

CHAPTER IV

The Assassin

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. In this chapter the Commission evaluates the evidence upon which it has based its conclusion concerning the identity of the assassin. This evidence includes (1) the ownership and possession of the weapon used to commit the assassination, (2) the means by which the weapon was brought into the Depository Building, (3) the identity of the person present at the window from which the shots were fired, (4) the killing of Dallas Patrolman J. D. Tippit within 45 minutes after the assassination, (5) the resistance to arrest and the attempted shooting of another police officer by the man (Lee Harvey Oswald) subsequently accused of assassinating President Kennedy and killing Patrolman Tippit, (6) the lies told to the police by Oswald, (7) the evidence linking Oswald to the attempted killing of Maj. Gen. Edwin A. Walker (Resigned, U.S. Army) on April 10, 1963, and (8) Oswald's capability with a rifle.

OWNERSHIP AND POSSESSION OF ASSASSINATION WEAPON

Purchase of Rifle by Oswald

Shortly after the Mannlicher-Carcano rifle was found on the sixth floor of the Texas School Book Depository Building,¹ agents of the FBI learned from retail outlets in Dallas that Crescent Firearms, Inc., of New York City, was a distributor of surplus Italian 6.5-millimeter military rifles.² During the evening of November 22, 1963, a review of the records of Crescent Firearms revealed that the firm had shipped an Italian carbine, serial number C2766, to Klein's Sporting Goods Co., of Chicago, Ill.³ After searching their records from 10 p.m. to 4 a.m. the officers of Klein's discovered that a rifle bearing serial number C2766 had been shipped to one A. Hidell,

Post Office Box 2915, Dallas, Tex., on March 20, 1963.⁴ (See Waldman Exhibit No. 7, p. 120.)

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 coupon was signed, in handprinting, "A. Hidell, P. O. Box 2915, Dallas, Texas." (See Commission Exhibit No. 773, p. 120.) It was sent in an envelope bearing the same name and return address in handwriting. Document examiners for the Treasury Department and the FBI testified unequivocally that the bold printing on the face of the mail-order coupon was in the handprinting of Lee Harvey Oswald and that the writing on the envelope was also his.⁵ Oswald's writing on these and other documents was identified by comparing the writing and printing on the documents in question with that appearing on documents known to have been written by Oswald, such as his letters, passport application, and endorsements of checks.⁶ (See app. X, p. 568-569.)

In addition to the order coupon the envelope contained a U.S. postal money order for \$21.45, purchased as No. 2,202,130,462 in Dallas, Tex., on March 12, 1963.⁷ The canceled money order was obtained from the Post Office Department. Opposite the printed words "Pay To" were written the words "Kleins Sporting Goods," and opposite the printed word "From" were written the words "A. Hidell, P. O. Box 2915 Dallas, Texas." These words were also in the handwriting of Lee Harvey Oswald.⁸ (See Commission Exhibit No. 788, p. 120.)

From Klein's records it was possible to trace the processing of the order after its receipt. A bank deposit made on March 13, 1963, included an item of \$21.45. Klein's shipping order form shows an imprint made by the cash register which recorded the receipt of \$21.45 on March 13, 1963. This price included \$19.95 for the rifle and the scope, and \$1.50 for postage and handling. The rifle without the scope cost only \$12.78.⁹

According to the vice president of Klein's, William Waldman, the scope was mounted on the rifle by a gunsmith employed by Klein's, and the rifle was shipped fully assembled in accordance with customary company procedures.¹⁰ The specific rifle shipped against the order had been received by Klein's from Crescent on February 21, 1963. It bore the manufacturer's serial number C2766. On that date, Klein's placed an internal control number VC836 on this rifle.¹¹ According to Klein's shipping order form, one Italian carbine 6.5 X-4× scope, control number VC836, serial number C2766, was shipped parcel post to "A. Hidell, P. O. Box 2915, Dallas, Texas," on March 20, 1963.¹² Information received from the Italian Armed Forces Intelligence Service has established that this particular rifle was the only rifle of its type bearing serial number C2766.¹³ (See app. X, p. 554.)

The post office box to which the rifle was shipped was rented to "Lee H. Oswald" from October 9, 1962, to May 14, 1963.¹⁴ Experts on handwriting identification from the Treasury Department and the

DOCUMENTS ESTABLISHING PURCHASE OF RIFLE BY LEE HARVEY OSWALD

Form: APPLICATION FOR POST OFFICE BOX (COMMISSION EXHIBIT 791)

DATE: OCT 9 - 1962 MAY 14 1963 2915

APPLICANT PLEASE NOTE: Completion of this application entitles you to a post office box, as indicated upon all points.

NAME OF APPLICANT (Print or Stamp): *Lee H. Oswald*

NAME OF FIRM OR CORPORATION (If not to be used for the use of either):

NAME OF BUSINESS:

BUSINESS ADDRESS (City, street, and state):

MAIL ADDRESS (City, street, and state): *3519 Commerce St. Dallas Texas*

DATE OF APPLICATION: *Oct 4, 62*

↑ APPLICATION FOR
POST OFFICE BOX
(COMMISSION EXHIBIT 791)

Form: PURCHASE ORDER (COMMISSION EXHIBIT 773)

DATE: *Sept 28*

TO: *Washington St. Chicago 6, Ill*

FROM: *Lee H. Oswald*

AMOUNT: *\$11.00*

ITEMS: *1.00, 2.00, 3.00, 4.00, 5.00, 6.00, 7.00, 8.00, 9.00, 10.00, 11.00*

↑ PURCHASE ORDER
(COMMISSION EXHIBIT 773)

Form: MONEY ORDER (COMMISSION EXHIBIT 788)

U.S. Postal Money Order

AMOUNT: *THIRTY DOLLARS*

TO: *Klein's Sporting Goods*

FROM: *Lee H. Oswald*

DATE: *Oct 28 1962*

PLACE: *Dallas, Texas*

THE FIRST NATIONAL BANK OF CHICAGO

50 91144

KLING'S SPORTING GOODS, INC.

11-23-63

11-23-63

11-23-63

11-24-63

↑ MONEY ORDER
(COMMISSION EXHIBIT 788)

Form: KLEIN'S SHIPPING ORDER (WALDMAN'S EXHIBIT 7)

DATE: *11-23-63*

TO: *Lee H. Oswald*

FROM: *Klein's Sporting Goods*

AMOUNT: *\$11.00*

ITEMS: *1.00, 2.00, 3.00, 4.00, 5.00, 6.00, 7.00, 8.00, 9.00, 10.00, 11.00*

↑ KLEIN'S SHIPPING ORDER
(WALDMAN'S EXHIBIT 7)

FBI testified that the signature and other writing on the application for that box were in the handwriting of Lee Harvey Oswald,¹⁵ as was a change-of-address card dated May 12, 1963,¹⁶ by which Oswald requested that mail addressed to that box be forwarded to him in New Orleans, where he had moved on April 24.¹⁷ Since the rifle was shipped from Chicago on March 20, 1963, it was received in Dallas during the period when Oswald rented and used the box. (See Commission Exhibit No. 791, p. 120.)

It is not known whether the application for post office box 2915 listed "A. Hidell" as a person entitled to receive mail at this box. In accordance with postal regulations, the portion of the application which lists names of persons, other than the applicant, entitled to receive mail was thrown away after the box was closed on May 14, 1963.¹⁸ Postal Inspector Harry D. Holmes of the Dallas Post Office testified, however, that when a package is received for a certain box, a notice is placed in that box regardless of whether the name on the package is listed on the application as a person entitled to receive mail through that box. The person having access to the box then takes the notice to the window and is given the package. Ordinarily, Inspector Holmes testified, identification is not requested because it is assumed that the person with the notice is entitled to the package.¹⁹

Oswald's use of the name "Hidell" to purchase the assassination weapon was one of several instances in which he used this name as an alias. When arrested on the day of the assassination, he had in his possession a Smith & Wesson .38 caliber revolver²⁰ purchased by mail-order coupon from Seaport-Traders, Inc., a mail-order division of George Rose & Co., Los Angeles. The mail-order coupon listed the purchaser as "A. J. Hidell Age 28" with the address of post office box 2915 in Dallas.²¹ Handwriting experts from the FBI and the Treasury Department testified that the writing on the mail-order form was that of Lee Harvey Oswald.²²

Among other identification cards in Oswald's wallet at the time of his arrest were a Selective Service notice of classification, a Selective Service registration certificate,²³ and a certificate of service in the U.S. Marine Corps,²⁴ all three cards being in his own name. Also in his wallet at that time were a Selective Service notice of classification and a Marine certificate of service in the name of Alek James Hidell.²⁵ On the Hidell Selective Service card there appeared a signature, "Alek J. Hidell," and the photograph of Lee Harvey Oswald.²⁶ Experts on questioned documents from the Treasury Department and the FBI testified that the Hidell cards were counterfeit photographic reproductions made by photographing the Oswald cards, retouching the resulting negatives, and producing prints from the retouched negatives. The Hidell signature on the notice of classification was in the handwriting of Oswald.²⁷ (See app. X, p. 572.)

In Oswald's personal effects found in his room at 1026 North Beckley Avenue in Dallas was a purported international certificate of vaccination signed by "Dr. A. J. Hideel," Post Office Box 30016, New

Orleans.²⁸ It certified that Lee Harvey Oswald had been vaccinated for smallpox on June 8, 1963. This, too, was a forgery. The signature of "A. J. Hideel" was in the handwriting of Lee Harvey Oswald.²⁹ There is no "Dr. Hideel" licensed to practice medicine in Louisiana.³⁰ There is no post office box 30016 in the New Orleans Post Office but Oswald had rented post office box 30061 in New Orleans³¹ on June 3, 1963, listing Marina Oswald and A. J. Hidell as additional persons entitled to receive mail in the box.³² The New Orleans postal authorities had not discarded the portion of the application listing the names of those, other than the owner of the box, entitled to receive mail through the box. Expert testimony confirmed that the writing on this application was that of Lee Harvey Oswald.³³

Hidell's name on the post office box application was part of Oswald's use of a nonexistent Hidell to serve as president of the so-called New Orleans Chapter of the Fair Play for Cuba Committee. (As discussed below in ch.VI, p. 292.) 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.³⁴ According to her testimony, he compelled her to write the name "Hidell" on membership cards in the space designated for the signature of the "Chapter President."³⁵ The name "Hidell" was stamped on some of the "Chapter's" printed literature and on the membership application blanks.³⁶ 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."³⁷ Hidell was a fictitious president of an organization of which Oswald was the only member.³⁸

When seeking employment in New Orleans, Oswald listed a "Sgt. Robt. Hidell" as a reference on one job application³⁹ and "George Hidell" as a reference on another.⁴⁰ Both names were found to be fictitious.⁴¹ Moreover, the use of "Alek" as a first name for Hidell is a further link to Oswald because "Alek" was Oswald's nickname in Russia.⁴² Letters received by Marina Oswald from her husband signed "Alek" were given to the Commission.⁴³

Oswald's Palmprint on Rifle Barrel

Based on the above evidence, the Commission concluded that Oswald purchased the rifle found on the sixth floor of the Depository Building. Additional evidence of ownership was provided in the form of palmprint identification which indicated that Oswald had possession of the rifle he had purchased.

A few minutes after the rifle was discovered on the sixth floor of the Depository Building⁴⁴ it was examined by Lt. J. C. Day of the identification bureau of the Dallas police. He lifted the rifle by the wooden stock after his examination convinced him that the wood was too rough to take fingerprints. Capt. J. W. Fritz then ejected a cartridge by operating the bolt, but only after Day viewed the knob on the bolt through a magnifying glass and found no prints.⁴⁵ Day continued to examine the rifle with the magnifying glass, looking for

possible fingerprints. He applied fingerprint powder to the side of the metal housing near the trigger, and noticed traces of two prints.⁴⁶ At 11:45 p.m. on November 22, the rifle was released to the FBI and forwarded to Washington where it was examined on the morning of November 23 by Sebastian F. Latona, supervisor of the Latent Fingerprint Section of the FBI's Identification Division.⁴⁷

In his testimony before the Commission, Latona stated that when he received the rifle, the area where prints were visible was protected by cellophane.⁴⁸ He examined these prints, as well as photographs of them which the Dallas police had made, and concluded that:

* * * the formations, the ridge formations and characteristics, were insufficient for purposes of either effecting identification or a determination that the print was not identical with the prints of people. Accordingly, my opinion simply was that the latent prints which were there were of no value.⁴⁹

Latona then processed the complete weapon but developed no identifiable prints.⁵⁰ He stated that the poor quality of the wood and the metal would cause the rifle to absorb moisture from the skin, thereby making a clear print unlikely.⁵¹

On November 22, however, before surrendering possession of the rifle to the FBI Laboratory, Lieutenant Day of the Dallas Police Department had "lifted" a palmprint from the underside of the gun barrel "near the firing end of the barrel about 3 inches under the woodstock when I took the woodstock loose."⁵² "Lifting" a print involves the use of adhesive material to remove the fingerprint powder which adheres to the original print. In this way the powdered impression is actually removed from the object.⁵³ The lifting had been so complete in this case that there was no trace of the print on the rifle itself when it was examined by Latona. Nor was there any indication that the lift had been performed.⁵⁴ Day, on the other hand, believed that sufficient traces of the print had been left on the rifle barrel, because he did not release the lifted print until November 26, when he received instructions to send "everything that we had" to the FBI.⁵⁵ The print arrived in the FBI Laboratory in Washington on November 29, mounted on a card on which Lieutenant Day had written the words "off underside gun barrel near end of foregrip C2766."⁵⁶ The print's positive identity as having been lifted from the rifle was confirmed by FBI Laboratory tests which established that the adhesive material bearing the print also bore impressions of the same irregularities that appeared on the barrel of the rifle.⁵⁷

Latona testified that this palmprint was the right palmprint of Lee Harvey Oswald.⁵⁸ At the request of the Commission, Arthur Mandella, fingerprint expert with the New York City Police Department, conducted an independent examination and also determined that this was the right palmprint of Oswald.⁵⁹ Latona's findings were also confirmed by Ronald G. Wittmus, another FBI fingerprint

expert.⁶⁰ In the opinion of these experts, it was not possible to estimate the time which elapsed between the placing of the print on the rifle and the date of the lift.⁶¹

Experts testifying before the Commission agreed that palmprints are as unique as fingerprints for purposes of establishing identification.⁶² Oswald's palmprint on the underside of the barrel demonstrates that he handled the rifle when it was disassembled. A palmprint could not be placed on this portion of the rifle, when assembled, because the wooden foregrip covers the barrel at this point.⁶³ The print is additional proof that the rifle was in Oswald's possession.

Fibers on Rifle

In a crevice between the butt plate of the rifle and the wooden stock was a tuft of several cotton fibers of dark blue, gray-black, and orange-yellow shades.⁶⁴ On November 23, 1963, these fibers were examined by Paul M. Stombaugh, a special agent assigned to the Hair and Fiber Unit of the FBI Laboratory.⁶⁵ He compared them with the fibers found in the shirt which Oswald was wearing when arrested in the Texas Theatre.⁶⁶ This shirt was also composed of dark blue, gray-black and orange-yellow cotton fibers. Stombaugh testified that the colors, shades, and twist of the fibers found in the tuft on the rifle matched those in Oswald's shirt.⁶⁷ (See app. X, p. 592.)

Stombaugh explained in his testimony that in fiber analysis, as distinct from fingerprint or firearms identification, it is not possible to state with scientific certainty that a particular small group of fibers come from a certain piece of clothing to the exclusion of all others because there are not enough microscopic characteristics present in fibers.⁶⁸ Judgments as to probability will depend on the number and types of matches.⁶⁹ He concluded, "There is no doubt in my mind that these fibers could have come from this shirt. There is no way, however, to eliminate the possibility of the fibers having come from another identical shirt."⁷⁰

Having considered the probabilities as explained in Stombaugh's testimony, the Commission has concluded that the fibers in the tuft on the rifle most probably came from the shirt worn by Oswald when he was arrested, and that this was the same shirt which Oswald wore on the morning of the assassination. Marina Oswald testified that she thought her husband wore this shirt to work on that day.⁷¹ The testimony of those who saw him after the assassination was inconclusive about the color of Oswald's shirt,⁷² but Mary Bledsoe, a former landlady of Oswald, saw him on a bus approximately 10 minutes after the assassination and identified the shirt as being the one worn by Oswald primarily because of a distinctive hole in the shirt's right elbow.⁷³ Moreover, the bus transfer which he obtained as he left the bus was still in the pocket when he was arrested.⁷⁴ Although Oswald returned to his roominghouse after the assassination and when questioned by the police, claimed to have changed his shirt,⁷⁵ the evidence

indicates that he continued wearing the same shirt which he was wearing all morning and which he was still wearing when arrested.

In light of these findings the Commission evaluated the additional testimony of Stombaugh that the fibers were caught in the crevice of the rifle's butt plate "in the recent past."⁷⁶ Although Stombaugh was unable to estimate the period of time the fibers were on the rifle he said that the fibers "were clean, they had good color to them, there was no grease on them and they were not fragmented. They looked as if they had just been picked up."⁷⁷ The relative freshness of the fibers is strong evidence that they were caught on the rifle on the morning of the assassination or during the preceding evening. For 10 days prior to the eve of the assassination Oswald had not been present at Ruth Paine's house in Irving, Tex.,⁷⁸ where the rifle was kept.⁷⁹ Moreover, the Commission found no reliable evidence that Oswald used the rifle at any time between September 23, when it was transported from New Orleans, and November 22, the day of the assassination.⁸⁰ The fact that on the morning of the assassination Oswald was wearing the shirt from which these relatively fresh fibers most probably originated, provides some evidence that they were placed on the rifle that day since there was limited, if any, opportunity for Oswald to handle the weapon during the 2 months prior to November 22.

On the other hand Stombaugh pointed out that fibers might retain their freshness if the rifle had been "put aside" after catching the fibers. The rifle used in the assassination probably had been wrapped in a blanket for about 8 weeks prior to November 22.⁸¹ Because the relative freshness of these fibers might be explained by the continuous storage of the rifle in the blanket, the Commission was unable to reach any firm conclusion as to when the fibers were caught in the rifle. The Commission was able to conclude, however, that the fibers most probably came from Oswald's shirt. This adds to the conviction of the Commission that Oswald owned and handled the weapon used in the assassination.

Photograph of Oswald With Rifle

During the period from March 2, 1963, to April 24, 1963, the Oswalds lived on Neely Street in Dallas in a rented house which had a small back yard.⁸² One Sunday, while his wife was hanging diapers, Oswald asked her to take a picture of him holding a rifle, a pistol and issues of two newspapers later identified as the Worker and the Militant.⁸³ Two pictures were taken. The Commission has concluded that the rifle shown in these pictures is the same rifle which was found on the sixth floor of the Depository Building on November 22, 1963. (See Commission Exhibits Nos. 133-A and 133-B, p. 126.)

One of these pictures, Exhibit No. 133-A, shows most of the rifle's configuration.⁸⁴ Special Agent Lyndal L. Shaneyfelt, a photography expert with the FBI, photographed the rifle used in the assassination, attempting to duplicate the position of the rifle and the lighting in Exhibit No. 133-A.⁸⁵ After comparing the rifle in the simulated

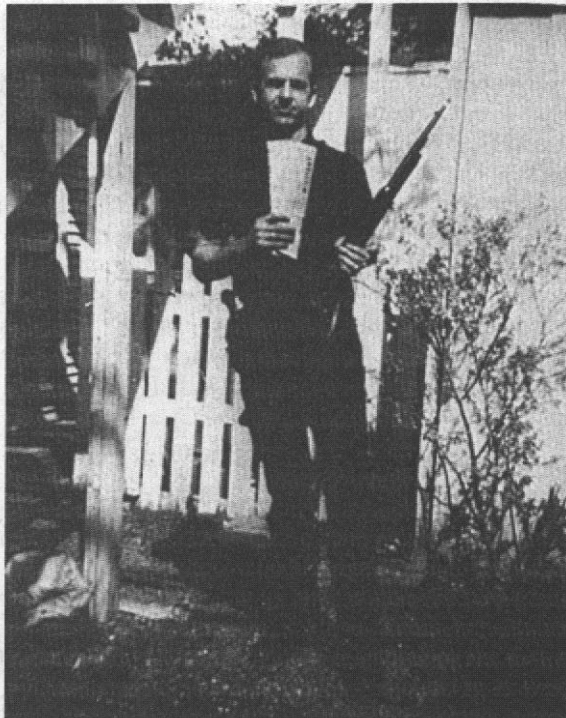
PHOTOGRAPHS OF OSWALD HOLDING RIFLE



COMMISSION EXHIBIT No. 133-A



COMMISSION EXHIBIT No. 133-B



COMMISSION EXHIBIT No. 134
(Enlargement of Commission Exhibit No. 133-A)

photograph with the rifle in Exhibit No. 133-A, Shaneyfelt testified, "I found it to be the same general configuration. All appearances were the same." He found "one notch in the stock at this point that appears very faintly in the photograph." He stated, however, that while he "found no differences" between the rifles in the two photographs, he could not make a "positive identification to the exclusion of all other rifles of the same general configuration."⁸⁶

The authenticity of these pictures has been established by expert testimony which links the second picture, Commission Exhibit No. 133-B, to Oswald's Imperial Reflex camera, with which Marina Oswald testified she took the pictures.⁸⁷ The negative of that picture, Commission Exhibit No. 133-B, was found among Oswald's possessions.⁸⁸ Using a recognized technique of determining whether a picture was taken with a particular camera, Shaneyfelt compared this negative with a negative which he made by taking a new picture with Oswald's camera.⁸⁹ He concluded that the negative of Exhibit No. 133-B was exposed in Oswald's Imperial Reflex camera to the exclusion of all other cameras.⁹⁰ He could not test Exhibit No. 133-A in the same way because the negative was never recovered.⁹¹ Both pictures, however, have identical backgrounds and lighting and, judging from the shadows, were taken at the same angle. They are photographs of the same scene.⁹² Since Exhibit No. 133-B was taken with Oswald's camera, it is reasonably certain that Exhibit No. 133-A was taken by the same camera at the same time, as Marina Oswald testified. Moreover, Shaneyfelt testified that in his opinion the photographs were not composites of two different photographs and that Oswald's face had not been superimposed on another body.⁹³

One of the photographs taken by Marina Oswald was widely published in newspapers and magazines, and in many instances the details of these pictures differed from the original, and even from each other, particularly as to the configuration of the rifle. The Commission sought to determine whether these photographs were retouched prior to publication. Shaneyfelt testified that the published photographs appeared to be based on a copy of the original which the publications had each retouched differently.⁹⁴ Several of the publications furnished the Commission with the prints they had used, or described by correspondence the retouching they had done. This information enabled the Commission to conclude that the published pictures were the same as the original except for retouching done by these publications, apparently for the purpose of clarifying the lines of the rifle and other details in the picture.⁹⁵

The dates surrounding the taking of this picture and the purchase of the rifle reinforce the belief that the rifle in the photograph is the rifle which Oswald bought from Klein's. The rifle was shipped from Klein's in Chicago on March 20, 1963, at a time when the Oswalds were living on Neely Street.⁹⁶ From an examination of one of the photographs, the Commission determined 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 and the time it usually takes to effect delivery to Dallas, it was established that the photographs must have been taken sometime after March 27.⁹⁷ Marina Oswald testified that the photographs were taken on a Sunday about 2 weeks before the attempted shooting of Maj. Gen. Edwin A. Walker on April 10, 1963.⁹⁸ By Sunday, March 31, 1963, 10 days prior to the Walker attempt, Oswald had undoubtedly received the rifle shipped from Chicago on March 20, the revolver shipped from Los Angeles on the same date,⁹⁹ and the two newspapers which he was holding in the picture.

