

Date 9/9/64

Lieutenant JOHN CARL DAY, Crime Laboratory, Dallas Police Department, stated the records of the Dallas Police Department reflected the following information relative to when he first arrived at the Texas School Book Depository on November 22, 1963, and his actions during that day regarding the processing of various pieces of evidence. Lt. DAY stated he had made a written report on January 8, 1964, to Mr. G. L. LUMPKIN, Deputy of Police, Service Division of the Dallas Police Department. This report is set forth as requested of Lt. DAY, and a copy of such report was furnished by Lt. DAY for transmittal to the President's Commission investigating the assassination of President KENNEDY. Lt. DAY stated he preferred to let the written report speak for itself and would rather elaborate orally on the lifting of the palm print from the underside of the rifle, which palm print was found when he examined the rifle on November 22, 1963, rather than to make a written signed statement.

"January 8, 1964

"Mr. G. L. Lumpkin
 "Deputy of Police
 "Service Division

"Subject: Crime Scene Search
 Investigation of the
 Shooting of President J. F.
 Kennedy on Offense F 86056.

"Sir:

"At 1:12 P.M. on November 22, 1963, Lieutenant J. C. Day 391 and Detective R. L. Studebaker 966 arrived at 411 Elm Street in response to a call from the dispatcher. Detectives J. B. Hicks 441 and H. R. Williams 757 arrived about 3:00 P.M. to assist in the investigation of the shooting of the President J. F. Kennedy on offense F 86056.

1546/29

27

on 9/8/64 at Dallas, Texas File # DL 100-10461
 by Special Agent VINCENT E. DRAIN/sav Date dictated 9/8/64

DL 100-10461

"Lieutenant Day and Detective Studebaker on arrival were directed to the sixth floor of the Texas School Book Depository building. Three spent rifle shells had been found in the southeast corner of the building. These were under the eastern most window on the south side of the building further described as the south window nearest Houston Street.

"Photographs were taken of the three hulls as found. They were checked for prints, marked for identification and released to Detective R. M. Sims 629 of the Homicide Bureau. The hulls were 6.5 caliber and no legible prints were found.

"About 1:25 P.M. Captain J. W. Fritz 9 directed Lieutenant Day to the northwest portion of the sixth floor where a rifle had been found between some cartons near the stairs. Photographs were taken of the rifle as found, then it was picked up by Lieutenant Day in such a way as to destroy no fingerprints that might be present. With Lieutenant Day holding the gun, Captain Fritz opened the bolt and a live shell fell from the barrel. This shell was in position to fire should the trigger be pulled. The live shell was checked for prints, marked for identification and released to Captain Fritz. No fingerprints were found.

"The rifle, a 6.5 caliber, made in Italy in 1940, Serial C 2766, was taken by Lieutenant Day to the Identification Bureau about 2:00 P.M. and locked in an evidence box until further checking

15746/28

DL 100-10461

"could be done. Agent Odum, Dallas office of the F.B.I. drove Lieutenant Day to the City Hall. The rifle had no manufacturer's name and had a telescope sight mounted on it which was marked as follows:

4 x 18 coated Ordinance Optics
Inc., Hollywood, California.

There was a small cloverleaf design with 'OSC' stamped inside the cloverleaf.

"Lieutenant Day returned to 411 Elm Street about 2:45 P.M. and continued the investigation with other Crime Scene Search officers.

"About fifty photographs were made of the area involved in the shooting and a scale drawing was made of the sixth floor by Detectives J. B. Hicks and R. L. Studebaker.

"The cartons in the area where the rifle was found, and also the cartons near the window where the spent hulls were found were dusted for prints. A palm print was found on the top northwest corner of a carton that appeared to have been used by the assassin to sit on while aiming the rifle. This palm print was collected and preserved, along with the carton it came off of, and three cartons stacked by the window apparently to rest the rifle on.

"Lieutenant Day returned to the Identification Bureau about 7:00 P.M. and started checking the rifle for prints. Two fingerprints were found on the side

1546/29

DL 100-10461

"of the rifle near the trigger and magazine housing and a palm print was found on the underside of the gun barrel near the end of the stock. It appeared probable these prints were from the right palm and fingers of Lee Harvey Oswald, but the rifle was released to the F.B.I. to be sent to Washington, D.C. before the examination was completed and positive identification of the prints could be made. The prints were not very good for comparison purposes.

"Paraffin casts were made of Oswald's hands and the right side of his face about 9:00 P.M. November 22, 1963, in the Homicide Bureau office by Sergeant W. E. Barnes 598 and Detective J. E. Hicks. These casts were sent to DCCCIL November 23, 1963 for nitrate tests.

"All other evidence collected by the Crime Scene Search was released at 11:45 P.M. November 22, 1963 to Agent Vince Drain to be delivered to the F.B.I. headquarters at Washington, D.C.

"Respectfully submitted,

"/s/ J C Day
"J. C. Day 391
"Lieutenant of Police
"Identification Bureau"

Lt. DAY further related that when he carried the rifle from the Texas School Book Depository to the Dallas Police Department, it was locked up in the Dallas Police Crime Laboratory. Lt. DAY related that at the time this rifle

1546/80

DL 100-10461

was found on the sixth floor of the Texas School Book Depository, he held the rifle up being careful not to obliterate the fingerprints, and Captain WILL FRITZ, Homicide Division of the Dallas Police Department, racked the bolt back ejecting a live round of ammunition, at which time he identified the live round of ammunition.

