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# THE THIRD DECADE

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THE PAPER BAG: AN FBI BLUEPRINT FOR REVISED DOCUMENTS

by

Edgar F. Tatro

Although the House Select Committee on Assassinations claimed it would place emphasis on scientific findings to draw its conclusions, one major piece of physical evidence which they adroitly avoided was the long paper bag found at the alleged sniper's perch. The Warren Commission had concluded that Lee Harvey Oswald had transported his rifle from a blanket in the Paine garage in Irving to the Texas School Book Depository by means of the infamous paper gun case.

Harold Weisberg, Leo Sauvage, Mark Lane, Richard Sprague, Sylvia Meagher and other researchers have disputed this conclusion for years. A brief summary of some of these skepticisms about the paper bag follows:

1. Linnie Mae Randle and Wesley Frazier, who said they saw Oswald carrying a paper bag that morning, were convinced that the bag shown to them by authorities was too long to be the one they saw in Oswald's possession. Oswald's bag resembled a bag, not a taped package.

2. Jack Dougherty, who saw Oswald enter the Depository that morning, did not see any bag in his hands.

3. No evidence exists that Oswald made a bag in the Texas School Book Depository or took materials from the TSBD to make a bag elsewhere. The testimony which does exist, particularly that of Troy Eugene West regarding his work habits and the specific means by which his machine dispensed wet tape, refute both suggestions.

4. The FBI's investigation revealed that there was no evidence of the "well oiled rifle" having been inside the blanket which had not been checked for seven weeks prior to the assassination or the bag which remarkably had no marks, abrasions or scratches. Also there was no evidence of bag particles on the rifle.

5. The only association between the rifle, the blanket and the bag was the discovery of two very common fibers out of a possible thirty similar to the blanket, but not necessarily from the blanket, inside the bag.

6. There is a Dallas police photograph, Commission Exhibit 738, which shows the bag actually touching the blanket which might account for this association anyway. It also indicates police carelessness or worse.

7. There is no photo of the bag in its alleged discovered position and police discrepancies abound as to who, when and where the bag was discovered. Luke Mooney, Gerald Hill, J.B. Hicks and Roger Craig never saw the bag and Craig wrote to me that he had "searched with the gusto of a hound dog."

8. Testimony of bag fingerprint discrepancies exists. Detective R.L. Stuebaker's assertion of a visible partial print which he protected by placing

tape over it on the bag was never found by FBI expert Sebastian Latona.<sup>9</sup> Shades of the shifty rifle palmprint resurrect themselves.

9. Photos of Oswald's landlords nailing up curtain rods in Oswald's apartment the morning after the assassination might support his curtain rods explanation of the package if a proper investigation had taken place.

10. When the Agent in charge of the Dallas FBI office, Gordon Shanklin, made an inventory in the early morning hours of the evidence being sent from Dallas to the FBI laboratory in Washington D.C., he did not include a paper bag in his inventory but rather a blanket which Shanklin said was believed to have been used to carry the rifle into the Depository.<sup>11</sup>

Every aspect of the Warren Commission's conclusions about the paper bag has been appropriately dissected and deservedly attacked.

In February 1980, The Continuing Inquiry published a startling little article by Jack White.<sup>12</sup> In this article White detailed researcher J. Gary Shaw's discovery of two different copies of FBI document DL 89-43:

FEDERAL BUREAU OF INVESTIGATION

Date 11/30/63

Lt. Carl J. Day, Dallas Police Department, stated he found the brown paper bag shaped like a gun case near the scene of the shooting on the sixth floor of the Texas School Book Depository Building. He stated the manager, Mr. TRULY, saw this bag at the time it was taken into possession by Lt. DAY. TRULY, according to DAY, had not seen this bag before. He one also viewed it. TRULY furnished similar brown paper from the roll that was used in packing books by the Texas School Book Depository. This paper was examined by the FBI Laboratory and found not to be identical with the paper gun case found at the scene of the shooting. The Dallas police have not exhibited this to anyone else. It was immediately locked up by DAY, kept in his possession until it was turned over to FBI Agent DRAIN for transmittal to the Laboratory. It was examined by the Laboratory, returned to the Dallas Police Department November 24, 1963, locked up in the Crime Laboratory. This bag was returned to Agent DRAIN on November 24, 1963, and taken back to the FBI Laboratory.

