day showed me the 6.5 rifle, and I wrote a description of the rifle. I returned to the office and was in Capt. Fritz's office when Det. J.B. Hicks,

and Pete Barnes made paraffin cast of Lee Harvey Oswald's hands and face."

Undated "Report on Officer's Duties In Regard to Tippit's Murder" by C.N. Dhority, starting at p. 196 of CE 2003

November 22, 1963, about 7:00 PM, Lt. T.P. Wells gave Det. C.W. Brown and myself information that Mrs. Virginia Davis, . . . had found an empty shell in her front yard. We went to her house and talked with her and her sister, Jeanette Davis, of the same address. . . . The spent .38 shell that Virginia Davis gave me was submitted to Lt. J.C. Day in the Crime Lab."

Undated "Report on Officer's Duties In Regards to the President's Murder" by Marvin Johnson, starting at p. 210 of CE 2003

Johnson and partner L.D. Montgomery arrived at Elm and Houston "at about 12:50 pm. We went immediately to the 6th floor of the [TSBD] and reported to Captain Will Fritz. Captain Fritz designated my partner and me to take charge of the scene where the assassin had done the shooting, to assist the crime lab and gather whatever evidence was available."

Undated "Report on Officer's Duties in Regards to Officer Tippit's Murder" by J.R. Leavelle, starting at p. 217 of CE 2003

At Tippit site, "Officer also told me someone had picked up two empty .38 hulls from the street and given them to him, but he did not know who it was."

Page 218: Several hours later, "I also talked with another employee of the lot, Domingo Benavides, . . . , who said he went to the scene of the shooting and picked up two empty hulls and gave them to Officer Poe."

Undated "Report on Officer's Duties in Regards to the President's Murder"
by Leslie D. Montgomery, starting at page 223 of CE 2003

Johnson and Montgomery arrived at Elm and Houston "approximately 12:50 pm." They "went directly to the 6th floor where we contacted Captain Fritz. Captain Fritz put Johnson protecting part of the scene on the 6th floor and myself protecting the part of the scene where the window was that the shooting took place. I remained at this location . . . until Det. Studebaker of the crime lab search section had dusted the windows and surrounding boxes for prints."

Undated "Report on Officer's Duties In Regards to the President's Murder"
by R.M. Sims and E.L. Boyd, starting at page 234 of CE 2003

Page 235-36: "someone yelled that some empty hulls had been found on the sixth floor [Sims and Boyd were on seventh]. Capt. Fritz, Sims, and Boyd went to the southeast window on the sixth floor and saw three empty rifle hulls on the floor near the window. The empty hulls were found about 1:15 PM. Deputy Sheriff Luke E. Mooney said he found them and left them lay as they were. We stayed there with the empty hulls to preserve the scene . . . About 1:20 PM, Lt. J.C. Day and Det. R.L. Studebaker arrived on the sixth floor. Capt. Fritz asked Day to take pictures of the hulls and the surrounding area. About 1:25 PM someone called for Capt. Fritz, and

he left Det. L. D. Montgomery and Marvin Johnson to stay with the hulls. . . . Sims went back to where Lt. Day was and told him the gun had been found. Lt. Day or Det. Studebaker took another picture of the hulls and said they had already taken pictures of the scene. Sims picked up the empty hulls, and Lt. Day held an envelope open while Sims dropped them in the envelope. Lt. Day then walked over to where the rifle had been found. Det. Studebaker and Lt. Day took pictures of the rifle. Mr. Pinkston of the FBI and a Secret Service agent were there at the time pictures were being made. We don't know the Secret Service agent's name. Mr. Ellsworth and another officer from Alcohol Tax Department were also there. . . . someone told Capt. Fritz that Sheriff Decker wanted to talk to him. Capt. Fritz went over to Sheriff Decker's office and stayed 10 or 15 minutes. Then Capt. Fritz, Sims, and Boyd left, and Sims drove Code 3 to City Hall."

Page 237: "Down in the hold over, Boyd searched Oswald and found five live rounds of .38 calibre pistol shells in his left front pocket."

Page 238: "At 8:55 PM Det. Johnny Hicks and R.L. Studebaker of the Crime Lab came to Capt. Fritz's office. Hicks started finger printing Oswald, then Sgt. Pete Barnes came in. Shortly afterward, Capt. George Doughty came in and stayed a few minutes. After Hicks finished finger printing Oswald, he and Barnes made paraffin casts of both hands and also the right side of his face. Det. Studebaker assisted Hicks and Barnes. H.M. Moore, R.M. Sims, and E.L. Boyd were present most of the time while casts were being made."

"Received from Capt. Will Fritz at approximately 1:00 a.m. on 11/27/63:

Billfold and 16 cards and pictures taken from Lee Harvey Oswald on 11/22/63.

One notebook recovered from room of Lee Harvey Oswald at 1026 No. Buckley on 11/22/63. with names and addresses.

One 6.5 mm rifle hull recovered at Texas School Book Depository, 411 Elm Street, Dallas, Texas, on 11/22/63.

[HWR]

James P. Hosty, Jr.

Special Agent, FBI"

List of "missing evidence" from WC papers at National Archives
see 1975 House Subcommittee hearing under cover of Golrick 3/15/95
memo

Includes: "Letter from Capt. Fritz to the Commission, June 9, 1964, on spent shells found in the Texas School Book Depository."

"FBI Laboratory technical records concerning spectrographic analysis of ballistics evidence."