Rifle Among Oswald's Possessions

Marina Oswald testified that the rifle found on the sixth floor of the Depository Building was the "fateful rifle of Lee Oswald."¹⁰⁰ Moreover, it was the only rifle owned by her husband following his return from the Soviet Union in June 1962.¹⁰¹ It had been purchased in March 1963, and taken to New Orleans where Marina Oswald saw it in their rented apartment during the summer of 1963.¹⁰² It appears from his wife's testimony that Oswald may have sat on the screened-in porch at night practicing with the rifle by looking through the telescopic sight and operating the bolt.¹⁰³ In September 1963, Oswald loaded their possessions into a station wagon owned by Ruth Paine, who had invited Marina Oswald and the baby to live at her home in Irving,¹⁰⁴ Tex. Marina Oswald has stated that the rifle was among these possessions,¹⁰⁵ although Ruth Paine testified that she was not aware of it.¹⁰⁶

From September 24, 1963, when Marina Oswald arrived in Irving from New Orleans, until the morning of the assassination, the rifle was, according to the evidence, stored in a green and brown blanket in the Paines' garage among the Oswalds' other possessions.¹⁰⁷ About 1 week after the return from New Orleans, Marina Oswald was looking in the garage for parts to the baby's crib and thought that the parts might be in the blanket. When she started to open the blanket, she saw the stock of the rifle.¹⁰⁸ Ruth and Michael Paine both noticed the rolled-up blanket in the garage during the time that Marina Oswald was living in their home.¹⁰⁹ On several occasions, Michael Paine moved the blanket in the garage.¹¹⁰ He thought it contained tent poles, or possibly other camping equipment such as a folding shovel.¹¹¹ When he appeared before the Commission, Michael Paine lifted the blanket with the rifle wrapped inside and testified that it appeared to be the same approximate weight and shape as the package in his garage.¹¹²

About 3 hours after the assassination, a detective and deputy sheriff saw the blanket-roll, tied with a string, lying on the floor of the Paines' garage. Each man testified that he thought he could detect the outline of a rifle in the blanket, even though the blanket was empty.¹¹³ Paul M. Stombaugh, of the FBI Laboratory, examined the blanket and discovered a bulge approximately 10 inches long midway in the blanket. This bulge was apparently caused by a hard protruding

object which had stretched the blanket's fibers. It could have been caused by the telescopic sight of the rifle which was approximately 11 inches long.¹¹⁴ (See Commission Exhibit No. 1304, p. 132.)

Conclusion

Having reviewed the evidence that (1) Lee Harvey Oswald purchased the rifle used in the assassination, (2) Oswald's palmprint was on the rifle in a position which shows that he had handled it while it was disassembled, (3) fibers found on the rifle most probably came from the shirt Oswald was wearing on the day of the assassination, (4) a photograph taken in the yard of Oswald's apartment showed him holding this rifle, and (5) the rifle was kept among Oswald's possessions from the time of its purchase until the day of the assassination, the Commission concluded that the rifle used to assassinate President Kennedy and wound Governor Connally was owned and possessed by Lee Harvey Oswald.

THE RIFLE IN THE BUILDING

The Commission has evaluated the evidence tending to show how Lee Harvey Oswald's Mannlicher-Carcano rifle, serial number C2766, was brought into the Depository Building, where it was found on the sixth floor shortly after the assassination. In this connection the Commission considered (1) the circumstances surrounding Oswald's return to Irving, Tex., on Thursday, November 21, 1963, (2) the disappearance of the rifle from its normal place of storage, (3) Oswald's arrival at the Depository Building on November 22, carrying a long and bulky brown paper package, (4) the presence of a long handmade brown paper bag near the point from which the shots were fired, and (5) the palmprint, fiber, and paper analyses linking Oswald and the assassination weapon to this bag.

The Curtain Rod Story

During October and November of 1963, Lee Harvey Oswald lived in a roominghouse in Dallas while his wife and children lived in Irving, at the home of Ruth Paine,¹¹⁵ approximately 15 miles from Oswald's place of work at the Texas School Book Depository. Oswald traveled between Dallas and Irving on weekends in a car driven by a neighbor of the Paines, Buell Wesley Frazier, who also worked at the Depository.¹¹⁶ Oswald generally would go to Irving on Friday afternoon and return to Dallas Monday morning. According to the testimony of Frazier, Marina Oswald, and Ruth Paine, it appears that Oswald never returned to Irving in midweek prior to November 21, 1963, except on Monday, October 21, when he visited his wife in the hospital after the birth of their second child.¹¹⁷

During the morning of November 21, Oswald asked Frazier whether he could ride home with him that afternoon. Frazier, surprised, asked

him why he was going to Irving on Thursday night rather than Friday. Oswald replied, "I'm going home to get some curtain rods * * * [to] put in an apartment."¹¹⁸ The two men left work at 4:40 p.m. and drove to Irving. There was little conversation between them on the way home.¹¹⁹ Mrs. Linnie Mae Randle, Frazier's sister, commented to her brother about Oswald's unusual midweek return to Irving. Frazier told her that Oswald had come home to get curtain rods.¹²⁰

It would appear, however, that obtaining curtain rods was not the purpose of Oswald's trip to Irving on November 21. Mrs. A. C. Johnson, his landlady, testified that Oswald's room at 1026 North Beckley Avenue had curtains and curtain rods,¹²¹ and that Oswald had never discussed the subject with her.¹²² In the Paines' garage, along with many other objects of a household character, there were two flat lightweight curtain rods belonging to Ruth Paine but they were still there on Friday afternoon after Oswald's arrest.¹²³ Oswald never asked Mrs. Paine about the use of curtain rods,¹²⁴ and Marina Oswald testified that Oswald did not say anything about curtain rods on the day before the assassination.¹²⁵ No curtain rods were known to have been discovered in the Depository Building after the assassination.¹²⁶ In deciding whether Oswald carried a rifle to work in a long paper bag on November 22, the Commission gave weight to the fact that Oswald gave a false reason for returning home on November 21, and one which provided an excuse for the carrying of a bulky package the following morning.

The Missing Rifle

Before dinner on November 21, Oswald played on the lawn of the Paines' home with his daughter June.¹²⁷ After dinner Ruth Paine and Marina Oswald were busy cleaning house and preparing their children for bed.¹²⁸ Between the hours of 8 and 9 p.m. they were occupied with the children in the bedrooms located at the extreme east end of the house.¹²⁹ On the west end of the house is the attached garage, which can be reached from the kitchen or from the outside.¹³⁰ In the garage were the personal belongings of the Oswald family including, as the evidence has shown, the rifle wrapped in the old brown and green blanket.¹³¹

At approximately 9 p.m., after the children had been put to bed, Mrs. Paine, according to her testimony before the Commission, "went out to the garage to paint some children's blocks, and worked in the garage for half an hour or so. I noticed when I went out that the light was on."¹³² Mrs. Paine was certain that she had not left the light on in the garage after dinner.¹³³ According to Mrs. Paine, Oswald had gone to bed by 9 p.m.;¹³⁴ Marina Oswald testified that it was between 9 and 10 p.m.¹³⁵ Neither Marina Oswald nor Ruth Paine saw Oswald in the garage.¹³⁶ The period between 8 and 9 p.m., however, provided ample opportunity for Oswald to prepare the rifle for his departure the next morning. Only if disassembled could

the rifle fit into the paper bag found near the window¹³⁷ from which the shots were fired. A firearms expert with the FBI assembled the rifle in 6 minutes using a 10-cent coin as a tool, and he could disassemble it more rapidly.¹³⁸ While the rifle may have already been disassembled when Oswald arrived home on Thursday, he had ample time that evening to disassemble the rifle and insert it into the paper bag.

On the day of the assassination, Marina Oswald was watching television when she learned of the shooting. A short time later Mrs. Paine told her that someone had shot the President "from the building in which Lee is working." Marina Oswald testified that at that time "My heart dropped. 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.'" She did not unroll the blanket. She saw that it was in its usual position and it appeared to her to have something inside.¹³⁹

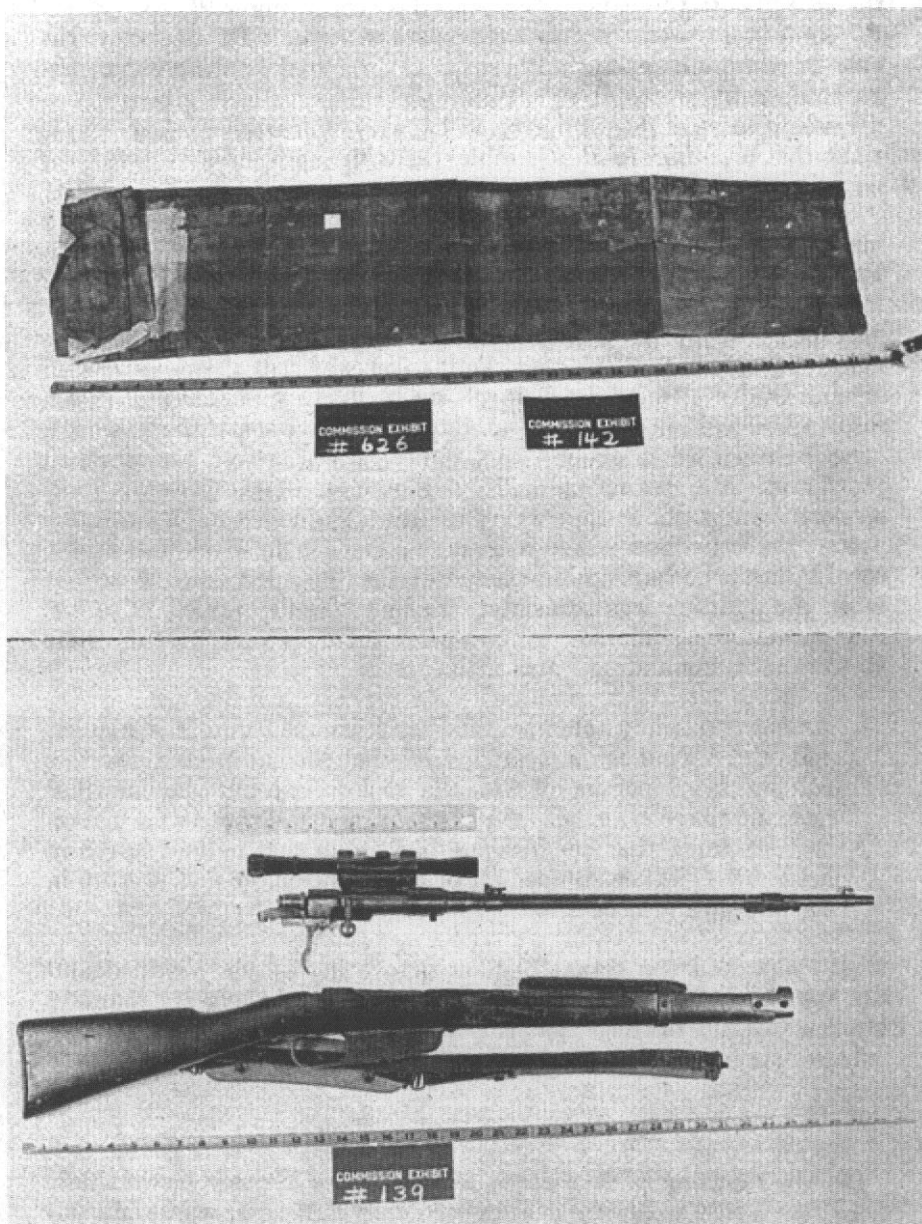
Soon afterward, at about 3 p.m., police officers arrived and searched the house. Mrs. Paine pointed out that most of the Oswalds' possessions were in the garage.¹⁴⁰ With Ruth Paine acting as an interpreter, Detective Rose asked Marina whether her husband had a rifle. Mrs. Paine, who had no knowledge of the rifle, first said "No," but when the question was translated, Marina Oswald replied "Yes."¹⁴¹ She pointed to the blanket which was on the floor very close to where Ruth Paine was standing. Mrs. Paine testified:

As she [Marina] told me about it I stepped onto the blanket roll. * * * And she indicated to me that she had peered into this roll and saw a portion of what she took to be a gun she knew her husband to have, a rifle. And I then translated this to the officers that she knew that her husband had a gun that he had stored in here. * * * I then stepped off of it and the officer picked it up in the middle and it bent so. * * *¹⁴²

Mrs. Paine had the actual blanket before her as she testified and she indicated that the blanket hung limp in the officer's hand.¹⁴³ Marina Oswald testified that this was her first knowledge that the rifle was not in its accustomed place.¹⁴⁴

The Long and Bulky Package

On the morning of November 22, 1963, Lee Harvey Oswald left the Paine house in Irving at approximately 7:15 a.m., while Marina Oswald was still in bed.¹⁴⁵ Neither she nor Mrs. Paine saw him leave the house.¹⁴⁶ About half-a-block away from the Paine house was the residence of Mrs. Linnie Mae Randle, the sister of the man with whom Oswald drove to work—Buell Wesley Frazier. Mrs. Randle stated that on the morning of November 22, while her brother was eating breakfast, she looked out the breakfast-room window and saw Oswald cross the street and walk toward the driveway where her brother parked his car near the carport. He carried a "heavy brown bag."¹⁴⁷ Oswald



C2766 Mannlicher-Carcano rifle and paper bag found on the sixth floor of the Texas School Book Depository.

COMMISSION EXHIBIT No. 1304

gripped the bag in his right hand near the top. "It tapered like this as he hugged it in his hand. It was * * * more bulky toward the bottom" than toward the top.¹⁴⁸ She then opened the kitchen door and saw Oswald open the right rear door of her brother's car and place the package in the back of the car.¹⁴⁹ Mrs. Randle estimated that the package was approximately 28 inches long and about 8 inches wide.¹⁵⁰ She thought that its color was similar to that of the bag found on the sixth floor of the School Book Depository after the assassination.¹⁵¹

Frazier met Oswald at the kitchen door and together they walked to the car.¹⁵² After entering the car, Frazier glanced over his shoulder and noticed a brown paper package on the back seat. He asked, "What's the package, Lee?" Oswald replied, "curtain rods."¹⁵³ Frazier told the Commission "* * * the main reason he was going over there that Thursday afternoon when he was to bring back some curtain rods, so I didn't think any more about it when he told me that."¹⁵⁴ Frazier estimated that the bag was 2 feet long "give and take a few inches," and about 5 or 6 inches wide.¹⁵⁵ As they sat in the car, Frazier asked Oswald where his lunch was, and Oswald replied that he was going to buy his lunch that day.¹⁵⁶ Frazier testified that Oswald carried no lunch bag that day. "When he rode with me, I say he always brought lunch except that one day on November 22 he didn't bring his lunch that day."¹⁵⁷

Frazier parked the car in the company parking lot about 2 blocks north of the Depository Building. Oswald left the car first, picked up the brown paper bag, and proceeded toward the building ahead of Frazier. Frazier walked behind and as they crossed the railroad tracks he watched the switching of the cars. Frazier recalled that one end of the package was under Oswald's armpit and the lower part was held with his right hand so that it was carried straight and parallel to his body. When Oswald entered the rear door of the Depository Building, he was about 50 feet ahead of Frazier. It was the first time that Oswald had not walked with Frazier from the parking lot to the building entrance.¹⁵⁸ When Frazier entered the building, he did not see Oswald.¹⁵⁹ One employee, Jack Dougherty, believed that he saw Oswald coming to work, but he does not remember that Oswald had anything in his hands as he entered the door.¹⁶⁰ No other employee has been found who saw Oswald enter that morning.¹⁶¹

In deciding whether Oswald carried the assassination weapon in the bag which Frazier and Mrs. Randle saw, the Commission has carefully considered the testimony of these two witnesses with regard to the length of the bag. Frazier and Mrs. Randle testified that the bag which Oswald was carrying was approximately 27 or 28 inches long,¹⁶² whereas the wooden stock of the rifle, which is its largest component, measured 34.8 inches.¹⁶³ The bag found on the sixth floor was 38 inches long.¹⁶⁴ (See Commission Exhibit No. 1304, p. 132.) When Frazier appeared before the Commission and was asked to demonstrate how Oswald carried the package, he said, "Like I said, I remember that I didn't look at the package very much * * *

but when I did look at it he did have his hands on the package like that,"¹⁶⁵ and at this point Frazier placed the upper part of the package under his armpit and attempted to cup his right hand beneath the bottom of the bag. The disassembled rifle was too long to be carried in this manner. Similarly, when the butt of the rifle was placed in Frazier's hand, it extended above his shoulder to ear level.¹⁶⁶ Moreover, in an interview on December 1, 1963, with agents of the FBI, Frazier had marked the point on the back seat of his car which he believed was where the bag reached when it was laid on the seat with one edge against the door. The distance between the point on the seat and the door was 27 inches.¹⁶⁷

Mrs. Randle said, when shown the paper bag, that the bag she saw Oswald carrying "wasn't that long, I mean it was folded down at the top as I told you. It definitely wasn't that long."¹⁶⁸ And she folded the bag to a length of about 28½ inches. Frazier doubted whether the bag that Oswald carried was as wide as the bag found on the sixth floor,¹⁶⁹ although Mrs. Randle testified that the width was approximately the same.¹⁷⁰

The Commission has weighed the visual recollection of Frazier and Mrs. Randle against the evidence here presented that the bag Oswald carried contained the assassination weapon and has concluded that Frazier and Randle are mistaken as to the length of the bag. Mrs. Randle saw the bag fleetingly and her first remembrance is that it was held in Oswald's right hand "and it almost touched the ground as he carried it."¹⁷¹ Frazier's view of the bag was from the rear. He continually advised that he was not paying close attention.¹⁷² For example, he said,

* * * I didn't pay too much attention the way he was walking because I was walking along there looking at the railroad cars and watching the men on the diesel switch them cars and I didn't pay too much attention on how he carried the package at all.¹⁷³

Frazier could easily have been mistaken when he stated that Oswald held the bottom of the bag cupped in his hand with the upper end tucked into his armpit.

Location of Bag

A handmade bag of wrapping paper and tape¹⁷⁴ was found in the southeast corner of the sixth floor alongside the window from which the shots were fired.¹⁷⁵ (See Commission Exhibit No. 2707, p. 142.) It was not a standard type bag which could be obtained in a store and it was presumably made for a particular purpose. It was the appropriate size to contain, in disassembled form, Oswald's Mannlicher-Carcano rifle, serial No. C2766, which was also found on the sixth floor.¹⁷⁶ Three cartons had been placed at the window apparently to act as a gun rest and a fourth carton was placed behind those at the window.¹⁷⁷ (See Commission Exhibit No. 1301,

p. 138.) A person seated on the fourth carton could assemble the rifle without being seen from the rest of the sixth floor because the cartons stacked around the southeast corner would shield him.¹⁷⁸ (See Commission Exhibit No. 723, p. 80.) The presence of the bag in this corner is cogent evidence that it was used as the container for the rifle. At the time the bag was found, Lieutenant Day of the Dallas police wrote on it, "Found next to the sixth floor window gun fired from. May have been used to carry gun. Lt. J. C. Day."¹⁷⁹

Scientific Evidence Linking Rifle and Oswald to Paper Bag

Oswald's fingerprint and palmprint found on bag.—Using a standard chemical method involving silver nitrates¹⁸⁰ the FBI Laboratory developed a latent palmprint and latent fingerprint on the bag. (See app. X, p. 565.) Sebastian F. Latona, supervisor of the FBI's Latent Fingerprint Section, identified these prints as the left index fingerprint and right palmprint of Lee Harvey Oswald.¹⁸¹ 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.¹⁸² These prints were examined independently by Ronald G. Wittmus of the FBI,¹⁸³ and by Arthur Mandella, a fingerprint expert with the New York City Police Department.¹⁸⁴ Both concluded that the prints were the right palm and left index finger of Lee Oswald. No other identifiable prints were found on the bag.¹⁸⁵

Oswald's palmprint on the bottom of the paper bag indicated, of course, that he had handled the bag. Furthermore, it was consistent with the bag having contained a heavy or bulky object when he handled it since a light object is usually held by the fingers.¹⁸⁶ The palmprint was found on the closed end of the bag. It was from Oswald's right hand, in which he carried the long package as he walked from Frazier's car to the building.¹⁸⁷

Materials used to make bag.—On the day of the assassination, the Dallas police obtained a sample of wrapping paper and tape from the shipping room of the Depository and forwarded it to the FBI Laboratory in Washington.¹⁸⁸ James C. Cadigan, a questioned-documents expert with the Bureau, compared the samples with the paper and tape in the actual bag. He testified, "In all of the observations and physical tests that I made I found * * * the bag * * * and the paper sample * * * were the same."¹⁸⁹

Among other tests, the paper and tape were submitted to fiber analysis and spectrographic examination.¹⁹⁰ In addition the tape was compared to determine whether the sample tape and the tape on the bag had been taken from the tape dispensing machine at the Depository. When asked to explain the similarity of characteristics, Cadigan stated:¹⁹¹

Well, briefly, it would be the thickness of both the paper and the tape, the color under various lighting conditions of both the paper and the tape, the width of the tape, the knurled markings

on the surface of the fiber, the texture of the fiber, the felting pattern * * *

* * * * *

I found that the paper sack found on the sixth floor * * * and the sample * * * had the same observable characteristics both under the microscope and all the visual tests that I could conduct.

* * * * *

The papers I also found were similar in fiber composition, therefore, in addition to the visual characteristics, microscopic and UV [ultra violet] characteristics.

Mr. Cadigan concluded that the paper and tape from the bag were identical in all respects to the sample paper and tape taken from the Texas School Book Depository shipping room on November 22, 1963.¹⁹²

On December 1, 1963, a replica bag was made from materials found on that date in the shipping room. This was done as an investigatory aid since the original bag had been discolored during various laboratory examinations and could not be used for valid identification by witnesses.¹⁹³ Cadigan found that the paper used to make this replica sack had different characteristics from the paper in the original bag.¹⁹⁴ The science of paper analysis enabled him to distinguish between different rolls of paper even though they were produced by the same manufacturer.¹⁹⁵

Since the Depository normally used approximately one roll of paper every 3 working days,¹⁹⁶ it was not surprising that the replica sack made on December 1, 1963, had different characteristics from both the actual bag and the sample taken on November 22. On the other hand, since two rolls could be made from the same batch of paper, one cannot estimate when, prior to November 22, Oswald made the paper bag. However, the complete identity of characteristics between the paper and tape in the bag found on the sixth floor and the paper and tape found in the shipping room of the Depository on November 22 enabled the Commission to conclude that the bag was made from these materials. The Depository shipping department was on the first floor to which Oswald had access in the normal performance of his duties filling orders.¹⁹⁷

Fibers in paper bag matched fibers in blanket.—When Paul M. Stombaugh of the FBI Laboratory examined the paper bag, he found, on the inside, a single brown delustered viscose fiber and several light green cotton fibers.¹⁹⁸ The blanket in which the rifle was stored was composed of brown and green cotton, viscose and woolen fibers.¹⁹⁹

The single brown viscose fiber found in the bag matched some of the brown viscose fibers from the blanket in all observable characteristics.²⁰⁰ The green cotton fibers found in the paper bag matched some of the green cotton fibers in the blanket "in all observable micro-

scopic characteristics.”²⁰¹ Despite these matches, however, Stombaugh was unable to render an opinion that the fibers which he found in the bag had probably come from the blanket, because other types of fibers present in the blanket were not found in the bag. He concluded:

All I would say here is that it is possible that these fibers could have come from this blanket, because this blanket is composed of brown and green woolen fibers, brown and green delustered viscose fibers, and brown and green cotton fibers. * * * We found no brown cotton fibers, no green viscose fibers, and no woolen fibers.

