

The Evidence IS the Conspiracy:
The Rifle, The Backyard Photos & The Pistol
Part 3: The Pistol **By David Josephs**

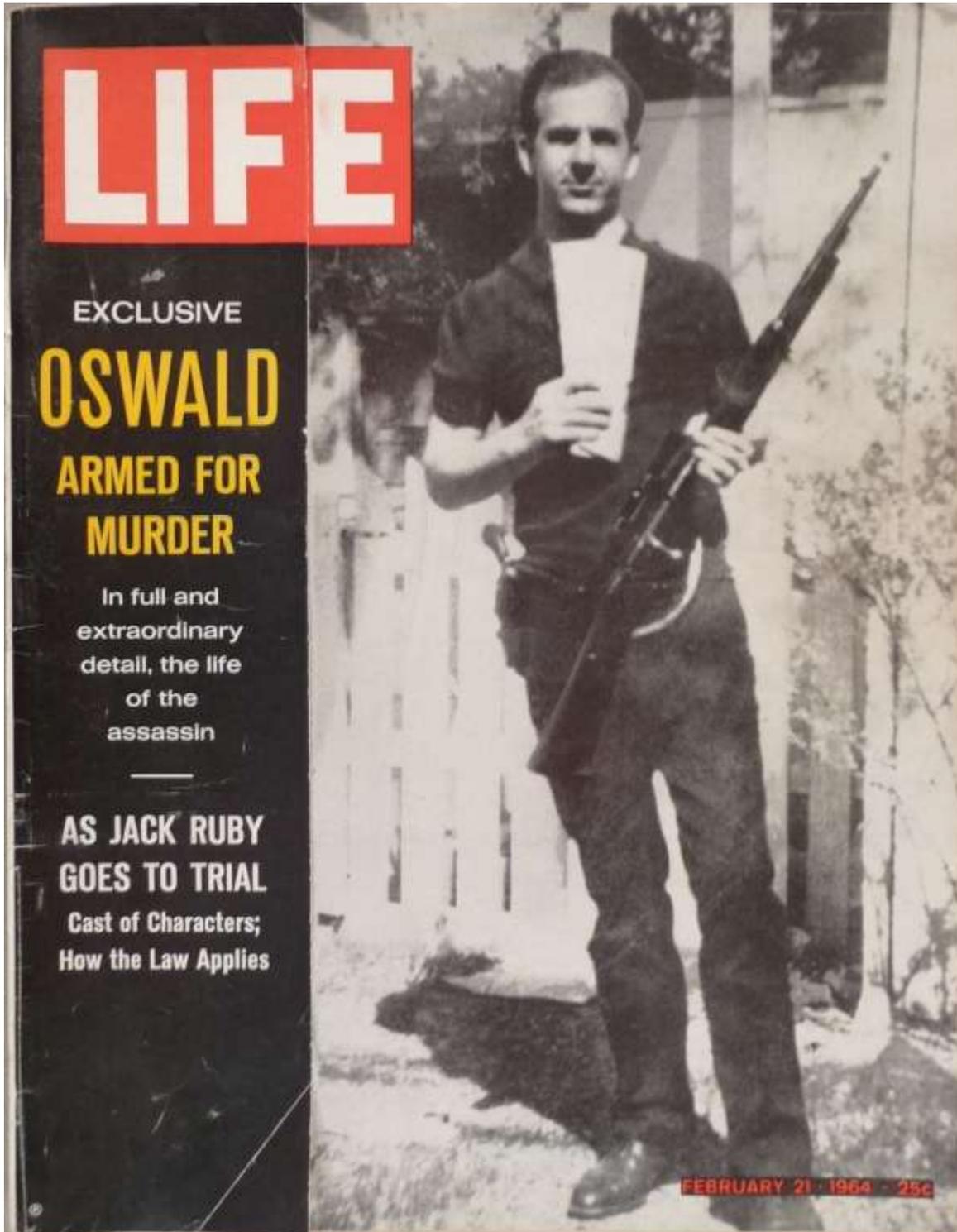


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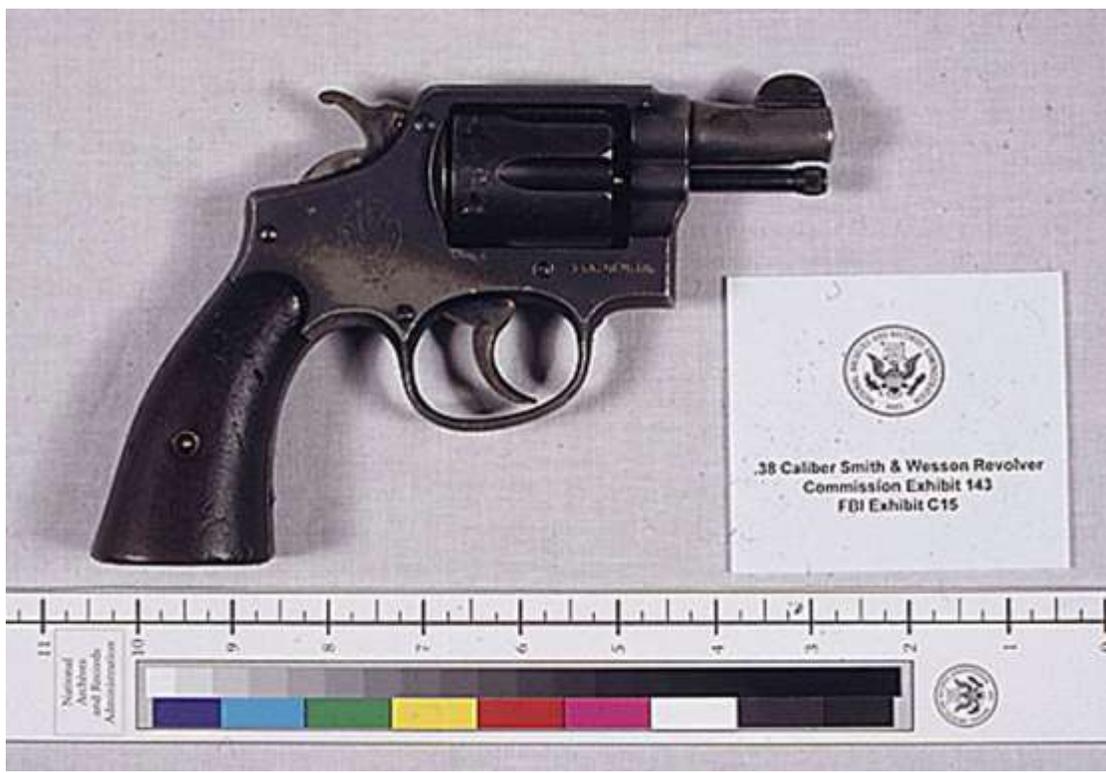
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The Pistol

At the Texas Theater where Oswald was arrested, a scuffle occurred during which a pistol was reportedly pulled from his waistband and wrestled away by Officer McDonald.

The evidence attempts to prove and indicates:

- the accused can be connected to ordering, obtaining said pistol
- the accused can be connected to the purchase of ammunition for said pistol
- the pistol had been transported from Dallas – 214 Neely to New Orleans – 4907 Magazine – to Irving where Ruth Paine takes Marina on Sept 23, 1963 and then makes its way to North Beckley on its journey to the Texas Theater and immortality
- the pistol is standard issue for most of the police departments in the country
- the bullets all show signs of having been stored in an ammo belt much like those worn by policemen
- the bullets and shells of different manufacturers don't match up in terms of the number of each type

Both the rifle and pistol are included in *Life's* chosen cover photo of Oswald in the Neely backyard. As we will show, the evidence related to the transactions as well as the securing of the physical evidence is inauthentic and would probably not have been admitted as real evidence had Oswald survived for a trial.

A little history first

George Rose & Company is the parent company of the mail-order business "Seaport Trading", whose business was overseen by mail-order management company Merchanters, Inc. (Mr. Rose below delineates the business organization set up.) We must remember that Seaport was one of the weapons houses which the congressional Dodd Committee was investigating at the time, and also traded in Mannlicher-Carcano rifles.

Mr. BALL. Are you employed, self-employed, or do you work for some company?

Mr. MICHAELIS. **I work for the George Rose & Co.**

Mr. BALL. What business is the George Rose & Co. engaged in?

Mr. ROSE. You work for Merchanters.

Mr. MICHAELIS. Oh, pardon me; Merchanters, Inc.

Interesting that Rose accompanies Michaelis and yet seems only there to clarify which company is doing what and for whom. Mr. Rose remains silent for the remainder of the testimony.

Smith & Wesson produced some 1,000,000 Victory Model .38's for English and Canadian troops, which was known as a .38-200 British Service revolver. All weapons entering England had to be proof-tested and marked with "English proof marks" on the barrel, cylinder, and frame.

NOTE: These English proof marks were on the .38 Smith and Wesson revolver, SN V510210, that was taken from Lee Harvey Oswald when he was arrested by the Dallas Police at the Texas Theater. (Armstrong, Harvey and Lee, p. 481, [Michaelis testimony](#))

Prior to making the pistols available to the public from Seaport as inventory, some of the pistols were worked upon by a gunsmith in California to make the barrels shorter than the standard 5". The S&W .38 Special with 2¼" barrel was the preferred weapon of Police Departments across the country in the early 60's using "+P" ammo which had both higher pressure and muzzle energy than the standard .38 S&W and .38 S&W Special.

Mr. BALL. Now, last fall did the Federal Bureau of Investigation visit your place of business and inquire as to the sale of a certain Smith & Wesson revolver?

Mr. MICHAELIS. Correct.

Mr. BALL. About what date?

Mr. MICHAELIS. I believe it was **November the 30th, a Saturday.**

NOTE: Whereas some of the more strange leads were followed up by the FBI on Saturday, and early the following week, the search for the evidence related to the pistol with which Oswald was accused of killing DPD officer Tippit does not reach Seaport/Merchanters until late in the following week.

Ordering and Sending a Cash Deposit for the Pistol

While we have seen the depths the FBI and DPD would go to associate certain activities with Lee Harvey Oswald, the evidence related to the ordering and paying for the pistol in question is woefully inadequate.

Below is the alleged order coupon which tells us that the customer sent \$10 in cash; ordered a \$29.95 pistol (from an unknown magazine source); changed his mind about ammunition (leaving us to wonder where he actually did get the Western and Remington shells) and a holster; had witness "D. F. or E. Drittall" declare "A.J. Hidell" age 28 was not under indictment or a fugitive on a date which is simply not legible yet assumed to be January 27, 1963. [CE1137](#)

It is also in this FBI report that we get one of the first conflicts: The order received was for **".38 ST. W. 2" Bbl"** for \$29.95 while the pistol sent is described as **"S & W .38 Special 2" Commando"**.