Lt. DAY stated no one has identified this bag to the Dallas Police Department.

Conclusion No. 5

on 11/29/63 at Dallas, Texas File # Dallas 89-43

by Special Agent VINCENT E. DRAIN Date dictated 11/29/63

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Shaw received the copy on the left from researcher Mary Ferrell. This copy was dictated on 11/29/63 by Special Agent Vincent F. Drain and was typed on 11/30/63 by "cab" and Drain's written initials are notated also. The crucial sentence reports that "This paper was examined by the FBI laboratory and found to have the same observable characteristics as the brown paper bag shaped like

a gun case which was found near the scene of the shooting on the sixth floor of the Texas School Book Depository Building."

While Shaw was visiting the National Archives, he obtained another copy of the document stipulated as "Dallas 89-43." At first the second copy's differences seem trivial. The Archives copy is distinctly lighter in print, spells out "Dallas" as opposed to "DL," possesses an additional "Nov. 30, 1963" stamp near the top, is cited as part of "Commission No. 5" while the other has a handwritten notation "CD5" and is missing Vincent Drain's initials.

In fact the actual paragraph of the Archives copy reads the same as its counterpart until the reader reaches the crucial sentence. Instead of finding the phrase "same observable characteristics," the reader confronts the following shocker. It states, "This paper was examined by the FBI laboratory and found not to be identical with the paper gun case found at the scene of the shooting."

The contradiction is a classic example of the rewriting of history to suit political needs. White suggested two possibilities, either that a new version was created "to avoid the embarrassment of conflicting with what had been told to the Warren Commission" or that Drain in 1963 produced "two opposite versions of the same report so the official version could go either way."<sup>13</sup>

A year later I was conducting some research dealings with the FBI and I decided to enter the bag fray also. I sent a copy of White's article to FBI headquarters and simply asked if there was "an innocent explanation for this discrepancy." Maybe I should have quit with that question, but I also wrote, "A new book called Best Evidence by David Lifton has been published by Macmillan. Does the FBI take an official position when such a critical book is released? If so, I would like to know it."

I'm not sure if my second question influenced the chances of receiving an answer to my first question, but the response from Thomas Bresson, the FBI's FOIA chief, was not very nice. He wrote, "In response to the questions you raised in your letter, the FOIA was passed to compel release of materials maintained in agency files. We are not required to answer questions which are not answered within the material itself." How's that for democracy in action!

With the inception of The Third Decade as a motivating force, I decided on October 10, 1984 to continue the good fight. I was very humble and polite in my approach. I wrote that "several years ago I asked for an explanation for an apparent documentary contradiction, but did not receive an adequate answer. I have decided to try again." After detailing the situation clearly, I was even sweeter than before. I continued "I am aware that you are not required to answer questions which are not answered within the materials released through FOIA requests themselves, but I certainly would appreciate some cooperation in order to prevent improper assumptions being made by other researchers. Which document is correct and can you give me an explanation for the existence of two contradictory documents?"

On November 27, 1984, William Baker, Assistant Director of the Office of Congressional and Public Affairs, responded to my letter. The FBI determined that the copy of page 129 which states that "this paper was examined by the FBI laboratory and found not to be identical with the paper gun case found at the scene of the shooting" is inaccurate.

Baker stated that the FBI's review of Robert Gemberling's 505 page report dated November 30, 1963 "on its arrival at FBI headquarters" detected this inaccuracy and that page 165 of the same report which indicated that "our laboratory had found the paper similar" was correct. "The Dallas office was

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instructed to make corrections at that time" and allegedly accurate "revised copies" from Dallas "were received by FBI headquarters on December 19, 1963."

Baker indicated that the FBI furnished the Warren Commission two copies of the report, one on December 20, 1963 and another on December 23, 1963 and the December 20 copy contained "the incorrect copy of page 129, indicating to us that through inadvertence the corrected page had not been inserted in the latter copy." Baker informed me that the FBI will contact the National Archives and will request that they make appropriate note of the discrepancy and the explanation set forth.