So if I found all of these then I would have been able to say these fibers probably had come from this blanket. But since I found so few, then I would say the possibility exists, these fibers could have come from this blanket.²⁰²

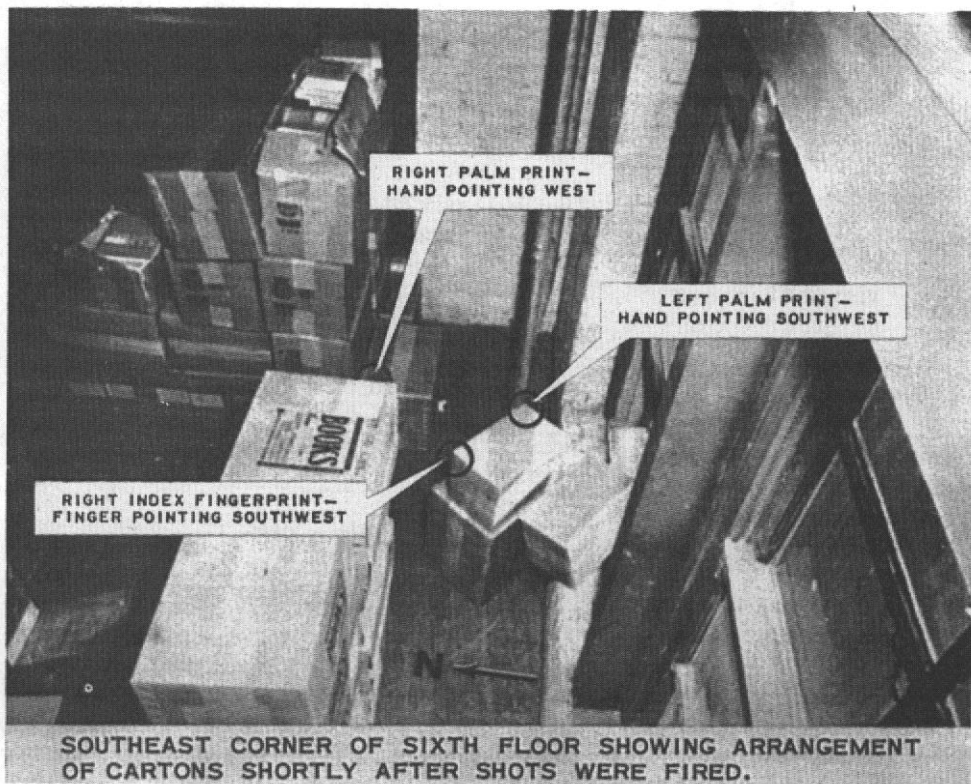
Stombaugh confirmed that the rifle could have picked up fibers from the blanket and transferred them to the paper bag.²⁰³ In light of the other evidence linking Lee Harvey Oswald, the blanket, and the rifle to the paper bag found on the sixth floor, the Commission considered Stombaugh's testimony of probative value in deciding whether Oswald carried the rifle into the building in the paper bag.

Conclusion

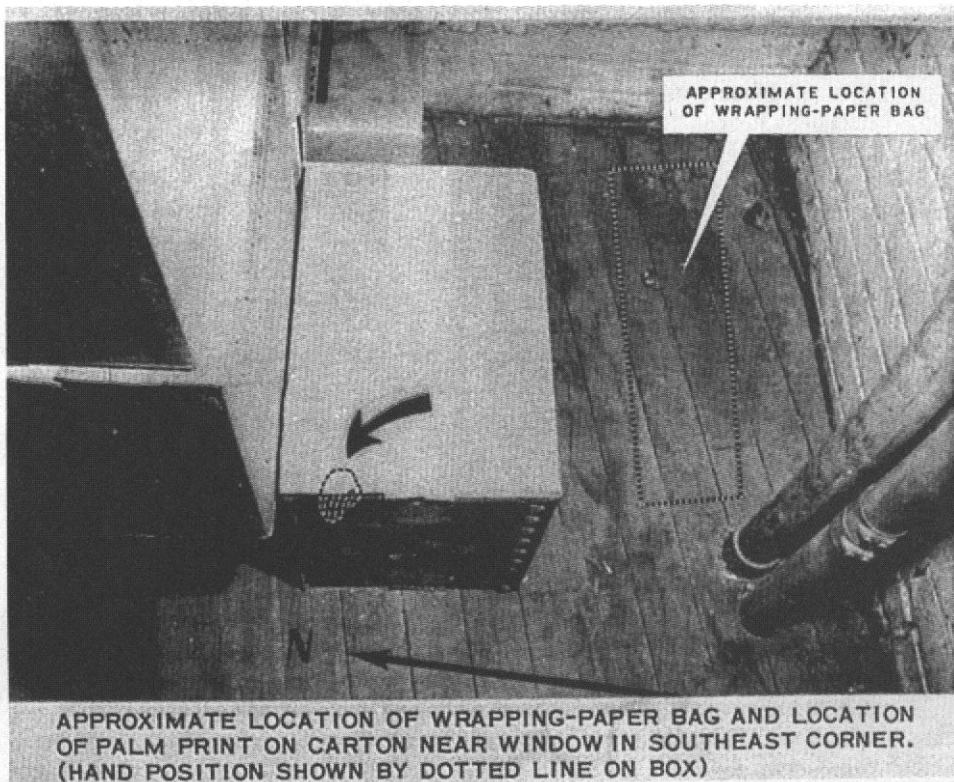
The preponderance of the evidence supports the conclusion that Lee Harvey Oswald (1) told the curtain rod story to Frazier to explain both the return to Irving on a Thursday and the obvious bulk of the package which he intended to bring to work the next day; (2) took paper and tape from the wrapping bench of the Depository and fashioned a bag large enough to carry the disassembled rifle; (3) removed the rifle from the blanket in the Paines' garage on Thursday evening; (4) carried the rifle into the Depository Building, concealed in the bag; and, (5) left the bag alongside the window from which the shots were fired.

OSWALD AT WINDOW

Lee Harvey Oswald was hired on October 15, 1963, by the Texas School Book Depository as an “order filler.”²⁰⁴ He worked principally on the first and sixth floors of the building, gathering books listed on orders and delivering them to the shipping room on the first floor.²⁰⁵ He had ready access to the sixth floor,²⁰⁶ from the southeast corner window of which the shots were fired.²⁰⁷ The Commission evaluated the physical evidence found near the window after the assassination and the testimony of eyewitnesses in deciding whether Lee Harvey Oswald was present at this window at the time of the assassination.



COMMISSION EXHIBIT No. 1301



APPROXIMATE LOCATION OF WRAPPING-PAPER BAG AND LOCATION OF PALM PRINT ON CARTON NEAR WINDOW IN SOUTHEAST CORNER. (HAND POSITION SHOWN BY DOTTED LINE ON BOX)

COMMISSION EXHIBIT No. 1302

Palprints and Fingerprints on Cartons and Paper Bag

Below the southeast corner window on the sixth floor was a large carton of books measuring approximately 18 by 12 by 14 inches which had been moved from a stack along the south wall.²⁰⁸ Atop this carton was a small carton marked "Rolling Readers," measuring approximately 13 by 9 by 8 inches.²⁰⁹ In front of this small carton and resting partially on the windowsill was another small "Rolling Readers" carton.²¹⁰ These two small cartons had been moved from a stack about three aisles away.²¹¹ The boxes in the window appeared to have been arranged as a convenient gun rest.²¹² (See Commission Exhibit No. 1301, p. 138.) Behind these boxes was another carton placed on the floor on which a man sitting could look southwesterly down Elm Street over the top of the "Rolling Readers" cartons.²¹³ Next to these cartons was the handmade paper bag, previously discussed, on which appeared the print of the left index finger and right palm of Lee Harvey Oswald.²¹⁴ (See Commission Exhibit No. 1302, p. 139.)

The cartons were forwarded to the FBI in Washington. Sebastian F. Latona, supervisor of the Latent Fingerprint Section, testified that 20 identifiable fingerprints and 8 palprints were developed on these cartons.²¹⁵ The carton on the windowsill and the large carton below the window contained no prints which could be identified as being those of Lee Harvey Oswald.²¹⁶ The other "Rolling Readers" carton, however, contained a palprint and a fingerprint which were identified by Latona as being the left palprint and right index fingerprint of Lee Harvey Oswald.²¹⁷ (See app. X, p. 566.)

The Commission has considered the possibility that the cartons might have been moved in connection with the work that was being performed on the sixth floor on November 22. Depository employees were laying a new floor at the west end and transferring books from the west to the east end of the building.²¹⁸ The "Rolling Readers" cartons, however, had not been moved by the floor layers and had apparently been taken to the window from their regular position for some particular purpose.²¹⁹ The "Rolling Readers" boxes contained, instead of books, light blocks used as reading aids.²²⁰ They could be easily adjusted and were still solid enough to serve as a gun rest.

The box on the floor, behind the three near the window, had been one of these moved by the floor layers from the west wall to near the east side of the building in preparation for the laying of the floor.²²¹ During the afternoon of November 22, Lieutenant Day of the Dallas police dusted this carton with powder and developed a palprint on the top edge of the carton on the side nearest the window.²²² The position of this palprint on the carton was 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.²²³ Someone sitting on the box facing the window would have his palm in this position if he placed his hand alongside his right hip. (See Commission Exhibit No. 1302, p. 139.) This print

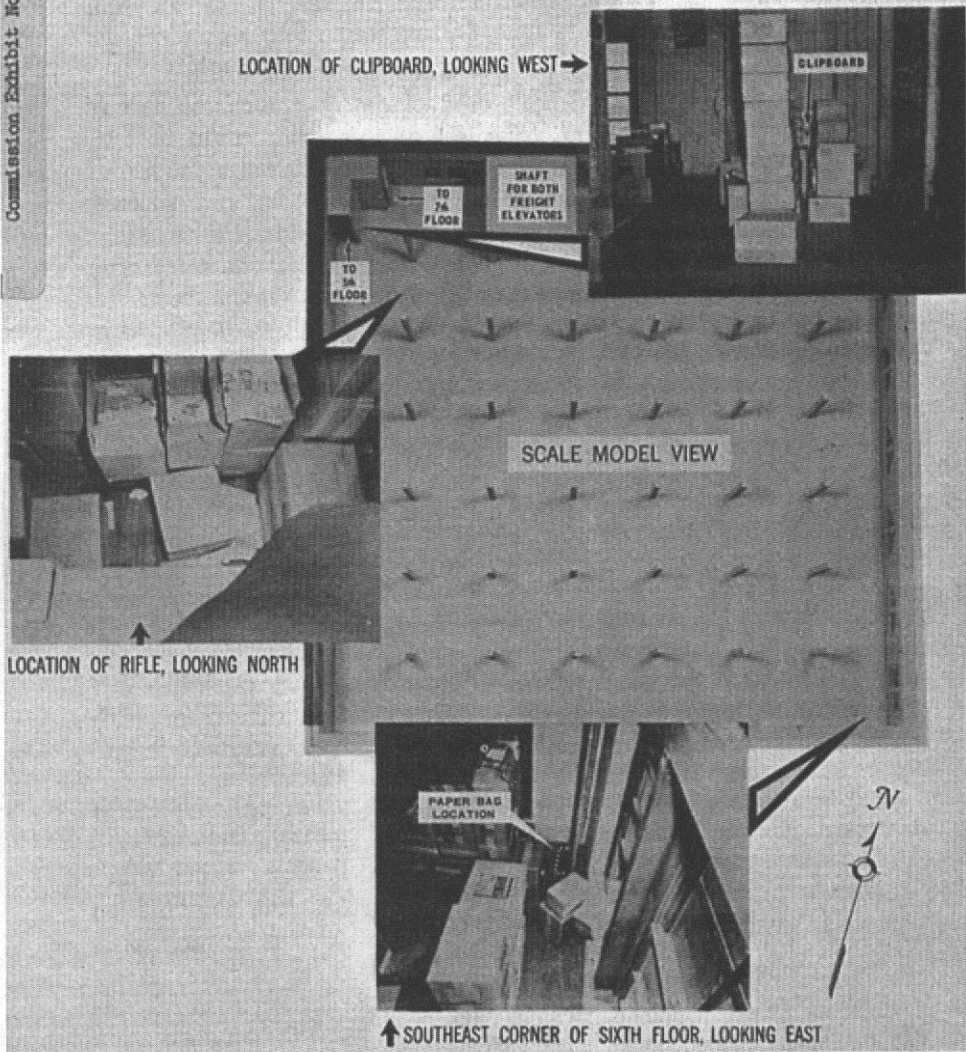
which had been cut out of the box was also forwarded to the FBI and Latona identified it as Oswald's right palmprint.²²⁴ In Latona's opinion "not too long" a time had elapsed between the time that the print was placed on the carton and the time that it had been developed by the Dallas police.²²⁵ Although Bureau experiments had shown that 24 hours was a likely maximum time, Latona stated that he could only testify with certainty that the print was less than 3 days old.²²⁶

The print, therefore, could have been placed on the carton at any time within this period. The freshness of this print could be estimated only because the Dallas police developed it through the use of powder. Since cartons absorb perspiration, powder can successfully develop a print on such material²²⁷ only within a limited time. When the FBI in Washington received the cartons, the remaining prints, including Oswald's on the Rolling Readers carton, were developed by chemical processes. The freshness of prints developed in this manner²²⁸ cannot be estimated, so no conclusions can be drawn as to whether these remaining prints preceded or followed the print developed in Dallas by powder. Most of the prints were found to have been placed on the cartons by an FBI clerk and a Dallas police officer after the cartons had been processed with powder by the Dallas Police.²²⁹ (See ch. VI, p. 249; app. X, p. 566.)

In his independent investigation, Arthur Mandella of the New York City Police Department reached the same conclusion as Latona that the prints found on the cartons were those of Lee Harvey Oswald.²²⁹ In addition, Mandella was of the opinion that the print taken from the carton on the floor was probably made within a day or a day and a half of the examination on November 22.²³⁰ Moreover, another expert with the FBI, Ronald G. Wittmus, conducted a separate examination and also agreed with Latona that the prints were Oswald's.²³¹

In evaluating the significance of these fingerprint and palmprint identifications, the Commission considered the possibility that Oswald handled these cartons as part of his normal duties. Since other identifiable prints were developed on the cartons, the Commission requested that they be compared with the prints of the 12 warehouse employees who, like Oswald, might have handled the cartons. They were also compared with the prints of those law enforcement officials who might have handled the cartons. The results of this investigation are fully discussed in chapter VI, page 249. Although a person could handle a carton and not leave identifiable prints, none of these employees except Oswald left identifiable prints on the cartons.²³² This finding, in addition to the freshness of one of the prints and the presence of Oswald's prints on two of the four cartons and the paper bag led the Commission to attach some probative value to the fingerprint and palmprint identifications in reaching the conclusion that Oswald was at the window from which the shots were fired, although the prints do not establish the exact time he was there.

SIXTH FLOOR, TEXAS SCHOOL BOOK DEPOSITORY DALLAS, TEXAS



COMMISSION EXHIBIT No. 2707

Oswald's Presence on Sixth Floor Approximately 35 Minutes Before the Assassination

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 known 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 section of the sixth floor.²³³ At about 11:45 a.m. the floor-laying crew used both elevators to come down from the sixth floor. The employees raced the elevators to the first floor.²³⁴ Givens saw Oswald standing at the gate on the fifth floor as the elevator went by.²³⁵ Givens testified that after reaching the first floor, "I discovered I left my cigarettes in my jacket pocket upstairs, and I took the elevator back upstairs to get my jacket with my cigarettes in it."²³⁶ He saw Oswald, a clipboard in hand, walking from the southeast corner of the sixth floor toward the elevator.²³⁷ (See Commission Exhibit No. 2707, p. 142.) 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."²³⁸ Oswald was referring to the west elevator which operates by pushbutton and only with the gate closed.²³⁹ 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.²⁴⁰ None of the Depository employees is known to have seen Oswald again until after the shooting.²⁴¹

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 hidden by book cartons in the northwest corner of the sixth floor at the west wall a few feet from where the rifle had been found.²⁴² This clipboard had been made by Kaiser and had his name on it.²⁴³ Kaiser identified it as the clipboard which Oswald had appropriated from him when Oswald came to work at the Depository.²⁴⁴ Three invoices on this clipboard, each dated November 22, were for Scott-Foresman books, located on the first and sixth floors.²⁴⁵ Oswald had not filled any of the three orders.²⁴⁶

Eyewitness Identification of Assassin

Howard L. Brennan was an eyewitness to the shooting. As indicated previously the Commission considered his testimony as probative in reaching the conclusion that the shots came from the sixth floor, southeast corner window of the Depository Building.²⁴⁷ (See ch. III, pp. 61-68.) Brennan also testified 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.²⁴⁸ When the shots were fired, Brennan was in an excellent position to observe anyone in the window. He was sitting

on a concrete wall on the southwest corner of Elm and Houston Streets, looking north at the Depository Building which was directly in front of him.²⁴⁹ The window was approximately 120 feet away.²⁵⁰ (See Commission Exhibit No. 477, p. 62.)

In the 6- to 8-minute period before the motorcade arrived,²⁵¹ Brennan saw a man leave and return to the window "a couple of times."²⁵² After hearing the first shot, which he thought was a motorcycle backfire, Brennan glanced up at the window. He testified that "this man I saw previously was aiming for his last shot * * * as it appeared to me he was standing up and resting against the left window sill * * *."²⁵³

Brennan saw the man fire the last shot and disappear from the window. Within minutes of the assassination, Brennan described the man to the police.²⁵⁴ This description most probably led to the radio alert sent to police cars at approximately 12:45 p.m., which described the suspect as white, slender, weighing about 165 pounds, about 5'10" tall, and in his early thirties.²⁵⁵ In his sworn statement to the police later that day, Brennan described the man in similar terms, except that he gave the weight as between 165 and 175 pounds and the height was omitted.²⁵⁶ 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."²⁵⁷ Oswald was 5'9", slender and 24 years old. When arrested, he gave his weight as 140 pounds.²⁵⁸ On other occasions he gave weights of both 140 and 150 pounds.²⁵⁹ The New Orleans police records of his arrest in August of 1963 show a weight of 136 pounds.²⁶⁰ The autopsy report indicated an estimated weight of 150 pounds.²⁶¹

Brennan's description should also be compared with the eyewitness description broadcast over the Dallas police radio at 1:22 p.m. of the man who shot Patrolman J. D. Tippit. The suspect was described as "a white male about 30, 5'8", black hair, slender. * * *"²⁶² At 1:29 p.m. the police radio reported that the description of the suspect in the Tippit shooting was similar to the description which had been given by Brennan in connection with the assassination.²⁶³ Approximately 7 or 8 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."²⁶⁴ 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 when he fired the shots,²⁶⁵ most probably he was either sitting or kneeling. The half-open window,²⁶⁶ the arrangement of the boxes,²⁶⁷ and the angle of the shots virtually preclude a standing position.²⁶⁸ 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. Brennan testified that they were standing,²⁶⁹ which is their apparent position in the photograph.²⁷⁰ (See Dillard Ex-

hibits Nos. C and D, pp. 66-67.) But the testimony of these employees,²⁷¹ together with photographs subsequently taken of them at the scene of the assassination,²⁷² establishes that they were either squatting or kneeling. (See Commission Exhibit No. 485, p. 69.) Since the window ledges in the Depository Building are lower than in most buildings,²⁷³ a person squatting or kneeling exposes more of his body than would normally be the case. From the street, this creates the impression that the person is standing. Brennan could have seen enough of the body of a kneeling or squatting person to estimate his height.

Shortly after the assassination Brennan noticed two of these employees leaving the building and immediately identified them as having been in the fifth-floor windows.²⁷⁴ When the three employees appeared before the Commission, Brennan identified the two whom he saw leave the building.²⁷⁵ The two men, Harold Norman and James Jarman, Jr., each confirmed that when they came out of the building, they saw and heard Brennan describing what he had seen.²⁷⁶ 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.”²⁷⁷ 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.”²⁷⁸

During the evening of November 22, Brennan identified Oswald as the person in the lineup who bore the closest resemblance to the man in the window but he said he was unable to make a positive identification.²⁷⁹ Prior to the lineup, Brennan had seen Oswald's picture on television and he told the Commission that whether this affected his identification “is something I do not know.”²⁸⁰ In an interview with FBI agents on December 17, 1963, Brennan stated that he was sure that the person firing the rifle was Oswald.²⁸¹ In another interview with FBI agents on January 7, 1964, Brennan appeared to revert to his earlier inability to make a positive identification,²⁸² 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 22.²⁸³

Brennan told the Commission that he could have made 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.”²⁸⁴ 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.”²⁸⁵

Although the record indicates that Brennan was an accurate observer, he declined to make a positive identification of Oswald when he first saw him in the police lineup.²⁸⁶ The Commission, therefore,

does not base its conclusion concerning the identity of the assassin on Brennan's subsequent certain identification of Lee Harvey Oswald as the man he saw fire the rifle. Immediately after the assassination, however, Brennan described to the police the man he saw in the window and then identified Oswald as the person who most nearly resembled the man he saw. The Commission is satisfied that, at the least, Brennan saw a man in the window who closely resembled Lee Harvey Oswald, and that Brennan believes the man he saw was in fact Lee Harvey Oswald.

Two other witnesses were able to offer partial descriptions of a man they saw in the southeast corner window of the sixth floor approximately 1 minute before the assassination, although neither witness saw the shots being fired.²⁸⁷ Ronald Fischer and Robert Edwards were standing on the curb at the southwest corner of Elm and Houston Streets,²⁸⁸ the same corner where Brennan was sitting on a concrete wall.²⁸⁹ Fischer testified that about 10 or 15 seconds before the motorcade turned onto Houston Street from Main Street, Edwards said, "Look at that guy there in that window."²⁹⁰

Fischer looked up and watched the man in the window for 10 or 15 seconds and then started watching the motorcade, which came into view on Houston Street.²⁹¹ He said that the man held his attention until the motorcade came because the man :

* * * appeared uncomfortable for one, and secondly, he wasn't watching * * * he didn't look like he was watching for the parade. He looked like he was looking down toward the Trinity River and the Triple Underpass down at the end—toward the end of Elm Street. And * * * all the time I watched him, he never moved his head, he never—he never moved anything. Just was there transfixed.²⁹²

Fischer placed the man in the easternmost window on the south side of the Depository Building on either the fifth or the sixth floor.²⁹³ He said that he could see the man from the middle of his chest to the top of his head, and that as he was facing the window the man was in the lower right-hand portion of the window and "seemed to be sitting a little forward."²⁹⁴ The man was dressed in a light-colored, open-neck shirt which could have been either a sports shirt or a T-shirt, and he had brown hair, a slender face and neck with light complexion, and looked to be 22 or 24 years old.²⁹⁵ The person in the window was a white man and "looked to me like he was looking straight at the Triple Underpass" down Elm Street.²⁹⁶ Boxes and cases were stacked behind him.²⁹⁷

Approximately 1 week after the assassination, according to Fischer, policemen showed him a picture of Oswald.²⁹⁸ In his testimony he said, "I told them that that could have been the man. * * * That that could have been the man that I saw in the window in the School Book Depository Building, but that I was not sure."²⁹⁹ Fischer described the man's hair as some shade of brown—"it wasn't dark

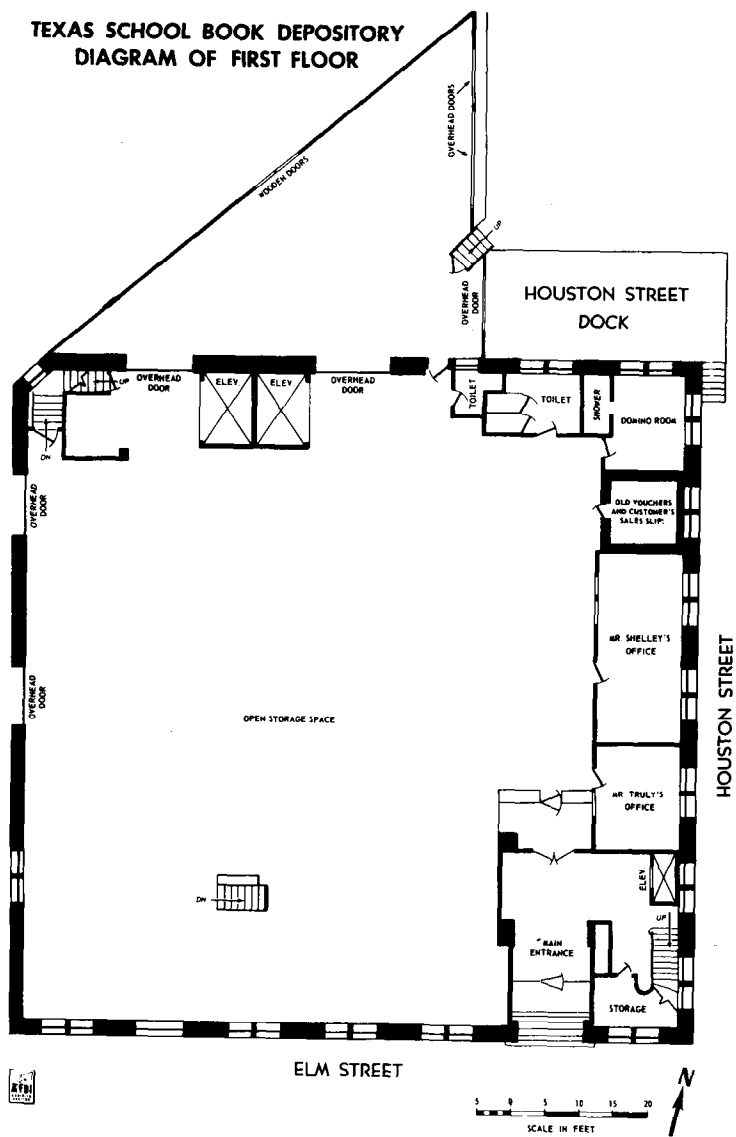
and it wasn't light." ³⁰⁰ On November 22, Fischer had apparently described the man as "light-headed." ³⁰¹ Fischer explained that he did not mean by the earlier statement that the man was blond, but rather that his hair was not black. ³⁰²

Robert Edwards said that, while looking at the south side of the Depository Building shortly before the motorcade, he saw nothing of importance "except maybe one individual who was up there in the corner room of the sixth floor which was crowded in among boxes." ³⁰³ He said that this was a white man about average in size, "possibly thin," and that he thought the man had light-brown hair. ³⁰⁴ Fischer and Edwards did not see the man clearly enough or long enough to identify him. Their testimony is of probative value, however, because their limited description is consistent with that of the man who has been found by the Commission, based on other evidence, to have fired the shots from the window.

