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See p. 909 For info When DP returned over

knew the "someone in high authority" was probably his close friend President Lyndon Johnson and, in order to avoid further probing questions, abruptly adjourned the hearing.¹⁶⁰ Dulles was the only member of the Commission who understood the reason for sending Oswald's possession to the FBI as quickly as possible. The reason was to identify and eliminate any items of evidence which suggested there was a second Oswald or suggested that Oswald was connected with US intelligence agencies.

FBI before the front cameras SA - Sample's 11/26

When Curry's testimony resumed not another word was mentioned about "someone in high authority."

NOTE: It was President Johnson's aide, Cliff Carter, who ordered the DPD to turn over all evidence to the FBI on Friday evening and there is little doubt that it was Lyndon Johnson who instructed Carter to phone the DPD.

Chief Curry told the Commission, "Around midnight of Friday night we agreed to let the FBI have all the evidence and they said they would bring it to their laboratory and they would have an agent stand by and when they were finished with it to return it to us."¹⁶¹ The Dallas Police then gave all of the physical evidence, without a written inventory, to FBI agent Vince Drain who departed from Carswell Air Force Base aboard a C-130 tanker at 3:10 am for Washington, DC.¹⁶² SA Drain did not testify before the Warren Commission.

From the testimony of Jesse Curry the Warren Commission learned the FBI had taken Oswald's possessions to Washington, DC during the early morning hours of November 23rd. As seasoned lawyers, the Commission members and their staff understood the "custodial chain of evidence" from the DPD to the FBI had been broken. There was no written record of the items taken by the FBI to Washington on November 23rd nor was there a written record of the items returned to the Dallas Police three days later (November 26).

NOTE: The Dallas Police and FBI prepared an inventory which listed the Mannlicher-Carcano rifle, the .38 S&W pistol, bullet fragments, shell casings, a blanket, Oswald's shirt, and paper and tape samples from the TSBD.¹⁶³ These items were photographed as a group at 9:00 pm by Lieutenant J.C. Day prior to turning them over to the FBI (This photograph also shows the two spent cartridges (not 3) which the police found on the 6th floor of the TSBD).¹⁶⁴ But no inventory list accompanied the hundreds of items of evidence, found by the Dallas Police, to FBI Headquarters during the early morning hours of November 23rd.

At the FBI laboratory in Washington technicians conducted a test on Oswald's shirt, one of the items inventoried and photographed, to determine if a tuft of fibers found on the butt of the Mannlicher-Carcano rifle matched the fibers on the shirt. The subsequent FBI report of November 23 said the fibers "match in microscopic characteristics.....the shirt of the suspect. These fibers could have originated from this shirt."¹⁶⁵ But the fibers did not come from the shirt Oswald was wearing at the TSBD on November 22. After arriving at 1026 N. Beckley Oswald changed clothes and wore a different shirt to the Texas Theater. The fibers found on the rifle could not possibly have come from this shirt.

Not so

James Cadigan, an FBI document specialist, received the confiscated items (Oswald's possessions) at FBI headquarters in Washington. When Cadigan first testified before the Warren Commission, the only Commission member present was former CIA Director Allen Dulles.¹⁶⁶ Cadigan said, "Initially, the first big batch of evidence was

<<	brought into the laboratory on November 23 and this consisted of many, many items....ft	>
	was a very large quantity of evidence that was brought in.	

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Commission attorney Melvin Eisenberg learned just how many items the FBI received when he asked Cadigan if he remembered one particular item. Cadigan said, "On November 23, when the vast bulk of this material came in it was photographed.....to select one item out of four or five hundred, I cannot, in all honesty, say I definitely recall seeing this...."¹⁶⁷ Eisenberg now knew that "four or five hundred" items of evidence, which belonged to Oswald, were "brought into the FBI laboratory on November 23rd." He also knew that no inventory list accompanied these items from Dallas to FBI Headquarters (Nov. 23) or from FBI Headquarters to Dallas (Nov. 26).

Brown Fingerprint Ink. When the FBI laboratory received Oswald's possessions on the early morning of November 23, many of the items were immediately treated with a brown colored ink to check for fingerprints. Under normal conditions, when the testing was complete, items were re-treated with a special chemical that neutralized and removed all traces of the brown fingerprint ink. This neutralizing process was known as "desilvering" and was briefly mentioned by Cadigan. WC attorney Melvin Eisenberg was discussing Oswald's FPCC card and asked Cadigan, "Do you know why CE 820 was not processed or desilvered?" Cadigan replied, "Time was of the essence and this material, I believe, was returned to the Dallas Police within two or three days...." There was insufficient time to desilver it."¹⁶⁸ Eisenberg now knew that the hundreds of items of evidence confiscated by the Dallas Police (Oswald's possessions) were secretly sent to FBI headquarters in the early morning hours of November 23, and then quietly returned to the Dallas Police three days later (November 26).

