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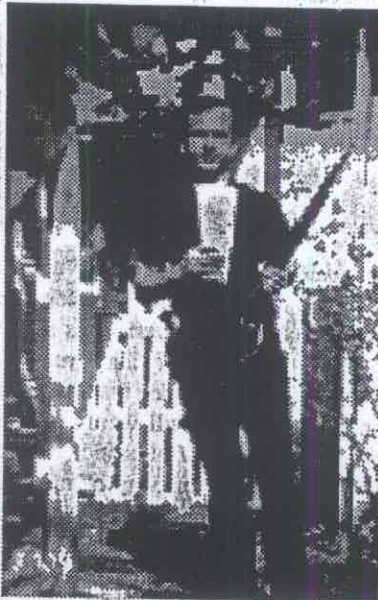
JULY 1996

# An Interview On The Famous Backyard Rifle

## Photos

Michael T. Griffith

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... CE 133-A ...  
... photographer, and a photo lab technician. He has worked in photography for 18 years, and for the last ten years has worked as a photographer and photo lab technician for the U.S. Government. Mr. Mee has studied and had on-the-job training in negative retouching, print development, shadows, and negative analysis. In addition, he has

### Introduction

On Tuesday, 16th August 1994, I had the pleasure of conducting a lengthy interview with Mr. Brian Mee, a professional photographer and photo lab technician. Our central topic of discussion was the famous backyard rifle pictures which seem to show Lee Harvey Oswald in his Oak Cliff backyard holding a rifle in one hand and some radical newspapers in the other. We examined selected segments from Jack White's video FAKE: THE FORGED PHOTO THAT FRAMED OSWALD. We also discussed the HSCA testimony of two members of the Committee's photographic panel, Calvin S. McCamy and Cecil Kirk, who testified in defense of the disputed snapshots.

We were, of course, unable to examine the original backyard photos. However, Mr. Mee stated that he felt he could make an informed judgment on several elements in the snapshots based on the copies that we had available for examination. Additionally, it should be pointed out that some of Mr. Mee's comments pertained to the photographic panel's methods and assumptions and, thus were not dependent on the nature of our copies of the backyard pictures. On the other hand, Mr. Mee said that the nature of the copies we had on hand to study prevented him from reaching firm conclusions about some aspects of the photographs.

As stated, Mr. Mee is a professional

completed technical courses in color print development and color negative development at the Winona School of Photography in Wisconsin. He has also undergone courses in automatic printing and in using computer video analyzers at the KODAK School of Photography in Rochester, New York.

Mr. Mee asked me to make it clear that he was speaking strictly as a private citizen, and not as a representative of any government agency.

### Summary of Interview

\* The Photographic Panel claimed that the edge markings on the CE 133-A and DeMohrenschildt photos proved that these pictures were taken with Oswald's Imperial Reflex camera. The panel also said that scratches on the photos likewise indicated that they were taken with Oswald's camera. Jack White has described two methods by which those marks could have been made. Mr. Mee stated that he did not believe a skilled forger would have used either of the methods outlined by Jack White for producing the frame edge markings and camera scratches. He said these markings and scratches could have been made in the ways described by White, but that he doubted that a good forger would have employed either method.

Mr. Mee outlined an alternative method by which the edge markings and scratches could have been created. Essentially, he described a multi-generation process in which the

first photos were taken with a very high-quality camera.

\* On the issue of Jack White's work, Mr. Mee said that overall it was pretty good. He said he thought that White had made some errors, although he was correct on a number of important points.

\* Mr. Mee disputed the relevancy of the Photographic Panel's vanishing point analysis. He said he understood what McCamy had said about it, but that he did not feel it was a valid explanation of the conflicting shadows. Mr. Mee's opinion was that such an analysis was no substitute for a direct study of the conflicting shadows themselves. This is important because the vanishing point analysis was the panel's only way of explaining the variant shadows in the backyard photos.

\* Mr. Mee was extremely skeptical of the relevancy and validity of the re-enactment of the variant nose shadow cited by McCamy.

One reason that Mr. Mee was so skeptical of the re-enactment was that, as McCamy himself noted, the subject's head was tilted and rotated so that the subject was "no longer looking at the camera," and that, with the head in this irrelevant position, the camera was then shifted to bring "the image back to looking about, as it did at first." Mr. Mee was surprised that a re-enactment involving such a manipulated and irrelevant positioning of the head would be cited even as a possible explanation of the variant nose shadow.

\* The Photographic Panel relied heavily on the results of digital image processing, claiming that this analysis showed that the grain pattern in the disputed chin area was consistent.

Mr. Mee said he did not believe that this form of analysis could provide a definitive answer on the authenticity of the photos. Mr. Mee observed that during the period in question, i.e., the early 60s, there was pretty much one way of making film, and that if a forger had taken care to match the film speeds, it would be difficult to make a definite determination about the photos based solely on digital image processing.