Another person who saw the assassin as the shots were fired was Amos L. Euins, age 15, who was one of the first witnesses to alert the police to the Depository as the source of the shots, as has been discussed in chapter III. ³⁰⁵ Euins, who was on the southwest corner of Elm and Houston Streets, ³⁰⁶ testified that he could not describe the man he saw in the window. According to Euins, however, as the man lowered his head in order to aim the rifle down Elm Street, he appeared to have a white bald spot on his head. ³⁰⁷ Shortly after the assassination, Euins signed an affidavit describing the man as "white," ³⁰⁸ but a radio reporter testified that Euins described the man to him as "colored." ³⁰⁹ In his Commission testimony, Euins stated that he could not ascertain the man's race and that the statement in the affidavit was intended to refer only to the white spot on the man's head and not to his race. ³¹⁰ A Secret Service agent who spoke to Euins approximately 20 to 30 minutes after the assassination confirmed that Euins could neither describe the man in the window nor indicate his race. ³¹¹ Accordingly, Euins' testimony is considered probative as to the source of the shots but is inconclusive as to the identity of the man in the window.

In evaluating the evidence that Oswald was at the southeast corner window of the sixth floor at the time of the shooting, the Commission has considered the allegation that Oswald was photographed standing in front of the building when the shots were fired. The picture which gave rise to these allegations was taken by Associated Press Photographer James W. Altgens, who was standing on the south side of Elm Street between the Triple Underpass and the Depository Building. ³¹² As the motorcade started its descent down Elm Street, Altgens snapped a picture of the Presidential limousine with the entrance to the Depository Building in the background. ³¹³ Just before snapping the picture Altgens heard a noise which sounded like the popping of a firecracker. Investigation has established that Altgens' picture was taken approximately 2 seconds after the firing of the shot which entered the back of the President's neck. ³¹⁴

TEXAS SCHOOL BOOK DEPOSITORY
 DIAGRAM OF FIRST FLOOR



COMMISSION EXHIBIT No. 1061

In the background of this picture were several employees watching the parade from the steps of the Depository Building. One of these employees was alleged to resemble Lee Harvey Oswald.³¹⁵ The Commission has determined that the employee was in fact Billy Nolan Lovelady, who identified himself in the picture.³¹⁶ Standing alongside him were Buell Wesley Frazier³¹⁷ and William Shelley,³¹⁸ who also identified Lovelady. The Commission is satisfied that Oswald does not appear in this photograph. (See Commission Exhibit No. 900, p. 113.)

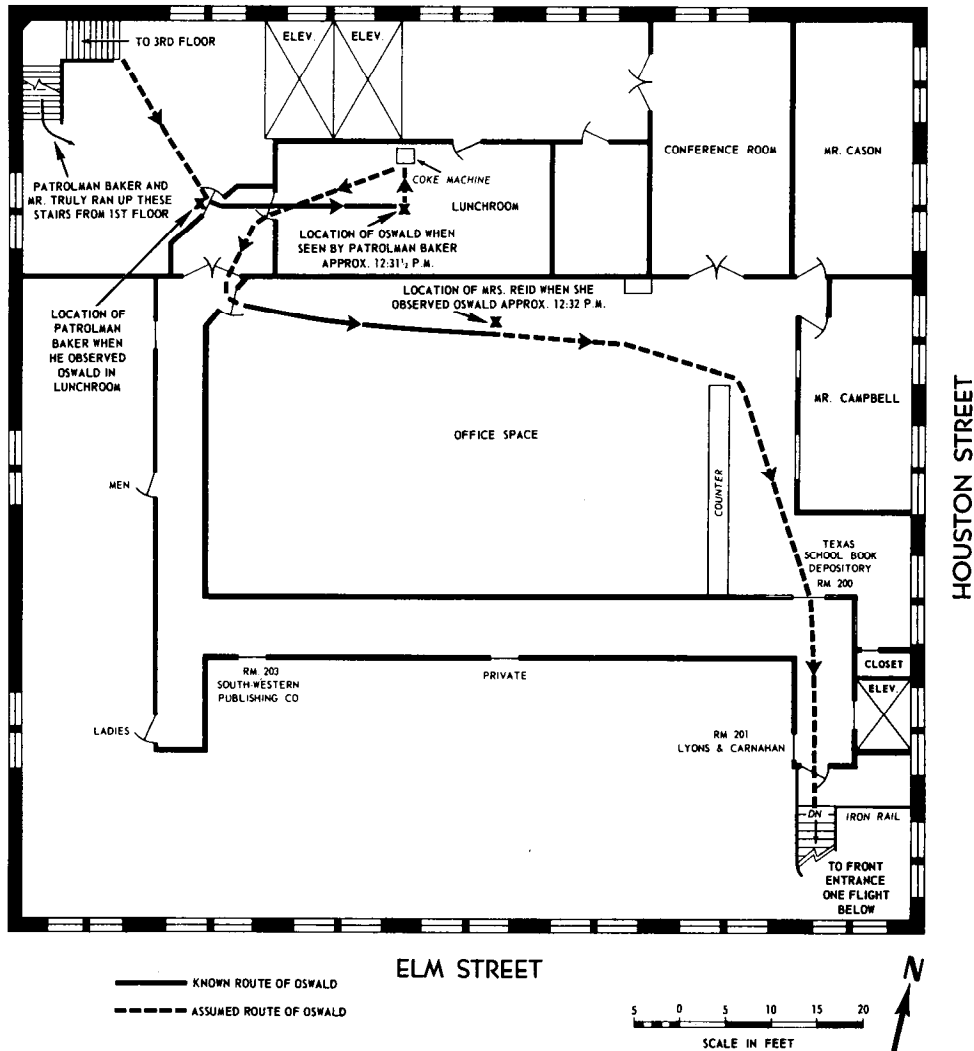
Oswald's Actions in Building After Assassination

In considering whether Oswald was at the southeast corner window at the time the shots were fired, the Commission has reviewed the testimony of witnesses who saw Oswald in the building within minutes after the assassination. The Commission has found that Oswald's movements, as described by these witnesses, are consistent with his having been at the window at 12:30 p.m.

The encounter in the lunchroom.—The first person to see Oswald after the assassination was Patrolman M. L. Baker of the Dallas Police Department. Baker was riding a two-wheeled motorcycle behind the last press car of the motorcade.³¹⁹ As he turned the corner from Main onto Houston at a speed of about 5 to 10 miles per hour,³²⁰ a strong wind blowing from the north almost unseated him.³²¹ At about this time he heard the first shot.³²² Having recently heard the sounds of rifles while on a hunting trip, Baker recognized the shots as that of a high-powered rifle; "it sounded high and I immediately kind of looked up, and I had a feeling that it came from the building, either right in front of me [the Depository Building] or of the one across to the right of it."³²³ He saw pigeons flutter upward. He was not certain, "but I am pretty sure they came from the building right on the northwest corner."³²⁴ He heard two more shots spaced "pretty well even to me."³²⁵ After the third shot, he "revved that motorcycle up," drove to the northwest corner of Elm and Houston, and parked approximately 10 feet from the traffic signal.³²⁶ As he was parking he noted that people were "falling, and they were rolling around down there * * * grabbing their children" and rushing about.³²⁷ A woman screamed, "Oh, they have shot that man, they have shot that man."³²⁸ Baker "had it in mind that the shots came from the top of this building here," so he ran straight to the entrance of the Depository Building.³²⁹

Baker testified that he entered the lobby of the building and "spoke out and asked where the stairs or elevator was * * * and this man, Mr. Truly, spoke up and says, it seems to me like he says, 'I am a building manager. Follow me, officer, and I will show you.'"³³⁰ Baker and building superintendent Roy Truly went through a second set of doors³³¹ and stopped at a swinging door where Baker bumped into Truly's back.³³² They went through the swinging door and continued at "a good trot" to the northwest corner of the floor where Truly hoped to find one of the two freight elevators. (See Commission

TEXAS SCHOOL BOOK DEPOSITORY DIAGRAM OF SECOND FLOOR SHOWING ROUTE OF OSWALD



COMMISSION EXHIBIT No. 1118

Exhibit No. 1061, p. 148.) Neither elevator was there.³³³ Truly pushed the button for the west elevator which operates automatically if the gate is closed.³³⁴ He shouted twice, "Turn loose the elevator."³³⁵ When the elevator failed to come, Baker said, "let's take the stairs," and he followed Truly up the stairway, which is to the west of the elevator.³³⁶

The stairway is located in the northwest corner of the Depository Building. The stairs from one floor to the next are "L-shaped," with both legs of the "L" approximately the same length. Because the stairway itself is enclosed, neither Baker nor Truly could see anything on the second-floor hallway until they reached the landing at the top of the stairs.³³⁷ On the second-floor landing there is a small open area with a door at the east end. This door leads into a small vestibule, and another door leads from the vestibule into the second-floor lunchroom.³³⁸ (See Commission Exhibit No. 1118, p. 150.) The lunchroom door is usually open, but the first door is kept shut by a closing mechanism on the door.³³⁹ This vestibule door is solid except for a small glass window in the upper part of the door.³⁴⁰ As Baker reached the second floor, he was about 20 feet from the vestibule door.³⁴¹ He intended to continue around to his left toward the stairway going up but through the window in the door he caught a fleeting glimpse of a man walking in the vestibule toward the lunchroom.³⁴²

Since the vestibule door is only a few feet from the lunchroom door,³⁴³ the man must have entered the vestibule only a second or two before Baker arrived at the top of the stairwell. Yet he must have entered the vestibule door before Truly reached the top of the stairwell, since Truly did not see him.³⁴⁴ If the man had passed from the vestibule into the lunchroom, Baker could not have seen him. Baker said:

He [Truly] had already started around the bend to come to the next elevator going up, I was coming out this one on the second floor, and I don't know, I was kind of sweeping this area as I come up, I was looking from right to left and as I got to this door here I caught a glimpse of this man, just, you know, a sudden glimpse * * * and it looked to me like he was going away from me. * * *

I can't say whether he had gone on through that door [the lunchroom door] or not. All I did was catch a glance at him, and evidently he was—this door might have been, you know, closing and almost shut at that time.³⁴⁵

With his revolver drawn, Baker opened the vestibule door and ran into the vestibule. He saw a man walking away from him in the lunchroom. Baker stopped at the door of the lunchroom and commanded, "Come here."³⁴⁶ The man turned and walked back toward Baker.³⁴⁷ He had been proceeding toward the rear of the lunchroom.³⁴⁸ Along a side wall of the lunchroom was a soft drink vending machine,³⁴⁹ but at that time the man had nothing in his hands.³⁵⁰

Meanwhile, Truly had run up several steps toward the third floor. Missing Baker, he came back to find the officer in the doorway to the lunchroom "facing Lee Harvey Oswald."³⁵¹ Baker turned to Truly and said, "Do you know this man, does he work here?"³⁵² Truly replied, "Yes."³⁵³ Baker stated later that the man did not seem to be out of breath; he seemed calm. "He never did say a word or nothing. In fact, he didn't change his expression one bit."³⁵⁴ Truly said of Oswald: "He didn't seem to be excited or overly afraid or anything. He might have been a bit startled, like I might have been if somebody confronted me. But I cannot recall any change in expression of any kind on his face."³⁵⁵ Truly thought that the officer's gun at that time appeared to be almost touching the middle portion of Oswald's body. Truly also noted at this time that Oswald's hands were empty.³⁵⁶

In an effort to determine whether Oswald could have descended to the lunchroom from the sixth floor by the time Baker and Truly arrived, Commission counsel asked Baker and Truly to repeat their movements from the time of the shot until Baker came upon Oswald in the lunchroom. Baker placed himself on a motorcycle about 200 feet from the corner of Elm and Houston Streets where he said he heard the shots.³⁵⁷ Truly stood in front of the building.³⁵⁸ At a given signal, they reenacted the event. Baker's movements were timed with a stopwatch. On the first test, the elapsed time between the simulated first shot and Baker's arrival on the second-floor stair landing was 1 minute and 30 seconds. The second test run required 1 minute and 15 seconds.³⁵⁹

A test was also conducted to determine the time required to walk from the southeast corner of the sixth floor to the second-floor lunchroom by stairway. Special Agent John Howlett of the Secret Service carried a rifle from the southeast corner of the sixth floor along the east aisle to the northeast corner. He placed the rifle on the floor near the site where Oswald's rifle was actually found after the shooting. Then Howlett walked down the stairway to the second-floor landing and entered the lunchroom. The first test, run at normal walking pace, required 1 minute, 18 seconds;³⁶⁰ the second test, at a "fast walk" took 1 minute, 14 seconds.³⁶¹ The second test followed immediately after the first. The only interval was the time necessary to ride in the elevator from the second to the sixth floor and walk back to the southeast corner. Howlett was not short winded at the end of either test run.³⁶²

The minimum time required by Baker to park his motorcycle and reach the second-floor lunchroom was within 3 seconds of the time needed to walk from the southeast corner of the sixth floor down the stairway to the lunchroom. The time actually required for Baker and Truly to reach the second floor on November 22 was probably longer than in the test runs. For example, Baker required 15 seconds after the simulated shot to ride his motorcycle 180 to 200 feet, park it, and run 45 feet to the building.³⁶³ No allowance was made for the special conditions which existed on the day of the assassination—possible delayed reaction to the shot, jostling with the crowd of people on

the steps and scanning the area along Elm Street and the parkway.³⁶⁴ Baker said, "We simulated the shots and by the time we got there, we did everything that I did that day, and this would be the minimum, because I am sure that I, you know, it took me a little longer."³⁶⁵ On the basis of this time test, therefore, the Commission concluded that Oswald could have fired the shots and still have been present in the second-floor lunchroom when seen by Baker and Truly.

That Oswald descended by stairway from the sixth floor to the second-floor lunchroom is consistent with the movements of the two elevators, which would have provided the other possible means of descent. When Truly, accompanied by Baker, ran to the rear of the first floor, he was certain that both elevators, which occupy the same shaft,³⁶⁶ were on the fifth floor.³⁶⁷ Baker, not realizing that there were two elevators, thought that only one elevator was in the shaft and that it was two or three floors above the second floor.³⁶⁸ In the few seconds which elapsed while Baker and Truly ran from the first to the second floor, neither of these slow elevators could have descended from the fifth to the second floor. Furthermore, no elevator was at the second floor when they arrived there.³⁶⁹ Truly and Baker continued up the stairs after the encounter with Oswald in the lunchroom. There was no elevator on the third or fourth floor. The east elevator was on the fifth floor when they arrived; the west elevator was not. They took the east elevator to the seventh floor and ran up a stairway to the roof where they searched for several minutes.³⁷⁰

Jack Dougherty, an employee working on the fifth floor, testified that he took the west elevator to the first floor after hearing a noise which sounded like a backfire.³⁷¹ Eddie Piper, the janitor, told Dougherty that the President had been shot,³⁷² but in his testimony Piper did not mention either seeing or talking with Dougherty during these moments of excitement.³⁷³ Both Dougherty and Piper were confused witnesses. They had no exact memory of the events of that afternoon. Truly was probably correct in stating that the west elevator was on the fifth floor when he looked up the elevator shaft from the first floor. The west elevator was not on the fifth floor when Baker and Truly reached that floor, probably because Jack Dougherty took it to the first floor while Baker and Truly were running up the stairs or in the lunchroom with Oswald. Neither elevator could have been used by Oswald as a means of descent.

Oswald's use of the stairway is consistent with the testimony of other employees in the building. Three employees—James Jarman, Jr., Harold Norman, and Bonnie Ray Williams—were watching the parade from the fifth floor, directly below the window from which the shots were fired. They rushed to the west windows after the shots were fired and remained there until after they saw Patrolman Baker's white helmet on the fifth floor moving toward the elevator.³⁷⁴ While they were at the west windows their view of the stairwell was completely blocked by shelves and boxes.³⁷⁵ This is the period during which Oswald would have descended the stairs. In all likelihood Dougherty took the elevator down from the fifth floor after Jarman,

Norman, and Williams ran to the west windows and were deciding what to do. None of these three men saw Dougherty, probably because of the anxiety of the moment and because of the books which may have blocked the view.³⁷⁶ Neither Jarman, Norman, Williams, or Dougherty saw Oswald.³⁷⁷

Victoria Adams, who worked on the fourth floor of the Depository Building, claimed that within about 1 minute following the shots she ran from a window on the south side of the fourth floor,³⁷⁸ down the rear stairs to the first floor, where she encountered two Depository employees—William Shelley and Billy Lovelady.³⁷⁹ If her estimate of time is correct, she reached the bottom of the stairs before Truly and Baker started up, and she must have run down the stairs ahead of Oswald and would probably have seen or heard him. Actually she noticed no one on the back stairs. If she descended from the fourth to the first floor as fast as she claimed in her testimony, she would have seen Baker or Truly on the first floor or on the stairs, unless they were already in the second-floor lunchroom talking to Oswald. When she reached the first floor, she actually saw Shelley and Lovelady slightly east of the east elevator.

Shelley and Lovelady, however, have testified that they were watching the parade from the top step of the building entrance when Gloria Calverly, who works in the Depository Building, ran up and said that the President had been shot.³⁸⁰ Lovelady and Shelley moved out into the street.³⁸¹ About this time Shelley saw Truly and Patrolman Baker go into the building.³⁸² Shelley and Lovelady, at a fast walk or trot, turned west into the railroad yards and then to the west side of the Depository Building. They reentered the building by the rear door several minutes after Baker and Truly rushed through the front entrance.³⁸³ On entering, Lovelady saw a girl on the first floor who he believes was Victoria Adams.³⁸⁴ If Miss Adams accurately recalled meeting Shelley and Lovelady when she reached the bottom of the stairs, then her estimate of the time when she descended from the fourth floor is incorrect, and she actually came down the stairs several minutes after Oswald and after Truly and Baker as well.

Oswald's departure from building.—Within a minute after Baker and Truly left Oswald in the lunchroom, Mrs. R. A. Reid, clerical supervisor for the Texas School Book Depository, saw him walk through the clerical office on the second floor toward the door leading to the front stairway. Mrs. Reid had watched the parade from the sidewalk in front of the building with Truly and Mr. O. V. Campbell, vice president of the Depository.³⁸⁵ She testified that she heard three shots which she thought came from the building.³⁸⁶ She ran inside and up the front stairs into the large open office reserved for clerical employees. As she approached her desk, she saw Oswald.³⁸⁷ He was walking into the office from the back hallway, carrying a full bottle of Coca-Cola in his hand,³⁸⁸ presumably purchased after the encounter with Baker and Truly. As Oswald passed Mrs. Reid she said, "Oh, the President has been shot, but maybe they didn't hit him."³⁸⁹ Oswald mumbled something and walked by.³⁹⁰ She paid

no more attention to him. The only exit from the office in the direction Oswald was moving was through the door to the front stairway.³⁹¹ (See Commission Exhibit 1118, p. 150.) Mrs. Reid testified that when she saw Oswald, he was wearing a T-shirt and no jacket.³⁹² When he left home that morning, Marina Oswald, who was still in bed, suggested that he wear a jacket.³⁹³ A blue jacket, later identified by Marina Oswald as her husband's,³⁹⁴ was subsequently found in the building,³⁹⁵ apparently left behind by Oswald.

Mrs. Reid believes that she returned to her desk from the street about 2 minutes after the shooting.³⁹⁶ Reconstructing her movements, Mrs. Reid ran the distance three times and was timed in 2 minutes by stopwatch.³⁹⁷ The reconstruction was the minimum time.³⁹⁸ Accordingly, she probably met Oswald at about 12:32, approximately 30-45 seconds after Oswald's lunchroom encounter with Baker and Truly. After leaving Mrs. Reid in the front office, Oswald could have gone down the stairs and out the front door by 12:33 p.m.³⁹⁹—3 minutes after the shooting. At that time the building had not yet been sealed off by the police.

While it was difficult to determine exactly when the police sealed off the building, the earliest estimates would still have permitted Oswald to leave the building by 12:33. One of the police officers assigned to the corner of Elm and Houston Streets for the Presidential motorcade, W. E. Barnett, testified that immediately after the shots he went to the rear of the building to check the fire escape. He then returned to the corner of Elm and Houston where he met a sergeant who instructed him to find out the name of the building. Barnett ran to the building, noted its name, and then returned to the corner.⁴⁰⁰ There he was met by a construction worker—in all likelihood Howard Brennan, who was wearing his work helmet.⁴⁰¹ This worker told Barnett that the shots had been fired from a window in the Depository Building, whereupon Barnett posted himself at the front door to make certain that no one left the building. The sergeant did the same thing at the rear of the building.⁴⁰² Barnett estimated that approximately 3 minutes elapsed between the time he heard the last of the shots and the time he started guarding the front door. According to Barnett, "there were people going in and out" during this period.⁴⁰³

Sgt. D. V. Harkness of the Dallas police said that to his knowledge the building was not sealed off at 12:36 p.m. when he called in on police radio that a witness (Amos Euins) had seen shots fired from a window of the building.⁴⁰⁴ At that time, Inspector Herbert V. Sawyer's car was parked in front of the building.⁴⁰⁵ Harkness did not know whether or not two officers with Sawyer were guarding the doors.⁴⁰⁶ At 12:34 p.m. Sawyer heard a call over the police radio that the shots had come from the Depository Building.⁴⁰⁷ He then entered the building and took the front passenger elevator as far as it would go—the fourth floor.⁴⁰⁸ After inspecting this floor, Sawyer returned to the street about 3 minutes after he entered the building.⁴⁰⁹ After he returned to the street he directed Sergeant Harkness to station two patrolmen at the front door and not let anyone in or out;

he also directed that the back door be sealed off.⁴¹⁰ This was no earlier than 12:37 p.m.⁴¹¹ and may have been later. Special Agent Forrest V. Sorrels of the Secret Service, who had been in the motorcade, testified that after driving to Parkland Hospital, he returned to the Depository Building about 20 minutes after the shooting, found no police officers at the rear door and was able to enter through this door without identifying himself.⁴¹²

Although Oswald probably left the building at about 12:33 p.m., his absence was not noticed until at least one-half hour later. Truly, who had returned with Patrolman Baker from the roof, saw the police questioning the warehouse employees. Approximately 15 men worked in the warehouse⁴¹³ and Truly noticed that Oswald was not among those being questioned.⁴¹⁴ Satisfying himself that Oswald was missing, Truly obtained Oswald's address, phone number, and description from his employment application card. The address listed was for the Paine home in Irving. Truly gave this information to Captain Fritz who was on the sixth floor at the time.⁴¹⁵ Truly estimated that he gave this information to Fritz about 15 or 20 minutes after the shots,⁴¹⁶ but it was probably no earlier than 1:22 p.m., the time when the rifle was found. Fritz believed that he learned of Oswald's absence after the rifle was found.⁴¹⁷ The fact that Truly found Fritz in the northwest corner of the floor, near the point where the rifle was found, supports Fritz' recollection.

Conclusion

Fingerprint and palmprint evidence establishes that Oswald handled two of the four cartons next to the window and also handled a paper bag which was found near the cartons. Oswald was seen in the vicinity of the southeast corner of the sixth floor approximately 35 minutes before the assassination and no one could be found who saw Oswald anywhere else in the building until after the shooting. An eyewitness to the shooting immediately provided a description of the man in the window which was similar to Oswald's actual appearance. This witness identified Oswald in a lineup as the man most nearly resembling the man he saw and later identified Oswald as the man he observed. Oswald's known actions in the building immediately after the assassination are consistent with his having been at the southeast corner window of the sixth floor at 12:30 p.m. On the basis of these findings the Commission has concluded that Oswald, at the time of the assassination, was present at the window from which the shots were fired.

