

Chapter outline/Early Evidence

Idea sheet for chapter on the early evidence

@ First order of business is to use unUsed Chpt. 5 of BOT TO GO OVER THE INVALIDATION OF EVIDENCE OF THE SO-CALLED SNIPER'S NEST.

@ THEN THE BIGGEST SECTION OF CHPT ON THE FBI'S CORRUPTION OF THE EVIDENCE PACKAGE FROM DALLAS.

- Review folder on Chronology 11/22 & 11/23 search for any indications of why LBJ/Hoover might have wanted to settle the case asap. His would have to be evident on 11/22. It could be they were both suspicious (convinced) that Dallas was a conspiracy. They both must have some idea of the enemies of JFK. (Might find Talbot useful here)
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- Check w/ CD-1 file in TD. Locate doc. where Hoover notes that Oswald made three trips to Cuba. I cite this in BOT but chalk it up to a mistake on Hoover's part. Perhaps it was 'nt. Hoover suspicious of Oswald in any case. See his 1959 concern about a possible Oswald imposter who might use Oswald's birth certificate.
- Develop Drain and evidence goes to WDC. This was everything that Dallas Police had picked up on 11/22. Hoover knew of the Chicago and Miami plots and threats.
- It was gone over at FBIBULAB for several days. When was it returned to Dallas Police? (11/25 or 26<sup>th</sup>) Where it was then formally turned over to the FBI. This was all to avoid the break in the chain of possession.
- Discuss how the WC deals with this problem. @ See Dulles' handling of Curry's WC testimony. Dulles realizes at once from Curry's account that the line of possession of the evidence was violated when he asks whether any Dallas police accompanied Drain back to WDC on 11/23. Dulles effectively drops this whole of questioning with the lunch break. He doubtlessly spoke with Rankin about the problem if Rankin (missed the significance here on the possession question and LBJ/Hoover's intent to control the evidence coming from Dallas). After the end of the lunch break Dulles/Rankin start in on a whole different line of questioning.
- This also can be seen with the deletion of Cadigan's WC with Eisenberg. Also Cadigan gives indication of the volume of the evidence

@ In this regard I might want to cite some of the various and contradictory accounts by FBI related to the collection and disposition of the early evidence.

- I'll need to review JA's several pages to round out this section of Chapter
- See Shanklin to File 1/29/'64 100-10461 Asked by Malley if the evidence has sparked new leads in the investigation . . .Shanklin admits that Dallas FBI

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- did not have a chance to review the evidence before it was all whisked away to SOG . . . all that Dallas office had to work with was the list of materials and the pics of the evidence but that the pics were not too good. . . (L. 17 TD # 1)

Covering the mystery of the third empty cartridge found on 6<sup>th</sup> floor of TSBD. Does not show up until 11/27. No explanation given despite Fritz's deposition. What to make of this???

CHAIN OF POSSESSION BROKEN AGAIN. . . This is the case with CE#399

Core response here taken from Hunt report for basic links in the chain of custody. Note: The day after Tomlinson refused to say that CE #399 came off the Connally carriage Frazier went before the WC and delivered chain of custody to WC.

Key point: That Todd's initials are not on the specimen at NARA that is alleged to be CE #399.

Palamara's pages from "Survivor's Guilt" adds more confusion to the line of custody to the story. I want to cite his work on this topic.

Jim White's citations on CE #399 See A Deals with questions of where the bullet originated.

Section B Specter and Drs on question of whether CE # 399 could have produced all of the wounds required for the S/B theory. Point here: none of the Parkalnd or Bethesda drs believed it possible.

Make this point in question to p. 19 assertion in WCR that all of the best opinion was that it did. WC gave prominence to the opinions of a veterinarian and a physiologist and ignored the opinions of the best qualified witnesses.

Might want to review my work on this in BOT.

Add to footnote: Point that WC went with a story that had no support from the most qualified witnesses. Cite Dolci also.

Relegate to endnote: Possibility of CE# 399 being a plant. Mention the Cuban and Jack Ruby as possible suspects that WC never entertained.

Other violation of line of possession matters. The whole issue of CE# 399 the Magic Bullet . . . questions raised.

This may be enough for a chapter focusing only on chain of possession.

I have to think of a next chapter that deals with evidence.

*See Cadigan's page  
Thompson*

*Not needed  
Just  
Substituted  
by  
FBI  
for match of  
McC rifle*

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Early Evidence #2

NOTES W/ DRAIN AND THE SHIFTING OF THE EVIDENCE PACKAGE

DOCUMENT #1 DRAIN'S LENGTHY REPORT FOUND IN 105-82555-505 (Section 17). 11/26/'63

High points of HIS REPORT:

- P. 1 LEAVES THE IMPRESSION THAT THE ITEMS HE TOOK TO WDC ON 11/23 THAT WERE FLOWN ABOARD A US AF C-135 TANKER THAT FKEW OUT OF CARSWELL AF BASE (Ft Worth) AND ARRIVED IN WDC AT 6:30 A.M. AFTER LEAVING DALLAS AT 3:10 A.M. HE SAYS HE WAS ACCOMPANIED BY SS AGENT WINSTON LAWSON (P. 160)
- ITEMS HE LISTS ARE JUST TEN THAT WOULD BE THE KEY ITEMS CONVICTING OSWALD.
- ITEM 3 9 ONE BULLET RECOVERED FROM TIPPIT'S BODY.