Mr. Mee further stated that he especially did not think that the digital

**"either expression could have been created by retouching"**

image scanning technology available in the late 1970s would have been able to detect sufficient variations in the grain pattern to justify a judgment of authenticity. He added that even if it could have, this still would not be conclusive proof of authenticity given the nearly uniform way of making film in the 60s and assuming that the forger matched the film speeds.

**Line across chin**

\* The panel admitted that a line could be seen running across Oswald's chin, not only in 133-A, but also in both 133-A, DeMohrenschildt and 133-A, Stovall, which were described as "first-generation prints." This line is shown in Jack White's video. It is a fairly straight line. It starts on one side of the neck, crosses the chin, and extends to the other side of the neck. According to Jack White and other researchers, this line can be seen in

133-B and C as well. McCamy said this line was caused by a water spot. Mr. Mee disputed this claim, noting that the edges of water spots normally are more curved than the line across the chin as it appears in Jack White's video.

\* With regard to the apparently awkward stance of the figure in the backyard photos, Mr. Mee said that while indeed it was a rather odd stance, he did not agree with Jack White's conclusion that this was clear evidence of fakery. Mr. Mee said the seemingly unnatural stance(s) could have been due to other factors.

\* Mr. Mee also disagreed with Jack White's conclusion about the head shadow in 133-C, which shadow runs up onto the fence. Mr. Mee said this was not necessarily evidence of fakery. He stated that a slight tilt in upper body position could have caused the apparent shift in the head shadow's position.

\* Mr. Mee said he did not view the change from a slight smile to a slight frown as automatic evidence of retouching. He stated that either expression could in fact have been created by retouching, but that two pictures of Oswald's head might have been used instead.

He said he was inclined to agree, at least in part, with McCamy about the implications of the change in expression and the difference in the eyes. Mr. Mee said that this indicated to him that two slightly different pictures of Oswald's head might have been used. He added, though, that the eye variations could have been accomplished by retouching as well, and that the eye and expression differences did not explain the variant

nose shadow.

### Sterioscopic viewing

\* The Photographic Panel placed considerable importance on the fact that they could view the backyard photos stereoscopically. The panel saw this as strong evidence that the pictures were authentic. Mr. Mee stated that the ability to view the backyard photos stereoscopically did not prove that the pictures were genuine. He pointed out that a competent forger could have produced the stereo effect by moving the easel slightly when the film was being processed.

\* Mr. Mee observed that the panel's own photogrammetrical measurements indicated fakery in the backyard photos. He noted that the panel admitted that it found only "very small" variations in the measurements of distances between objects in the backgrounds. Mr. Mee said that given the manner in which the photos were taken, by an amateur at that, it was highly unlikely that the camera would have remained almost in the exact same position for each picture. He pointed out that there should have been much more variation in the measured distances if the pictures were taken the way Marina Oswald said they were.

Mr. Mee also noted that the slight distances between the background objects could have been produced by simply tilting the easel slightly and/or by moving the enlarger.

### Unnatural bulge in neck

\* One indication of fakery that the Photographic Panel found difficult to explain was the unnatural indentation in the post to the right of Oswald's head in 133-B. The panel speculated that the bulge was an optical illusion caused by the shadow from a leaf or a tree branch. Mr. Mee rejected this suggestion. He stated that the sun was

not in the right position for a tree branch or leaf to cause the shadow making the indentation, and he said this did not, in any event, explain the unnatural bulge in Oswald's neck seen in 133-A. He noted, in agreement with Jack White, that the neck bulge in 133-A is parallel to the post indentation in 133-B.

\* Mr. Mee said the body shadows in the pictures were not consistent with each other, and that the body was photographed at different times of day.

\* Mr. Mee, in agreement with Jack White, noted that the patch of sunlight on the side of the house behind and to the left of the post holding the stairway did not change shape in 133-A and 133-B, indicating that the camera did not change positions horizontally, which in turn indicated a sameness of background. This is an important point because such a sameness in background is considered to be virtually impossible using a hand-held camera.

Mr. Mee said he could not comment on White's other examples of non-movement of shadows in the background of the photos without looking at better copies or at the originals themselves.

\* Mr. Mee took issue with White's view of the blurriness of the right-hand fingers in 133-A. Mr. Mee said this could easily have been caused by

a slight movement of the fingers. He added that he did not see why a forger would have needed to retouch this area. Therefore, he said, he did not agree with White's opinion that the blurriness of the fingers was possible evidence of sloppy retouching.