THE KILLING OF PATROLMAN J. D. TIPPIT

After leaving the Depository Building at approximately 12:33 p.m., Lee Harvey Oswald proceeded to his roominghouse by bus and taxi. He arrived at approximately 1 p.m. and left a few minutes later. At

about 1:16 p.m., a Dallas police officer, J. D. Tippit, was shot less than 1 mile from Oswald's roominghouse. In deciding whether Oswald killed Patrolman Tippit the Commission considered the following: (1) positive identification of the killer by two eyewitnesses who saw the shooting and seven eyewitnesses who heard the shots and saw the gunman flee the scene with the revolver in his hand, (2) testimony of firearms identification experts establishing the identity of the murder weapon, (3) evidence establishing the ownership of the murder weapon, (4) evidence establishing the ownership of a zipper jacket found along the path of flight taken by the gunman from the scene of the shooting to the place of arrest.

Oswald's Movements After Leaving Depository Building

The bus ride.—According to the reconstruction of time and events which the Commission found most credible, Lee Harvey Oswald left the building approximately 3 minutes after the assassination. He probably walked east on Elm Street for seven blocks to the corner of Elm and Murphy where he boarded a bus which was heading back in the direction of the Depository Building, on its way to the Oak Cliff section of Dallas. (See Commission Exhibit 1119-A, p. 158.)

When Oswald was apprehended, a bus transfer marked for the Lakewood-Marsalis route was found in his shirt pocket.⁴¹⁸ The transfer was dated "Fri. Nov. 22, '63" and was punched in two places by the busdriver. On the basis of this punchmark, which was distinctive to each Dallas driver, the transfer was conclusively identified as having been issued by Cecil J. McWatters, a busdriver for the Dallas Transit Co.⁴¹⁹ On the basis of the date and time on the transfer, McWatters was able to testify that the transfer had been issued by him on a trip which passed a check point at St. Paul and Elm Streets at 12:36 p.m., November 22, 1963.⁴²⁰

McWatters was sure that he left the checkpoint on time and he estimated that it took him 3 to 4 minutes to drive three blocks west from the checkpoint to Field Street, which he reached at about 12:40 p.m.⁴²¹ McWatters' recollection is that he issued this transfer to a man who entered his bus just beyond Field Street, where a man beat on the front door of the bus, boarded it and paid his fare.⁴²² About two blocks later, a woman asked to get off to make a 1 o'clock train at Union Station and requested a transfer which she might use if she got through the traffic.

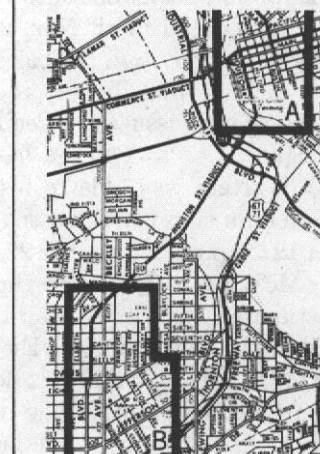
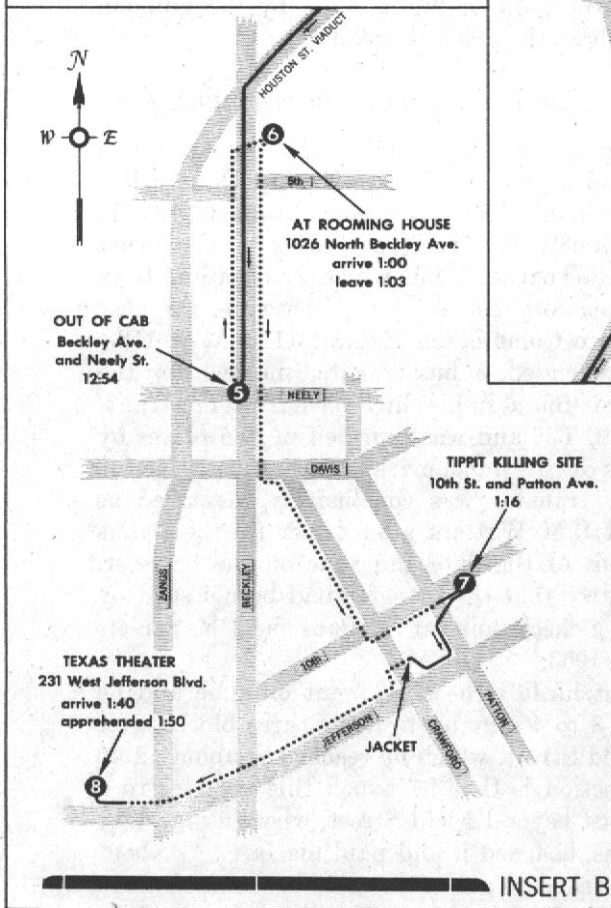
* * * So I gave her a transfer and opened the door and she was going out the gentleman I had picked up about two blocks [back] asked for a transfer and got off at the same place in the middle of the block where the lady did.

* * * It was the intersection near Lamar Street, it was near Poydras and Lamar Street.⁴²³

WHEREABOUTS OF LEE HARVEY OSWALD

between
12:33 P.M. and 1:50 P.M.
November 22, 1963

(ALL TIMES ARE APPROXIMATE)



Commission Exhibit No. 1119-A

COMMISSION EXHIBIT No. 1119-A

The man was on the bus approximately 4 minutes.⁴²⁴

At about 6:30 p.m. on the day of the assassination, McWatters viewed four men in a police lineup. He picked Oswald from the lineup as the man who had boarded the bus at the "lower end of town on Elm around Houston," and who, during the ride south on Marsalis, had an argument with a woman passenger.⁴²⁵ In his Commission testimony, McWatters said he had been in error and that a teenager named Milton Jones was the passenger he had in mind.⁴²⁶ In a later interview, Jones confirmed that he had exchanged words with a woman passenger on the bus during the ride south on Marsalis.⁴²⁷ McWatters also remembered that a man received a transfer at Lamar and Elm Streets and that a man in the lineup was about the size of this man.⁴²⁸ However, McWatters' recollection alone was too vague to be a basis for placing Oswald on the bus.

Riding on the bus was an elderly woman, Mary Bledsoe, who confirmed the mute evidence of the transfer. Oswald had rented a room from Mrs. Bledsoe about 6 weeks before, on October 7,⁴²⁹ but she had asked him to leave at the end of a week. Mrs. Bledsoe told him "I am not going to rent to you any more."⁴³⁰ She testified, "I didn't like his attitude. * * * There was just something about him I didn't like or want him. * * * Just didn't want him around me."⁴³¹ On November 22, Mrs. Bledsoe came downtown to watch the Presidential motorcade. She boarded the Marsalis bus at St. Paul and Elm Streets to return home.⁴³² She testified further:

And, after we got past Akard, at Murphy—I figured it out. Let's see. I don't know for sure. Oswald got on. He looks like a maniac. His sleeve was out here. * * * His shirt was undone.

* * * * *

Was a hole in it, hole, and he was dirty, and I didn't look at him. I didn't want to know I even seen him * * *

* * * * *

* * * he looked so bad in his face, and his face was so distorted.

* * * * *

* * * Hole in his sleeve right here.⁴³³

As Mrs. Bledsoe said these words, she pointed to her right elbow.⁴³⁴ When Oswald was arrested in the Texas Theatre, he was wearing a brown sport shirt with a hole in the right sleeve at the elbow.⁴³⁵ Mrs. Bledsoe identified the shirt as the one Oswald was wearing and she stated she was certain that it was Oswald who boarded the bus.⁴³⁶ Mrs. Bledsoe recalled that Oswald sat halfway to the rear of the bus which moved slowly and intermittently as traffic became heavy.⁴³⁷ She heard a passing motorist tell the driver that the Presi-

dent had been shot.⁴³⁸ People on the bus began talking about it. As the bus neared Lamar Street, Oswald left the bus and disappeared into the crowd.⁴³⁹

The Marsalis bus which Oswald boarded traveled a route west on Elm, south on Houston, and southwest across the Houston viaduct to service the Oak Cliff area along Marsalis.⁴⁴⁰ A Beckley bus which also served the Oak Cliff area, followed the same route as the Marsalis bus through downtown Dallas, except that it continued west on Elm, across Houston in front of the Depository Building, past the Triple Underpass into west Dallas, and south on Beckley.⁴⁴¹ Marsalis Street is seven blocks from Beckley.⁴⁴² Oswald lived at 1026 North Beckley.⁴⁴³ He could not reach his roominghouse on the Marsalis bus, but the Beckley bus stopped across the street.⁴⁴⁴ According to McWatters, the Beckley bus was behind the Marsalis bus, but he did not actually see it.⁴⁴⁵ Both buses stopped within one block of the Depository Building. Instead of waiting there, Oswald apparently went as far away as he could and boarded the first Oak Cliff bus which came along rather than wait for one which stopped across the street from his roominghouse.

In a reconstruction of this bus trip, agents of the Secret Service and the FBI walked the seven blocks from the front entrance of the Depository Building to Murphy and Elm three times, averaging 6½ minutes for the three trips.⁴⁴⁶ A bus moving through heavy traffic on Elm from Murphy to Lamar was timed at 4 minutes.⁴⁴⁷ If Oswald left the Depository Building at 12:33 p.m., walked seven blocks directly to Murphy and Elm, and boarded a bus almost immediately, he would have boarded the bus at approximately 12:40 p.m. and left it at approximately 12:44 p.m. (See Commission Exhibit No. 1119-A, p. 158.)

Roger D. Craig, a deputy sheriff of Dallas County, claimed that about 15 minutes after the assassination he saw a man, whom he later identified as Oswald,⁴⁴⁸ coming from the direction of the Depository Building and running down the hill north of Elm Street toward a light-colored Rambler station wagon, which was moving slowly along Elm toward the underpass.⁴⁴⁹ The station wagon stopped to pick up the man and then drove off.⁴⁵⁰ Craig testified that later in the afternoon he saw Oswald in the police interrogation room and told Captain Fritz that Oswald was the man he saw.⁴⁵¹ Craig also claimed that when Fritz pointed out to Oswald that Craig had identified him, Oswald rose from his chair, looked directly at Fritz, and said, "Everybody will know who I am now."⁴⁵²

The Commission could not accept important elements of Craig's testimony. Captain Fritz stated that a deputy sheriff whom he could not identify did ask to see him that afternoon and told him a similar story to Craig's.⁴⁵³ Fritz did not bring him into his office to identify Oswald but turned him over to Lieutenant Baker for questioning. If Craig saw Oswald that afternoon, he saw him through the glass windows of the office. And neither Captain Fritz nor any other officer can remember that Oswald dramatically arose from his chair and said,

"Everybody will know who I am now."⁴⁵⁴ If Oswald had made such a statement, Captain Fritz and others present would probably have remembered it. Craig may have seen a person enter a white Rambler station wagon 15 or 20 minutes after the shooting and travel west on Elm Street, but the Commission concluded that this man was not Lee Harvey Oswald, because of the overwhelming evidence that Oswald was far away from the building by that time.

The taxicab ride.—William Whaley, a taxicab driver, told his employer on Saturday morning, November 23, that he recognized Oswald from a newspaper photograph as a man whom he had driven to the Oak Cliff area the day before.⁴⁵⁵ Notified of Whaley's statement, the police brought him to the police station that afternoon. He was taken to the lineup room where, according to Whaley, five young teenagers, all handcuffed together, were displayed with Oswald.⁴⁵⁶ He testified that Oswald looked older than the other boys.⁴⁵⁷ The police asked him whether he could pick out his passenger from the lineup. Whaley picked Oswald. He said,

* * * you could have picked him out without identifying him by just listening to him because he was bawling out the policeman, telling them it wasn't right to put him in line with these teenagers and all of that and they asked me which one and I told them. It was him all right, the same man.

* * * * *

He showed no respect for the policemen, he told them what he thought about them. They knew what they were doing and they were trying to railroad him and he wanted his lawyer.⁴⁵⁸

Whaley believes that Oswald's conduct did not aid him in his identification "because I knew he was the right one as soon as I saw him."⁴⁵⁹

Whaley's memory of the lineup is inaccurate. There were four men altogether, not six men, in the lineup with Oswald.⁴⁶⁰ Whaley said that Oswald was the man under No. 2.⁴⁶¹ Actually Oswald was under No. 3. Only two of the men in the lineup with Oswald were teenagers: John T. Horn, aged 18, was No. 1; David Knapp, aged 18, was No. 2; Lee Oswald was No. 3; and Daniel Lujan, aged 26, was No. 4.⁴⁶²

When he first testified before the Commission, Whaley displayed a trip manifest⁴⁶³ which showed a 12 o'clock trip from Travis Hotel to the Continental bus station, unloaded at 12:15 p.m., a 12:15 p.m. pickup at Continental to Greyhound, unloaded at 12:30 p.m., and a pickup from Greyhound (bus station) at 12:30 p.m., unloaded at 500 North Beckley at 12:45 p.m. Whaley testified that he did not keep an accurate time record of his trips but recorded them by the quarter hour, and that sometimes he made his entry right after a trip while at other times he waited to record three or four trips.⁴⁶⁴ As he unloaded his Continental bus station passenger in front of Greyhound,

he started to get out to buy a package of cigarettes.⁴⁶⁵ He saw a man walking south on Lamar from Commerce. The man was dressed in faded blue color khaki work clothes, a brown shirt, and some kind of work jacket that almost matched his pants.⁴⁶⁶ The man asked, "May I have the cab?", and got into the front seat.⁴⁶⁷ Whaley described the ensuing events as follows:

And about that time an old lady, I think she was an old lady, I don't remember nothing but her sticking her head down past him in the door and said, "Driver, will you call me a cab down here?"

She had seen him get this cab and she wanted one, too, and he opened the door a little bit like he was going to get out and he said, "I will let you have this one," and she says, "No, the driver can call me one."

* * * * *

* * * I asked him where he wanted to go. And he said, "500 North Beckley."

Well, I started up, I started to that address, and the police cars, the sirens was going, running crisscrossing everywhere, just a big uproar in that end of town and I said, "What the hell. I wonder what the hell is the uproar?"

And he never said anything. So I figured he was one of these people that don't like to talk so I never said any more to him.

But when I got pretty close to 500 block at Neches and North Beckley which is the 500 block, he said, "This will do fine," and I pulled over to the curb right there. He gave me a dollar bill, the trip was 95 cents. He gave me a dollar bill and didn't say anything, just got out and closed the door and walked around the front of the cab over to the other side of the street [east side of the street]. Of course, the traffic was moving through there and I put it in gear and moved on, that is the last I saw of him.⁴⁶⁸

Whaley was somewhat imprecise as to where he unloaded his passenger. He marked what he thought was the intersection of Neches and Beckley on a map of Dallas with a large "X."⁴⁶⁹ He said, "Yes, sir; that is right, because that is the 500 block of North Beckley."⁴⁷⁰ However, Neches and Beckley do not intersect. Neches is within one-half block of the roominghouse at 1026 North Beckley where Oswald was living. The 500 block of North Beckley is five blocks south of the roominghouse.⁴⁷¹

After a review of these inconsistencies in his testimony before the Commission, Whaley was interviewed again in Dallas. The route of the taxicab was retraced under the direction of Whaley.⁴⁷² He directed the driver of the car to a point 20 feet north of the northwest corner of the intersection of Beckley and Neely, the point at which he said his passenger alighted.⁴⁷³ This was the 700 block of North

Beckley.⁴⁷⁴ The elapsed time of the reconstructed run from the Greyhound Bus Station to Neely and Beckley was 5 minutes and 30 seconds by stopwatch.⁴⁷⁵ The walk from Beckley and Neely to 1026 North Beckley was timed by Commission counsel at 5 minutes and 45 seconds.⁴⁷⁶

Whaley testified that Oswald was wearing either the gray zippered jacket or the heavy blue jacket.⁴⁷⁷ He was in error, however. Oswald could not possibly have been wearing the blue jacket during the trip with Whaley, since it was found in the "domino" room of the Depository late in November.⁴⁷⁸ Moreover, Mrs. Bledsoe saw Oswald in the bus without a jacket and wearing a shirt with a hole at the elbow.⁴⁷⁹ On the other hand, Whaley identified Commission Exhibit No. 150 (the shirt taken from Oswald upon arrest) as the shirt his passenger was wearing.⁴⁸⁰ He also stated he saw a silver identification bracelet on his passenger's left wrist.⁴⁸¹ Oswald was wearing such a bracelet when he was arrested.⁴⁸²

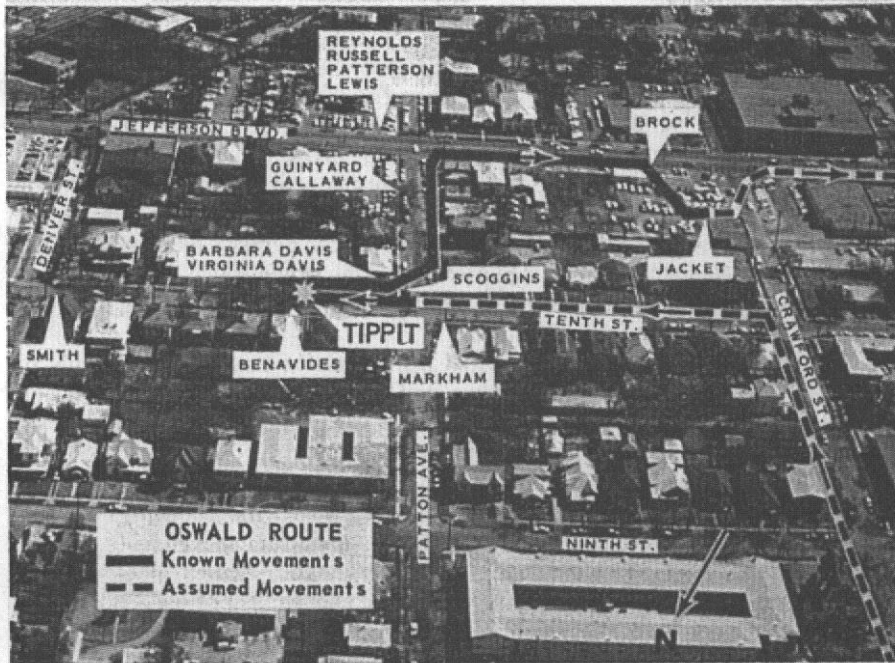
On November 22, Oswald told Captain Fritz that he rode a bus to a stop near his home and then walked to his roominghouse.⁴⁸³ When queried the following morning concerning a bus transfer found in his possession at the time of his arrest, he admitted receiving it.⁴⁸⁴ And when interrogated about a cab ride, Oswald also admitted that he left the slow-moving bus and took a cab to his roominghouse.⁴⁸⁵

The Greyhound Bus Station at Lamar and Jackson Streets, where Oswald entered Whaley's cab, is three to four short blocks south of Lamar and Elm.⁴⁸⁶ If Oswald left the bus at 12:44 p.m. and walked directly to the terminal, he would have entered the cab at 12:47 or 12:48 p.m. If the cab ride was approximately 6 minutes, as was the reconstructed ride, he would have reached his destination at approximately 12:54 p.m. If he was discharged at Neely and Beckley and walked directly to his roominghouse, he would have arrived there about 12:59 to 1 p.m. From the 500 block of North Beckley, the walk would be a few minutes longer, but in either event he would have been in the roominghouse at about 1 p.m. This is the approximate time he entered the roominghouse, according to Earlene Roberts, the housekeeper there.⁴⁸⁷ (See Commission Exhibit No. 1119-A, p. 158.)

Arrival and departure from roominghouse.—Earlene Roberts, housekeeper for Mrs. A. C. Johnson at 1026 North Beckley, knew Lee Harvey Oswald under the alias of O. H. Lee. She first saw him the day he rented a room at that address on October 14, 1963.⁴⁸⁸ He signed his name as O. H. Lee on the roominghouse register.⁴⁸⁹

Mrs. Roberts testified that on Thursday, November 21, Oswald did not come home. On Friday, November 22, about 1 p.m., he entered the house in unusual haste. She recalled that it was subsequent to the time the President had been shot. After a friend had called and told her, "President Kennedy has been shot," she turned on the television. When Oswald came in she said, "Oh, you are in a hurry," but Oswald did not respond. He hurried to his room and stayed no longer than 3 or 4 minutes. Oswald had entered the house in his shirt sleeves,

LOCATION OF EYEWITNESSES TO THE MOVEMENTS OF LEE HARVEY OSWALD IN THE VICINITY OF THE TIPPIT KILLING



COMMISSION EXHIBIT No. 1968

but when he left, he was zipping up a jacket. Mrs. Roberts saw him a few seconds later standing near the bus stop in front of the house on the east side of Beckley.⁴⁹⁰

Oswald was next seen about nine-tenths of a mile away at the southeast corner of 10th Street and Patton Avenue, moments before the Tippit shooting. (See Commission Exhibit No. 1119-A, p. 158.) If Oswald left his roominghouse shortly after 1 p.m. and walked at a brisk pace, he would have reached 10th and Patton shortly after 1:15 p.m.⁴⁹¹ Tippit's murder was recorded on the police radio tape at about 1:16 p.m.⁴⁹²

Description of Shooting

Patrolman J. D. Tippit joined the Dallas Police Department in July 1952.⁴⁹³ He was described by Chief Curry as having the reputation of being "a very fine, dedicated officer."⁴⁹⁴ Tippit patrolled district No. 78 in the Oak Cliff area of Dallas during daylight hours. He drove a police car painted distinctive colors with No. 10 prominently displayed on each side. Tippit rode alone, as only one man was normally assigned to a patrol car in residential areas during daylight shifts.⁴⁹⁵

At about 12:44 p.m. on November 22, the radio dispatcher on channel 1 ordered all downtown patrol squads to report to Elm and Houston, code 3 (emergency).⁴⁹⁶ At 12:45 p.m. the dispatcher ordered No. 78 (Tippit) to "move into central Oak Cliff area."⁴⁹⁷ At 12:54 p.m., Tippit reported that he was in the central Oak Cliff area at Lancaster and Eighth. The dispatcher ordered Tippit to be: "* * * at large for any emergency that comes in."⁴⁹⁸ According to Chief Curry, Tippit was free to patrol the central Oak Cliff area.⁴⁹⁹ Tippit must have heard the description of the suspect wanted for the President's shooting; it was broadcast over channel 1 at 12:45 p.m., again at 12:48 p.m., and again at 12:55 p.m.⁵⁰⁰ The suspect was described as a "white male, approximately 30, slender build, height 5 foot 10 inches, weight 165 pounds."⁵⁰¹ A similar description was given on channel 2 at 12:45 p.m.⁵⁰²

At approximately 1:15 p.m., Tippit, who was cruising east on 10th Street, passed the intersection of 10th and Patton, about eight blocks from where he had reported at 12:54 p.m. About 100 feet past the intersection Tippit stopped a man walking east along the south side of Patton. (See Commission Exhibit No. 1968, p. 164.) The man's general description was similar to the one broadcast over the police radio. Tippit stopped the man and called him to his car. He approached the car and apparently exchanged words with Tippit through the right front or vent window. Tippit got out and started to walk around the front of the car. As Tippit reached the left front wheel the man pulled out a revolver and fired several shots. Four bullets hit Tippit and killed him instantly. The gunman started back toward Patton Avenue, ejecting the empty cartridge cases before reloading with fresh bullets.

Eyewitnesses

At least 12 persons saw the man with the revolver in the vicinity of the Tippit crime scene at or immediately after the shooting. By the evening of November 22, five of them had identified Lee Harvey Oswald in police lineups as the man they saw. A sixth did so the next day. Three others subsequently identified Oswald from a photograph. Two witnesses testified that Oswald resembled the man they had seen. One witness felt he was too distant from the gunman to make a positive identification. (See Commission Exhibit No. 1968, p. 164.)