So once again we are told that the item ordered and the item shipped are not one and the same. That an order which appears to be from Jan 1963 is not processed until March 13th (we are to remember that the money order and envelope sent for the rifle was dated March 12 deposited March 13 – even though the deposit slip is dated FEB 13, 1963 – and it too has a shipped date of March 20, 1963).

MAIL COUPON

SEAPORT TRADERS, INC. 1221 S. Grand Ave. Dept. Am-3 L.A. 15, Cal.

Gentlemen: Please ship me the following:

Quantity	Product	Cost per Item	Total
	Mexican Bowie	5.95	
	.410 Shotgun	56.95	
	.22 Derringer	16.95	
	S & W .38 Special P^m Comands		
	Handcuffs	5.75	
	Western .22	13.95	
	.38 S. & W. Spec.	39.95	
	30/06 Springfield	39.95	
	.38 Scotland Yd. Sp.	16.95	
	Large 6 1/2" knife	88.95	
	.38 St. W. 2" Bbl.	29.95	
	.22 Ital. Auto	19.95	
	.22 Snubbie	12.95	

TOTAL PRICE **291.95**

Enclosed \$10.00 check or M.O. (C.O.D.'s require 1/2 deposit). (Be sure to specify & give complete ordering info.) I understand items are to be shipped F.O.B., L.A. express charges collect. Calif. res. add 4% state tax. When ordering pistols, please sign statement: I hereby state that I am a citizen of the U.S., that I have never been convicted in any court of the U.S., territories, possessions or District of Columbia of a crime of violence or a crime punishable by imprisonment for a term exceeding 1 year, nor am I at present under indictment or a fugitive from justice. I am of legal age and of sound mind.

NAME As. Ball AGE 28 DATE 1/27/63

WITNESS S. Michaelis

ADDRESS PO Box 2915

CITY DALLAS STATE TEXAS

Item Shipped

DATE 1/27/63

1127 ??

Shipping and Delivery

According to Heinz W. Michaelis, they usually process the order in a week or so, and the order is then packed and filled.

Mr. MICHAELIS. Emma Vaughn, V-a-u-g-h-n.

Mr. BALL. Then what would have happened?

Mr. MICHAELIS. She would have processed the order in writing up invoice No. 5371. After 1 week she gave out the order to the order filler and packer.

Mr. BALL. What is the name?

Mr. MICHAELIS. This is a title, order filler and packer. She is one person.

Mr. BALL. What is that last word?

Mr. MICHAELIS. Packer.

Mr. BALL. Packer. I see.

Mr. MICHAELIS. And the order was shipped on March the 20th, 1963.

Mr. BALL. You have been testifying from a record which you have before you?

Mr. MICHAELIS. That is correct.

Mr. BALL. And that is a paper which has been marked for identification by the Federal Bureau of Investigation DL-28, Seaport Traders, Inc., No. A-5371. Is that correct? You have been testifying from information contained on that?

Mr. MICHAELIS. Correct.

Mr. BALL. That was in your records, was it, as of November 30, 1963?

Mr. MICHAELIS. Yes; it was

So our man Michaelis is reading **this document** as he is answering questions. Yet again we are treated to evidence which exists in its own closed loop. No other Seaport documents for any other order of this pistol is offered. No other paperwork from Seaport is acquired at all in fact.

Seaport Traders Inc.
 DL-28
 1221 S. GRAND PHONE RI 8-3292
 LOS ANGELES 15, CALIFORNIA

IMPORTANT: Inquiries on this merchandise MUST state this number.
 No. A 537

SOLD TO A. J. Hidell
 P. O. Box 2915
 Dallas, Texas

Heinz W. Michaelis Exhibit 2

Shipped Via EX	P. M.	Collect X	Date Shipped MAR 20 1963	Invoice No. 3/18/63
Magazine			Approx. Del. Date	1 WK
DESCRIPTION			AMOUNT	
S & W .38 Special R ^m Comrade			29.95	
XXXX 5/0 2/10				

Full Pay'n.	Cash <input type="checkbox"/>	Deposit 10.00	Bal. C.O.D. 19.95	Cash <input checked="" type="checkbox"/>
Excise Tax	Check <input type="checkbox"/>	Excise Tax	PAID	Check <input type="checkbox"/>
Sales Tax	M. O. <input type="checkbox"/>	Sales Tax		M. O. <input type="checkbox"/>

ALPHABETICAL FILE

MICHAELIS EXHIBIT No. 2

The remaining 2 documents are the Railway Express Agency (REA) receipt copy and the shipping invoices which both specify that the COD Consignee (HIDELL) was to pay the COD charge of \$1.27. Also of note is the declaration on the coupon that the items are shipped "F.O.B. LA express charges collect"

FOB origin, freight collect:

This means that **the purchaser of the goods is responsible for the freight** from the moment it is picked up from the purchaser. The **buyer assumes all liability** for lost or damaged cargo and **pays all shipping costs.**

The shipping invoice says "yes", the service charge is to be collected from the consignee, in this case A. Hidell. What is once again strange related to the Standard Operational Procedures that occur in the normal world is that after a \$10 cash deposit (which should also be provable with a bank deposit statement and some sort of Seaport accounting card) the \$19.95 balance requested on the shipping Invoice does not include either the \$1.27 COD charge or any signs of a shipping charge.

Michaelis #4 is part of a close-loop corroboration of evidence which allows for the \$19.95 balance to relate to the original order and shipping invoice yet is 1) a copy of a receipt for which an original has never been offered and 2) an amount requested and collected per [CE1137](#) of \$19.95 making the total paid \$29.95 – no COD or Shipping charges are ever collected, at least according to these documents

DL-29 RAILWAY EXPRESS AGENCY
INCORPORATED
COPY OF EXPRESS RECEIPT - NON-NEGOTIABLE (1204-G)
(CONTRACT ON ORIGINAL) Printed in U.S.A.

Amount of C. O. D. <u>\$19.95</u>	Enter Herein Number Of Original Receipt <u>70438</u>
C. O. D. Service Charge <u>\$1.27</u>	Consignee <u>A. Hidell</u>
Is service charge to be collected from consignee? <u>yes</u> (Say Yes or No)	Consignee to pay COD charge
(For Destination Agent's Use Only)	Michaelis Exhibit 4
Amount to Be Paid <u>19.95</u>	

Origin Dallas Texas Date of Shipment 3/20/45 Address
 Consignee A. Hidell Receipt Number
 Street Address when Agency Destination P.O. Box 2915 (1507-P) Los Angeles, Calif. (M) (51-47) 30-
 Name of Forwarding Office

Quantity	Article	Description	Weight	Value
1	Crt'n	Pistol		

Shipper's Street Address
 Scale or Rate
 Paid in Full
 Total 19.95

Enclosed \$10.00 TOTAL PRICE \$29.95
 check or M.O. (COD's require 1/3 deposit). (Be sure to specify & give complete ordering info.) I understand all items are to be shipped L.A. express charges collect. Calif. res. and 4% state tax. When ordering

COPY

Number Receipt 7200 Date 3/20/45 Stamp
 For the Consignor

I'm pretty sure that the freight carrier, REA, was not in the business of giving its services away, and COD charges, while sometimes paid by the seller, are specifically asked for from the buyer in this case.

REA was also not the US Postal Service, but was a national monopoly set up by the federal government in 1917 and was allowed to use the existing railroad infrastructure like UPS uses the roads today. ***“REA was owned by 86 railroads in proportion to the express traffic on their lines - no one railroad or group of railroads had control of the agency”.*** [REA](#)

For places where they did not provide p/u and dely (sic-delivery) service and had no representative, shipments were moved to the closest point served and postal cards were sent to the consignees telling them where their shipments were being held on hand for pick up. Shipper's Guides and tariffs would refer to these places as "waybill to" points. [REA history](#)

In other words, REA did not ship its goods to a Post Office, but REA locations, and then they would send a postcard to the consignee to come get their package. The reader should understand that in Oswald's possessions, there was not a *single item* related to this order or this pistol. There was no ammunition, no holster, no cleaning supplies, no case and no receipts (whereas he does have in his possession another person's 3 year old paystub who used to live at Neely).

At the very least, a postcard would have been sent to PO Box 2915 in Dallas and arrived just about the same time a 5 foot package from Klein's Sporting Goods would have also arrived, and also generated a note for the box holder to come get his oversized item. None of these items is offered in evidence, which corroborates the results of an inquiry finding no one at the General Post Office remembering Oswald picking up such a large package.

Note: The FBI had been keeping tabs on our man Oswald since his return from Russia. His mail was opened and descriptions of the items he received were forwarded by the FBI assets within the Postal Service to the FBI SAIC. There is not a single report that Oswald ever received such a package or a postcard from REA to pick up a Seaport Traders shipment.

Is it truly that much to expect that besides the Russian magazine and personal letters, the FBI would be aware of a shipment of a rifle and pistol?

As long as we remain in this closed-loop corroboration we can never know the truth behind the situation. At some point along the way we must accept that every situation the WCR presents us cannot possibly be "the exception to the rule".

We then come to the process Oswald would have to go through to have picked that pistol up himself. As long as someone presented the postcard for pick-up, REA may or may not have checked ID and still delivered the package to the postcard holder. If a pistol was actually shipped it could conceivably be picked up by someone other than Oswald. Yet for the incriminating evidence to work, it would have to be Oswald performing these tasks.

Suffice to say, there is no evidence which supports the existence of a REA postcard being sent, delivered to his PO Box, picked up or presented for this item. Yet Oswald is said to have claimed he purchased the pistol 7 months prior – we'll get to that as well.

In Oswald's possession from March through November

By March 27th the evidence makes it appear that both items ordered, the rifle and pistol, which were both shipped on the 20th would have been picked up. Both weapons would require picking up a postcard, or notice in his PO Box, for which there is no evidence, both on the postal as well as REA side of the equation.

The testimonies of Ruth and Michael Paine related to unloading the wagon do not include anything which suggests a fully assembled rifle in a blanket being removed and placed in the garage. The blanket which the child, June Oswald, supposedly adored and had been used at Neely to soften the balcony – again according to Marina – was now for the first time used to wrap an oily rifle when the rifle was delivered in a 5' cardboard carton. As we all know, Oswald appears to have kept virtually everything he ever touched. This carton would make a great storage spot for the rifle and accessories whether assembled or not.

Mr. RANKIN. Do you know whether or not the rifle was carried in the station wagon?

Mrs. OSWALD. Yes, it was.

Mr. RANKIN. Did you have anything to do with loading it in there?

Mrs. OSWALD. No. Lee was loading everything on because I was pregnant at the time. But I know that Lee loaded the rifle on.