\* Mr. Mee was quite insistent that the nose and eye shadows were in marked conflict with the body shadows and also with the shadows on the neck. For the sake of context here, let us briefly review these conflicts:

The nose and eye shadows fall straight down. In fact, the nose

shadow forms a perfect V-shape as it falls straight down. The position of the nose and eye shadows indicates that the sun was directly above and in front of the head. In other words, the nose and

A dark rectangular box with a light-colored border containing the text: "We only have one sun, and that's the problem."

eye shadows were caused by the sun at around noon time. Yet, the body shadows in 133-A and C fall at a ten o'clock angle, indicating that the body was photographed much later in the day, at around 4:00 or 4:30. Furthermore, the nose shadow remains the same in all the pictures even though the head is tilted in different directions. This is a photographic impossibility. Additionally, since the nose and eye shadows fall straight down and hence indicate a sun directly above and in front, both sides of the neck should be in shadow. However, although the right side of neck is almost totally in shadow, only about half of the left side

of the neck is in shadow.

Said Mr. Mee, "We only have one sun, and that's the problem. Even if we had two suns, their light still could not produce the differences in the shadows in the backyard photos."

\* Perhaps the most difficult problem with which the Photographic Panel wrestled was the difference between the chin of the figure in the backyard photos and Oswald's chin as seen in genuine pictures of him. The backyard figure has a broad, flat chin, but Oswald had a sharp, cleft chin. The panel sought to deal with this problem by claiming that the edge of the chin vanished in shadow. Mr. Mee rejected this theory, pointing out that the sun did not appear to have been in the right position to cause the chin to disappear in shadow. Mr. Mee saw a serious conflict between the chin in the backyard pictures and Oswald's chin.

\* Mr. Mee was quite surprised at McCamy's statement that he concluded that a Mr. Scott's photo was fake when he detected a discrepancy between the shadows on the suit and the shadows on the railing. Said Mr. Mee, "McCamy was saying the same thing about Scott's photo that others have said about the backyard pictures. He was not consistent."

*The transcript of my interview with Mr. Mee is available in the JFK Debate Library in CompuServe's Politics Forum. It is entitled "Backyard Photos are Fake." Lastly, I would highly recommend that interested readers obtain Jack White's video FAKE. The video can be obtained from the Last Hurrah Bookshop, phone 717-327-*

# The Paper Bag That Never Was

(Part I)

**Ian Griggs claims that the paper bag in which Lee Harvey Oswald is alleged to have brought a rifle into the Book Depository never existed**

(Author's note: This article is a considerably extended version of the presentation I was privileged to give to the meeting of Dealey Plaza UK at Sutton Coldfield on Sunday 11th February 1996. It has never previously been published.)

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*Mr. Ball: "Did you ever see a paper sack in the items that were taken from the Texas School Book Depository?"*

*Detective John Hicks (DPD Crime Lab): "No, sir; I did not. " (7H 289)*

*Mr. Belin: "Was there any long sack laying in the poor there that you remember seeing, or not?"*

*Deputy Sheriff Roger Craig: "No; I don't remember seeing any. " (6H 268)*

*Mr Ball: "Does that sack show in any of the pictures you took?"*

*Detective Robert Studebaker: "No; it doesn't show in any of the pictures. " (7H 144)*

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## Introduction

One of the most questionable of all the Warren Commission Exhibits has to be CE 1302. This is a photograph which purports to show "Approximate location of wrapping-paper bag .... near window in southeast corner." The index to Volume 22 of the Warren Commission's 26 Volumes of Hearings and Exhibits describes this Exhibit as "Photograph of southeast corner of sixth floor of Texas School Book Depository Building, showing location of wrapping paper bag and location of palmprint on carton."

From those positive and uncomplicated descriptions one would expect to see a photograph showing a bag made out of wrapping-paper. In reality, the photograph shows no paper bag just a dotted-line rectangle which has been printed on the photograph and which bears the caption: "Approximate location of

wrapping-paper bag".

In accordance with normal police practice, other items of potential evidential value were photographed where they lay - for example, the rifle, the spent cartridges and the book carton with the palm print on it. Why, then, was the paper bag not afforded this attention? May I be as bold as to suggest that this most vital piece of 'evidence' did not actually exist at that time? I would suggest it was made up (in both senses) a short while later.

In this paper I will examine the reason for the bag becoming such a vital piece of evidence against Oswald, the circumstances under which \* was allegedly found and my unsuccessful attempts to establish who was responsible for finding it. I will also comment on the chain of evidence attached to \* (or rather which was not attached to it) and the manner in which this one bag, which probably did not exist, actually became three bags (with two Exhibit numbers).

#### **The importance of the paper bag to the Warren Commission**

The final verdict of the Warren Commission, and I use the word 'verdict' deliberately, was that *"The shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald."* (1) An essential part of the Commission's findings revolves around Oswald bringing his rifle into the Texas School Book Depository unnoticed on the morning of the assassination.