A taxi driver, William Scoggins, was eating lunch in his cab which was parked on Patton facing the southeast corner of 10th Street and Patton Avenue a few feet to the north.⁵⁰³ A police car moving east on 10th at about 10 or 12 miles an hour passed in front of his cab. About 100 feet from the corner the police car pulled up alongside a man on the sidewalk. This man, dressed in a light-colored jacket, approached the car. Scoggins lost sight of him behind some shrubbery on the southeast corner lot, but he saw the policeman leave the car, heard three or four shots, and then saw the policeman fall. Scoggins hurriedly left his seat and hid behind the cab as the man came back toward the corner with gun in hand. The man cut across the yard through some bushes, passed within 12 feet of Scoggins, and ran south on Patton. Scoggins saw him and heard him mutter either "Poor damn cop" or "Poor dumb cop."⁵⁰⁴ The next day Scoggins viewed a lineup of four persons and identified Oswald as the man whom he had seen the day before at 10th and Patton.⁵⁰⁵ In his testimony before the Commission, Scoggins stated that he thought he had seen a picture of Oswald in the newspapers prior to the lineup identification on Saturday. He had not seen Oswald on television and had not been shown any photographs of Oswald by the police.⁵⁰⁶

Another witness, Domingo Benavides, was driving a pickup truck west on 10th Street. As he crossed the intersection a block east of 10th and Patton, he saw a policeman standing by the left door of the police car parked along the south side of 10th. Benavides saw a man standing at the right side of the parked police car. He then heard three shots and saw the policeman fall to the ground. By this time the pickup truck was across the street and about 25 feet from the police car. Benavides stopped and waited in the truck until the gunman ran to the corner. He saw him empty the gun and throw the shells into some bushes on the southeast corner lot.⁵⁰⁷ It was Benavides, using Tippit's car radio, who first reported the killing of Patrolman Tippit at about 1:16 p.m.: "We've had a shooting out here."⁵⁰⁸ He found two empty shells in the bushes and gave them to Patrolman J. M. Poe who arrived on the scene shortly after the shooting.⁵⁰⁹ Benavides never saw Oswald after the arrest. When questioned by police officers on the evening of November 22, Benavides told them that he did not think that he could identify the man who fired the shots. As a result, they did not take him to the police station.

He testified that the picture of Oswald which he saw later on television bore a resemblance to the man who shot Officer Tippit.⁵¹⁰

Just prior to the shooting, Mrs. Helen Markham, a waitress in downtown Dallas, was about to cross 10th Street at Patton. As she waited on the northwest corner of the intersection for traffic to pass,⁵¹¹ she noticed a young man as he was "almost ready to get up on the curb"⁵¹² at the southeast corner of the intersection, approximately 50 feet away. The man continued along 10th Street. Mrs. Markham saw a police car slowly approach the man from the rear and stop alongside of him. She saw the man come to the right window of the police car. As he talked, he leaned on the ledge of the right window with his arms. The man appeared to step back as the policeman "calmly opened the car door" and very slowly got out and walked toward the front of the car. The man pulled a gun. Mrs. Markham heard three shots and saw the policeman fall to the ground near the left front wheel. She raised her hands to her eyes as the man started to walk back toward Patton.⁵¹³ She peered through her fingers, lowered her hands, and saw the man doing something with his gun. "He was just fooling with it. I didn't know what he was doing. I was afraid he was fixing to kill me."⁵¹⁴ The man "in kind of a little trot" headed down Patton toward Jefferson Boulevard, a block away. Mrs. Markham then ran to Officer Tippit's side and saw him lying in a pool of blood.⁵¹⁵

Helen Markham was screaming as she leaned over the body.⁵¹⁶ A few minutes later she described the gunman to a policeman.⁵¹⁷ Her description and that of other eyewitnesses led to the police broadcast at 1:22 p.m. describing the slayer as "about 30, 5'8", black hair, slender."⁵¹⁸ At about 4:30 p.m., Mrs. Markham, who had been greatly upset by her experience, was able to view a lineup of four men handcuffed together at the police station.⁵¹⁹ She identified Lee Harvey Oswald as the man who shot the policeman.⁵²⁰ Detective L. C. Graves, who had been with Mrs. Markham before the lineup testified that she was "quite hysterical" and was "crying and upset."⁵²¹ He said that Mrs. Markham started crying when Oswald walked into the lineup room.⁵²² In testimony before the Commission, Mrs. Markham confirmed her positive identification of Lee Harvey Oswald as the man she saw kill Officer Tippit.⁵²³

In evaluating Mrs. Markham's identification of Oswald, the Commission considered certain allegations that Mrs. Markham described the man who killed Patrolman Tippit as "short, a little on the heavy side," and having "somewhat bushy" hair.⁵²⁴ The Commission reviewed the transcript of a phone conversation in which Mrs. Markham is alleged to have provided such a description.⁵²⁵ A review of the complete transcript has satisfied the Commission that Mrs. Markham strongly reaffirmed her positive identification of Oswald and denied having described the killer as short, stocky and having bushy hair. She stated that the man weighed about 150 pounds.⁵²⁶ Although she used the words "a little bit bushy" to describe the gunman's hair, the transcript establishes that she was referring to the uncombed

state of his hair, a description fully supported by a photograph of Oswald taken at the time of his arrest. (See Pizzo Exhibit No. 453-C, p. 177.) Although in the phone conversation she described the man as "short,"⁵²⁷ on November 22, within minutes of the shooting and before the lineup, Mrs. Markham described the man to the police as 5'8" tall.⁵²⁸

During her testimony Mrs. Markham initially denied that she ever had the above phone conversation.⁵²⁹ She has subsequently admitted the existence of the conversation and offered an explanation for her denial.⁵³⁰ Addressing itself solely to the probative value of Mrs. Markham's contemporaneous description of the gunman and her positive identification of Oswald at a police lineup, the Commission considers her testimony reliable. However, even in the absence of Mrs. Markham's testimony, there is ample evidence to identify Oswald as the killer of Tippit.

Two young women, Barbara Jeanette Davis and Virginia Davis, were in an apartment of a multiple-unit house on the southeast corner of 10th and Patton when they heard the sound of gunfire and the screams of Helen Markham. They ran to the door in time to see a man with a revolver cut across their lawn and disappear around a corner of the house onto Patton.⁵³¹ Barbara Jeanette Davis assumed that he was emptying his gun as "he had it open and was shaking it."⁵³² She immediately called the police. Later in the day each woman found an empty shell on the ground near the house. These two shells were delivered to the police.⁵³³

On the evening of November 22, Barbara Jeanette and Virginia Davis viewed a group of four men in a lineup and each one picked Oswald as the man who crossed their lawn while emptying his pistol.⁵³⁴ Barbara Jeanette Davis testified that no one had shown her a picture of Oswald before the identification and that she had not seen him on television. She was not sure whether she had seen his picture in a newspaper on the afternoon or evening of November 22 prior to the lineup.⁵³⁵ Her reaction when she saw Oswald in the lineup was that "I was pretty sure it was the same man I saw. When they made him turn sideways, I was positive that was the one I seen."⁵³⁶ Similarly, Virginia Davis had not been shown pictures of anyone prior to the lineup and had not seen either television or the newspapers during the afternoon.⁵³⁷ She identified Oswald, who was the No. 2 man in the lineup,⁵³⁸ as the man she saw running with the gun: she testified, "I would say that was him for sure."⁵³⁹ Barbara Jeanette Davis and Virginia Davis were sitting alongside each other when they made their positive identifications of Oswald.⁵⁴⁰ Each woman whispered Oswald's number to the detective. Each testified that she was the first to make the identification.⁵⁴¹

William Arthur Smith was about a block east of 10th and Patton when he heard shots. He looked west on 10th and saw a man running to the west and a policeman falling to the ground. Smith failed to make himself known to the police on November 22. Several days later he reported what he had seen and was questioned by FBI

agents.⁵⁴² Smith subsequently told a Commission staff member that he saw Oswald on television the night of the murder and thought that Oswald was the man he had seen running away from the shooting.⁵⁴³ On television Oswald's hair looked blond, whereas Smith remembered that the man who ran away had hair that was brown or brownish black. Later, the FBI showed Smith a picture of Oswald. In the picture the hair was brown.⁵⁴⁴ According to his testimony, Smith told the FBI, "It looked more like him than it did on television." He stated further that from "What I saw of him" the man looked like the man in the picture.⁵⁴⁵

Two other important eyewitnesses to Oswald's flight were Ted Callaway, manager of a used-car lot on the northeast corner of Patton Avenue and Jefferson Boulevard, and Sam Guinyard, a porter at the lot. They heard the sound of shots to the north of their lot.⁵⁴⁶ Callaway heard five shots, and Guinyard three. Both ran to the sidewalk on the east side of Patton at a point about a half a block south of 10th. They saw a man coming south on Patton with a revolver held high in his right hand. According to Callaway, the man crossed to the west side of Patton.⁵⁴⁷ From across the street Callaway yelled, "Hey, man, what the hell is going on?" He slowed down, halted, said something, and then kept on going to the corner, turned right, and continued west on Jefferson.⁵⁴⁸ Guinyard claimed that the man ran down the east side of Patton and passed within 10 feet of him before crossing to the other side.⁵⁴⁹ Guinyard and Callaway ran to 10th and Patton and found Tippit lying in the street beside his car.⁵⁵⁰ Apparently he had reached for his gun; it lay beneath him outside of the holster. Callaway picked up the gun.⁵⁵¹ He and Scoggins attempted to chase down the gunman in Scoggins's taxicab,⁵⁵² but he had disappeared. Early in the evening of November 22, Guinyard and Callaway viewed the same lineup of four men from which Mrs. Markham had earlier made her identification of Lee Harvey Oswald. Both men picked Oswald as the man who had run south on Patton with a gun in his hand.⁵⁵³ Callaway told the Commission: "So they brought four men in. I stepped to the back of the room, so I could kind of see him from the same distance which I had seen him before. And when he came out I knew him."⁵⁵⁴ Guinyard said, "I told them that was him right there. I pointed him out right there."⁵⁵⁵ Both Callaway and Guinyard testified that they had not been shown any pictures by the police before the lineup.⁵⁵⁶

The Dallas Police Department furnished the Commission with pictures of the men who appeared in the lineups with Oswald,⁵⁵⁷ and the Commission has inquired into general lineup procedures used by the Dallas police as well as the specific procedures in the lineups involving Oswald.⁵⁵⁸ The Commission is satisfied that the lineups were conducted fairly.

As Oswald ran south on Patton Avenue toward Jefferson Boulevard he was moving in the direction of a used-car lot located on the southeast corner of this intersection.⁵⁵⁹ Four men—Warren Reynolds,⁵⁶⁰

REVOLVER USED IN TIPPIT KILLING



COMMISSION EXHIBIT No. 143

Harold Russell,⁵⁶¹ Pat Patterson,⁵⁶² and L. J. Lewis⁵⁶³—were on the lot at the time, and they saw a white male with a revolver in his hands running south on Patton. When the man reached Jefferson, he turned right and headed west. Reynolds and Patterson decided to follow him. When he reached a gasoline service station one block away he turned north and walked toward a parking area in the rear of the station. Neither Reynolds nor Patterson saw the man after he turned off Jefferson at the service station.⁵⁶⁴ These four witnesses were interviewed by FBI agents 2 months after the shooting. Russell and Patterson were shown a picture of Oswald and they stated that Oswald was the man they saw on November 22, 1963. Russell confirmed this statement in a sworn affidavit for the Commission.⁵⁶⁵ Patterson, when asked later to confirm his identification by affidavit said he did not recall having been shown the photograph. He was then shown two photographs of Oswald and he advised that Oswald was “unquestionably” the man he saw.⁵⁶⁶ Reynolds did not make a positive identification when interviewed by the FBI, but he subsequently testified before a Commission staff member and, when shown two photographs of Oswald, stated that they were photographs of the man he saw.⁵⁶⁷ L. J. Lewis said in an interview that because of the distance from which he observed the gunman he would hesitate to state whether the man was identical with Oswald.⁵⁶⁸

Murder Weapon

When Oswald was arrested, he had in his possession a Smith & Wesson .38 Special caliber revolver, serial number V510210. (See Commission Exhibit No. 143, p. 170). Two of the arresting officers placed their initials on the weapon and a third inscribed his name. All three identified Exhibit No. 143 as the revolver taken from Oswald when he was arrested.⁵⁶⁹ Four cartridge cases were found in the shrubbery on the corner of 10th and Patton by three of the eyewitnesses—Domingo Benavides, Barbara Jeanette Davis, and Virginia Davis.⁵⁷⁰ It was the unanimous and unequivocal testimony of expert witnesses before the Commission that these used cartridge cases were fired from the revolver in Oswald's possession to the exclusion of all other weapons. (See app. X, p. 559.)

Cortlandt Cunningham, of the Firearms Identification Unit of the FBI Laboratory, testified that he compared the four empty cartridge cases found near the scene of the shooting with a test cartridge fired from the weapon in Oswald's possession when he was arrested. Cunningham declared that this weapon fired the four cartridges to the exclusion of all other weapons. Identification was effected through breech face marks and firing pin marks.⁵⁷¹ Robert A. Frazier and Charles Killion, other FBI firearms experts, independently examined the four cartridge cases and arrived at the same conclusion as Cunningham.⁵⁷² At the request of the Commission, Joseph D. Nicol, superintendent of the Illinois Bureau of Criminal Identification Investigation, also examined the four cartridge cases found near the site of the homicide and compared them with the test cartridge cases

fired from the Smith & Wesson revolver taken from Oswald. He concluded that all of these cartridges were fired from the same weapon.⁵⁷³

Cunningham compared four lead bullets recovered from the body of Patrolman Tippit with test bullets fired from Oswald's revolver.⁵⁷⁴ He explained that the bullets were slightly smaller than the barrel of the pistol which had fired them. This caused the bullets to have an erratic passage through the barrel and impressed upon the lead of the bullets inconsistent individual characteristics which made identification impossible. Consecutive bullets fired from the revolver by the FBI experts could not be identified as having been fired from that revolver.⁵⁷⁵ (See app. X, p. 559.) Cunningham testified that all of the bullets were mutilated, one being useless for comparison purposes. All four bullets were fired from a weapon with five lands and grooves and a right twist⁵⁷⁶ which were the rifling characteristics of the revolver taken from Oswald. He concluded, however, that he could not say whether the four bullets were fired from the revolver in Oswald's possession.⁵⁷⁷ "The only thing I can testify is they could have on the basis of the rifling characteristics—they could have been."⁵⁷⁸

Nicol differed with the FBI experts on one bullet taken from Tippit's body. He declared that this bullet⁵⁷⁹ was fired from the same weapon that fired the test bullets to the exclusion of all other weapons. But he agreed that because the other three bullets were mutilated, he could not determine if they had been fired from the same weapon as the test bullets.⁵⁸⁰

The examination and testimony of the experts enabled the Commission to conclude that five shots may have been fired, even though only four bullets were recovered. Three of the bullets recovered from Tippit's body were manufactured by Winchester-Western, and the fourth bullet by Remington-Peters, but only two of the four discarded cartridge cases found on the lawn at 10th Street and Patton Avenue were of Winchester-Western manufacture.⁵⁸¹ Therefore, one cartridge case of this type was not recovered. And though only one bullet of Remington-Peters manufacture was recovered, two empty cartridge cases of that make were retrieved. Therefore, either one bullet of Remington-Peters manufacture is missing or one used Remington-Peters cartridge case, which may have been in the revolver before the shooting, was discarded along with the others as Oswald left the scene. If a bullet is missing, five were fired. This corresponds with the observation and memory of Ted Callaway,⁵⁸² and possibly Warren Reynolds, but not with the other eyewitnesses who claim to have heard from two to four shots.

Ownership of Revolver

By checking certain importers and dealers after the assassination of President Kennedy and slaying of Officer Tippit, agents of the FBI determined that George Rose & Co. of Los Angeles was a major dis-

REVOLVER PURCHASE AND SHIPPING DOCUMENTS

MAIL COUPON

SEAPORT TRADERS, INC. 1221 S. Grand Ave. Dept. AM-3 L.A. 15, Cal.

Gentlemen: Please ship me the following:

Quantity	Product	Cost per Item	Total
	Mexican Bowie	5.95	
	.410 Shotgun	58.00	
	.22 Derringer	18.00	
	Flintlock Muzzle	45.00	
	Remington .22	19.95	
	.22 Long Nosco	12.95	
	slr rifle	50.00	
	.22 Mag. 6 Shooter	39.00	
	Manacuffs	5.75	
	Western .22	12.95	
	.38 S. & W. Spec.	39.95	
	30/06 Springfield	339.95	
	.38 Scotland Yd. Sp.	16.95	
	Large sis. knife	28.95	
	.38 St. W. 2" Bl.	29.95	
	.22 Ital. Auto	19.95	
	.22 Smith & W.	12.95	
	TOTAL PRICE		1010.00

Enclosed is check for \$1010.00. (The sure to specify & give complete ordering info.) I understand all items are to be shipped P.O.D. L.A. express charges collect. Calif. reg. and 4% state tax. When ordering pistols, please sign statement:

I hereby state that I am a citizen of the U.S., and that I have never been convicted in any part of the U.S., territories, possessions or District of Columbia of a crime of violence or a crime punishable by imprisonment for a term exceeding 1 year, nor am I at present under indictment or a fugitive from justice.

NAME AL NIKELL AGE 28 DATE 1/17/47

WITNESS John P. Patel

ADDRESS P.O. Box 2915

CITY DALLAS STATE TEXAS

COMMISSION EXHIBIT No. 790

Seaport Traders Inc.

DL-28

1221 S. GRAND LOS ANGELES 15, CALIFORNIA

PHONE RI 3-2372

No. A 5371

SOLD to AL NIKELL
P. O. Box 2915
Dallas, Texas

TO Heinz W. Michaelis Exhibit 2

DESCRIPTION	AMOUNT
S & W .38 Special 2" Comrade	29.95
TOTAL	510.210

Full Pay ☐ Cash ☐ 1010.00 incl. cos. 39.95 Cash ☐

Freight Tax ☐ Check ☐ Excise Tax ☐ Paid ☐

Sales Tax ☐ M. O. ☐ Sales Tax ☐ M. O. ☐

ALPHABETICAL FILE

MICHAELIS EXHIBIT No. 2

RAILWAY EXPRESS AGENCY

DL-29

COPY OF EXPRESS RECEIPT - NON-NEGOTIABLE (CONTRACT OR ORIGINAL)

Check with (X) whether ☒ COLLECT OR ☐ PREPAID

Enter House Number or Original Receipt 70438

Product No. _____ Date _____

Quantity _____

Name of Shipper Heinz W. Michaelis Exhibit 4

Address Dallas, Texas

City Dallas State Texas

Post Office P.O. Box 2915

Phone (1507-P) Los Angeles, Calif. (W) (91-47)

Weight 30

Value 1010.21

Insurance 19.95

Signature John P. Patel

Stamp 70438

COPY

MICHAELIS EXHIBIT No. 4

DL-30

Kind of Insurance to U.S. & FOREIGN by U.S. & FOREIGN

House No. 70438 Date 1/17/47

Shipper's Name AL NIKELL

Shipper's Address P.O. Box 2915

Shipper's City Dallas, Texas

Shipper's Phone 5371

Receiver's Name Heinz W. Michaelis

Receiver's Address 1221 S. Grand Ave.

Receiver's City Los Angeles, Calif.

Receiver's Phone RI 3-2372

Weight 30

Value 1010.21

Insurance 19.95

Signature John P. Patel

Stamp 70438

MICHAELIS EXHIBIT No. 5

tributor of this type of revolver.⁵⁸³ Records of Seaport Traders, Inc., a mail-order division of George Rose & Co., disclosed that on January 3, 1963, the company received from Empire Wholesale Sporting Goods, Ltd., Montreal, a shipment of 99 guns in one case. Among these guns was a .38 Special caliber Smith & Wesson revolver, serial No. V510210, the only revolver made by Smith & Wesson with this serial number.⁵⁸⁴ When first manufactured, it had a 5-inch barrel. George Rose & Co. had the barrel shortened by a gunsmith to 2¼ inches.⁵⁸⁵

Sometime after January 27, 1963, Seaport Traders, Inc., received through the mail a mail-order coupon for one ".38 St. W. 2" Bbl.," cost \$29.95. Ten dollars in cash was enclosed. The order was signed in ink by "A. J. Hidell, aged 28."⁵⁸⁶ (See Commission Exhibit No. 790, p. 173.) The date of the order was January 27 (no year shown), and the return address was Post Office Box 2915, Dallas, Tex. Also on the order form was an order, written in ink, for one box of ammunition and one holster, but a line was drawn through these items. The mail-order form had a line for the name of a witness to attest that the person ordering the gun was a U.S. citizen and had not been convicted of a felony. The name written in this space was D. F. Drittal.⁵⁸⁷

Heinz W. Michaelis, office manager of both George Rose & Co., Inc., and Seaport Traders, Inc., identified records of Seaport Traders, Inc., which showed that a ".38 S and W Special two-inch Commando, serial number V510210" was shipped on March 20, 1963, to A. J. Hidell, Post Office Box 2915, Dallas, Tex. The invoice was prepared on March 13, 1963; the revolver was actually shipped on March 20 by Railway Express. The balance due on the purchase was \$19.95. Michaelis furnished the shipping copy of the invoice, and the Railway Express Agency shipping documents, showing that \$19.95, plus \$1.27 shipping charge, had been collected from the consignee, Hidell.⁵⁸⁸ (See Michaelis Exhibits Nos. 2, 4, 5, p. 173.)

Handwriting experts, Alwyn Cole of the Treasury Department and James C. Cadigan of the FBI, testified before the Commission that the writing on the coupon was Oswald's. The signature of the witness, D. F. Drittal, who attested that the fictitious Hidell was an American citizen and had not been convicted of a felony, was also in Oswald's handwriting.⁵⁸⁹ Marina Oswald gave as her opinion that the mail-order coupon was in Oswald's handwriting.⁵⁹⁰ When shown the revolver, she stated that she recognized it as the one owned by her husband.⁵⁹¹ She also testified that this appeared to be the revolver seen in Oswald's belt in the picture she took in late March or early April 1963 when the family was living on Neely Street in Dallas.⁵⁹² Police found an empty revolver holster when they searched Oswald's room on Beckley Avenue after his arrest.⁵⁹³ Marina Oswald testified that this was the holster which contained the revolver in the photographs taken on Neely Street.⁵⁹⁴

Oswald's Jacket

Approximately 15 minutes before the shooting of Tippit, Oswald was seen leaving his roominghouse.⁵⁹⁵ He was wearing a zipper jacket which he had not been wearing moments before when he had arrived home.⁵⁹⁶ When Oswald was arrested, he did not have a jacket.⁵⁹⁷ Shortly after Tippit was slain, policemen found a light-colored zipper jacket along the route taken by the killer as he attempted to escape.⁵⁹⁸ (See Commission Exhibit No. 1968, p. 164.)

At 1:22 p.m. the Dallas police radio described the man wanted for the murder of Tippit as "a white male about thirty, five foot eight inches, black hair, slender, wearing a white jacket, white shirt and dark slacks."⁵⁹⁹ According to Patrolman Poe this description came from Mrs. Markham and Mrs. Barbara Jeanette Davis.⁶⁰⁰ Mrs. Markham told Poe that the man was a "white male, about 25, about five feet eight, brown hair, medium," and wearing a "white jacket." Mrs. Davis gave Poe the same general description: a "white male in his early twenties, around five foot seven inches or eight inches, about 145 pounds," and wearing a white jacket.