Baker concluded, "We hope the above explanation resolves the problem." Of course very little is resolved. First, Baker never even offers an innocent explanation as to how a mistake of such magnitude could occur. Assuming that page 165 is correct and always was correct and assuming that the FBI Dallas office was instructed immediately to make corrections at that time and assuming documents exist attesting to this instruction, then Jack White's suggestion that a new version was created later is incorrect; but assuming is foolhardy and dangerous in the Kennedy assassination investigation. The possibility of two opposite versions being simultaneously developed to keep alternative scenarios viable is conceivable. The simple truth is that once the sanctity of documents is violated, any and all trust is lost; as if we had much to depend upon in the first place.

One must wonder how many other investigative documents exist that originally said one thing and were "revised" to say the opposite and we know nothing about the changes because there were no "inadvertent" mistakes made when "corrected" pages were "inserted."

In this case, at least, thanks to Shaw and White, this particular "inadvertence" will be documented at the Archives and within the pages of The Third Decade, but the frightening thought persists: how many other "revised" documents have survived undetected and will be regarded as historical verities in the future? I truly believe that even George Orwell himself would be amazed at the apparent realization of some of his most nightmarish predictions.

#### Footnotes

1. Warren Commission Hearings and Exhibits, vol. 2, pp. 226-241 (Frazier), references from this source cited hereafter in the format 2H226-241; 2H249-250 (Randle); Harold Weisberg, Whitewash, Dell Publishing, 1965, pp. 52-56; Sylvia Meagher, Accessories After the Fact, Bobbs-Merrill, 1967, pp. 55-57; Leo Sauvage, The Oswald Affair, World Publishing, 1966, pp. 132-134.
2. 2H377; Whitewash, pp. 57-58; Accessories, p. 58.
3. 6H360-361; Accessories, pp. 47-48.
4. 26H455; Accessories, p. 62.
5. Warren Report, p. 591.
6. Warren Report, p. 592; FBI lab report in Jesse Curry, JFK Assassination File, American Poster and Printing Co. (Dallas), 1969.
7. Accessories, p. 129.

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8. Accessories, pp. 59, 61; Craig's 1975 correspondence with author; 21H647 (Studebaker Exhibit F).
9. 7H143-144; 4H3-8; Accessories, p. 61.
10. Photo taken by Black Star journalist Gene Daniels; published in Richard E. Sprague, "The Framing of Lee Harvey Oswald," Computers and Automation October, 1973, p. 29.
11. in 1977 releases of FBI documents under Freedom of Information Act; headquarters file in Reel 1 of microfilmed documents.
12. Jack White, "'The Case of Q-10' or 'The FBI Cover-Up is in the Bag'" The Continuing Inquiry 4 #7, February 22, 1980, pp. 1,2.
13. In assessing such possibilities, one might take note of a difference in wording that goes beyond the inclusion of the word not in the right-hand copy. The Archives copy says the paper bag was "not identical" with the paper sample from the TSBD while the left-hand copy says that the bag has the "same observable characteristics" as the paper sample. If the left-hand copy is a "fixed up" version of the Archives one, the FBI may have been hoping to leave an implication without committing an outright (or provable) lie. The two samples of paper could have the "same observable characteristics" (say they were both paper and brown and opaque) even if they were not "identical": if they did not come from the same source of paper. The "fixed up" (left hand) version of the document would thus imply identification of the bag as having been made from TSBD paper, when the FBI laboratory well knew, as the right hand copy states, that this was not the case. This interpretation was suggested by Jerry Rose.

WHO WERE THESE MEN? THE DALLAS CONNECTION

by

George Michael Evica

In October and November, 1963, Jack Ruby was in telephonic communication with intimates of Paul "Red" Dorfman and with Irwin S. Weiner, Robert "Barney" Baker, Murray W. "Dusty" Miller, Lenny Patrick, Nofio Pecora, Harold Tannenbaum, Joe Glaser, and several others. Earlier, in May, June and extensively in August, 1963, Ruby had telephone conversations with Lewis J. McWillie in Las Vegas. In November, Ruby was visited by both Paul Roland Jones and Alex Gruber for three days. Ten days before the JFK assassination, Barney Baker called Ruby. In turn, Ruby called Baker twice after receiving Baker's call. On the eve of the assassination, Barney Baker called Dave Yaras in Miami, who was then in the company of Jimmy Hoffa.