The sworn testimony of two people, Buell Wesley Frazier (2) and Linnie Mae Randle (3), was enough to satisfy the Commission that Oswald had concealed the rifle in a long brown paper bag which he had carried to work that morning when he was a passenger in Frazier's car. No other

means of bringing the rifle into the Book Depository was ever suggested or explored, either by the Warren Commission or by anybody else. Had the matter ever come to court, that paper bag would have been as essential an item of real evidence as anything else in the entire case.

Without the paper bag as a means of transportation and, more importantly, of concealment, the prosecution would have been hard-pressed to suggest how Oswald could have brought the rifle from its alleged hiding place in the Paine garage at Irving to the sixth floor of the Texas School Book Depository. The evidential value of the paper bag was equal to that of the rifle itself. Perhaps it was of even greater value. I feel that we can confidently go as far as to say that without the paper bag, there could be no rifle - certainly no rifle in the possession of Lee Harvey Oswald. Where would that have left the prosecution case against Oswald?

#### **Dallas Police Lieutenant J C Day and the finding of the bag on the sixth floor**

The fact that there is no photograph of the paper bag *in situ* immediately raises suspicion as to whether or not it was found where the Warren Commission says it was found. On the face of it, this should not prove an insurmountable problem. It is surely a simple task to refer to the testimony of the police officer who first saw it. Here, however, we encounter another problem. There is no way of establishing exactly who that may have been. According to the Warren Commission Report: *"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."* (4)

There is nothing in that brief statement to indicate either when the

bag was found or, more importantly, by whom. As is so often the case, however, there is far more information to be gained from study of the 26 Volumes of Hearings than from the incomplete and often ambiguous conclusions of the final Warren Report.

Lieutenant John Carl Day, head of the Dallas Police Department Crime Scene Search Section, testified before the Warren Commission at Washington DC on Wednesday 22nd April 1964. The vast majority of his examination was conducted by Assistant Counsel David W Belin but there were also occasional questions from Commissioner John J McCloy. (5)

When Mr Belin begins to question Lieutenant Day about the paper bag, there was considerable confusion as to which paper bag was being discussed. At first, Lieutenant Day appears to be referring to a lunch sack - presumably the one which had been found to contain fried chicken. Mr Belin then asked him: *"What other kind of sack was found?"* Lieutenant Day's reply was a strange one: *"A home-made sack brown paper with 3-inch tape found right in the corner, the southeast corner of the building near where the slugs were found."* (6) To me, as a former detective with formal training in investigative techniques, this seems very much like a prepared response which gives far more information than the question asks. The word 'slugs' is an obvious error and was quickly corrected by Mr McCloy who intervened to seek confirmation that Lieutenant Day meant "hulls" (empty or spent cartridge cases).

Mr Belin then showed Lieutenant Day a photograph of the inside corner of the southeastern corner of the sixth floor of the Texas School Book Depository - the area which later

became known as the 'sniper's nest' (7). Mr Belin said: "I will first ask you to state if this picture was taken before or after anything was removed from the area." Lieutenant Day dutifully replied: "The sack had been removed." No explanation was offered - and none was sought.

**Who actually found the paper bag?**

The simple truth is that we do not know who found the bag. Furthermore, there was only one person who has said that he saw the bag where the dotted outline on CE 1302 says it was. That person was Detective Robert Lee Studebaker - the man who, at the request of firstly an unidentified FBI agent (8) and then Warren Commission Assistant Counsel Joseph A Ball, actually drew that dotted outline. (9) More of Detective Studebaker later.

Let us examine the testimony of some of the other law enforcement officers Dallas Police Department and Dallas County Sheriffs Department who would have been in a position to have seen the paper bag.

**Dallas County Deputy Sheriff Luke Mooney**

The Warren Report (10) describes a very important find as follows:

*"Around 1 p.m. Deputy Sheriff Luke Mooney noticed a pile of cartons in front of the window in the southeast corner of the sixth floor. Searching that area he found at approximately 1:12 p.m. three empty cartridge cases on the floor near the window. When he was notified of Mooney's discovery, Capt. J.W. Fritz, chief of the homicide bureau of the Dallas Police Department, issued instructions that nothing be moved or touched until technicians from the police crime laboratory could take photographs and check for fingerprints. Mooney stood guard to*

*see that nothing was disturbed. A few minutes later, Lt. J.C. Day of the Dallas Police Department arrived and took photographs of the cartridge cases before anything had been moved."*

Those few sentences inevitably raise a series of relevant questions each of which seems to have two possible answers:

Firstly why is there no mention of Mooney finding or seeing the paper bag? Two immediate possibilities leap to mind: either Mooney failed to notice it because he was standing on it - *or perhaps it was not there.*

Secondly, Captain Fritz ordered that nothing be disturbed but when that scene was photographed, why does the bag not appear on any photograph? Again there are two possibilities: either the photographer (who may or may not have been Lieutenant Day) himself did not realise that it was relevant and moved it himself (an unlikely possibility) - *or perhaps it was not there.*