Mr. RANKIN. Was the rifle carried in some kind of a case when you went back with Mrs. Paine?

Mrs. OSWALD. After we arrived, I tried to put the bed, the child's crib together, the metallic parts, and I looked for a certain part, and I came upon something wrapped in a blanket. I thought that was part of the bed, but it turned out to be the rifle.

The use and whereabouts of this pistol--this weapon which supposedly Oswald spent 50% more on than the rifle and without ammunition--remains invisible until November 22nd.

Mr. RANKIN. Do you remember whether the pistol was carried back in Mrs. Paine's car too?

Mrs. OSWALD. I don't know where the pistol was.

Normally I am not a fan of Marina's testimony, yet this strikes me as an honest answer among relatively few. Throughout the summer in New Orleans, at Reilly and 544 Camp, we can imagine Oswald needing a weapon, a pistol, given the company he was keeping.

In Sheriff Will Fritz's 3rd page of notes, that he claimed he didn't take, it says that Oswald claimed he bought the pistol 7 months prior in Ft. Worth, TX as anyone buying a weapon for

themselves can – for cash “at some place”. Lee leaves Dallas/Ft. Worth and arrives in New Orleans on April 24, 1963 – right at 7 months from the weekend of these questions.

We know what Lee says about his identity, and how calm yet definitive he is remembered as being during his questioning. Would he admit to a weapon in his possession that he had just used to kill someone? Had he been seen with that pistol at any point? Anywhere from the point he arrives at his rooming house at 1026 Beckley? We wouldn't expect his landlady there, Earlene Roberts, to break the rules and ransack through Mr. Lee's things, nor am I suggesting she did. If she did so, and found a gun, I believe she would have said so.

Mr. BALL. Had you ever seen a gun in his room?

Mrs. ROBERTS. No, sir.

Mr. BALL. Had you ever cleaned up his room?

Mrs. ROBERTS. Yes; I cleaned his rooms, but I didn't see no gun.

Mr. BALL. Did you ever go through any of his effects?

Mrs. ROBERTS. Oh, no.

Mr. BALL. There was a little wooden commode or closet in there, wasn't there?

Mrs. ROBERTS. There was a chifforobe --- yes.

Mr. BALL. Did you ever look in there?

Mrs. ROBERTS. No, sir; I sure didn't - that's against the rules - to ransack their things.

Mr. BALL. Were there any drawers or anything in there?

Mrs. ROBERTS. Yes; there was drawers in that chifforobe and he also had a vanity dresser with four drawers.

Mr. BALL. Did you ever look inside of that ?

Mr. ROBERTS. No; I didn't.

[photobucket link to Erlene photo](#)



Yet, as the story goes, Lee Oswald runs into his room, changes his pants and shirt, putting the dirty laundry into the lower of these drawers Erlene mentioned, grabs a jacket and this pistol, and heads out to the Texas Theater carrying a pistol, "as boys do".

The Evidence that gets Oswald to the pistol & to the Theater

Mrs. ROBERTS. He went to his room and he was in his shirt sleeves but I couldn't tell you whether it was a long-sleeved shirt or what color it was or nothing, and he got a jacket and put it on---it was kind of a zipper jacket.

Mr. BALL. Had you ever seen him wear that jacket before?

Mrs. ROBERTS. I can't say I did --- if I did, I don't remember it.

Mr. BALL. When he came in he was in a shirt?

Mrs. ROBERTS. He was in his shirt sleeves.

For years I thought "shirt-sleeves" was an era slang for undershirt, as in the T-shirt Oswald kept on when changing his clothes. Yet a re-examination of the context suggests that it was simply the open Briarloom button-down he wore to work.

NOTE: In either case, the descriptions of Oswald prior to his coming to and going from his room cannot match the shirt he changed into with torn buttons and elbow after his

arrest. Thanks to the fine work of Joseph Backes in [Oswald & McWatters' Bus](#) , we can see Oswald was most likely not on that bus back to Dealey Plaza or in Bill Whaley's taxi cab.

According to John Armstrong, author of *Harvey & Lee*, someone looking like Jack Ruby gave the T-shirted man leaving the TSBD a pistol. To a number of witnesses this man bore a striking resemblance to Lee Harvey. When a Rambler pulled up and he whistled and ran to the car, Roger Craig sees this man enter the Rambler and drive off.

It is written in Craig's unpublished autobiography that later at the police station, Roger Craig tells this story with Oswald and Captain Fritz present, and Oswald blurts out to leave Mrs. Paine out of it.

and then (to Oswald), 'What about the car? ' to which Oswald replied, 'That station wagon belongs to Mrs. Paine. Don't try to drag her into this.' Fritz said car -- station wagon was not mentioned by anyone but Oswald."

This story has been refuted by Fritz claiming that Craig was not in the room at the time yet photographic evidence appears to show otherwise.



Craig in Fritz's office during Oswald interrogation.

Ms. Roberts tells us that Mr. Lee leaves Beckley just after 1pm.

The murder of Dallas Policeman Tippit is in itself worthy of an entire Evidence IS the Conspiracy presentation and will be. If the man who is chased to the theater is NOT Lee Harvey Oswald, accused killer of Tippit and Kennedy, how did our Oswald get there? This remains one of the

great mysteries, since Oswald is believed to have said he took a bus to either his room or all the way to the theater before it is claimed he recanted and perhaps for the first time in his life, took a cab.

I don't think we can stress this enough – since Oswald could not have been at the Tippit murder scene by the time Helen Markham sees the shooting just prior to 1:10, simply because Roberts said she last saw him at about 1:03. The distance between the murder scene and the rooming house is about one mile. Oswald could not have traversed that distance in that short a time. Nor was he seen walking south or east from his Beckley address; but instead he is seen coming in from the west. There is, in fact, a bus stop just outside his rooming house on N. Beckley that runs down to Jefferson.

This wonderful recap map, combining a John Armstrong presentation and the landscape we are describing, illuminates some of these conflicts.

Yet, the details of the Tippit murder can barely shed light on the issue of whether the pistol in evidence is the same pistol Oswald is credited with saying he did indeed have when he entered the theater. Nor can it change any of the facts related above concerning the standard procedures required in getting Item A to Person B.

This 15 minute – or less – traversal time (since theater attendant Butch Burroughs claims he sees Oswald before 1:15 buying popcorn), from the time Roberts sees him rush in and out of Beckley cannot be addressed fully here and now. For the present we will place the defendant on the main floor of the Texas Theater with a number of policemen converging on him – despite the many reports which stated the following:

November 23, 1963

Captain W. P. Gannaway
Special Service Bureau
Dallas Police Department

Thru:
Lieutenant Jack Reville
Criminal Intelligence Section
Special Service Bureau
Dallas Police Department

**SUBJECT: PRESIDENTIAL ASSASSINATION
LEE HARVEY OSWALD**

Sir:

The following report is submitted for your information.

On November 22, 1963, Lee Harvey Oswald was arrested in the balcony of the Texas Theater, 231 West Jefferson Blvd and was charged with the murder of President John F. Kennedy and the murder of Officer J. D. Tippit.

Respectfully submitted,

L. D. Stringfellow
L. D. Stringfellow, Detective
Criminal Intelligence Section

Arresting Oswald and the Pistol Evidence is Logged

As one can predict, the evidence related to what happens to the pistol from the time it goes "click" in the theater, until it is taken with all the other evidence around midnight of the 22nd back to the FBI's lab is anything but reassuring as to its chain of possession.

As the police converge on the theater, it is interesting to discover what led them to Oswald.

Mr. BALL - What did you hear?

Mr. McDONALD - White male, approximately 27 years old, 5 foot 10, weight about 145 pounds, wearing light clothing.

Mr. BALL - When did you hear that? About what time?

Mr. McDONALD - It came out on the radio as I was coming to Oak Cliff. There was another general description given on the way to the Texas School Book Depository at Elm and Houston Streets. But it was a vague description

The ONLY description offered over the DPD radio remains Detective Sawyer's at 12:44:

12:44	9 (Inspector J.H. Sawyer)	About 30, 5'10", 165 pounds.
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Mr. BALL - And that was about **12:40** you got that?

Mr. McDONALD - Yes, sir.

Mr. BALL - Now, this later description you got was what point in your travel to Oak Cliff?

Mr. McDONALD - This was approximately 1:20, or 1:17.

Mr. BALL - That was after you had heard that Tippit--that the officer had been shot?

Mr. McDONALD - Yes, sir.

Mr. BALL - And what was that description?

Mr. McDONALD - Well, it was 5 foot 10, white male, 27 years old, wearing a white shirt.

1:22	85 (Ptm. R.W. Walker)	We have a description on this suspect over here on Jefferson. Last seen about 300 block of East Jefferson. He's a white male, about thirty, five eight, (siren) black hair, slender, wearing white jacket, a white shirt and dark slacks. (Sirens)
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This is the only description offered close to the time McDonald mentions, and is repeated by dispatch.

There are two stories in the evidence which tell us what happens to the pistol (and ultimately the shells). One involves Officer McDonald, Detective Carroll, Detective Hill and T.L. Baker. The other story involves Officers Davenport, Barnes, Doughty and FBI SA Drain.

Two competing stories about the same event – where have we heard that before?

Story #1 – Hill gives T.L. Baker the pistol

Mr. WALKER.And a **detective**, I don't recall who it was, there were so many people around by that time, the area was bursting with policemen, and it appeared to me that he reached over and pulled the gun away from everybody, pulled it away from everyone, best I can recall.

Stuart Reed's photo of Oswald arrested with "a **detective**", Bob Carroll, holding a pistol.



The story most of us know is summarized in Gerald Hill's report shown below. We are to remember that Oswald was arrested and at the DPD station by 2pm, yet Hill does not pass this pistol on to Detective Baker until after 3:15, while in some reports it's as late as 4:00 pm.

[Detective Hill's DPD report](#) page 2 describes when, to whom, and the witnesses involved in the transfer of the suspected Tippit murder weapon from Hill's possession to T.L. Baker and J.W. Fritz.

As Officer Carroll started to get into the car, he pulled a snub-nosed revolver from his belt and handed it to me. He stated this was the suspect's gun and that he had obtained it from Officer McDonald immediately after the suspect was subdued. When the pistol was given to me, it was fully loaded and one of the shells had a hammer mark on the primer.

I retained this gun in my possession until approximately 3:15 pm, Friday, November 22, 1963, when in the presence of Officers Carroll and McDonald, I turned the weapon over to Detective T. L. Baker of the Homicide and Robbery Bureau.

At the time the pistol was released to Detective Baker, McDonald, Carroll and I had all marked it for identification purposes, and in the presence of McDonald and Carroll, I marked the side of the casing on all the shells, which were also turned over to Detective Baker at the same time.