The Warren Commission concluded that Ruby, desperate for money (the IRS was dunning him for back taxes) and in trouble with his Carousel Club help and his local night club competition, was appealing for aid from knowledgeable people with clout in the labor movement. The available evidence does support such a conclusion, though Chief Counsel G. Robert Blakey mystified the Ruby material by suggesting that the House Select Committee on Assassinations--and the American people--might never really know the exact meaning of such a rush of calls to so notorious a group. Did the calls, Blakey asked during the

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inquest and that he spoke with David Bludworth, the State's Attorney who was in charge of the local investigation of the death. According to Lane, Bludworth said he had questioned Edward Epstein, who had interviewed DeMohrenschildt the morning of his death, and that Epstein told him that DeMohrenschildt drove a car rented by Epstein for his trip from Palm Beach to Manalapan (a "loose end" mentioned in this Journal's article). Also according to Lane, Epstein "admitted" to Bludworth that he made no notes or tape recordings of the DeMohrenschildt interviews, though he paid him \$3000 for the interviews; also that he (Epstein) on that morning showed DeMohrenschildt a copy of a paper indicating that he might be sent back to Parkland Hospital to receive electro-shock treatment, a contingency that apparently terrified DeMohrenschildt.

Now admittedly Lane's "information" is third-hand hearsay (what Lane says Bludworth says Epstein told him) but it does articulate interestingly with another piece of hearsay that has come to our attention. A source in Texas who is close to Jeanne DeMohrenschildt reports the widow's skepticism about the suicide (based partly on George's abhorrence of guns of any sort) and her suspicion about a "doctor" who mysteriously came and left Dallas before and after he gave "treatments" to George that involved injections of unknown substances and electro-shock therapy at Parkland.

If these two pieces of hearsay have any factual corroboration, the circumstances of Epstein's relationship with DeMohrenschildt at the time of his death will bear further investigation.

The paper bag. Edgar Tatro's article (January 1985) on the two separate FBI versions of the results of comparing the paper bag supposedly found on the sixth floor of the Texas School Book Depository with "sample" paper taken from the TSBD has led to the surfacing of important documents in the hands of two of our readers. Tatro expressed some skepticism on whether the "substitution" of the corrected page had actually been on "instructions" from FBI headquarters to the Dallas FBI office. An FBI AIRTEL dated 12/18/63 and sent along by Paul Hoch shows that some document dealing with that page was forwarded and that there was some previous correspondence on the matter between HQ and Dallas (12/6/63 and 12/11/63) though neither this earlier correspondence nor the enclosure referred to in the 12/18/63 AIRTEL has yet been produced.

A second document sent by Hoch seems to open another can of worms with reference to FBI testing of the paper bag. A document from the INV 3-2 file of the Archives is a letter of March 12, 1964 from Warren Commission chief counsel Rankin to FBI Director Hoover noting a discrepancy between two FBI reports received by the Commission: a report from SA Robert Gemberling on 1/7/64 indicating an examination in the FBI lab on 12/27/63 showing that the paper bag was "different" from TSBD specimen material; and the FBI Supplemental Report of 1/13/64 (written also by Gemberling) saying that the paper bag and TSBD specimen were identical. Thus Rankin said to Hoover that "we are in doubt" on the matter 3 months after, as Tatro was told, the FBI had "corrected" the earlier mistake about the non-identity of the bag and the TSBD material. Hoch did not have Hoover's reply to this, but Earl Golz of Dallas did send the 3/19/64 Hoover reply. As Hoover "explains" it, the two Gemberling reports refer to two separate testings: the 1/13/64 report ("identical") refers to an FBI examination of the bag with material taken from the TSBD on 11/22; while the 1/7/64 report ("different") refers to comparison (for some unspecified reason; the FBI knew that the TSBD changed paper rolls every 3 days, so there was no reason that paper taken from a roll on 12/1/63 would match paper taken before 11/22) of the bag with the material in a "replica sack" constructed by



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the same by the vindictive Hoover. Even more revealingly, Drain expressed certainty that the copy saying the materials tested were the same was the original document, since only it contains his initials and the typewritten initials of a typist and, as Drain insisted, he never typed his own documents and he always initialled them before they left his office. He proceeded to speculate that the very document (the "not identical" one) that Baker told Tatro was the one first received in Dallas was a "fake."