Thirdly, is it possible that one of the police officers present either ignored or misunderstood Captain Fritz' instructions and did remove the bag? The two possibilities here are that either someone made one of the biggest mistakes ever in the history of crime scene preservation - *or perhaps it was not there.*

**Dallas County Deputy Sheriff Roger Dean Craig**

When Deputy Sheriff Craig gave his testimony to Assistant Counsel David W Belin in Dallas in the early afternoon of 1st April 1964, there was some initial confusion as to which sack or bag was being discussed. This was not a unique situation. We have already seen it in the case of Lieutenant Day's testimony. The testimony of several other witnesses was subject to similar problems.

Remember, there is alleged to be a large paper sack (said to have contained a deadly rifle) and a smaller paper sack (said to have contained the remains of a dead chicken!).

Mr Belin established that Craig had gone to the southeast corner of the sixth floor immediately after the finding of the spent cartridges. Craig confirmed that he had noticed "*the kind of paper bag that you carry your lunch in*" laying on top of a box. Mr Belin then asked: "*Was there any long sack laying in the floor there that you remember seeing, or not?*" Craig's reply was both instant and uncompromising: "*No; I don't remember seeing any.*" (11)

Perhaps because Craig's answer to that had been so positive, Mr Belin did not press the point and he never returned to the question of the longer paper sack during the rest of Craig's questioning.

**Dallas Police Sergeant Gerald Lynn Hill**

Sergeant Hill testified before Mr Belin in Dallas on the afternoon of 8th April 1964. Like Deputy Sheriff Craig, he described seeing a '*paper sack which appeared to have been about the size normally used for a lunch sack*' on top of a stack of boxes in the southeast corner of the sixth floor (12). He did not mention any other sack in the area and the subject was not reintroduced until much later in his testimony when Sergeant Hill came out with the following in reference to a previous conversation with Mr Belin:

*"You were asking Officer Hicks if either one recalled seeing a sack, supposedly one that had been made by the suspect, in which he could have possibly carried the weapon into the Depository, and I at that time told you about the small sack that appeared to be a lunchsack, and that was the*

only sack that I saw, and that I left the Book Depository prior to the finding of the gun. Or the section, if it was found up there on the sixth floor, if it was there, I didn't see it." (13)

**Dallas Police Detective John B Hicks**

Since he has been mentioned by Sergeant Hill, it is logical to examine what Detective Hicks, a member of Lieutenant Day's Crime Scene Search Section, had to say about the finding and existence of the long paper sack. Detective Hicks worked in the Crime Laboratory and he testified before Assistant Counsel Joseph A Ball in Dallas on 7th April 1964.

Towards the end of his testimony, during an examination of his actions and functions within the Crime Lab, the following exchange took place:

MR BALL: "Did you ever see a paper sack in the items that were taken from the Texas School Book Depository building?"

DET HICKS: "Paper bag?"

MR BALL: "Paper bag."

DET HICKS: "No sir; I did not. It seems like there was some chicken bones or maybe a lunch; no, I believe that someone had gathered it up."

MR BALL: "Well, this was another type of bag made out of brown paper; did you ever see it?"

DET HICKS: "No, sir; I don't believe I did. I don't recall it."

MR BALL: "I believe that's all, Mr Hicks." (14)

**Dallas Police Detective Richard M Sims**

Detective Sims was a member of the Homicide & Robbery Bureau. His Warren Commission testimony, taken by Assistant Counsel Joseph A Ball in Dallas, commenced at 10.20 am on

6th April 1964, and contains much valuable peripheral information concerning the search of the sixth floor of the Texas School Book Depository.

In my introduction to this paper, I stressed the significance of the fact that no photograph exists to show exactly where (or whether!) the large paper sack was found. Whilst discussing Deputy Sheriff Luke Mooney's part in the finding of various items of evidence, I quoted the Warren Report as saying that Lieutenant Day had photographed the scene. Detective Sims' answers to Mr Ball's questions, however, offered some very revealing information regarding who actually took the crime scene photographs in the area of the southeast corner of the sixth floor of the building.

The exchange was as follows:

MR BALL: "Did you see the picture taken of the hulls?"

DET SIMS: "Yes, sir."

MR BALL: "You saw Day take the pictures, did you?"

DET SIMS: "Yes, sir."

MR BALL: "He was the cameraman, was he?"

DET SIMS: "Well, there was another one there too. Actually, it was Detective Studebaker that works for him."

MR BALL: "Studebaker and Day?"

DET SIMS: "I believe it was Studebaker." (15)

A minute or so later, the following exchange of questions and answers took place:

MR BALL: "Did you ever see a paper bag?"