Respectfully submitted,

Gerald L. Hill
Sergeant of Police
Personnel Bureau

OLH:RW
Copied-MR-12-5-63

PHOTOREPRODUCTION FROM
DALLAS MUNICIPAL ARCHIVES AND RECORDS CENTER
CITY OF DALLAS, TEXAS

We can assume that the other officers in this chain of possession would report the same or similar activities. Officer CARROLL not only hands the pistol to HILL, but according to HILL marks the pistol as well as is present when HILL gives the pistol and bullets to T.L. BAKER.

Mr. BALL. And tell me briefly who was present when you saw McDonald make the mark on the gun?
Mr. CARROLL. Well, let's see - there was myself, Mack, I think Ray Hawkins was there, and I believe Hutson was there, and I believe Bentley and Lyons had already gone out to have their feet checked, and I don't recall whether Captain Westbrook was in there at the time or not. There were so many people - I would have to kind of explain that - I know it sounds vague, but there were so many people in and out of there and there were about no less than anywhere from half a dozen to a dozen newspaper reporters in and out and they were bringing in mikes and it was just a big mess of confusion. You couldn't just sit down and detail this thing and say this man was at this particular spot at this time. It was so jumbled up there.

Mr. BALL. Whom did you give the gun to finally?

Mr. CARROLL. After I gave it to - Jerry Hill - that was the last time I had possession of it - possession of the gun.

Mr. BALL. And **did you know who took possession of the bullets?**

Mr. CARROLL. I don't recall, sir. I don't recall even seeing the gun or the bullets turned over to anyone by Hill.

This report from Detective Bob K Carroll ([Carroll Memo](#)) corroborates [McDonald's](#) and Hill's recollection of how the pistol gets to HILL.

City of Dallas
OFFICE MEMORANDUM
November 22, 1963

To: Captain W.P. Carnaway
Special Service Bureau

Subject: Arrest of Lee Harvey Oswald for the Murder of
Officer J.D. Tippett and the Assassination of
President Kennedy

Sir:

At approximately 2:00PM this date the undersigned officer were enroute to the vicinity of the 300 Block West Jefferson to aid in the search of the killer of Officer J.D. Tippett. At this time we received information over the radio that the suspect had run into the Texas Theater. We went to that location along with other officers. We searched the balcony and then went to the lower floor. At this time the suspect was located. Officer McDonald was the first one to him. At this time the suspect hit McDonald and drew the pistol from his belt. At this time myself, Jerry Hill, Ray Hawkins and another uniform officer converged on the suspect. As we all became involved in the scuffle I observed the muzzle of the suspect's pistol pointing at me. **I grabbed the pistol and kept it in my possession until I later released it to Jerry Hill.** We took the suspect directly to Homicide & Robbery Bureau and there released him to Homicide Officers. While in the process of attempting to get to the suspect Officer K.E. Lyons sprained his left ankle.

Respectfully submitted,

Bob K. Carroll
Bob K. Carroll, Detective
Administrative Section

Yet now we have a new player in the game. Detective Paul Bentley, not called to testify, wrote his report along with the others related to the arrest of Lee Harvey Oswald. Now while Hill tells us that McDONALD, BAKER and CARROLL witness this handover, Det. Paul Bentley is not mentioned by Hill ... [Bentley report on Oswald's arrest](#), below, is in the same Box #2 as the rest of the arrest reports and specifically recalls marking the evidence and its transfer to Lt. Baker:

I got in the back seat and the suspect was put in next to me, and Patrolman Walker got in on his right. Det. Carroll, Sgt. Hill, and Det. Lyons were in the front seat, as we proceeded to the City Hall.

On the way to the City Hall I removed the suspect's wallet and obtained his name. He made several remarks enroute to the City Hall about police brutality and denied shooting anybody.

Sgt. Jerry Hill had the S&W 38 cal. pistol with six (6) shells in his possession on the way to the City Hall. **This pistol was initialed by me and**

turned over to Lt. Baker and Captain Fritz by Sgt. Hill.

Paul L. Bentley
Detective of Police
Identification Bureau

From what we can tell so far – this pistol is COVERED with initials: HILL, McDONALD, BENTLEY, CARROLL, & BAKER all put their initials on that pistol. Detective Jerry Hill's report corroborates this info, yet like the rest of the report, does not mention Captain Fritz:

At the time the pistol was released to Detective Baker, McDonald, Carroll and I had all marked it for identification purposes, and **in the presence of** McDonald and **Carroll,** I marked the side of the casing on all the shells, which were also **turned over to Detective Baker at the same time.**

The following are excerpts from some of the key players' WCR testimony related to who had the pistol, who marked it and when.

Mr. BELIN. That last call then was made at **1:53 p.m.**, in which you advised who was in the car?

Mr. HILL. With us en route to the station.

Mr. BELIN. Did you put any identification mark at all on this weapon?

Mr. CARROLL. Yes, sir; I did. The initials B. C., **right above the screw on the inside of the butt** of the pistol.

Mr. BELIN. That is about an inch or so from the bottom of the pistol?

Mr. CARROLL. Approximately an inch from the bottom of the butt of the pistol.

Mr. BELIN. As you hold the pistol pointing, that metal strip is pointing up also, is that correct?

Mr. CARROLL. That's correct.

Mr. BELIN. Where did you put the initials?

Mr. CARROLL. Where was I, or where did I put the initials on the pistol?

Mr. BELIN. Where were you?

Mr. CARROLL. I was in the personnel office of the city of Dallas police department.

Mr. BELIN. With Sergeant Hill?

Mr. CARROLL. Yes, and others who were present.

Mr. BELIN. Did you see Sergeant Hill take it out of his pocket or wherever he had it, or not?

Mr. CARROLL. Yes, sir.

Mr. BELIN. What day did you put **your initials** on it?

Mr. CARROLL. November 22, 1963.

So once again that pistol, the one Bob Carroll is shown carrying, is marked and given to Hill, who in turn tells us of the others who marked the gun back at City Hall.

Yet that's where corroboration ends for that pistol. [Warren Commission Exhibit 143](#) is the pistol in evidence which had been marked by no less than HILL, McDONALD, BENTLEY, CARROLL, & BAKER.

Mr. BELIN. Now I am going to hand you what has been marked Commission **Exhibit 143**. Would you state if you know what this is?

Mr. HILL. This is a .38 caliber revolver, Smith & Wesson, with a 2" barrel that would contain six shells. It is an older gun that has been blue steeled, and has a worn wooden handle.

Mr. BELIN. Have you ever seen this gun before?

Mr. HILL. I am trying to see my mark on it to make sure, sir. I don't recall specifically where I marked it, **but I did mark it, if this is the one**. I don't remember where I did mark it, now.

Here it is, Hill right here, right in this crack.

Mr. BELIN. Officer, you have just pointed out a place which I will identify as a metal portion running along the butt of the gun. Can you describe it any more fully?

Mr. HILL. It would be to the inside of the pistol grip holding the gun in the air. It would begin under the trigger guard to where the last name H-i-l-l is scratched in the metal.

Mr. BELIN. Who put that name in there?

Mr. HILL. I did.

Mr. BELIN. When did you do that?

Mr. HILL. This was done at approximately 4 p.m., the afternoon of Friday, November 22, 1963, in the personnel office of the police department.

Mr. BELIN. Did you keep that gun in your possession until you scratched your name on it?

Mr. HILL. Yes, sir; I did.

Mr. BELIN. Was this gun the gun that Officer Carroll handed to you?

Mr. HILL. And identified to me as the suspect's weapon.

Reporters wanted to see the pistol. I held it up to them but never relinquished control of it. **I asked Baker at this time, who was Detective T. L. Baker, if he wanted the pistol, and he said, "No; hold on to it until later."**

Mr. HILL.At this time when I was in the doorway, I was talking to Baker and had my attention more on him and what he was saying, **because at that point we were trying to decide if he wanted the gun**, if we were going to make the offense, or homicide, or the officers that stayed out at the scene to wait for the crime lab. We were talking trying to get the paper-work straight.

Mr. HILL. The gun remained in my possession until it, from the time it was given to me until the gun was marked and all the shells were marked. They remained in my personal possession. After they were marked, they were released by me to Detective T. L. Baker of the homicide bureau. **He came to the personnel office and requested that they be given to him**, and I marked them and turned them over to him at this point.

Neither in T.L. Baker's testimony, or reports of his activities, does the requesting and acquisition of this pistol get mentioned.

One of the strange things about this time period is the finding of 5 shells and a bus transfer on Oswald's person (front pants pocket and breast pocket of shirt, respectively), after the first interrogation which ended at 4:05.

The following excerpts discuss whether and when Oswald was searched, and what was going on at the DPD between 2pm – their arrival - and this second search.

Mr. BELIN. By the way, did you search the suspect that you brought in from the Texas Theatre?

Mr. HILL. As to any other possible weapon?

Mr. BELIN. Yes; or ammunition?

Mr. HILL. I did not search him, and being that he was handcuffed, and being that they were moving him out hurriedly, I don't recall anyone else searching him after he was placed under arrest.

Mr. BALL. What did you do when you got there?

Mr. CARROLL. When we got down in the basement and brought Oswald up, I was in front with everyone else surrounding him and we walked directly from the car to the elevator, got on the elevator and went up to the third floor to the homicide and robbery office and took him right into the homicide and robbery office and took him into one of our interrogation rooms, where we released him to the homicide and robbery office.

Mr. BALL. Whom did you release him to?

Mr. CARROLL. I don't recall which one of the officers it was - there were several standing around there, but they would just take him and hand him to one particular officer. We just put him in the room and they more or less come in and we would back off.

Mr. BALL. Where did you go?

Mr. CARROLL. I went into the police personnel office.

Mr. BALL. Who went in there with you?

Mr. CARROLL. There was **Jerry Hill**, Ray Hawkins, McDonald, Hutson, Bentley, Lyons, and myself. Oh, by the way, Lyons was in the car with us also when we came from the theatre to the police department. I don't remember whether he was sitting in the front or back seat, though, but he did come down with us. Lyons had sprained his ankle and Paul Bentley also had sprained his ankle, and shortly after we went into the police personnel office Lyons and Bentley left and went to Parkland to have their legs checked and taken care of.

Mr. BELIN. After you got down there, what did you do with him?

Mr. WALKER. We took him up the homicide and robbery bureau, and we went back there, and **one of the detectives said put him in this room.** I put him in the room, and he said, "Let the uniform officers stay with him." And I went inside, and Oswald sat down, and he was handcuffed with his hands behind him. **I sat down there, and I had his pistol (sic)**, and he had a card in there with a picture of him and the name A. J. Hidell on it.

