

POLICE - HOMICIDE - SEARCH

Deposition of - Detective Richard S. STOVALL, April 30, 1964, 7 H 186-95.

He is a plainclothesman with about 18 months experience. He was not due at work on Nov. 22 until 4 o'clock but on watching television he went ⁱⁿ immediately and ~~walk~~ was talking to one of his partners, G. F. Rose, when Oswald was brought in. Rose asked and got identification from Oswald. He refers specifically to Oswald's billfold and its contents in a manner that makes it seem as though he took possession of it, but there is no indication either way (p.187) Capt. Fritz directed him, Rose and J. P. Adamcik to go to Irving where, on arrival, they parked a block or a half-block from the Paine residence and awaited the arrival of county officers because, "Well, Irving is out of our jurisdiction, actually, we had to either have the Irving police or the county officers with us." On arrival of the county officers, they proceeded to the Paine residence and were greeted by Ruth Paine:

"Mr. Ball. What did you tell her about that?"

Mr. Stovall. At that time we told her that we wanted to search the house. We explained to her that we did not have a search warrant but if she wanted us to get one we would, and she said, 'That won't be necessary' - for us to come right on in, so we went on in the house and started to search out the house, and the part of the house that I searched was the front bedroom where Marina Oswald was staying. There are quite a few items on the list of property I have - I believe you have a copy of it. There are two that were taken out of that bedroom there - a bunch of camera equipment, for one thing.

Mr. Ball. Now, I want to go backward at ^{the} ~~that~~ moment - have you identified that property from your list, and can you tell me what was the division of labor there between you officers when you were permitted to search the house, you went into the bedroom; who went with you?

2 - Stovall

Mr. Stovall. I don't believe there was anybody went with me at the time I went in. I heard - I think Rose started to the back bedroom, which would be Ruth Paine's bedroom and Ruth Paine was standing there talking to him - I could hear her talking to him and she told him that Marina suggested that he look out into the garage and so they looked and they were out of my sight then.

Mr. Ball. You heard Ruth say to Rose that Marina had suggested he look in the garage?

Mr. Stovall. Yes.

Mr. Ball. Did you hear Ruth Paine tell him why Marina had made that suggestion - what her reasons for it were?

Mr. Stovall. No, sir; I didn't." (Pp.188-9)

Note that Stovall is specific in saying that he searched the Owsald bedroom alone. At no point in this excerpt is there any reference to sheriff's officers, who had jurisdiction, conducting the search that led to the apprehension of Oswald's personal property.

I want to raise the following questions having to do with Oswald's rights: Could anybody waive his rights for him? Could either Mrs. Paine or Marina waive Oswald's right to a search warrant?

Had the city police any right to conduct a search except as partners of the sheriff's men? The report indicates the men were ordered to get a search warrant. They did not until the next day. Does that alone render this an illegal search and seizure? None of these questions are raised in the report.

Note that Ruth Paine, with or without the suggestion from Marina, suggested the search of the garage. There are many aspects of Ruth Paine that I wish we had time to look into, but I do not think we will, other than what I quoted in the summary of the report.

3 - Stovall

There is off-the-record discussion between the witness and the counsel. Rose got the blanket from the garage where Marina had pointed it out. Ruth translated Marina's statement that "that was where Lee kept his rifle".

A list of what was taken from Oswald was not prepared until the next day when, in the presence of FBI agents, Rose and Stovall inventoried and marked the property taken. The time it was taken was placed at from 3:30 to 4 p.m. on the 22nd. (p.189)

Reference is made to Exhibits A-1 and A-2 (21 H 596-7). In the context it indicates this was the subject of the off-the-record discussion. It not only lists property, but it concludes with this sentence, "The above property was recovered from 2515 W. 5th, Irving, by Detectives ~~Irving~~ G. F. Rose, R/.S. Stovall and J. P. Adamcik. All the property has been initialled and marked for evidence by Stovall and Rose." This document is undated.

Note there is no reference to any sheriff's officers in this list of the fruit of the search. There are a number of interesting aspects to this property list. It is a very considerable amount of photographic equipment and materials, cameras, projectors, films, slides, unexposed film ~~film~~, etc. Among the relatively undescribed items are these: "Small German camera and black case on chain and film". This sounds very much like a Minox. There is no identification of ownership, whether Oswald's or Paine's. It ~~also~~ lists a "Russian .35 mm camera and brown case", which does not seem to be the description of the camera allegedly used to make the controversial photograph of Oswald, Exhibits 133 and 134. The camera used to take these pictures, according to FBI Agent Shaneyfelt, was Oswald's Imperial reflect^{x.} ~~or~~ ^{Additional} cameras are listed in this inventory of property: Sterio/Realist, ^{German camera and} "Small/black case on chain and film" but

4 - Stovall

no Imperial. Nor is any of the film size except .35 identified.