\*\*\*\* P. 160 HE SAYS THAT HE RETURNED THESE ITEMS TO DALLAS POLICE CHIEF CURRY ON 11/24 - THAT IS, OF THE 10 LISTED ITEMS OF EVIDENCE.

P. 162 HE NOTES THAT ON 11/23 BULAB FURNISHED TO CURRY THE FOLLOWING INFORMATION ABOUT WHAT INFO IT HAD ABOUT THE EVIDENCE.

**NOTE: DRAIN NEVER QUESTIONED BY WC.**

A MYSTERY OF SORTS:

NOTED ON P. 162 DRAIN LISTS Q6 AND Q7 AS TWO OF THE SPENT CARTRIDGES (CASES) FROM TSBD.\*\*\*\* Only TWO\*\*\*\* THIS WAS A DRAIN REPORT 11/29 IN WHICH HE STATES THAT A THIRD CARTRIDGE CASE WAS

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DELIVERED TO HIM FROM LT DAY. THIS CASE WITH OTHER STUFF WERE DELIVERED BY DRAIN TO BULAB ON 11/27/'63 P. 181 OF 105-82555-505 (S. 22)

P. 168 OF 105-82555-505 (S. 21) NOTES BY COMMUNICATION 11/27 BUREAU THAT THE THIRD EMPTY CARTRIDGE CASE FOUND/ NO FINGERPRINTS ON THIS ONE. NOTHING TO EXPLAIN WHO FOUND THIS OR WHERE IT WAS THE PAST 5 DAYS.

FINAL PIECE: ON JUNE 9, 1964 WILL FRITZ EXECUTED AN AFFIDAVIT TO THE EFFECT THAT 3 SPENT HULLS WERE FOUND UNDER THE WINDOW SE CORNER OF TSBD ON AFTER NOON OF 11/22/1963. THYE WERE NOT MOVED UNTIL LT. DAY TOOK A PICTURE. ---WC 7H P. 403  
THIS SQUARES WITH DALLAS PAPER THAT NOTED THE 3 HULL ON 11/23. BUT STILL THESE IS NO EXPLANATION OF WHERE THIS THIRD CASING WAS FOR 5 DAYS.

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Notes supporting LBJ/HOOVER DISCUSSION(S) ON 11/22 LED TO LBJ ORDERING DALLAS POLICE TO TURN ALL EVIDENCE OVER TO THE FBI.

@1A DRAIN'S ACCOUNT FROM "NO MORE SILENCE" P. 249

@ SEE BELMONT TO TOLSON 11/22 62-109060-1431 NOTES LBJ TALKED TO HOOVER AND WANTS FBI TO SOLVE CASE ASAP. FIND IN #14 FILE 17 TD. CITED IN CHRONOLOGY SHEET FOR 11/22 & 11/23

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@ 1B CURRY WC TESTIMONY (I NEED DATE) FOUND IN 4H 194-195. KEY HERE: DULLES ASKS CURRY: "THERE WAS NO AGENT OF DALLAS POLICE WHO WENT TO WASHINGTON WITH THE EVIDENCE? CURRY: NOT TO MY KNOWLEDGE. DRAIN ONLY TOOK SS AGENT WINSTRON LAWSON/NO DALLAS POLICE OFFICERS. CHAIN OF POSSESSION BROKEN WAS WHAT WENT THROUGH DULLES' MIND.

CURRY SPEAKS VOLUMES ABOUT PRESSURE FROM WASHINGTON. . . TO GET DALLAS TO SURRENDER ALL EVIDENCE TO FBI.

SEE HOW DULLES BREAKS OFF THE QUESTIONING FOR LUNCH. . . AND WHEN THEY RETURN THE SUBJECT WAS DROPPED. CURRY SAYS THAT DALLAS NEVER GOT ANY OF THE EVIDENCE RETURNED. ALL DALLAS GOT WERE FBI PHOTOS OF THE EVIDENCE. DIDN'T DALLAS POLICE TAKE THEIR OWN PICS. SEE SAVAGE BOOK ON "DAY ONE EVIDENCE."

1C JAMES CADIGAN'S 4/30/1964 WC TESTIMONY 7H 434-435 HE NOTES THERE WAS 400 TO 500 ITEMS MAKING UP THE EVIDENCE PACKAGE THAT ARRIVED AT BULAB ON 11/23. CHECK W/ ARMSTRONG ON HIS DELETED WC TESTIMONY/ ALSO SEE BLUNT'S COPY OF HIS TESTIMONY.

1D DALLAS POLICE RECORDS OF ALL OSWALD STUFF TAKEN ON 11/22 AND 11/23. . . WANT TO IDENTIFY BY STOVALL, ETC AS CITED IN WC EXHIBITS. MAKES CLEAR THAT BULK OF MATERIAL WAS COLLECTED ON 11/22