Hang on now ... Officer WALKER now has the pistol? As we re-read this statement it appears the actual word should be WALLET, not PISTOL. The mysteries related to the multiple wallets will be reserved for another article; for now though I think we can remove Walker as someone who was in contact with "the" pistol.

Mr. WALKER. I was with him from the time that he was arrested until the time the detectives took him over. **I made a written report on the arrest about a week after it happened**, and that is the only conversation I had with anyone.

Mr. BALL. What did you do when you got there?

Mr. BOYD. Well, we went in and there was a good many people there -- I don't recall who all was there -- I know we talked to **Lieutenant Baker**, and **he told us that the man that shot Tippit was in the interrogation room and about 5 minutes or so after we were in the office, we took Lee Harvey Oswald out of there and brought him into Captain Fritz' office and he talked to him in there.**

Mr. BALL. Tell us about what time of day that was?

Mr. BOYD. I believe **it was around 2:20** when we took him out in there; yes, sir.

Mr. BALL. Now, you took him into the first show-up, did you?

Mr. BOYD. Yes, **we left Captain Fritz' office at 4:05.**

At 4:35 pm Helen Markham, who had witnessed the shooting of Officer Tippit, viewed a showup consisting of Lee Oswald, Bill Perry, R. L. Clark, and Dan Ables. She positively identified Lee Oswald as the one that had shot the officer. While searching Oswald **again** prior to the showup, **Det. Boyd found 5 live rounds of .38 ammunition in his left front pocket,** and Det. Sims found a bus transfer slip in his shirt pocket. After the showup he was again returned to the Homicide Office.

Mr. BALL. He hadn't been searched up to that time, had he?

Mr. FRITZ. **Yes, sir; he had been searched.**

Mr. BALL. Wasn't he searched later in the jail office?

Mr. FRITZ. He was searched, **the officers who arrested him made the first search, I am sure.**

"I am sure", says the Captain; yet if Hill didn't search him, and Bentley pulls a wallet from his pants, and Walker is in the car as well, who performed the search which left 5 live shells in an accused murderer's pocket? (NOTE: Det. Boyd and Sims were sent to the Trade Mart and were afterwards called back to the DPD.)

Is it realistic to expect one of the largest homicide departments in the country to at least fully search the suspect? It would appear that Walker was alone in a room with a handcuffed Oswald – and yet, did not search his pockets. Except that when Roger Feinman filed a lawsuit against CBS, he got documents about their making of their four hour special on the JFK case in 1967. Officer Gerald Hill worked as a consultant on that series for six weeks. As Roger found out, Hill told his CBS employers he did a fast frisk on Oswald at the Texas Theater. Apparently, Hill did not want to admit this, since there is no evidence he came up with anything. Which would suggest that someone planted the five shells the DPD eventually found.

Whether these bullets and the bus pass were ever in Oswald's possession requires a certain level of faith. Not only does Oswald supposedly grab a pistol from his room – a fully loaded pistol it appears – but also at least 11 additional bullets. The pistol was fully loaded when taken (6 bullets) and 5 bullets more are taken from his person; plus the 4 shots which were fired. These shells were both Remington and Western Cartridges and all bore the tell tale signs of having been stored in a gunbelt much like the belts worn by police officers around the USA.



From the HSCA report:

(7) Lee Harvey Oswald was arrested as a suspect in the Tippit shooting shortly before 2 p.m., (16) November 22. Apprehended after a scuffle in the Texas theater, he was carrying a Smith and Wesson revolver modified to fire .38 special caliber ammunition.(17) **Four cartridges were found in the cylinder of the revolver** and turned over to the FBI laboratory by the Dallas police on November 30, 1963. (18) **Two cartridges were found to be of Western Cartridge Co. manufacture, two of Remington-Peters.**(19) **Five Western .38 special caliber cartridges were found in Oswald's trouser pocket and also were given to the FBI laboratory by the Dallas police on November 30, 1963.**(20)

Yet it was Hill's report which stated the pistol was fully loaded with 6 bullets when he got it. From 11-26-63 we have another CSSS (Crime Scene Search Section) form that states 2 live rounds of .38 Cal ammo taken from Oswald's pistol by Davenport are given to US Secret Service SA Thomas Kelley.

[2 live shells - Davenport to Kelley](#)

[CE145](#) is a photo of two live .38 shells related to the following passage from the WCR [Appendix X p559](#) :

When Oswald was arrested **six live cartridges** were found in the revolver.⁶³ **Three were Western .38 Specials**, loaded with copper-coated lead bullets, and **three were Remington-Peters .38 Specials**,

loaded with lead bullets. (⁶³ – CE145, Testimony of McDonald, Carroll & Hill)

The following is a superimposed portion of the [Westbrook CSSS giving 38 cal bullets to FBI SA Vincent Drain](#) on the CSSS 2 days after Davenport gave 2 live 38 rounds to Secret Service SA Kelley.

Handwritten signature/initials

FEDERAL BUREAU OF INVESTIGATION
LABORATORY AND ANALYSIS SECTION
FORT WORTH, TEXAS

CE#: 7970

DATE SUBMITTED _____ TIME _____

OFFICER _____ OF _____ SUBMITTED TO _____

THE OSS OF THE IDENTIFICATION BUREAU THE FOLLOWING:

*I have Records of .38 Cal. Ammunition
Was Released to Supt. Thomas J. Kelley,
U.S. Secret Service*

EXAMINATION REQUESTED:

LOC _____
 NAT _____
 COM _____
 SUB _____
 SIG _____
 SUE _____
 SIG _____

Released to Vince Drain. FBI 11-28-63 10 PM

Also released:
 5- live .38 cal. Western Special shells initialed EB, which were found in the left front pocket of Lee Harvey Oswald.
 4- live .38 cal. shells initialed ~~XXXX~~ HILL (2 Western Special and 2 R P SPL, Removed from gun of Oswald at time ar;
 4- Huls (RP SPL - 2 initialed ED) (1 Western initialed D) and 1 Western found by Virginia Davis.
 1- piece of window ledge 1 inch x 1 inch by 30 inches from window from which shots were thought to be fired.

*Thomas J. Kelley
11/28/63*

RECEIVING SPECIMEN _____ ID# _____

SPECIMEN RELEASED TO *Thomas J. Kelley*

DATE 11-26-63 TIME 4:50 PM BY W. L. Barnes

RESULTS:

*Shells received from officer Davenport,
Taken from Lee Harvey Oswald's gun*

One has to wonder seriously about why Kelley took 2 shells, one of each manufacturer, and why they are never added back to the evidence since the HSCA only reports the 4 live bullets instead

of 6. Paul Bentley's report also mentions the six (6) bullets in the pistol Hill had received from Carroll, yet is not included as a source for the 6 bullet information.

We have to question whether CE145 shows the Kelley bullets, or 2 of the other 4 bullets taken from the pistol. What we do not have in the WCR exhibits are the 4 other bullets mentioned in the Westbrook CSSS form, as taken from Oswald's pistol.

While this issue is not relevant to the pistol's origins – it remains somewhat suspect that a SS agent would acquire 2 live shells from Oswald's gun from traffic officer Davenport (who had nothing to do with the Hill scenario) while Hill and Bentley appear to be telling a story of a different pistol entirely. Suffice it to say, we will not be tracking down these 2 live shells in this paper.

We have reports and statements which create a chain of possession for this pistol from McDonald to Baker through Carroll, Bentley and Fritz. Yet Fritz offers nothing to corroborate these activities, even though he is the lynchpin in this movement of the pistol into evidence.

Now all we need is corroboration from Detective Baker or Captain Fritz that Hill gave either of them the accused's murder weapon.

When Officers and/or detectives turn evidence in they fill out a Crime Scene Search Section (CSSS) report. It describes when, what and who was involved in this piece of evidence and its chain of possession. It includes the submitting officer's signature(s) and the receiving officer's signature(s). We saw an example of this with Detective Rose's submitting of 2 Back Yard Photo Negatives at 4pm on 11/23.

The following is the only CSSS form in the Dallas Archives I could find that T.L. Baker submitted. It is from November 29th and requests photos of key items of evidence which the FBI finally returned after that fateful weekend.

[Dallas Evidence Box 9 Folder 4 Item #14](#)

IDENTIFICATION BUREAU
CRIME SCENES SEARCH SECTION
POLICE DEPARTMENT, DALLAS, TEXAS

CSS#

7992

DATE SUBMITTED 11-29-63 TIME 5:30 pm

OFFICER T.L. Baker OF H+R. SUBMITTED TO

THE CSS OF THE IDENTIFICATION BUREAU THE FOLLOWING:

- 1- 1.0. stretch band with "lee" inscribed -
- 1- RING with U.S. Marine emblem - (Steeking silver)
- 1- P.O. box key # 1126
- 1- DALLAS TRANSIT CO. TRANSFER # 004459
- 1- Page of rifle magazine adv.

EXAMINATION REQUESTED:

Copy & print 6 of each

LOCATION WHERE COMMITTED _____

NATURE OF OFFENSE _____ DATE _____ OFFENSE# _____

COMPLAINANT _____

SUSPECT _____ RACE _____ SEX _____ AGE _____ ID# _____

_____ RACE _____ SEX _____ AGE _____ ID# _____

SIGNATURE OF PERSON SUBMITTING SPECIMEN T.L. Baker ID# 476

SIGNATURE OF PERSON RECEIVING SPECIMEN J.B. Hicks ID# 441

SPECIMEN RELEASED TO T.L. Baker

DATE _____ TIME _____ BY _____

RESULTS:

Where is pistol serial #510210?

By the 29th of November the pistol had been on quite a journey and was most likely no longer at the DPD. T.L. Baker had been named by a number of detectives as the recipient of #510210.

Given that Lt. Baker would fill out one of these forms for some photos of evidence, does it not follow that his receipt of the Tippit murder weapon would in turn lead to his generating a CSSS form to enter this important piece of history in evidence?

<http://jfk.ci.dallas.tx.us/box5.htm> is a link to the box where a copy **T.L. Baker's report** of his activities that day and weekend resides. Folder #5, file #4 is an eleven-page report where page 3 discusses Oswald first arriving at the station.

They were taking affidavits from these men when the suspect who had been arrested at the Texas Theater, 231 West Jefferson was brought into the office. They immediately identified him as an employee of the Texas School Book Depository, Lee Oswald. Capt. Fritz, Det. Sims and Boyd left 411 Elm and stopped by Sheriff Decker's office for a short time and then returned to the Homicide and Robbery office. They arrived shortly after Oswald was brought in, and **Det. Baker told Capt. Fritz the suspect's name was Lee Oswald, the same as the one given to Capt. Fritz by Mr. Truly.**

Baker referring to himself in the third person seems strange and out of place, as if this report was written for him or dictated to him. On [page 5](#) of this report he gets to 4:35pm – the Markham line-up – and fails to mention the receiving of the alleged Tippit murder weapon. Nothing that I have found in the record corroborates Hill or Bentley's statements that Detective Baker is given this pistol between 3 and 4pm that day.