DET SIMS: "Well, we saw some wrappings - a brown wrapping,

there."

MR BALL: "Where did you see it?"

DET SIMS: "It was there by the hulls."

MR BALL: "Was it right there near the hulls?"

DET SIMS: "As well as I remember - of course, I didn't pay too much attention at that time, but it was, I believe, by the east side of where the boxes were piled up - that would be a guess - I believe that's where it was."

MR BALL: "On the east side of where the boxes were - would that be the east?"

DET SIMS: "Yes, sir; it was right near the stack of boxes there. I know there was some loose paper there."

MR BALL: "Was Johnson there?"

DET SIMS: "Yes, sir; when the wrapper was found Captain Fritz stationed Johnson and Montgomery to observe the scene there where the hulls were found."

MR BALL: "To stay there?"

DET SIMS: "Yes, sir."

MR BALL: "That was Marvin Johnson and L.D. Montgomery who stayed by the hulls?"

DET SIMS: "Yes, sir; they did. And I was going back and forth, from the wrapper to the hulls." (16)

Detective Sims then goes on to describe how the three hulls (empty cartridge cases) and the rifle had been photographed, preserved and taken into police possession. However there is no further mention of what he had called a 'wrapper' - indeed it is never mentioned again in the remainder of his testimony, which was not completed until the morning of the following session.

The late Sylvia Meagher, that most-respected of researchers, commented that Det Sims' action in 'going back and forth from the wrapper to the hulls' was a clever trick on his part as they were separated by a distance of perhaps two feet (17).

Detective Sims' testimony has, however, given us the names of two more police officers who may be able to help us - Marvin Johnson and L.D. Montgomery.

**Dallas Police Detective Marvin Johnson**

A fellow officer of Detective Sims in the Homicide & Robbery Bureau, Detective Johnson gave testimony before Assistant Counsel David W Belin in Dallas on the afternoon of 6th April 1964. On the surface, his testimony appeared to go a long way to confirm the existence of a long paper sack. As we shall see, however, it was greatly at variance with that of Detective Montgomery, his partner, who was with him at the time. In fact, very little of Detective Johnson's evidence was supported by any corroboration.

After being questioned at length about the small paper sack, the remnants of fried chicken and a pop bottle, Detective Johnson stated that he had first seen 'a long narrow paper bag' when his partner, Detective Montgomery, picked it up from the floor and unfolded it. He stated that it was right in the corner of the building and had been left in a double-folded condition. (18)

Mr Belin showed him a photograph on which Detective Studebaker had drawn an outline of where he claimed the bag had been located (19). Detective Johnson responded: "It looks like somebody penned that in to show the sack was laying there. That would show it unfolded."

Detective Johnson was never asked

his opinion of the dimensions of the paper bag. When asked by Mr Belin if there was anything else he could remember about the sack, however, he did volunteer a very intriguing remark:

*"No; other than like I said, my partner picked it up and we unfolded it and it appeared to be about the same shape as a rifle case would be. In other words, we made the remark that that is what he probably brought it in. That is why, the reason we saved it."* (20)

**Dallas Police Detective L.D. Montgomery**

Detective Montgomery testified twice before the Warren Commission but it is only his second appearance which concerns us here. On this occasion his testimony was taken by Assistant Counsel Joseph A Ball in Dallas in the late afternoon of 6th April 1964, immediately after Detective Johnson. His testimony represents one of the best examples of confusion between the two paper bags. At one stage, as the Detective studied a photograph of the southeast corner of the sixth floor, the dialogue went like this:

DET MONTGOMERY: *"Right over here is where we found that long piece of paper that looked like a sack, that the rifle had been in."*

MR BALL: *"Does that have a number - that area - where you found that long piece of paper?"*

DET MONTGOMERY: *"It's No. 2 right here."*

MR BALL: *"You found the sack in the area marked 2 in Exhibit J to the Studebaker deposition. Did you pick the sack up?"*

DET MONTGOMERY: *"Which sack are we talking about now?"*

MR BALL: *"The paper sack?"*

DET MONTGOMERY: *"The small*

*one or the large one?"*

MR BALL: *"The larger one you mentioned that was in position 2,"*

DET MONTGOMERY: *"Yes."*

MR BALL: *"You picked it up?"*

DET MONTGOMERY: *"Wait just a minute - no; I didn't pick it up. I believe Mr. Studebaker did. We left it laying right there so they could check it for prints."* (21)

There the exchange ended. It does, however, tell us much. Detective Montgomery, as an operational Homicide Detective, should have been accustomed to cross-examination in court and would have undergone training in that area. Here, however, he appears to become totally confused. It has to be said that there are distinct indications that he has been coached as to what he is expected to say. Having stated that however, I also discern signs of stress and uncertainty under some less than vigorous questioning.