Time was of the essence. The urgency to return the items of evidence to Dallas was probably the result of a conversation between FBI Director Hoover and President Lyndon Johnson. Johnson was planning to announce that the FBI was taking over the investigation, and the physical evidence needed to be in Dallas so the police could "officially" turn the evidence over to the FBI. Prior to the announcement hundreds of items of evidence at the FBI laboratory were collected in haste before lab technicians had time to complete the desilvering process on all of the items. One of the items that was not "desilvered" by lab technicians was Oswald's FPCC card. Warren Commission attorney Melvin Eisenberg asked Cadigan, "Do you know why 820 was not reprocessed or desilvered?"¹⁶⁹

Neither the Warren Commission nor the FBI wanted the public to find out the Bureau had secretly taken evidence to Washington and then secretly returned the evidence to the Dallas Police a few days later, so testimony and photographs had to be altered. The transcript of James Cadigan's original deposition (pp. 49-50) reads, "Time was of the essence and this material, I believe, was returned to the Dallas Police within two or three days...."¹⁷⁰ NOV 22/23-29 But someone drew lines through the original typewritten transcript and wrote "delete." This portion of Cadigan's testimony was deleted and does not appear in his testimony as published on page 434 of Volume VII of the Warren Volumes. NOV 22/23-30

Thanks to James Cadigan, and his original Warren Commission testimony which is preserved in the National Archives (released in 1992), we now know the FBI secretly obtained the items of evidence listed on the Dallas Police inventories for November 22/23, kept them in Washington, DC for three days, and then quietly returned them to the Dallas Police.

While Oswald's possessions were in FBI custody many key pieces of evidence were altered (W-2 forms), manipulated (Minox camera/light meter), and suppressed (Lee Oswald's wallet found by Captain Westbrook). Without a written inventory either to or from the Dallas Police, the FBI was not concerned that their tampering with would be discovered.

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Oswald's possessions are returned to the DPD

On November 26 the "hundreds of items" were returned to DPD headquarters so that an inventory could be created to show a "chain of possession" from the DPD to the FBI. All items were photographed at DPD headquarters with a desk mounted Recordak camera, which was known for taking precise, crystal-clear photographs. The police used 4 rolls of 35 mm film, 25 feet in length, and 1 roll of 35 mm film that was 100 feet in length. As each item was photographed it was listed on one of 25 typewritten pages of inventory, which were jointly initialed by FBI agents and Dallas Police officers.¹⁷¹

President Johnson announced the FBI was taking over the investigation and shortly thereafter the Dallas Police gave hundreds of items of evidence to the FBI in front of TV cameras and reporters.^{NOV 22/23-31/32} The Dallas Police, who did not have time to develop the film, also gave the 5 rolls of film to the FBI. They requested that the FBI develop the film and provide them with two photographs of each item of evidence.¹⁷²

But there were problems. If the FBI developed the 5 rolls of film and returned photographs of all items to the Dallas Police, then many of the photographs would show items that had been treated with the brown fingerprint ink-applied at the FBI laboratory from November 23-25. These photographs were "proof" that the FBI secretly had these items of evidence in their possession before they took over the case on November 26th.

Another problem was the volume of evidence, which grew considerably while in FBI custody. The items confiscated by the Dallas Police on November 22-23 were listed on 5 typewritten pages,¹⁷³ but it took 21 typewritten pages to list all of the items that were returned to the Dallas Police and listed on the joint DPD/FBI inventory of November 26.¹⁷⁴ If both lists are placed side by side, it is apparent that the FBI returned far more items to the Dallas Police than they received.

NOTE: In 1999 I visited the National Archives in order to examine and compare each item of evidence listed on the 5 pages of DPD inventory (November 23) with the joint FBI/DPD inventory (November 26). I began by examining the items listed on the DPD inventory of November 22/23 and found that each item was properly initialed by Dallas Police officers.

I then located those items on the joint FBI/DPD inventory of November 26 (CE 2003 pp. 263-283). I soon realized there were many more items listed on the joint FBI/DPD inventory of 11/26/63 than were listed on the original DPD inventory of 11/22-23/63. It was clear that items of evidence were added while in FBI custody and also clear that none of these items contained the initials of Dallas Police officers. This means that either DPD officers forgot to initial over a hundred items of evidence, forgot to list those items in inventory, and forgot to photograph them on the floor of DPD headquarters, or the FBI added items of evidence to the inventory between the 23rd and 26th of November.

The FBI not only added items to the inventory, they also discarded and/or switched items of evidence. Dallas Police officers Gus Rose and Richard Stovall found a Minox camera at Ruth Paine's.^{NOV 22/23-33} Rose said, "Among the property we found a little Minox miniature camera and on checking it, it did have a little roll of film in it (along with 9 additional rolls of Minox film).....All of the property we recovered from the residence, I initialed it. Stovall and I initialed it and dated it for evidence."^{175 NOV 22/23-34/35/36}

Rose and Stovall also listed the miniature camera on their handwritten inventory and on the typewritten inventory which was identified by the Warren Commission as Stovall Exhibit A and published on pages 596-597 in Volume 21.^{NOV 22/23-37} On the evening of November 22 the Minox camera was photographed on the floor of the Dal-

Handwritten notes on the right margin: "11/25?", "Not only actually", "check by Press", "Carroll White".

Handwritten signature "Mickson" and initials "JAS" over the bottom text.