Lt. DAY stated he dusted the left side of the rifle at about where the clip housing is located and in front of the trigger housing and observed three impressions, two of which indicated ridge patterns. Lt. DAY stated he told Captain FRITZ he wanted to remove the gun to the Dallas Police Crime Laboratory where more suitable conditions were present in which to further examine this gun.

The rifle was taken to the Dallas Police Crime Laboratory of the Dallas Police Department where on the evening of November 22, 1963, Lt. DAY stated he made three photographs of the impressions of the fingerprints which had been raised near the clip housing and in front of the trigger housing. Lt. DAY advised he took the wooden part of the rifle off by loosening three or four screws and uncovered what he considered to be an old dry print with a loop formation underneath the barrel. He stated this appeared to him to be the right palm print of some individual. This print was found on the underside of the barrel which was completely covered by the wooden stock of the gun and not visible until he had removed the wooden portion of the gun. Lt. DAY estimated this print was within three inches of the front end of the wooden stock. Lt. DAY advised he dusted this print with black powder and made one lift.

Lt. DAY stated at this point he received instructions from Chief of Police JESSE E. CURRY not to do anything else concerning the examination of

DL 100-10461

evidence as it was to be immediately turned over to SA VINCENT E. DRAIN of the Federal Bureau of Investigation for transmittal to the FBI Laboratory. Lt. DAY stated he normally would have photographed this print, but since his instructions from the Chief of Police were not to do anything further, he literally took him at his word. Lt. DAY stated the reason he had preserved the other prints found on the gun by photography was the fact he had already photographed these prints prior to getting the instructions from the Chief of Police to cease further examination of the evidence.

Lt. DAY stated he had no assistance when working with the prints on the rifle, and he and he alone did the examination and the lifting of the palm print from the underside of the barrel of the rifle which had been found on the sixth floor of the Texas School Book Depository on November 22, 1963.

Lt. DAY related that after he made the lift of the palm print on the underside of the barrel, he could still see this palm print on the underside of the barrel of the gun and would have photographed same had he not been ordered to cease his examination. Lt. DAY stated he had no reason for not photographing this palm print first before attempting to lift it other than in the interest of time.

Lt. DAY stated he did not take any photographs of the palm print which he lifted on the underside of the rifle barrel after the lift was made, and that the prints of the less valuable ones he had found near the trigger housing and clip housing were photographed prior to the time he received instructions to conduct no further examination of this evidence.

150/1/72

DL 100-10461

Lt. DAY advised it was his customary practice to photograph fingerprints in most instances prior to lifting them, but in some cases where it was felt by him that he could make a lift, he would go ahead and make the lift and then photograph the print in question.

Lt. DAY stated he saw no reason for wrapping the palm print on the underside of the barrel with any protective covering since it was protected by the wood stock when fully assembled and that it was not necessary to use cellophane or other protective coating as it would have been on the exposed prints.

Lt. DAY stated he tentatively identified the palm print that was lifted off the underside of the rifle, which was believed to have been used in the assassination of President KENNEDY, as matching that of the known palm print of LEE HARVEY OSWALD. He stated this was done on the night of November 22, 1963, in the Crime Laboratory of the Dallas Police Department, Dallas, Texas. Lt. DAY related on that night he told only two people that he had made the tentative identification of the palm print obtained off the underside of the rifle barrel with that of the known palm print of LEE HARVEY OSWALD. Lt. DAY stated these two individuals were Chief of Police JESSE E. CURRY of the Dallas Police Department and Homicide Captain WILL FRITZ of the Dallas Police Department. Lt. DAY advised he could not remember the exact time he made the identification nor the exact time he advised Chief of Police CURRY and Captain WILL FRITZ of the tentative identification, but he did know it was on the night of November 22, 1963, prior to the time he released the rifle to SA VINCENT E. DRAIN of the Federal Bureau of Investigation for transmittal to the FBI Laboratory, Washington, D.C.

Lt. DAY stated he received instructions from Chief of Police JESSE E. CURRY, Dallas Police Department, Dallas, Texas, to turn over all of the evidence collected that he was examining, which related to LEE HARVEY OSWALD, to the FBI shortly before midnight

158/4/33

DL 100-10461

on November 22, 1963. The exact time he received these instructions he cannot recall, but the evidence which included the rifle believed to have been used by OSWALD was turned over to SA VINCENT E. DRAIN, Federal Bureau of Investigation, at 11:45 p.m., November 22, 1963, for transmittal to the FBI Laboratory. Lt. DAY stated that he could positively state that the palm print, which was lifted by him from the rifle, came from the underside of the barrel which, when the gun is fully assembled, is covered by the wooden stock. This palm print, which was lifted by him from this location, was not turned over to SA VINCENT E. DRAIN for examination by the FBI Laboratory until November 26, 1963, inasmuch as he wanted to make further comparisons of this palm print with the known palm print of LEE HARVEY OSWALD. Lt. DAY stated the gun was carefully reassembled, and when the wooden stock was reassembled to the barrel of the gun, this afforded the print that was still visible on the underside of the barrel sufficient protection that it would not be disturbed in his estimation. Lt. DAY related he would have offered this print the same protection by photographing it as he had other less identifiable prints found on the gun near the trigger housing and clip housing had he had enough time prior to receiving instructions to cease examination and turn the rifle over to the FBI. Lt. DAY stated he had no other reason for not affording all of the prints found the same protection.

Lt. DAY related that when the rifle was turned over to SA VINCENT E. DRAIN of the Federal Bureau of Investigation, it was fully assembled and in the same condition as when he had found it on the sixth floor of the Texas School Book Depository on November 22, 1963.

10/13/34