As has been discussed previously, two witnesses, Warren Reynolds and B. M. Patterson, saw the gunman run toward the rear of a gasoline service station on Jefferson Boulevard. Mrs. Mary Brock, the wife of a mechanic who worked at the station, was there at the time and she saw a white male, "5 feet, 10 inches * * * wearing light clothing * * * a light-colored jacket" walk past her at a fast pace with his hands in his pocket. She last saw him in the parking lot directly behind the service station. When interviewed by FBI agents on January 21, 1964, she identified a picture of Oswald as being the same person she saw on November 22. She confirmed this interview by a sworn affidavit.⁶⁰¹

At 1:24 p.m., the police radio reported, "The suspect last seen running west on Jefferson from 400 East Jefferson."⁶⁰² Police Capt. W. R. Westbrook and several other officers concentrated their search along Jefferson Boulevard.⁶⁰³ Westbrook walked through the parking lot behind the service station⁶⁰⁴ and found a light-colored jacket lying under the rear of one of the cars.⁶⁰⁵ Westbrook identified Commission Exhibit No. 162 as the light-colored jacket which he discovered underneath the automobile.⁶⁰⁶

This jacket belonged to Lee Harvey Oswald. Marina Oswald stated that her husband owned only two jackets, one blue and the other gray.⁶⁰⁷ The blue jacket was found in the Texas School Book Depository⁶⁰⁸ and was identified by Marina Oswald as her husband's.⁶⁰⁹ Marina Oswald also identified Commission Exhibit No. 162, the jacket found by Captain Westbrook, as her husband's second jacket.⁶¹⁰

The eyewitnesses vary in their identification of the jacket. Mrs. Earlene Roberts, the housekeeper at Oswald's roominghouse and the last person known to have seen him before he reached 10th Street and Patton Avenue, said that she may have seen the gray zipper jacket but

she was not certain. It seemed to her that the jacket Oswald wore was darker than Commission Exhibit No. 162.⁶¹¹ Ted Callaway, who saw the gunman moments after the shooting, testified that Commission Exhibit No. 162 looked like the jacket he was wearing but "I thought it had a little more tan to it."⁶¹² Two other witnesses, Sam Guinyard and William Arthur Smith, testified that Commission Exhibit No. 162 was the jacket worn by the man they saw on November 22. Mrs. Markham and Barbara Davis thought that the jacket worn by the slayer of Tippit was darker than the jacket found by Westbrook.⁶¹³ Scoggins thought it was lighter.⁶¹⁴

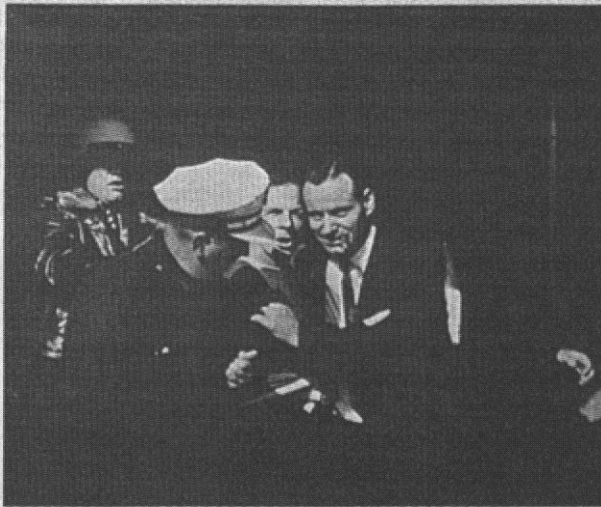
There is no doubt, however, that Oswald was seen leaving his roominghouse at about 1 p.m. wearing a zipper jacket, that the man who killed Tippit was wearing a light-colored jacket, that he was seen running along Jefferson Boulevard, that a jacket was found under a car in a lot adjoining Jefferson Boulevard, that the jacket belonged to Lee Harvey Oswald, and that when he was arrested at approximately 1:50 p.m., he was in shirt sleeves. These facts warrant the finding that Lee Harvey Oswald disposed of his jacket as he fled from the scene of the Tippit killing.

Conclusion

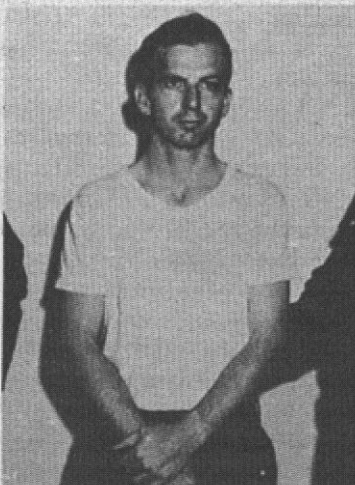
The foregoing evidence establishes that (1) two eyewitnesses who heard the shots and saw the shooting of Dallas Police Patrolman J. D. Tippit and seven eyewitnesses who saw the flight of the gunman with revolver in hand positively identified Lee Harvey Oswald as the man they saw fire the shots or flee from the scene, (2) the cartridge cases found near the scene of the shooting were fired from the revolver in the possession of Oswald at the time of his arrest, to the exclusion of all other weapons, (3) the revolver in Oswald's possession at the time of his arrest was purchased by and belonged to Oswald, and (4) Oswald's jacket was found along the path of flight taken by the gunman as he fled from the scene of the killing. On the basis of this evidence the Commission concluded that Lee Harvey Oswald killed Dallas Police Patrolman J. D. Tippit.

OSWALD'S ARREST

The Texas Theatre is on the north side of Jefferson Boulevard, approximately eight blocks from the scene of the Tippit shooting and six blocks from where several witnesses last saw Oswald running west on Jefferson Boulevard.⁶¹⁵ (See Commission Exhibit No. 1968, p. 164.) Shortly after the Tippit murder, police sirens sounded along Jefferson Boulevard. One of the persons who heard the sirens was Johnny Calvin Brewer, manager of Hardy's Shoestore, a few doors east of the Texas Theatre. Brewer knew from radio broadcasts that the President had been shot and that a patrolman had also been shot in Oak Cliff.⁶¹⁶ When he heard police sirens, he "looked up and



← OSWALD IN FRONT OF
TEXAS THEATER
(HILL EXHIBIT B)



OSWALD AT DALLAS POLICE DEPARTMENT
(FRANK PIZZO EXHIBIT 453-C)



COMMISSION EXHIBIT NO. 1797

saw the man enter the lobby," a recessed area extending about 15 feet between the sidewalk and the front door of his store.⁶¹⁷ A police car made a U-turn, and as the sirens grew fainter, the man in the lobby "looked over his shoulder and turned around and walked up West Jefferson towards the theatre."⁶¹⁸ The man wore a T-shirt beneath his outer shirt and he had no jacket.⁶¹⁹ Brewer said, "He just looked funny to me. * * * His hair was sort of messed up and looked like he had been running, and he looked scared, and he looked funny."⁶²⁰

Mrs. Julia Postal, selling tickets at the box office of the Texas Theatre, heard police sirens and then saw a man as he "ducked into" the outer lobby space of the theatre near the ticket office.⁶²¹ Attracted by the sound of the sirens, Mrs. Postal stepped out of the box office and walked to the curb.⁶²² Shortly thereafter, Johnny Brewer, who had come from the nearby shoestore, asked Mrs. Postal whether the fellow that had ducked in had bought a ticket.⁶²³ She said, "No; by golly, he didn't," and turned around, but the man was nowhere in sight.⁶²⁴ Brewer told Mrs. Postal that he had seen the man ducking into his place of business and that he had followed him to the theatre.⁶²⁵ She sent Brewer into the theatre to find the man and check the exits, told him about the assassination, and said "I don't know if this is the man they want * * * but he is running from them for some reason."⁶²⁶ She then called the police.⁶²⁷

At 1:45 p.m., the police radio stated, "Have information a suspect just went in the Texas Theatre on West Jefferson."⁶²⁸ Patrol cars bearing at least 15 officers converged on the Texas Theatre.⁶²⁹ Patrolman M. N. McDonald, with Patrolmen R. Hawkins, T. A. Hutson, and C. T. Walker, entered the theatre from the rear.⁶³⁰ Other policemen entered the front door and searched the balcony.⁶³¹ Detective Paul L. Bentley rushed to the balcony and told the projectionist to turn up the house lights.⁶³² Brewer met McDonald and the other policemen at the alley exit door, stepped out onto the stage with them⁶³³ and pointed out the man who had come into the theatre without paying.⁶³⁴ The man was Oswald. He was sitting alone in the rear of the main floor of the theatre near the right center aisle.⁶³⁵ About six or seven people were seated on the theatre's main floor and an equal number in the balcony.⁶³⁶

McDonald first searched two men in the center of the main floor, about 10 rows from the front.⁶³⁷ He walked out of the row up the right center aisle.⁶³⁸ When he reached the row where the suspect was sitting, McDonald stopped abruptly and told the man to get on his feet.⁶³⁹ Oswald rose from his seat, bringing up both hands.⁶⁴⁰ As McDonald started to search Oswald's waist for a gun, he heard him say, "Well, it's all over now."⁶⁴¹ Oswald then struck McDonald between the eyes with his left fist; with his right hand he drew a gun from his waist.⁶⁴² McDonald struck back with his right hand and grabbed the gun with his left hand.⁶⁴³ They both fell into the seats.⁶⁴⁴ Three other officers, moving toward the scuffle, grabbed Oswald from the front, rear and side.⁶⁴⁵ As McDonald fell into the seat with his left

hand on the gun, he felt something graze across his hand and heard what sounded like the snap of the hammer.⁶⁴⁶ McDonald felt the pistol scratch his cheek as he wrenched it away from Oswald.⁶⁴⁷ Detective Bob K. Carroll, who was standing beside McDonald, seized the gun from him.⁶⁴⁸

The other officers who helped subdue Oswald corroborated McDonald in his testimony except that they did not hear Oswald say, "It's all over now." Deputy Sheriff Eddy R. Walthers recalled such a remark but he did not reach the scene of the struggle until Oswald had been knocked to the floor by McDonald and the others.⁶⁴⁹ Some of the officers saw Oswald strike McDonald with his fist.⁶⁵⁰ Most of them heard a click which they assumed to be a click of the hammer of the revolver.⁶⁵¹ Testimony of a firearms expert before the Commission established that the hammer of the revolver never touched the shell in the chamber.⁶⁵² Although the witnesses did not hear the sound of a misfire, they might have heard a snapping noise resulting from the police officer grabbing the cylinder of the revolver and pulling it away from Oswald while he was attempting to pull the trigger.⁶⁵³ (See app. X, p. 560.)

Two patrons of the theatre and John Brewer testified regarding the arrest of Oswald, as did the various police officers who participated in the fight. George Jefferson Applin, Jr., confirmed that Oswald fought with four or five officers before he was handcuffed.⁶⁵⁴ He added that one officer grabbed the muzzle of a shotgun, drew back, and hit Oswald with the butt end of the gun in the back.⁶⁵⁵ No other theatre patron or officer has testified that Oswald was hit by a gun. Nor did Oswald ever complain that he was hit with a gun, or injured in the back. Deputy Sheriff Walthers brought a shotgun into the theatre but laid it on some seats before helping subdue Oswald.⁶⁵⁶ Officer Ray Hawkins said that there was no one near Oswald who had a shotgun and he saw no one strike Oswald in the back with a rifle butt or the butt of a gun.⁶⁵⁷

John Gibson, another patron in the theatre, saw an officer grab Oswald, and he claims that he heard the click of a gun misfiring.⁶⁵⁸ He saw no shotgun in the possession of any policeman near Oswald.⁶⁵⁹ Johnny Brewer testified he saw Oswald pull the revolver and the officers struggle with him to take it away but that once he was subdued, no officer struck him.⁶⁶⁰ He further stated that while fists were flying he heard one of the officers say "Kill the President, will you."⁶⁶¹ It is unlikely that any of the police officers referred to Oswald as a suspect in the assassination. While the police radio had noted the similarity in description of the two suspects, the arresting officers were pursuing Oswald for the murder of Tippit.⁶⁶² As Oswald, handcuffed, was led from the theatre, he was, according to McDonald, "cursing a little bit and hollering police brutality."⁶⁶³ At 1:51 p.m., police car 2 reported by radio that it was on the way to headquarters with the suspect.⁶⁶⁴

Captain Fritz returned to police headquarters from the Texas School Book Depository at 2:15 after a brief stop at the sheriff's of-

fice.⁶⁶⁵ When he entered the homicide and robbery bureau office, he saw two detectives standing there with Sgt. Gerald L. Hill, who had driven from the theatre with Oswald.⁶⁶⁶ Hill testified that Fritz told the detective to get a search warrant, go to an address on Fifth Street in Irving, and pick up a man named Lee Oswald. When Hill asked why Oswald was wanted, Fritz replied, "Well, he was employed down at the Book Depository and he had not been present for a roll call of the employees."⁶⁶⁷ Hill said, "Captain, we will save you a trip * * * there he sits."⁶⁶⁸

STATEMENTS OF OSWALD DURING DETENTION

Oswald was questioned intermittently for approximately 12 hours between 2:30 p.m., on November 22, and 11 a.m., on November 24. Throughout this interrogation he denied that he had anything to do either with the assassination of President Kennedy or the murder of Patrolman Tippit. Captain Fritz of the homicide and robbery bureau did most of the questioning, but he kept no notes and there were no stenographic or tape recordings. Representatives of other law enforcement agencies were also present, including the FBI and the U.S. Secret Service. They occasionally participated in the questioning. The reports prepared by those present at these interviews are set forth in appendix XI. A full discussion of Oswald's detention and interrogation is presented in chapter V of this report.

During the evening of November 22, the Dallas Police Department performed paraffin tests on Oswald's hands and right cheek in an apparent effort to determine, by means of a scientific test, whether Oswald had recently fired a weapon. The results were positive for the hands and negative for the right cheek.⁶⁶⁹ Expert testimony before the Commission was to the effect that the paraffin test was unreliable⁶⁷⁰ in determining whether or not a person has fired a rifle or revolver.⁶⁷¹ The Commission has, therefore, placed no reliance on the paraffin tests administered by the Dallas police. (See app. X, pp. 561-562.)

Oswald provided little information during his questioning. Frequently, however, he was confronted with evidence which he could not explain, and he resorted to statements which are known to be lies.⁶⁷² While Oswald's untrue statements during interrogation were not considered items of positive proof by the Commission, they had probative value in deciding the weight to be given to his denials that he assassinated President Kennedy and killed Patrolman Tippit. Since independent evidence revealed that Oswald repeatedly and blatantly lied to the police, the Commission gave little weight to his denials of guilt.

Denial of Rifle Ownership

From the outset, Oswald denied owning a rifle. On November 23, Fritz confronted Oswald with the evidence that he had purchased a rifle under the fictitious name of "Hidell." Oswald said that this

was not true. Oswald denied that he had a rifle wrapped up in a blanket in the Paine garage. Oswald also denied owning a rifle and said that since leaving the Marine Corps he had fired only a small bore .22 rifle.⁶⁷³ On the afternoon of November 23, Officers H. M. Moore, R. S. Stovall, and G. F. Rose obtained a search warrant and examined Oswald's effects in the Paine garage. They discovered two photographs, each showing Oswald with a rifle and a pistol.⁶⁷⁴ These photographs were shown to Oswald on the evening of November 23 and again on the morning of the 24th. According to Fritz, Oswald sneered, saying that they were fake photographs, that he had been photographed a number of times the day before by the police, that they had superimposed upon the photographs a rifle and a revolver.⁶⁷⁵ He told Fritz a number of times that the smaller photograph was either made from the larger, or the larger photograph was made from the smaller and that at the proper time he would show that the pictures were fakes. Fritz told him that the two small photographs were found in the Paine garage. At that point, Oswald refused to answer any further questions.⁶⁷⁶ As previously indicated, Marina Oswald testified that she took the two pictures with her husband's Imperial Reflex camera when they lived on Neely Street. Her testimony was fully supported by a photography expert who testified that in his opinion the pictures were not composites.⁶⁷⁷

The Revolver

At the first interrogation, Oswald claimed that his only crime was carrying a gun and resisting arrest. When Captain Fritz asked him why he carried the revolver, he answered, "Well, you know about a pistol. I just carried it."⁶⁷⁸ He falsely alleged that he bought the revolver in Fort Worth,⁶⁷⁹ when in fact he purchased it from a mail-order house in Los Angeles.⁶⁸⁰

The Aliases "Hidell" and "O. H. Lee"

The arresting officers found a forged selective service card with a picture of Oswald and the name "Alek J. Hidell" in Oswald's billfold.⁶⁸¹ On November 22 and 23, Oswald refused to tell Fritz why this card was in his possession,⁶⁸² or to answer any questions concerning the card.⁶⁸³ On Sunday morning, November 24, Oswald denied that he knew A. J. Hidell. Captain Fritz produced the selective service card bearing the name "Alek J. Hidell." Oswald became angry and said, "Now, I've told you all I'm going to tell you about that card in my billfold—you have the card yourself and you know as much about it as I do."⁶⁸⁴ At the last interrogation on November 24, Oswald admitted to Postal Inspector Holmes that he had rented post office box 2915, Dallas, but denied that he had received a package in this box addressed to Hidell. He also denied that he had received the rifle through this box.⁶⁸⁵ Holmes reminded Oswald that A. J.

Hidell was listed on post office box 30061, New Orleans, as one entitled to receive mail. Oswald replied, "I don't know anything about that."⁶⁸⁶

When asked why he lived at his roominghouse under the name O. H. Lee, Oswald responded that the landlady simply made a mistake, because he told her that his name was Lee, meaning his first name.⁶⁸⁷ An examination of the roominghouse register revealed that Oswald actually signed the name O. H. Lee.⁶⁸⁸

The Curtain Rod Story

In concluding that Oswald was carrying a rifle in the paper bag on the morning of November 22, 1963, the Commission found that Oswald lied when he told Frazier that he was returning to Irving to obtain curtain rods. When asked about the curtain rod story, Oswald lied again. He denied that he had ever told Frazier that he wanted a ride to Irving to get curtain rods for an apartment.⁶⁸⁹ He explained that a party for the Paine children had been planned for the weekend and he preferred not to be in the Paine house at that time; therefore, he made his weekly visit on Thursday night.⁶⁹⁰ Actually, the party for one of the Paine's children was the preceding weekend, when Marina Oswald suggested that Oswald remain in Dallas.⁶⁹¹ When told that Frazier and Mrs. Randle had seen him carrying a long heavy package, Oswald replied, "Well, they was mistaken. That must have been some other time he picked me up."⁶⁹² In one interview, he told Fritz that the only sack he carried to work that day was a lunch sack which he kept on his lap during the ride from Irving to Dallas.⁶⁹³ Frazier testified before the Commission that Oswald carried no lunch sack that day.⁶⁹⁴

Actions During and After Shooting

During the first interrogation on November 22, Fritz asked Oswald to account for himself at the time the President was shot. Oswald told him that he ate lunch in the first-floor lunchroom and then went to the second floor for a Coke which he brought downstairs. He acknowledged the encounter with the police officer on the second floor. Oswald told Fritz that after lunch he went outside, talked with Foreman Bill Shelley for 5 or 10 minutes and then left for home. He said that he left work because Bill Shelley said that there would be no more work done that day in the building.⁶⁹⁵ Shelley denied seeing Oswald after 12 noon or at any time after the shooting.⁶⁹⁶ The next day, Oswald added to his story. He stated that at the time the President was shot he was having lunch with "Junior" but he did not give Junior's last name.⁶⁹⁷ The only employee at the Depository Building named "Junior" was James Jarman, Jr. Jarman testified that he ate his lunch on the first floor around 5 minutes to 12, and that he neither ate lunch with nor saw Oswald.⁶⁹⁸ Jarman did talk to Oswald that morning:

* * * he asked me what were the people gathering around on the corner for and I told him that the President was supposed to pass that morning, and he asked me did I know which way he was coming, and I told him, yes, he probably come down Main and turn on Houston and then back again on Elm. Then he said, "Oh, I see," and that was all.⁶⁹⁹

PRIOR ATTEMPT TO KILL

The Attempt on the Life of Maj. Gen. Edwin A. Walker

At approximately 9 p.m., on April 10, 1963, in Dallas, Tex., Maj. Gen. Edwin A. Walker, an active and controversial figure on the American political scene since his resignation from the U.S. Army in 1961, narrowly escaped death when a rifle bullet fired from outside his home passed near his head as he was seated at his desk.⁷⁰⁰ There were no eyewitnesses, although a 14-year-old boy in a neighboring house claimed that immediately after the shooting he saw two men, in separate cars, drive out of a church parking lot adjacent to Walker's home.⁷⁰¹ A friend of Walker's testified that two nights before the shooting he saw "two men around the house peeking in windows."⁷⁰² General Walker gave this information to the police before the shooting, but it did not help solve the crime. Although the bullet was recovered from Walker's house (see app. X, p. 562), in the absence of a weapon it was of little investigatory value. General Walker hired two investigators to determine whether a former employee might have been involved in the shooting.⁷⁰³ Their results were negative. Until December 3, 1963, the Walker shooting remained unsolved.

The Commission evaluated the following evidence in considering whether Lee Harvey Oswald fired the shot which almost killed General Walker: (1) A note which Oswald left for his wife on the evening of the shooting, (2) photographs found among Oswald's possessions after the assassination of President Kennedy, (3) fire-arm identification of the bullet found in Walker's home, and (4) admissions and other statements made to Marina Oswald by Oswald concerning the shooting.

Note left by Oswald.—On December 2, 1963, Mrs. Ruth Paine turned over to the police some of the Oswalds' belongings, including a Russian volume entitled "Book of Useful Advice."⁷⁰⁴ In this book was an undated note written in Russian. In translation, the note read as follows:

1. This is the key to the mailbox which is located in the main post office in the city on Ervay Street. This is the same street where the drugstore, in which you always waited is located. You will find the mailbox in the post office which is located 4 blocks from the drugstore 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 2d 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 need same.
9. We have friends here. The Red Cross also will help you. (Red Cross in English). [sic]
10. I left you as much money as I could, \$60 on the second of the month. You and the baby [apparently] can live for another 2 months using \$10 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).⁷⁰⁵

James C. Cadigan, FBI handwriting expert, testified that this note was written by Lee Harvey Oswald.⁷⁰⁶

Prior to the Walker shooting on April 10, Oswald had been attending typing classes on Monday, Tuesday, and Thursday evenings. He had quit these classes at least a week before the shooting, which occurred on a Wednesday night.⁷⁰⁷ According to Marina Oswald's testimony, on the night of the Walker shooting, her husband left their apartment on Neely Street shortly after dinner. She thought he was attending a class or was "on his own business."⁷⁰⁸ When he failed to return by 10 or 10:30 p.m., Marina Oswald went to his room and discovered the note. She testified: "When he came back I asked him what had happened. He was very pale. I don't remember the exact time, but it was very late. And he told me not to ask him any questions. He only told me he had shot at General Walker."⁷⁰⁹ Oswald told his wife that he did not know whether he had hit Walker; according to Marina Oswald when he learned on the radio and in the newspapers the next day that he had missed, he said that he "was very sorry that he had not hit him."⁷¹⁰ Marina Oswald's testimony was fully supported by the note itself which appeared to be the work of a man expecting to be killed, or imprisoned, or to disappear. The last paragraph directed her to the jail and the other paragraphs instructed her on the disposal of Oswald's personal effects and the management of her affairs if he should not return.

It is clear that the note was written while the Oswalds were living in Dallas before they moved to New Orleans in the spring of 1963.

The references to house rent and payments for water and gas indicated that the note was written when they were living in a rented apartment; therefore it could not have been written while Marina Oswald was living with the Paines. Moreover, the reference in paragraph 3 to paying "the house rent on the 2d" would be consistent with the period when the Oswalds were living on Neely Street since the apartment was rented on March 3, 1963. Oswald had paid the first month's rent in advance on March 2, 1963, and the second month's rent was paid on either April 2 or April 3.⁷¹¹ The main post office "on Ervay Street" refers to the post office where Oswald rented box 2915 from October 9, 1962, to May 14, 1963.⁷¹² Another statement which limits the time when it could have been written is the reference "you and the baby," which would indicate that it was probably written before the birth of Oswald's second child on October 20, 1963.

Oswald had apparently mistaken the county jail for the city jail. From Neely Street the Oswalds would have traveled downtown on the Beckley bus, across the Commerce Street viaduct and into downtown Dallas through the Triple Underpass.⁷¹³ Either the viaduct or the underpass might have been the "bridge" mentioned in the last paragraph of the note. The county jail is at the corner of Houston and Main Streets "right in the beginning of the city" after one travels through the underpass.

Photographs.—In her testimony before the Commission in February 1964, Marina Oswald stated that when Oswald returned home on the night of the Walker shooting, he told her that he had been planning the attempt for 2 months. He showed her a notebook 3 days later containing photographs of General Walker's home and a map of the area where the house was located.⁷¹⁴ Although Oswald destroyed the notebook,⁷¹⁵ three photographs found among Oswald's possessions after the assassination were identified by Marina Oswald as photographs of General Walker's house.⁷¹⁶ Two of these photographs were taken from the rear of Walker's house.⁷¹⁷ The Commission confirmed, by comparison with other photographs, that these were, indeed, photographs of the rear of Walker's house.⁷¹⁸ An examination of the window at the rear of the house, the wall through which the bullet passed, and the fence behind the house indicated that the bullet was fired from a position near the point where one of the photographs was taken.⁷¹⁹

The third photograph identified by Marina Oswald depicts the entrance to General Walker's driveway from a back alley.⁷²⁰ Also seen in the picture is the fence on which Walker's assailant apparently rested the rifle.⁷²¹ An examination of certain construction work appearing in the background of this photograph revealed that the picture was taken between March 8 and 12, 1963, and most probably on either March 9 or March 10.⁷²² Oswald purchased the money order for the rifle on March 12, the rifle was shipped on March 20,⁷²³ and the shooting occurred on April 10. A photography expert with the FBI was able to determine that this picture was taken with the Imperial Reflex camera owned by Lee Harvey Oswald.⁷²⁴ (See app. X, p. 596.)