And the beat goes on! In responding to Drain's statements to Golz, Paul Hoch notes that there are at least 5 other interview reports over Drain's name in Commission Document 5 which do not contain his initials, though all of these other reports do contain a typist's initials. We are thus left very much up in the air just which was the original and which was the "corrected" version of p. 129 of CD 5. This may be clarified when and if an FOIA request for the enclosure to the document depicted here (the 12/18 AIRTEL) along with the earlier AIRTELS between HQ and Dallas is honored.

Meantime, we should not lose in the shuffle the force of Tatro's observation at the end of his article. Whatever the outcome of our later study of these documents, it has been established in one instance that the FBI "substituted" one document for another without any public acknowledgement of same before Tatro forced the issue in 1984; and one is certainly entitled to wonder what other pieces of FBI "evidence" have been similarly treated. It took twenty one years and the combined ideas and documents of Mary Ferréll, Gary Shaw, Jack White, Ed Tatro, Paul Hoch and Earl Golz to arrive at our present (inconclusive) understanding of the paper bag caper. Perhaps with a little well-guided suspicion and a few coordinating assists from THE THIRD DECADE, it will not take another two decades to uncover other areas of evidential mishandling. Tatro, for one, is suspicious of similar documentary alteration in the instance of the notorious "palmprint on the rifle" evidence, and proposes a pooling of researchers' efforts and resources on this issue. Any takers?

### EDITORIAL: ALL THE NEWS THAT WASN'T FIT TO PRINT

Telephone conversations with Earl Golz and Sylvia Meagher prodded me to try to follow the Miami re-trial of E. Howard Hunt's libel suit against Victor Marchetti and Spotlight magazine. Although the defense lawyer, Mark Lane, asserted that he would prove in the trial that the CIA and Hunt were involved in the Kennedy assassination, the nation's establishment newspapers like the New York Times and the Washington Post for some reason chose to print only the bare-bones result of the trial: that Hunt lost and that Spotlight/Marchetti won. Whether Lane could deliver the goods he promised (as it turned out I think he didn't), would one not think that the attempt to prove the identity of JFK's murderers would have been "newsworthy?" Apparently not to the Times and Post, which found it infinitely more newsworthy at the time to report in great detail on General Westmoreland's libel action against CBS News. There, of course, the issue was something really important: the freedom of the press to harass wayward officials; rather than the trivial issue in Miami whether an American President had been killed in a conspiracy involving an agency of the American government. Some of us have wondered for years why the press did not use that freedom to set its investigative reporting resources to work on the

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22. HSCA R 241-3.
23. HSCA R 243.
24. New York Times, September 17, 1975.
25. HSCA R 245.
26. Anthony Summers, Conspiracy, p. 395.
27. HSCA R 195.
28. Warren Commission Report, p. 600.
29. It is possible, of course, that Fritz may have fabricated this remark by Shanklin just as Reville may have invented Hosty's statement in the police basement.
30. Warren Commission Report, p. 612.
31. HSCA R 191, 192.
32. CD 205, p. 148.

FOLLOW-UP: NEW DEVELOPMENTS ON PREVIOUS ARTICLES

It was reported in the Follow Up section of the March 1985 issue that a Freedom of Information Act request was being made for further FBI documents relative to the issue raised in Tatro's article (January 1985) of the circumstances of the Bureau's alteration of p. 129 of Commission Document 5, concerning whether the paper bag found on the 6th floor of the TSBD matched "sample" paper from the TSBD. These documents---specifically TELEX messages between FBI Dallas and HQ FBI dated 12/6/63 and 12/11/63---have been received. These documents make it clear that, as Tatro was told recently by an FBI official, HQ FBI did direct the "correction" of the page in the 12/6 message and Dallas did make the indicated FOIA correction in the 12/11 communication. There was also enclosed with these FOIA-requested documents a copy of the "corrected" page (the one with agent Drain's initials therein), presumably in response to the request for the enclosure to 12/18/63 TELEX which was reproduced on p. 26 of the March issue of this Journal. The bottom line on this is that the FBI has produced the paper to cover the story that Tatro was told about the circumstances of the document's "correction." Also, if the Drain-initialed version ("same observable characteristics") of the document was indeed enclosed with the 12/11 "corrections" from Dallas, Drain's contrary statement to Earl Golz would suggest Drain's lack either of veracity or of a good memory. As a parting shot on the Bureau's handling of the paper bag paperwork, it is interesting if also puzzling to note that even in its 12/6 instruction to Dallas to "handle corrections" on the matter, a "mistake" was originally made in the sentence dealing with the FBI lab's finding with reference to the bag: notice the word not typed in (apparently at a later time) between the lines in the following:

**(11) Pages 129 and 165 - It would appear the SOS prepared on Lieutenant Carl Day dated 11-30-63, contains an inaccurate statement. Line 10 indicates the paper from the Texas School Book Depository Building when compared with the brown paper bag by our Laboratory was found to be identical. As you are aware our Laboratory did find it similar as shown on page 165. Handle corrections.**

Quite apart from the whole paper bag issue the TELEXES of 12/6 and 12/11 are intriguing documents. The "handle corrections" instruction for the paper

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bag was merely the 11th of a total of 18 inquiries from HQ to Dallas after the Gemberling report of 11/30/63 had been received at HQ. Several of these inquiries refer to investigative leads not followed up by Dallas: the "information" that Mary Moorman had given one of her photos to two Secret Service agents and that the FBI had apparently not seen them (has anyone ever seen them?), requested interviews with the wives of Jack Franzen and Charles Hester who were assassination eyewitnesses, further information from Wesley Frazier's relatives in Irving (his mother and two young nieces) whether they had seen the paper bag in Oswald's hands on the morning of the assassination. The most striking inquiries, however, concern the statements in Gemberling's report by three people whose information the Bureau apparently did not want to believe: Roger Craig, Arnold Rowland and Albert Bogard (Craig claimed to see Oswald entering a car at the TSBD shortly after the assassination, Rowland said he saw a gunman at the southwest 6th floor window of the TSBD, and Bogard claimed to have witnessed an auto test-drive by the non-driving Oswald.) The Bureau asked, in effect, that Craig's "reliability" be impugned and that Bogard be subjected to a lie detector test. To the credit of Dallas FBI, the 12/11 response indicates that in all three cases the men stuck by their stories and Craig was given an honesty testimonial by Sheriff Decker.

At the end of the 12/6 instruction from HQ to Dallas there is a remarkable statement that is worth quoting for its commentary on Bureau mentality: "It is very possible this referenced report [Gemberling report of 11/30] and other subsequent reports may be disseminated outside of the Bureau and it is, therefore, essential that all details contained therein be accurate. You should insure that this report is thoroughly reviewed as to content and structure and any changes necessitated promptly handled." The author of this statement must have anticipated that this document would never be "disseminated outside the Bureau" since it is a mind-boggling admission that the Bureau was only concerned about "accuracy" if outsiders had access to their work. Such straws in the wind do their bit to verify the validity of the perspective developed by George O'Toole and in the "Agent 179" article in this issue: that the FBI under Hoover had a deadly fear of being "embarrassed," with the result that anyone with possibly embarrassing information about the Bureau could hope to wield tremendous influence over the FBI.

### NEWS FROM AROUND THE LEAGUE

A new periodical (to our eyes) published in England and called Lobster has arrived and subscriptions are being exchanged between it and The Third Decade. Lobster styles its work as concerned with "parapolitical" matters which include numerous articles, book reviews and other material on the JFK murder. It is bimonthly, co-edited by Robin Ramsay and Steve Dorril and offers U.S. subscriptions at \$12 per year (\$2.50 single issues). Correspondence address: Robin Ramsay 17c Pearson Ave., Hull HU5 2SX UK. The latest (#7 Feb 85) issue contains a lengthy interview of the editors with Peter Dale Scott, in which he covers many of the ideas developed in his unpublished manuscripts; and the complete "address book" of one George Gregory Korkola, a CIA operative connected with the notorious activities of Edwin Wilson and Frank Terpil. Those with a good nose for CIA assassination-connections might be able to sniff out something revealing from this extensive list.

The Kennedy Loyalist for March 29, 1985 (no April issue was published) contains details of the planned researchers' conference in Washington D.C. on June 22 and an expanded list of tapes, books, photos and slides available through the Loyalist.