With respect to this property, Stovall testified: "On this list here - where it has 1963 Kodachrome transparent slides, you have it coded at the top, I have one brown pasteboard box filled with camera film slides. One of those, I believe, came out of the back room, which would be Ruth Paine's bedroom, and the other came out of the chest of drawers in Marina Oswald's bedroom, but I'm not sure which came from which place."
(p.190)

Stovall is uncertain what he got from Ruth Paine's bedroom and what from the Oswalds'. But from Exhibit A, it appears that all the cameras came from Oswald. (p.190)

Rose searched the garage. They were there for from 2 to 2-1/2 hours. On their return to the office, they took all the Paines and Oswalds with them. (p.191)

Wesley Frazier took a polygraph test. (p.192) The conclusions are not indicated here.

Before returning the next day for an additional search of the Paine home, they did obtain a search warrant about 1 o'clock from Judge J. B. Brown, Jr. The same group was joined by Det. Moore and Det. McCabe of the Irving Police Dept. This time they concentrated on the garage. Ruth and Michael Paine pointed out the Oswald property. They then drove off and left the detectives alone in the garage.

I have wondered from time to time about the security of the Paine garage, whether or not there was easy access to it. With a considerable amount of their property in it, the Paines were nonetheless willing to go off and leave it open with strange detectives there. Unless the detectives locked it, it would still be open upon their departure; hence, it would seem that the Paines were not concerned about the security of their property. (p.193)

5 - Stovall

The list that they made at an unspecified time back at police headquarters is identified as Stovall Exhibit B and appears on p.598, Vol. XXI. There is one intriguing item on it that apparently did not come from the garage. It reads, "1 notice of attempt to deliver mail, card dated November 20, 1963, to Mr. Lee Oswald, 251 West 5th, Irving, Texas - a parcel to be picked up." As yet, I have seen no reference to this parcel anywhere.

Det. Rose found the negatives and prints of the film showing Oswald with the rifle. This is part of the testimony:

"Mr. Stovall. He was in a standing position just outside of the house holding a rifle in one hand and he was wearing a pistol in a holster on his right hip, and he was holding two papers in the other hand.

Mr. Ball. Did you take the snapshots?

Mr. Stovall. Yes, we took the snapshots.

Mr. Ball. And the negatives?

Mr. Stovall. Yes.

Mr. Ball. Where are they listed on this exhibit - this Exhibit B?

Mr. Stovall. I believe we listed them where we've got 'Miscellaneous photographs and maps.' There were several other photographs that we took when we were there.

Mr. Ball. They were in the garage, were they?

Mr. Stovall. Yes, sir.

Mr. Ball. And where were they in the garage that you saw?

Mr. Stovall. As well as I remember, they were in a brown cardboard box about, I guess, 2 feet by a foot and a half or something like that.

Mr. Ball. What was in ~~the~~ the box with them?

Mr. Stovall. There were, as well as I remember, a few books in there and letters and papers and photographs." (p.194)

6 - Stovall

Not appearing in the property list nor represented in ~~it~~ any of the questioning is some of the more interesting property:

"Mr. Stovall. When we took this identification off of Lee Oswald that had this selective service card, the name Hidell, and he also had his own identification - at the time we were in the garage we found some negatives out there that appeared that he had made a snapshot of a selective service card, and on the back of the negatives it was where the name would have been typed in - there was some stuff on the back of the negatives to block out the name when it was reprinted, and there were some selective service cards that he had printed himself out there from a negative that were blank and which appeared to be the same that he had on him at the time, on the 22d of November, that had the name of 'A. Hidell' typed in on it." (p.195)

His reports on the searches at the Paine residence are marked Exhibits C and D and appear in Volm XXI, pp.599-603.

His description of the location of the rifle by Marina: "She was speaking in Russian, and Ruth Paine was interpreting for us. She pointed to a rolled-up blanket laying on the garage floor, and said, 'That is where he keeps his rifle'." (p.600)

This may be true, but it is extremely unlikely. No one keeps a rifle in an absorbent material lying on dampness, and cluttered as the Paine garage was, there was plenty of room for the rifle to be stored in an upright position.

Mrs. Randle came and told them about Oswald going to work with her brother and the package and where her brother was, and they arranged for the Irving police to arrest Frazier. They searched Frazier's car and his home. They confiscated his 303 rifle with ammunition (p.601). The polygraph examination of Frazier "showed conclusively that Wesley Frazier was

7 - Steovall

truthful, and that the facts stated by Frazier in his affidavit were true ..." (p.602).

Exhibit D, p.603, is especially interesting because it specifically states, with respect to the controversial photographs, Exhibits 133 and 134, both negatives were found. This is the essence of the statement and deposition, but it is unequivocal here: "We examined all of Lee Harvey Oswald's belongings and found numerous items of interest, among them found by Dets. Rose was two snapshots and negatives showing Oswald holding the rifle (murder weapon) and wearing a pistol in a holster on his right hip (Tippit murder weapon), ..." (p.603)

What happened to that extra negative is a matter for the police department to explain. It is not as represented in the Commission's report. The police did have the negative.