A fourth photograph, showing a stretch of railroad tracks, was also identified by Marina Oswald as having been taken by her husband, presumably in connection with the Walker shooting.⁷²⁵ Investigation determined that this photograph was taken approximately seven-tenths of a mile from Walker's house.⁷²⁶ Another photograph of railroad tracks found among Oswald's possessions was not identified by his wife, but investigation revealed that it was taken from a point slightly less than half a mile from General Walker's house.⁷²⁷ Marina Oswald stated that when she asked her husband what he had done with the rifle, he replied that he had buried it in the ground or hidden it in some bushes and that he also mentioned a railroad track in this connection. She testified that several days later Oswald recovered his rifle and brought it back to their apartment.⁷²⁸

Firearms identification.—In the room beyond the one in which General Walker was sitting on the night of the shooting the Dallas police recovered a badly mutilated bullet which had come to rest on a stack of paper.⁷²⁹ The Dallas City-County Investigation Laboratory tried to determine the type of weapon which fired the bullet. The oral report was negative because of the battered condition of the bullet.⁷³⁰ On November 30, 1963, the FBI requested the bullet for ballistics examination; the Dallas Police Department forwarded it on December 2, 1963.⁷³¹

Robert A. Frazier, an FBI ballistics identification expert, testified that he was "unable to reach a conclusion" as to whether or not the bullet recovered from Walker's house had been fired from the rifle found on the sixth floor of the Texas School Book Depository Building. He concluded that "the general rifling characteristics of the rifle * * * are of the same type as those found on the bullet * * * and, further, on this basis * * * the bullet could have been fired from the rifle on the basis of its land and groove impressions."⁷³² Frazier testified further that the FBI avoids the category of "probable" identification. Unless the missile or cartridge case can be identified as coming from a particular weapon to the exclusion of all others, the FBI refuses to draw any conclusion as to probability.⁷³³ Frazier testified, however, that he found no microscopic characteristics or other evidence which would indicate that the bullet was not fired from the Mannlicher-Carcano rifle owned by Lee Harvey Oswald. It was a 6.5-millimeter bullet and, according to Frazier, "relatively few" types of rifles could produce the characteristics found on the bullet.⁷³⁴

Joseph D. Nicol, superintendent of the Illinois Bureau of Criminal Identification and Investigation, conducted an independent examination of this bullet and concluded "that there is a fair probability" that the bullet was fired from the rifle used in the assassination of President Kennedy.⁷³⁵ In explaining the difference between his policy and that of the FBI on the matter of probable identification, Nicol said:

I am aware of their position. This is not, I am sure, arrived at without careful consideration. However, to say that because one does not find sufficient marks for identification that it is a negative,

I think is going overboard in the other direction. And for purposes of probative value, for whatever it might be worth, in the absence of very definite negative evidence, I think it is permissible to say that in an exhibit such as 573 there is enough on it to say that it could have come, and even perhaps a little stronger, to say that it probably came from this, without going so far as to say to the exclusion of all other guns. This I could not do.⁷³⁶

Although the Commission recognizes that neither expert was able to state that the bullet which missed General Walker was fired from Oswald's rifle to the exclusion of all others, this testimony was considered probative when combined with the other testimony linking Oswald to the shooting.

Additional corroborative evidence.—The admissions made to Marina Oswald by her husband are an important element in the evidence that Lee Harvey Oswald fired the shot at General Walker. As shown above, the note and the photographs of Walker's house and of the nearby railroad tracks provide important corroboration for her account of the incident. Other details described by Marina Oswald coincide with facts developed independently of her statements. She testified that her husband had postponed his attempt to kill Walker until that Wednesday because he had heard that there was to be a gathering at the church next door to Walker's house on that evening. He indicated that he wanted more people in the vicinity at the time of the attempt so that his arrival and departure would not attract great attention.⁷³⁷ An official of this church told FBI agents that services are held every Wednesday at the church except during the month of August.⁷³⁸ Marina Oswald also testified that her husband had used a bus to return home.⁷³⁹ A study of the bus routes indicates that Oswald could have taken any one of several different buses to Walker's house or to a point near the railroad tracks where he may have concealed the rifle.⁷⁴⁰ It would have been possible for him to take different routes in approaching and leaving the scene of the shooting.

Conclusion.—Based on (1) the contents of the note which Oswald left for his wife on April 10, 1963, (2) the photographs found among Oswald's possessions, (3) the testimony of firearms identification experts, and (4) the testimony of Marina Oswald, the Commission has concluded that Lee Harvey Oswald attempted to take the life of Maj. Gen. Edwin A. Walker (Resigned, U.S. Army) on April 10, 1963. The finding that Lee Harvey Oswald attempted to murder a public figure in April 1963 was considered of probative value in this investigation, although the Commission's conclusion concerning the identity of the assassin was based on evidence independent of the finding that Oswald attempted to kill General Walker.

Richard M. Nixon Incident

Another alleged threat by Oswald against a public figure involved former Vice President Richard M. Nixon. In January 1964, Marina Oswald and her business manager, James Martin, told Robert Oswald,

Lee Harvey Oswald's brother, that Oswald had once threatened to shoot former Vice President Richard M. Nixon.⁷⁴¹ When Marina Oswald testified before the Commission on February 3-6, 1964, she had failed to mention the incident when she was asked whether Oswald had ever expressed any hostility toward any official of the United States.⁷⁴² The Commission first learned of this incident when Robert Oswald related it to FBI agents on February 19, 1964,⁷⁴³ and to the Commission on February 21.⁷⁴⁴

Marina Oswald appeared before the Commission again on June 11, 1964, and testified that a few days before her husband's departure from Dallas to New Orleans on April 24, 1963, he finished reading a morning newspaper "* * * and put on a good suit. I saw that he took a pistol. I asked him where he was going, and why he was getting dressed. He answered 'Nixon is coming. I want to go and have a look.'" He also said that he would use the pistol if the opportunity arose.⁷⁴⁵ She reminded him that after the Walker shooting he had promised never to repeat such an act. Marina Oswald related the events which followed:

I called him into the bathroom and I closed the door and I wanted to prevent him and then I started to cry. And I told him that he shouldn't do this, and that he had promised me.

* * * * *

I remember that I held him. We actually struggled for several minutes and then he quieted down.⁷⁴⁶

She stated that it was not physical force which kept him from leaving the house. "I couldn't keep him from going out if he really wanted to."⁷⁴⁷ After further questioning she stated that she might have been confused about shutting him in the bathroom, but that "there is no doubt that he got dressed and got a gun."⁷⁴⁸

Oswald's revolver was shipped from Los Angeles on March 20, 1963,⁷⁴⁹ and he left for New Orleans on April 24, 1963.⁷⁵⁰ No edition of either Dallas newspaper during the period January 1, 1963, to May 15, 1963, mentioned any proposed visit by Mr. Nixon to Dallas.⁷⁵¹ Mr. Nixon advised the Commission that the only time he was in Dallas in 1963 was on November 20-21, 1963.⁷⁵² An investigation failed to reveal any invitation extended to Mr. Nixon during the period when Oswald's threat reportedly occurred.⁷⁵³ The Commission has concluded, therefore, that regardless of what Oswald may have said to his wife he was not actually planning to shoot Mr. Nixon at that time in Dallas.

On April 23, 1963, Vice President Lyndon B. Johnson was in Dallas for a visit which had been publicized in the Dallas newspapers throughout April.⁷⁵⁴ The Commission asked Marina Oswald whether she might have misunderstood the object of her husband's threat. She stated, "there is no question that in this incident it was a question of Mr. Nixon."⁷⁵⁵ When asked later whether it might have been

Mr. Johnson, she said, "Yes, no. I am getting a little confused with so many questions. I was absolutely convinced it was Nixon and now after all these questions I wonder if I am right in my mind."⁷⁵⁶ She stated further that Oswald had only mentioned Nixon's name once during the incident.⁷⁵⁷ Marina Oswald might have misunderstood her husband. Mr. Johnson was the then Vice President and his visit took place on April 23d.⁷⁵⁸ This was 1 day before Oswald left for New Orleans and Marina appeared certain that the Nixon incident "wasn't the day before. Perhaps 3 days before."⁷⁵⁹

Marina Oswald speculated that the incident may have been unrelated to an actual threat. She said,

* * * It might have been that he was just trying to test me. He was the kind of person who could try and wound somebody in that way. Possibly he didn't want to go out at all but was just doing this all as a sort of joke, not really as a joke but rather to simply wound me, to make me feel bad.⁷⁶⁰

In the absence of other evidence that Oswald actually intended to shoot someone at this time, the Commission concluded that the incident, as described by Marina Oswald, was of no probative value in the Commission's decision concerning the identity of the assassin of President Kennedy.

OSWALD'S RIFLE CAPABILITY

In deciding whether Lee Harvey Oswald fired the shots which killed President Kennedy and wounded Governor Connally, the Commission considered whether Oswald, using his own rifle, possessed the capability to hit his target with two out of three shots under the conditions described in chapter III. The Commission evaluated (1) the nature of the shots, (2) Oswald's Marine training in marksmanship, (3) his experience and practice after leaving the Marine Corps, and (4) the accuracy of the weapon and the quality of the ammunition.

The Nature of the Shots

For a rifleman situated on the sixth floor of the Texas School Book Depository Building the shots were at a slow-moving target proceeding on a downgrade in virtually a straight line with the alignment of the assassin's rifle, at a range of 177 to 266 feet.⁷⁶¹ An aerial photograph of Dealey Plaza shows that Elm Street runs at an angle so that the President would have been moving in an almost straight line away from the assassin's rifle.⁷⁶² (See Commission Exhibit No. 876, p. 33.) In addition, the 3° downward slope of Elm Street was of assistance in eliminating at least some of the adjustment which is ordinarily required when a marksman must raise his rifle as a target moves farther away.⁷⁶³

Four marksmanship experts testified before the Commission. Maj. Eugene D. Anderson, assistant head of the Marksmanship Branch of

the U.S. Marine Corps, testified that the shots which struck the President in the neck and in the head were "not * * * particularly difficult."⁷⁶⁴ Robert A. Frazier, FBI expert in firearms identification and training, said:

From my own experience in shooting over the years, when you shoot at 175 feet or 260 feet, which is less than 100 yards, with a telescopic sight, you should not have any difficulty in hitting your target.

* * * * *

I mean it requires no training at all to shoot a weapon with a telescopic sight once you know that you must put the crosshairs on the target and that is all that is necessary.⁷⁶⁵

Ronald Simmons, chief of the U.S. Army Infantry Weapons Evaluation Branch of the Ballistics Research Laboratory, said: "Well, in order to achieve three hits, it would not be required that a man be an exceptional shot. A proficient man with this weapon, yes."⁷⁶⁶

The effect of a four-power telescopic sight on the difficulty of these shots was considered in detail by M. Sgt. James A. Zahm, noncommissioned officer in charge of the Marksmanship Training Unit in the Weapons Training Battalion of the Marine Corps School at Quantico, Va.⁷⁶⁷ Referring to a rifle with a four-power telescope, Sergeant Zahm said:

* * * this is the ideal type of weapon for moving targets * * *⁷⁶⁸

* * * * *

* * * Using the scope, rapidly working a bolt and using the scope to relocate your target quickly and at the same time when you locate that target you identify it and the crosshairs are in close relationship to the point you want to shoot at, it just takes a minor move in aiming to bring the crosshairs to bear, and then it is a quick squeeze.⁷⁶⁹

* * * * *

I consider it a real advantage, particularly at the range of 100 yards, in identifying your target. It allows you to see your target clearly, and it is still of a minimum amount of power that it doesn't exaggerate your own body movements. It just is an aid in seeing in the fact that you only have the one element, the crosshair, in relation to the target as opposed to iron sights with aligning the sights and then aligning them on the target.⁷⁷⁰

Characterizing the four-power scope as "a real aid, an extreme aid" in rapid fire shooting, Sergeant Zahm expressed the opinion that the shot which struck President Kennedy in the neck at 176.9 to 190.8 feet was "very easy" and the shot which struck the President in the

head at a distance of 265.3 feet was "an easy shot."⁷⁷¹ After viewing photographs depicting the alinement of Elm Street in relation to the Texas School Book Depository Building, Zahm stated further:

This is a definite advantage to the shooter, the vehicle moving directly away from him and the downgrade of the street, and he being in an elevated position made an almost stationary target while he was aiming in, very little movement if any.⁷⁷²

Oswald's Marine Training

In accordance with standard Marine procedures, Oswald received extensive training in marksmanship.⁷⁷³ During the first week of an intensive 3-week training period he received instruction in sighting, aiming, and manipulation of the trigger.⁷⁷⁴ He went through a series of exercises called dry firing where he assumed all positions which would later be used in the qualification course.⁷⁷⁵ After familiarization with live ammunition in the .22 rifle and .22 pistol, Oswald, like all Marine recruits, received training on the rifle range at distances up to 500 yards, firing 50 rounds each day for five days.⁷⁷⁶

Following that training, Oswald was tested in December of 1956, and obtained a score of 212, which was 2 points above the minimum for qualifications as a "sharpshooter" in a scale of marksman—sharpshooter—expert.⁷⁷⁷ In May of 1959, on another range, Oswald scored 191, which was 1 point over the minimum for ranking as a "marksman."⁷⁷⁸ The Marine Corps records maintained on Oswald further show that he had fired and was familiar with the Browning Automatic rifle, .45 caliber pistol, and 12-gage riot gun.⁷⁷⁹

Based on the general Marine Corps ratings, Lt. Col. A. G. Folsom, Jr., head, Records Branch, Personnel Department, Headquarters U.S. Marine Corps, evaluated the sharpshooter qualification as a "fairly good shot" and a low marksman rating as a "rather poor shot."⁷⁸⁰

When asked to explain the different scores achieved by Oswald on the two occasions when he fired for record, Major Anderson said:

* * * when he fired that [212] he had just completed a very intensive preliminary training period. He had the services of an experienced highly trained coach. He had high motivation. He had presumably a good to excellent rifle and good ammunition. We have nothing here to show under what conditions the B course was fired. It might well have been a bad day for firing the rifle—windy, rainy, dark. There is little probability that he had a good, expert coach, and he probably didn't have as high a motivation because he was no longer in recruit training and under the care of the drill instructor. There is some possibility that the rifle he was firing might not have been as good a rifle as the rifle that he was firing in his A course firing, because [he] may well have carried this rifle for quite some time, and it got banged around in normal usage.⁷⁸¹

Major Anderson concluded:

I would say that as compared to other Marines receiving the same type of training, that Oswald was a good shot, somewhat better than or equal to—better than the average let us say. As compared to a civilian who had not received this intensive training, he would be considered as a good to excellent shot.⁷⁸²

When Sergeant Zahm was asked whether Oswald's Marine Corps training would have made it easier to operate a rifle with a four-power scope, he replied:

Based on that training, his basic knowledge in sight manipulation and trigger squeeze and what not, I would say that he would be capable of sighting that rifle in well, firing it, with 10 rounds.⁷⁸³

After reviewing Oswald's marksmanship scores, Sergeant Zahm concluded:

I would say in the Marine Corps he is a good shot, slightly above average, and as compared to the average male of his age throughout the civilian, throughout the United States, that he is an excellent shot.⁷⁸⁴

Oswald's Rifle Practice Outside the Marines

During one of his leaves from the Marines, Oswald hunted with his brother Robert, using a .22 caliber bolt-action rifle belonging either to Robert or Robert's in-laws.⁷⁸⁵ After he left the Marines and before departing for Russia, Oswald, his brother, and a third companion went hunting for squirrels and rabbits.⁷⁸⁶ On that occasion Oswald again used a bolt-action .22 caliber rifle; and according to Robert, Lee Oswald exhibited an average amount of proficiency with that weapon.⁷⁸⁷ While in Russia, Oswald obtained a hunting license, joined a hunting club and went hunting about six times, as discussed more fully in chapter VI.⁷⁸⁸ Soon after Oswald returned from the Soviet Union he again went hunting with his brother, Robert, and used a borrowed .22 caliber bolt-action rifle.⁷⁸⁹ After Oswald purchased the Mannlicher-Carcano rifle, he told his wife that he practiced with it.⁷⁹⁰ Marina Oswald testified that on one occasion she saw him take the rifle, concealed in a raincoat, from the house on Neely Street. Oswald told her he was going to practice with it.⁷⁹¹ According to George De Mohrenschildt, Oswald said that he went target shooting with that rifle.⁷⁹²

Marina Oswald testified that in New Orleans in May of 1963, she observed Oswald sitting with the rifle on their screened porch at night, sighting with the telescopic lens and operating the bolt.⁷⁹³ Examination of the cartridge cases found on the sixth floor of the Depository

Building established that they had been previously loaded and ejected from the assassination rifle, which would indicate that Oswald practiced operating the bolt.⁷⁹⁴

Accuracy of Weapon

It will be recalled from the discussion in chapter III that the assassin in all probability hit two out of the three shots during the maximum time span of 4.8 to 5.6 seconds if the second shot missed, or, if either the first or third shots missed, the assassin fired the three shots during a minimum time span of 7.1 to 7.9 seconds.⁷⁹⁵ A series of tests were performed to determine whether the weapon and ammunition used in the assassination were capable of firing the shots which were fired by the assassin on November 22, 1963. The ammunition used by the assassin was manufactured by Western Cartridge Co. of East Alton, Ill. In tests with the Mannlicher-Carcano C2766 rifle, over 100 rounds of this ammunition were fired by the FBI and the Infantry Weapons Evaluation Branch of the U.S. Army. There were no misfires.⁷⁹⁶

In an effort to test the rifle under conditions which simulated those which prevailed during the assassination, the Infantry Weapons Evaluation Branch of the Ballistics Research Laboratory had expert riflemen fire the assassination weapon from a tower at three silhouette targets at distances of 175, 240, and 265 feet. The target at 265 feet was placed to the right of the 240-foot target which was in turn placed to the right of the closest silhouette.⁷⁹⁷ Using the assassination rifle mounted with the telescopic sight, three marksmen, rated as master by the National Rifle Association, each fired two series of three shots. In the first series the firers required time spans of 4.6, 6.75, and 8.25 seconds respectively. On the second series they required 5.15, 6.45, and 7 seconds. None of the marksmen had any practice with the assassination weapon except for exercising the bolt for 2 or 3 minutes on a dry run. They had not even pulled the trigger because of concern about breaking the firing pin.⁷⁹⁸

The marksmen took as much time as they wanted for the first target and all hit the target.⁷⁹⁹ For the first four attempts, the firers missed the second shot by several inches.⁸⁰⁰ The angle from the first to the second shot was greater than from the second to the third shot and required a movement in the basic firing position of the marksmen.⁸⁰¹ This angle was used in the test because the majority of the eyewitnesses to the assassination stated that there was a shorter interval between shots two and three than between shots one and two.⁸⁰² As has been shown in chapter III, if the three shots were fired within a period of from 4.8 to 5.6 seconds, the shots would have been evenly spaced and the assassin would not have incurred so sharp an angular movement.⁸⁰³

Five of the six shots hit the third target where the angle of movement of the weapon was small.⁸⁰⁴ On the basis of these results, Simmons testified that in his opinion the probability of hitting the targets at the relatively short range at which they were hit was very high.⁸⁰⁵

Considering the various probabilities which may have prevailed during the actual assassination, the highest level of firing performance which would have been required of the assassin and the C2766 rifle would have been to fire three times and hit the target twice within a span of 4.8 to 5.6 seconds. In fact, one of the firers in the rapid fire test in firing his two series of three shots, hit the target twice within a span of 4.6 and 5.15 seconds. The others would have been able to reduce their times if they had been given the opportunity to become familiar with the movement of the bolt and the trigger pull.⁸⁰⁶ Simmons testified that familiarity with the bolt could be achieved in dry practice and, as has been indicated above, Oswald engaged in such practice.⁸⁰⁷ If the assassin missed either the first or third shot, he had a total of between 4.8 and 5.6 seconds between the two shots which hit and a total minimum time period of from 7.1 to 7.9 seconds for all three shots. All three of the firers in these tests were able to fire the rounds within the time period which would have been available to the assassin under those conditions.

Three FBI firearms experts tested the rifle in order to determine the speed with which it could be fired. The purpose of this experiment was not to test the rifle under conditions which prevailed at the time of the assassination but to determine the maximum speed at which it could be fired. The three FBI experts each fired three shots from the weapon at 15 yards in 6, 7, and 9 seconds, and one of these agents, Robert A. Frazier, fired two series of three shots at 25 yards in 4.6 and 4.8 seconds.⁸⁰⁸ At 15 yards each man's shots landed within the size of a dime.⁸⁰⁹ The shots fired by Frazier at the range of 25 yards landed within an area of 2 inches and 5 inches respectively.⁸¹⁰ Frazier later fired four groups of three shots at a distance of 100 yards in 5.9, 6.2, 5.6, and 6.5 seconds. Each series of three shots landed within areas ranging in diameter from 3 to 5 inches.⁸¹¹ Although all of the shots were a few inches high and to the right of the target, this was because of a defect in the scope which was recognized by the FBI agents and which they could have compensated for if they were aiming to hit a bull's-eye.⁸¹² They were instead firing to determine how rapidly the weapon could be fired and the area within which three shots could be placed. Frazier testified that while he could not tell when the defect occurred, but that a person familiar with the weapon could compensate for it.⁸¹³ Moreover, the defect was one which would have assisted the assassin aiming at a target which was moving away. Frazier said, "The fact that the crosshairs are set high would actually compensate for any lead which had to be taken. So that if you aimed with this weapon as it actually was received at the laboratory, it would not be necessary to take any lead whatsoever in order to hit the intended object. The scope would accomplish the lead for you." Frazier added that the scope would cause a slight miss to the right. It should be noted, however, that the President's car was curving slightly to the right when the third shot was fired.

Based on these tests the experts agreed that the assassination rifle was an accurate weapon. Simmons described it as "quite accurate,"

in fact, as accurate as current military rifles.⁸¹⁴ Frazier testified that the rifle was accurate, that it had less recoil than the average military rifle and that one would not have to be an expert marksman to have accomplished the assassination with the weapon which was used.⁸¹⁵

Conclusion

The various tests showed that the Mannlicher-Carcano was an accurate rifle and that the use of a four-power scope was a substantial aid to rapid, accurate firing. Oswald's Marine training in marksmanship, his other rifle experience and his established familiarity with this particular weapon show that he possessed ample capability to commit the assassination. Based on the known facts of the assassination, the Marine marksmanship experts, Major Anderson and Sergeant Zahm, concurred in the opinion that Oswald had the capability to fire three shots, with two hits, within 4.8 and 5.6 seconds.⁸¹⁶ Concerning the shots which struck the President in the back of the neck, Sergeant Zahm testified: "With the equipment he [Oswald] had and with his ability I consider it a very easy shot."⁸¹⁷ Having fired this shot the assassin was then required to hit the target one more time within a space of from 4.8 to 5.6 seconds. On the basis of Oswald's training and the accuracy of the weapon as established by the tests, the Commission concluded that Oswald was capable of accomplishing this second hit even if there was an intervening shot which missed. The probability of hitting the President a second time would have been markedly increased if, in fact, he had missed either the first or third shots thereby leaving a time span of 4.8 to 5.6 seconds between the two shots which struck their mark. The Commission agrees with the testimony of Marine marksmanship expert Zahm that it was "an easy shot" to hit some part of the President's body, and that the range where the rifleman would be expected to hit would include the President's head.⁸¹⁸

CONCLUSION

On the basis of the evidence reviewed in this chapter, the Commission has found that Lee Harvey Oswald (1) owned and possessed the rifle used to kill President Kennedy and wound Governor Connally, (2) brought this rifle into the Depository Building on the morning of the assassination, (3) was present, at the time of the assassination, at the window from which the shots were fired, (4) killed Dallas Police Officer J. D. Tippit in an apparent attempt to escape, (5) resisted arrest by drawing a fully loaded pistol and attempting to shoot another police officer, (6) lied to the police after his arrest concerning important substantive matters, (7) attempted, in April 1963, to kill Maj. Gen. Edwin A. Walker, and (8) possessed the capability with a rifle which would have enabled him to commit the assassination. On the basis of these findings the Commission has concluded that Lee Harvey Oswald was the assassin of President Kennedy.