What follows are some of the statements related to identifying both Oswald and this pistol well after the fact:

Mr. BALL - There is one thing. I have marked an [exhibit 520](#). (The document referred to was marked Commission Exhibit No. 520 for identification and received in evidence.)

Mr. BALL - As he said he had not seen Oswald since, and I know this was taken - but I would like to ask him one question with reference to 520 for identification, and we will later provide an identification, proper identification for it.

Does that **look like** the man that you arrested in the Texas Theatre that day?

Mr. McDONALD - Yes, sir.

"IS THAT THE MAN YOU ARRESTED AT THE THEATER" is not asked. *"Does that **look like** the man that you arrested in the Texas Theatre that day?"* on the other hand, is asked. Yet this paper remains about the pistol's journey through its chain of possession, not whether the man in custody is the same as the man arrested. I simply find this to be on par with other "legal-ese" used which did not conclude anything but only expresses an opinion – like this:

Senator Cooper: To whom did you turn over the possession of the pistol?

Mr. McDonald: Detective Bob Carroll. He had come into the aisle. Whenever I hollered, "I got him" immediately I was swarmed by officers.

Senator COOPER: Did you mark the pistol at that time before you turned it over?

Mr. McDonald - No, sir; I marked it at the police station.

Senator COOPER: But you recognized it then as the same pistol you had identified today?

Mr. McDonald : Yes, sir.

Senator COOPER: That is all.

Interesting? McDonald needs to be asked if the weapon he marked at the station, after it had been out of his possession for some time, and the man he arrested, who he claims to have never seen again, are in fact the original items he encountered. Once the pistol is given to Carroll there is no way that McDonald could honestly know whether the pistol he was now marking was indeed the pistol from the theater.

Let's do a quick recap of story #1 regarding the pistol:

- McDonald grabs it, and seeing Carroll hands it to him (or Carroll grabbed it)
- Carroll keeps it until he hands it to Gerald Hill
- Hill holds this pistol for the next sixty to ninety minutes (while we will learn Oswald still has 5 live rounds in his pockets even after being searched)
- Hill, in the presence of McDonald and Carroll, marks it and gives T.L. Baker the pistol (Paul Bentley also claims to have initialed this pistol and was present when it was handed to Baker)
 - McDonald says no such thing about Hill, Bentley, Baker or Carroll
 - Carroll says no such thing about Hill, Bentley, Baker and McDonald
 - Bentley says no such thing about McDonald or Carroll
 - T.L. Baker says no such thing in his report of the day's activities
 - T.L. Baker, with pistol in possession, does not fill out a CSSS report on Nov 22nd listing this pistol.

NOTE: Between Nov 22 and Nov 29 when Baker's CSSS was written, all the evidence gathered was sent to the FBI and secretly returned. Many more items were returned than were taken and some of the items taken (Minox camera) simply vanished.

If we are to believe the evidence, the pistol's journey ends with T.L. Baker in possession by 3:30 pm on Nov 22nd. [Baker's testimony](#) consists of a few questions about WCD 81-B, the movement of Oswald within the police department from his arrest until his murder and nothing about the acquisition and disposition of that pistol.

At the end of the day it is only the reports of Gerald Hill and Paul Bentley which connects the pistol in question and T.L. Baker. The evidence was **not** marked by McDonald or Carroll - who handled the pistol prior to Hill - until hours later at the police station.

Mr. BALL. That was about what time you heard that? You have a little notebook there.

Mr. FRITZ. Yes, sir; I have a notebook.

Mr. BALL. Did you make notes as of that time?

Mr. FRITZ. We made this, not at that time, we made this after the tragedy.

Mr. BALL. How long after?

Mr. FRITZ. We started on it real soon after, and we have been working on it ever since.

Mr. BALL. Did somebody assist you in the preparation of that notebook?

Mr. FRITZ. Yes, sir.

Mr. BALL. Who was that?

Mr. FRITZ. I had several officers assist me with this, and some secretaries, of course, that helped us with it. I had my lieutenant, T. L. Baker, help me to put this book together, this larger book, I think you have a copy of it there, and to make some additional books like this.

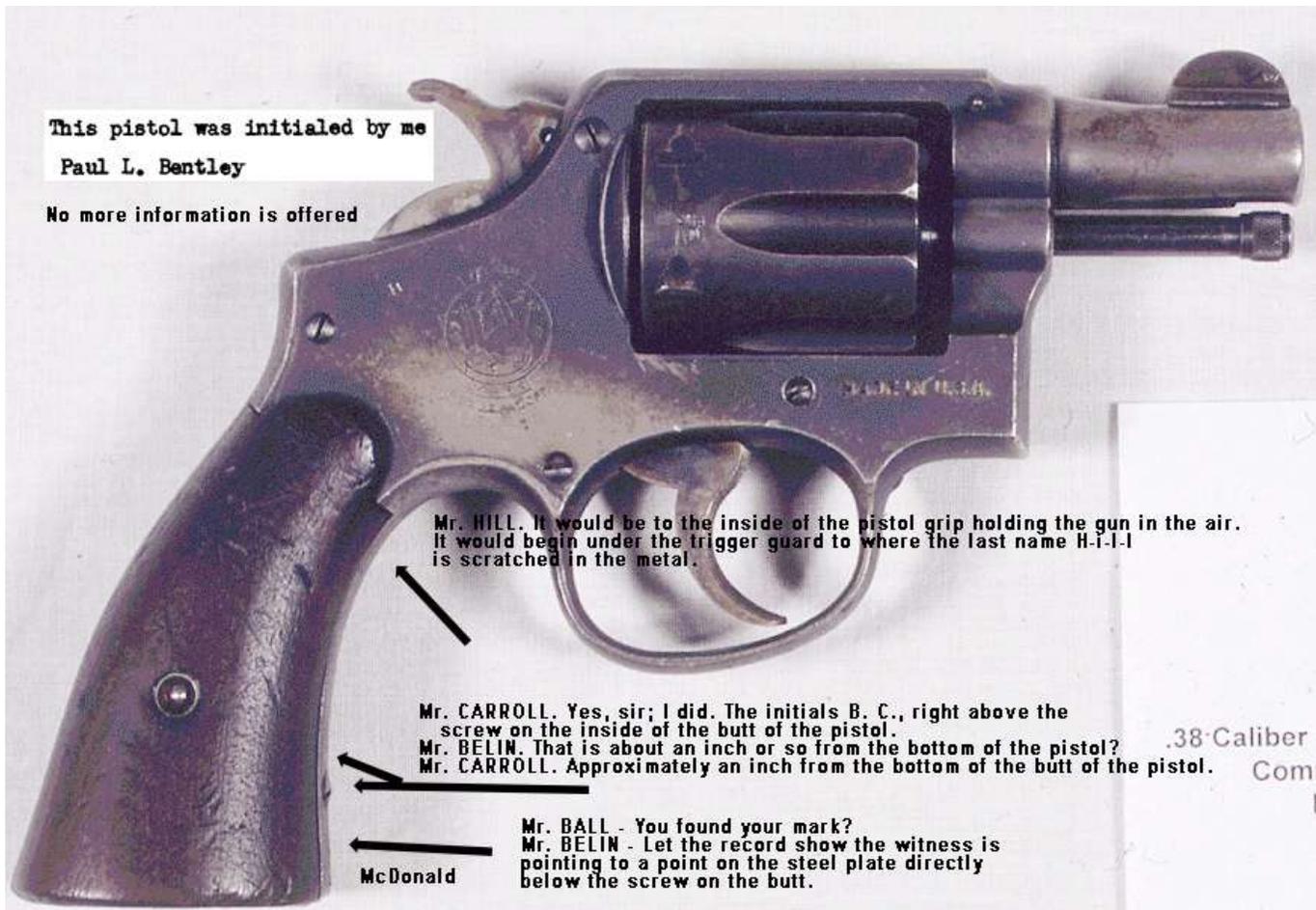
The man who Hill gave the pistol, T.L. BAKER, assists Fritz in compiling information for his Commission testimony (among other reasons). Surely Baker would include that, in Fritz's presence, Detective Hill handed over the Tippit murder weapon.

Not once in his entire testimony does Captain Fritz of homicide say anything about a pistol being handed to him or Baker by Hill. In fact "Det. Hill" does not appear at all in Fritz's testimony. Is it realistic to accept that Fritz would not mention the handing over of the alleged murder weapon which killed one of his fellow policeman, when the man compiling his memory notebook was the man through which all this occurs?

Well ... **only if it did not happen that way**. So far we have yet to see any evidence that the pistol Carroll gave Hill was ever checked into evidence by or through T.L. Baker. ([T.L. Baker report p4](#) & [T.L. Baker report p5](#) discusses the time frame up to 4:35 and the Markham line-up.)

If ever there would be a place to mention his receiving the snub-nosed .38 it would be here – but to no avail.

Is this pistol that Hill gave to Baker EVER entered as evidence into the Dallas process?



Well yes, it was entered into evidence on Nov 22nd.

Just not by those who claim to have brought it back from the Texas Theater.

Story #2 - Barnes, Davenport, Doughty and FBI SA Vincent Drain

Hill claims at 3:15 pm he gave the suspect's pistol to T.L. Baker, with witnesses who do not corroborate, a recipient who does not corroborate, and a Crime Scene report which does not include the pistol the evidence suggests was handed to him.

Officer Davenport of the traffic division tells us that at 3:30 pm **Captain Fritz** asks "Officers" to take the **pistol #510210** to **Captain Doughty** along with 3 live shells. [Box 1 Folder 4 Item #7](#)

Form OPS-GF-355A
POLICE DEPARTMENT **SUPPLEMENTARY OFFENSE REPORT** CITY OF DALLAS

LAST NAME OF COMPLAINANT (FIRM NAME)—FIRST NAME	INITIAL	OFFENSE AS REPORTED AND DATE	THIS DATE	OFFENSE SERIAL NO.
Tippit, J. D.				