Detective Montgomery totally failed to corroborate Detective Johnson's claim that he (Montgomery) had picked up the large paper sack and unfolded it. He stated that they did not touch it but that perhaps Detective Studebaker did. The mention of fingerprints is interesting. It was later claimed that Oswald's palm and fingerprints were evident on the bag - but there was no mention of any others.

A very interesting photograph showing Detectives Johnson and Montgomery removing the paper sack and the Dr. Pepper pop bottle from the Book Depository has been published (22). Detective Johnson does not appear to be exercising much care as regards the safeguarding any evidential value the bottle may have. In the case of Detective Montgomery, one has to say that two things are



blatantly obvious about the bag. Firstly, it appears to be over four feet in length and secondly, it is being held in an upright position by means of something rigid inside it. *A Mauser rifle perhaps?*

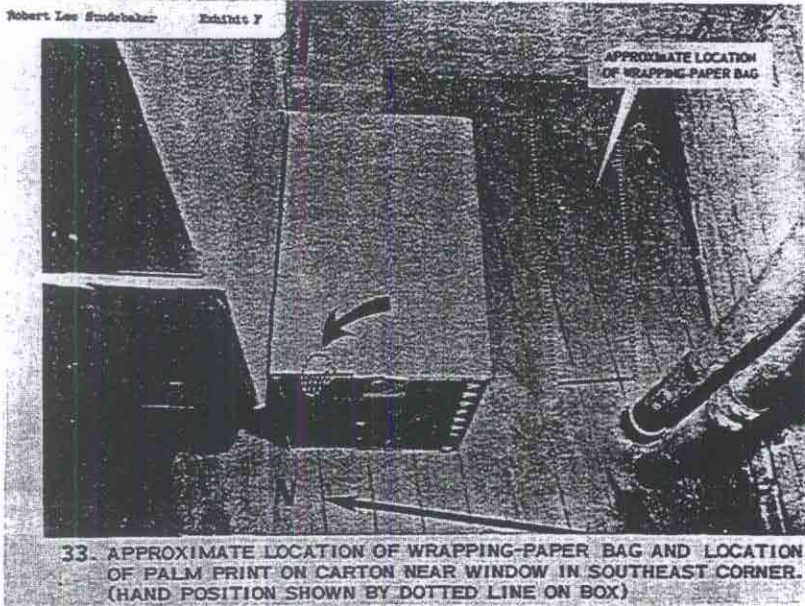
Continuing to follow the trail from one named officer to another, we must now return to Detective Studebaker, the man whom Detective Montgomery claimed had picked up the paper sack.

**Dallas Police Detective Robert Lee Studebaker**

As already mentioned, Detective Studebaker was a man with a vital role in the matter under discussion here. He may or may not have been the person who first came across the paper sack and he may or may not have picked it up. What is indisputable, however, is the fact that he did not photograph it.

According to Dallas Police Department records for November 1963, Detective Studebaker was a member of the Auto Theft Bureau, part of the Criminal Investigation Division. From his Warren Commission testimony before Assistant Counsel Joseph A Ball in Dallas on 6th April 1964, it becomes evident that on the day of the assassination he was attached to the Crime Scene Search Section of the Identification Bureau. In view of some amazing testimony on his part, it seems that he was not only a newcomer to that Section but also a virtual trainee.

That being the case, it is almost inconceivable that the responsibility for photographing the so-called 'sniper's nest' scene should become his. Unfortunately, however, that is exactly what happened. As is shown in the following exchange, Detective Studebaker's photographic qualifications were sadly lacking.



MR BALL: "But you have had photography in your crime lab work?"

DET STUDEBAKER: "Yes."

MR BALL: "For how long?"

DET STUDEBAKER: "Was about two months."

MR BALL: "How long have you done photography altogether?"

DET STUDEBAKER: "Two months. I went to the crime lab in October, the 1st of October."

MR BALL: "You did - had you done any photography before that?"

DET STUDEBAKER: "Just home photography." (23)

Together with Lieutenant Day, Detective Studebaker photographed the three hulls and he then took photographs of the rifle *in situ* before it had been moved. One of these is the infamous picture in which Detective Studebaker demonstrates his photographic skill by getting his own knees into the photograph (24). In his own words when asked who took the photograph: "I know it's mine because my knees are in the picture."

(25)

Detective Studebaker failed to photograph the large paper sack despite the fact that it cannot have been more than a few inches away from the hulls - *or perhaps it was not there.*

Naturally the sack became the subject of a spirited exchange as follows:

MR BALL: "Now, did you at any time see any paper sack around there?"

DET STUDEBAKER: "Yes, sir."

MR BALL: "Where?"

DET STUDEBAKER: "Storage room there - in the southeast corner of the building- folded."

MR BALL: "In the southeast corner of the building?"

DET STUDEBAKER: "It was a paper - I don't know what it was."