ADDITIONAL DETAILS, PROGRESS OF INVESTIGATION, ETC.
 On November 22, 1963 we answered the shooting call in of Officer Tippit. In route met the ambulance carrying the wounded officer to Methodist Hospital. We assisted in getting the officer to the Emergency Room. And observed the doctors and nurses trying to bring the Officer back to life. At 1:05 pm Dr. Richard Liquori pronounced him dead. At 1:30 pm by request of Capt. Talbert Dr Paul Boellenhoff removed a bullet from Officer Tippit's stomach so identification could be made as to the caliber of the gun used in the shooting. 138 slug and a button from officer's shirt was removed from this wound. The slug and button were turned over to Capt Doughty of I D Bureau. At 3:30 pm Capt Fritz of the Homicide Bureau advised officers to take the 38 S & W snubnose (Ser # 510210) that was used in the shooting and 3 live 38 shells and also turned these over to **Capt Doughty**. The personal affects of Officer Tippit was also turned over to Capt. Doughty of the I D Bureau.

I RECOMMEND THIS OFFENSE BE DECLARED		DATE	INVESTIGATING OFFICERS
Unfounded <input type="checkbox"/>	Pending <input checked="" type="checkbox"/>	Cleared by Arrest <input type="checkbox"/>	
REPORTING OFFICERS	(I. D. NO.)	(I. D. NO.)	DATE
R A Davenport	953	W R Bardin	367
RECORDS BUREAU		Approved:	COMMANDING OFFICER

Wait, what happened to Hill giving the pistol to T.L. Baker after McDonald, Baker, Hill, Bentley and Carroll mark it "around 4 pm"?

The following CSSS report suggests that Officer Davenport of the TRAFFIC Division, at 3:30 pm, is in possession of a pistol and shells which Fritz has now asked be given to Capt. Doughty. The chain of possession now adds crime lab officer Barnes who was at the Tippit scene.

At the bottom of this CSSS is the signature of V. E. Drain, Special Agent of the FBI, who, we come to find out, was able to transport virtually every bit of Dallas evidence to the FBI lab in D.C. by the early morning hours of Nov 23rd. This fact was not known to the public for many, many years after the incident, yet is reflected in a number of DPD documents including one from Lt. Day.

IDENTIFICATION BUREAU
CRIME SCENE SEARCH SECTION
POLICE DEPARTMENT, DALLAS, TEXAS

CSS# _____

DATE SUBMITTED 11-22-63 TIME 3:30 PM

OFFICER R. A. DAVENPORT OF TRAFFIC SUBMITTED TO
THE CSS OF THE IDENTIFICATION BUREAU THE FOLLOWING:

1 38 SMITH + WEAPON SNUB NISE SERIAL # 510210
38 SHAZLS

EXAMINATION REQUESTED:

LOCATION WHERE COMMITTED 500 BLK. EAST 10TH ST.

NATURE OF OFFENSE MURDER DATE 11-22-62 OFFENSE# _____

COMPLAINANT _____

SUSPECT _____ RACE _____ SEX _____ AGE _____ ID# _____

_____ RACE _____ SEX _____ AGE _____ ID# _____

SIGNATURE OF PERSON SUBMITTING SPECIMEN R. A. Davenport ID# 853

SIGNATURE OF PERSON RECEIVING SPECIMEN W. Barnes ID# 598

SPECIMEN RELEASED TO _____

DATE _____ TIME _____ BY _____

RESULTS:

[Handwritten signature]
11:45/PM
11/22/63
[Handwritten initials]

Officer Barnes's testimony does not touch upon the evidence presented above, and in fact contradicts it:

Mr. BELIN. Did you have anything to do with identifying either the slugs that were eventually removed from Officer Tippit's body, or the pistol?

Mr. **W.E. BARNES. No.**

Mr. BELIN. What did you do when you returned to the city hall?

Mr. BARNES. We started working out the evidence and developing negatives of all the photos that were taken at the Kennedy assassination site and also at the Tippit site.

Mr. BELIN. Who were you working with at that time?

Mr. BARNES. We had just about all the manpower of the crime scene search section working.

Lt. J. C. Day, myself, Detective R. L. Studebaker, Detective J. B. Hicks, and Detective R. W. Livingston.

Mr. BELIN. Did you know about **what time of the day you were doing this?**

Mr. BARNES. We started on it, I would say, roughly after I returned to the city hall. **It was getting close to 4 o'clock.**

Again, quite interesting. Davenport shows a 3:30 pm time on the 22nd for the turning over of this pistol and ammo to Barnes and Doughty, yet Barnes claims it is after 4 pm when they finally return from the crime scenes and begin processing the evidence. We are once again left to ask whether it is realistic to expect that Barnes would neglect mentioning taking the alleged Tippit murder weapon?

Captain Doughty and Officer Davenport are not called to testify, even though it is Doughty's initials showing these items were given to Special Agent Vincent Drain of the FBI and Davenport as the source of this evidence. Drain takes all the evidence gathered that day back to the FBI, which in itself is not a problem, until we learn that no one was supposed to know of this. Days later when the FBI returns far more items of "evidence" than they took, they and the DPD stage an event whereby the items are photographed and "officially" given to the FBI on Nov 26th.

Suffice to say, the pistol which was in Doughty's possession and given to Agent Drain shows no sign of a chain of possession from Hill through Baker to Doughty through Davenport.

So where and when did Davenport get the pistol? The WC never called him.

The above CSSS is a copy of the "original", which we see below from the Dallas Archives was not scanned. Many originals appear to have not been scanned, while copies – numerous images of degraded copies – are readily available.

15. CSS Form (Crime Scene Section), by R. A. Davenport. Original form concerning a Smith & Wesson SN Special, (Original), 11/22/63. 00002560 1 page 09 01 015 (no scan)

Davenport's report says that Fritz "advised officers" to take the pistol to Captain Doughty yet the CSSS only offers Davenport's name.

SIDE TRIP: Davenport's activities prior to handing this gun to Barnes/Doughty includes him and Officer Bardin being sent to Methodist Hospital to recover items from Tippit.

From the Desk of:
MARY RATTAN 11-22-63

RA
Davenport
Took gun
&
bullet from
Tippit

Yet another tidbit of information related to DAVENPORT is this scribble about him taking TIPPIT's gun and bullets ...

... Yet we have Officer BARDIN's CSSS form on the following page (BARDIN also was not called to testify)

17. CSS Form (Crime Scene Section), by W. R. Bardin. Original form concerning evidence collected, (**Original**), 11/22/63. 0000**2563** 1 page 09 01 **017** (no scan)

18. CSS Form (Crime Scene Section), by W. R. Bardin. Original form concerning crime scene investigation, (**Original**), 11/22/63. 0000**2565** 1 page 09 01 **018** (no scan)

Not sure why or even HOW there need to be 2 "originals" of this form with different scan and ID#'s other than that the DPD's methods of copying, labeling and archiving leave much to be desired.

Here is a COPY of the CSSS which Bardin created listing the items recovered from Tippit and also given to Detective Doughty – the important thing being the time of 3:25 pm, which corroborates Davenport's times, and as we will show next, is further corroborated by Davenport's 3:10 pm turning in of the bullet and button.

IDENTIFICATION BUREAU
CRIME SCENE SEARCH SECTION
POLICE DEPARTMENT, DALLAS, TEXAS

CSS# 7991

DATE SUBMITTED 11-22-63 TIME 3:25 PM.

OFFICER W. Bardin OF Traffic SUBMITTED TO

THE CSS OF THE IDENTIFICATION BUREAU THE FOLLOWING:

- 1 Black Briefcase
- 1 Black Suit Bag
- 1 Gold Badge # 848
- 1 pair of Combs
- 1 SW for Ser # 138278
- 1 Rytone Wrist Watch
- 2 Penetration Pins
- 1 DIHE
- 38 Bullets
- 1 PA Handkerchief
- 1-7mm Plastic D.P.D.
- 1 Chrome Wrench

EXAMINATION REQUESTED:

LOCATION WHERE COMMITTED 500 E. 10th St.

NATURE OF OFFENSE Murder DATE 11-22-63 OFFENSE# _____

COMPLAINANT _____

SUSPECT _____ RACE _____ SEX _____ AGE _____ ID# _____

_____ RACE _____ SEX _____ AGE _____ ID# _____

SIGNATURE OF PERSON SUBMITTING SPECIMEN W. Bardin ID# 867

SIGNATURE OF PERSON RECEIVING SPECIMEN G. M. Dougherty ID# _____

SPECIMEN RELEASED TO _____

DATE 11-27-63 TIME 10:00 AM BY P. L. Bentley

RESULTS:

IDENTIFICATION BUREAU
 CRIME SCENE SEARCH SECTION
 POLICE DEPARTMENT, DALLAS, TEXAS

CSS# _____

DATE SUBMITTED 11-22-63 TIME 3:10 PM

OFFICER K. A. Davenport OF Traffic SUBMITTED TO
 THE CSS OF THE IDENTIFICATION BUREAU THE FOLLOWING:

1 slug
 1 unexploded shell
 EXAMINATION REQUESTED: Dr. Paul MacDermott
Removed at 1:15 PM
Metrolist Emergency
Dr. Richard Liggett Pronounced DOA
1:15 PM

LOCATION WHERE COMMITTED 500 BLK. EAST 10TH ST.

NATURE OF OFFENSE MURDER DATE 11-22-63 OFFENSE# _____



RACE _____ SEX _____ AGE _____ ID# _____
 RACE _____ SEX _____ AGE _____ ID# _____
K. A. Davenport ID# 253

SIGNATURE OF PERSON RECEIVING SPECIMEN J. Doughty ID# _____

SPECIMEN RELEASED TO _____

DATE _____ TIME _____ BY _____

RESULTS: ✓ Brain

I believe it is safe to say that Davenport and Bardin were at the hospital when Tippit was "Pronounced DOA @ 1:15pm", which also suggests that the time of death simply had to be prior to 1:15 pm. If they recovered these items around 2 pm, it surely is not a far stretch to have them back at DPD to check these in by 3 pm.

Yet this still does not put the pistol into Davenport's hands – only his report, which mentions Fritz "advising officers" to take this pistol to Doughty, connects these activities.

removed from this wound. The slug and button were turned over to Capt Doughty of I D Bureau. At 3:30 pm Capt Fritz of the Homicide Bureau advised officers to take the 38 S & W snubnose (Ser 510210) that was used in the shooting and 3 live .38 shells and also turned these over to Capt Doughty. The personal affects of officer Tippit was also turned over to Capt. Doughty of the I D Bureau.

So back a few pages, the report showing Davenport giving the murder weapon to Barnes/Doughty at 3:30 pm corroborates this story, yet contradicts the Carroll-Hill-Baker chain of custody.

We must remember that Fritz says NOTHING about this piece of evidence getting into Doughty's hands. Nothing about being in the presence of Hill and Bentley when the pistol was handed to Baker.

Nothing.