MR BALL: "And it was folded, you say?"

DET STUDEBAKER: "Yes."

Mr Ball showed Detective Studebaker a photograph of the so-called 'sniper's nest' area in the southeast corner of

the sixth floor. No paper sack could be seen in the photograph but a dotted-line rectangle had been added to the photograph (26). When asked by Mr Ball if he had drawn the diagram, Detective Studebaker replied: "I drew a diagram in there for the FBI, 'somebody from the FBI called me down - I can't think of his name, and he wanted an approximate location of where the paper was found." (27)

Detective Studebaker confirmed that the dotted lines indicated the approximate position of the 'paper wrapping' but when asked how long it was, the following exchange ensued:

MR BALL: "How long was it, approximately?"

DET STUDEBAKER: "I don't know - I picked it up and dusted it and they took it down there and sent it to Washington and that's the last I have seen of it, and I don't know."

MR BALL: "Did you take a picture of it before you picked it up?"

DET STUDEBAKER: "No."

MR BALL: "Does that sack show in any of the pictures you took?"

DET STUDEBAKER: "No; it doesn't show in any of the pictures."

A short while later, Mr Ball returned to the question of the unphotographed paper sack and offered Detective Studebaker a photograph identical to the first one but without the added dotted-line rectangle. He then asked: "Can you draw in there showing us where the paper sack was found?" and Detective Studebaker complied (28).

The last minute or so of Detective Studebaker's testimony was again concerned with the size of the paper sack and the exchange was as follows:

MR BALL: "Now, how big was this

paper that you saw - you saw the wrapper - tell me about how big that paper bag was how long was it?"

DET STUDEBAKER: "It was about, I would say, 3 and a half to 4 feet long."

MR BALL: "The paper bag?"

DET STUDEBAKER: "Yes."

MR BALL: "And how wide was it?"

DET STUDEBAKER: "Approximately 8 inches." (29)

Detective Studebaker's testimony then came to an end.

#### Sources and notes

- 1 Warren Commission Report, page 19 (hereafter cited as WCR 19)
- 2 Warren Commission Hearings and Exhibits (26 Volumes), Volume 2, pages 210 - 245 and Volume 7, page 531 (hereafter cited as 2H 210-245 and 7H 531)
- 3 2H 245-251 (Linnie Mae Randle)
- 4 WCR 135
- 5 4H 249-278 (Lieutenant John Carl Day)
- 6 4H 266 (Leutenant John Carl Day)
- 7 Warren Commission hearings (26 Volumes), Commission Exhibit 729 (hereafter cited as CE 729)
- 8 7H 144 (Detective Robert Lee Studebaker)
- 9 7H 145 (Detective Robert Lee Studebaker)
- 10 WCR 79
- 11 6H 268 (Deputy Sherrif Roger Dean Craig)
- 12 7H 46 (Sergeant Gerald Lynn Hill)
- 13 7H 65 (Sergeant Gerald Lynn Hill)
- 14 7H289 (Detective John B Hicks)
- 15 7H 161 (Detective Richard M Sims)
- 16 7H 162 (Detective Richard M Sims)
- 17 Sylvia Meahger: Accessories- after the Fact, published by Vintage Books, New York, 1976; page 59
- 18 7H 103 (Detective Marvin Johnson)
- 19 Warren Commission Hearings and

Exhibits (26 Volumes), Studebaker Exhibit F (hereafter cited as Studebaker F) (2 IH 647)

20 7H 104

21 7H 98

22 Richard B Trask: *Pictures of the Pain*, published by Yeoman Press, USA, 1994; page 552 and 13H 105 (testimony of Ira Jefferson "Jack" Beers, Jr., *Dallas Morning News*)

23 7H 138 (Detective Robert Lee Studebaker)

24 Studebaker C (21H 645)

25 7H 140 (Detective Robert Lee Studebaker)

26 Studebaker F (21H 647)

27 7H 144 (Detective Robert Lee Studebaker)

28 Studebaker G (21 H 647)

29 7H 149 (Detective Robert Lee Studebaker)

*The remainder of this paper will be published in our next issue It discusses the manner in which it was alleged that the paper bag was used to bring Oswald's rifle from Irving to the TSBD on the morning of the assassination. The author expresses deep doubts that this ever happened and examines the origins of the celebrated but independently uncorroborated 'curtain rods' explanation*

*He also ponders on the fact that the Warren Commission found it necessary to assign two separate exhibit numbers (CE 142 and CE 626) to what they claimed to be the 'original' bag and also to construct a 'replica' bag (CE 364).*

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*Ian Griggs, 24 Walton Gardens, Waltham Abbey, Essex EN9 1BL, United Kingdom.*

*Tel: 01992-719805 011-441992-719805 (from USA) email: igriggs@easeynet.co.uk*