Conclusions, Questions and Thoughts

There are obviously two separate and distinct paths the pistol travels once back at the Dallas Police Station on November 22, 1963:

1. McDonald/Carroll > Hill > (initials from McD, Carroll, Hill, Bentley supposedly etched in handle by screw, yet no photo in evidence shows these initials) > Fritz > T.L. Baker > gone
2. Fritz > Davenport & officers > Doughty/Barnes > SA Vincent Drain > FBI

Could the pistol which Hill gives to Baker in front of Bentley and Fritz be the same pistol which Davenport gives to Doughty?

If this was the case, there is nothing in the record to corroborate that occurring, and in fact the evidence contradicts the timing, with Barnes not being available at the DPD until after 4pm.

There is nothing in evidence showing these markings on the pistol. (What evidentiary value would it have when we learn the pistol is not marked for over an hour while remaining in Hill's sole possession – according to Hill – and is then gone for the next few days at FBI HQ)

Is it realistic to believe that Oswald would carry 9 loose rounds of assorted live ammunition which all bear the markings of having been in an ammunition belt – with the 5 in evidence taken from his pocket over 2 hours after he is arrested?

The key items taken from him at this 1st and 2nd search are listed on T.L. Baker's photo request of 11/29, including the bus transfer – but excepting the bullets, which are found at the same time.

Gerald Hill was the man who transmitted this statement at 1:34:

"The shells at the scene indicate that the suspect is armed with an automatic 38, rather than a pistol."

Also at 1:34 Patrolman Summers transmits:

"Last seen running on the north side of the street from Patton, on Jefferson, on East Jefferson. And he was apparently armed with a .32 dark-finish automatic pistol which he had in his right hand."

Gerald Hill retained possession of the theater pistol (he says) until he initialed it with the others, and Baker comes to him requesting the pistol. Baker corroborates no such event.

Barnes has the shells Domingo Benavides recovered from the Tippit scene in the cigarette package, and policeman Charles Dhority had the other shell. (There is even conflict with the number of shells in this package)*

Hill is there for all of this activity, as well as the man who is in the car taking Oswald from the theater to the station with Bentley, yet another participant in the charade. Depending on who actually killed Tippit and who they were connected to, the presentation of evidence that connects a certain pistol to certain shells "at the scene" and in turn to Oswald requires not only that Oswald be the man killing Tippit but that the Seaport and REA evidence also be authentic.

Once again, this closed-loop corroboration of a key item of evidence precludes us from making the necessary comparisons to establish Standard Operational Procedures. The evidence does not support Oswald ordering or paying for said pistol, there is a lack of COD and shipping charges expected, the lack of a postcard informing "Hidell" of a delivery (which in turn would not be left in Oswald's box that does not name "Hidell" as an authorized recipient), any evidence that this pistol existed while the Oswalds supposedly lived at 214 Neely, and the lack of a chain of custody which can be corroborated (one that proves the "theater" pistol is the "evidence" pistol).

All of this leads me to conclude the pistol, ammo and shells in evidence IS the conspiracy to frame Oswald – who could not possibly have been on the scene and at the theater simultaneously.

****what follows is a look at the Tippit murder scene and related evidence to enable some further understanding of the dynamics at the time along with the evidence conflicts that followed.***

Appendix A: A side trip to the Tippit scene

When Barnes arrives at the Tippit scene to photograph it, Officer Poe had some shells in a cigarette wrapper given to him by a citizen.

Mr. BARNES. I photographed the scene; yes. There was a couple of hulls that was turned over to me.

Mr. BELIN. Do you mean empty shell casings?

Mr. BARNES. Empty .38 caliber hulls was turned over to me at the scene by patrolman – I believe I would be safe in saying Poe, but I am not sure about that.

Barnes claims to have marked the inside of 2 of these hulls at the scene with Capt. Doughty also on scene and in possession of a third shell. Detective Gerald Hill (of story #1 fame) asks Poe to do his job and suggests that Doughty's shell is somehow now mixed with the 2 shells from the citizen.

Mr. BELIN. You went back to 400 East 10th Street?

Mr. HILL. Right. And Poe showed me a Winston cigarette package that contained three spent jackets from shells that he said a citizen had pointed out to him where the suspect had reloaded his gun and dropped these in the grass, and that the citizen had picked them up and put them in the Winston package.

*I told Poe to maintain the chain of evidence as small as possible, for him to retain these at that time, and **to be sure and mark them for evidence**, and then turn them over to the crime lab when he got there, or to homicide.*

Mr. POE. He (Domingo Benavides) said he picked the two hulls up.

Mr. BALL. Did he hand you the hulls?

Mr. POE. Yes, sir.

Mr. BALL. Did you put any markings on the hulls?

Mr. POE. I couldn't swear to it; no, sir.

Mr. BALL. What did you do with the hulls?

Mr. POE. I turned the hulls into the crime lab, which was at the scene.

Mr. BALL. Do you know the name of the man with the crime lab or from the crime lab?

Mr. POE. I couldn't swear to it. I believe Pete Barnes, but I wouldn't swear to it.

Mr. BELIN. While you were out there, were any additional hulls found other than these two?

Mr. BARNES. Yes. Captain Doughty picked up another hull, .38 caliber.

Mr. BELIN. Did you see Captain Doughty pick it up?

Mr. BARNES. I did not.

Mr. BELIN. How many of these hulls, to the best of your recollection, did you identify out there?

Mr. BARNES. I believe that the patrolman gave me two, and Captain Doughty received the third.

Mr. BELIN. The two that the patrolman gave you were the ones that you put this identification mark on the inside of?

Mr. BARNES. Yes.

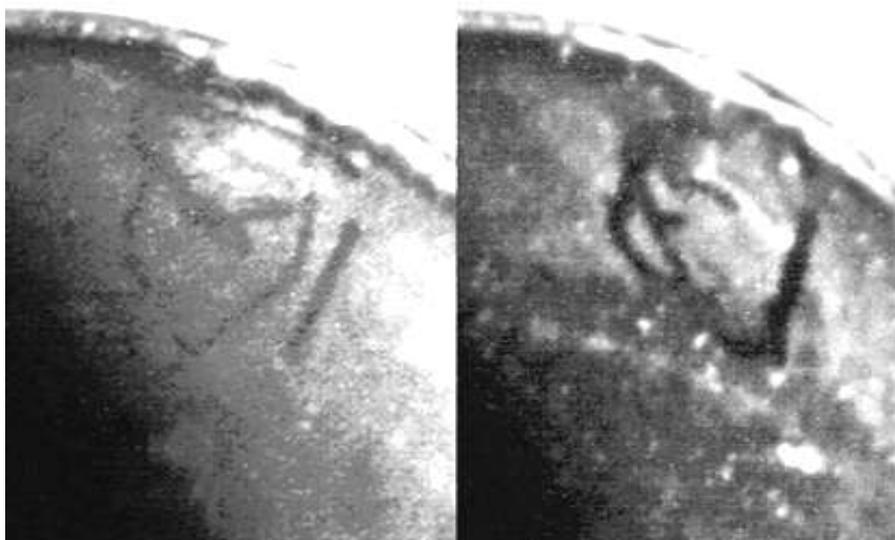
Mr. BELIN. What instrument did you use to place this mark?

Mr. BARNES. I used a diamond point pen.

Mr. BELIN. You put it on **Q-74 and Q-75?**

Mr. BARNES. **It looks like there are others that put their markings in there too.**

These are the marks on Q-74 and -75 which Barnes is attempting to identify. Let us remember that there were two makers of ammunition found within the bullets fired, shells recovered and ammunition taken from Oswald. While hulls can be matched to bullets they cannot be matched to pistols.



In March Poe claims he cannot be sure if he marked these two hulls. In June Poe feels he most certainly did mark them with "**JMP**" and yet he could not find these marks on any of the 4 shells he was shown. [CE2011 p8.](#)

On June 12, 1964, four .38 Special cartridge cases, designated as Exhibits C47 - C50, were shown to Dallas Police Officer J. M. Poe at his home at 1716 Cascade, Mesquite, Texas, by Special Agent Bardwell D. Odum. Officer Poe stated he had received two similar cartridge cases on November 22, 1963, from Domingo Benavides at Dallas, Texas, and had on the same date given them to Pete Barnes, Crime Laboratory, Dallas Police Department. He stated he recalled marking these cases before giving them to Barnes, but he stated after a thorough examination of the four cartridges shown to him on June 12, 1964, he cannot locate his marks; therefore, he cannot positively identify any of these cartridges as being the same ones he received from Benavides.

On July 6, 1964, Officer J. M. Poe, Dallas Police Department, advised Special Agent Bardwell D. Odum that he marked the two cartridge cases on November 22, 1963, "J.M.P."

On June 15, 1964, the same cartridge cases, designated as Exhibits C47 - C50, were shown by Special Agent Bardwell D. Odum to Pete Barnes, an officer of the Dallas Police Department assigned to the Crime Laboratory, and he identified his marking on two of these cases, which also bear the markings "Q74" and "Q77." He advised these are the same two cartridge cases which he received from Officer J. M. Poe of the Dallas Police Department at Dallas, Texas, on November 22, 1963.

3

COMMISSION EXHIBIT No. 2011—Continued

Additionally "Q-74 & Q-75" – the shells POE marked and gave to BARNES on June 15, 1964 – changes to "Q-74 & Q-77". BARNES goes on to tell us these are the same two cases POE turned over to him at the Tippit scene yet one now carries a different "Q" number.

Q-74: Obtained by Barnes from Poe from Benavides

Q-75: Obtained by Dhority from Virginia Davis / Obtained by Barnes from Poe from Benavides?

Q-76: Obtained by Doughty from Barbara Davis

Q-77: Obtained by Barnes from Poe from Benavides?

At the top of this same page 8 of CE2011 is a little blurb about Detective Dhority whereby Detective Odum is looking to corroborate the 4th hull found that day at the Tippit murder scene. Benavides found two, Doughty has one and from this report it appears Dhority found one as well. Yet as his testimony shows and his report recounts, he was not at the Tippit scene.

Mr. BALL. On November 22, 1963, what time did you go to work?

Mr. DHORITY. Oh, I believe it was around 2 p.m.

Mr. BALL. Was that the time you usually went to work?

Mr. DHORITY. No, I was off that day.

Mr. BALL. Well, how did you happen to go to work that day?

Mr. DHORITY. Lt. Wells called me and told me to come to work.

CE2011

On June 12, 1964, the same four cartridge cases, designated as Exhibits C47 - C50, were shown by Special Agent Bardwell D. Odum to Detective C. N. Dhority, Homicide Division Dallas Police Department. Detective Dhority identified his marking on one of these cartridge cases which also is marked "Q75." He stated this is the same cartridge case which he obtained from Virginia Davis, Dallas, Texas, on November 22, 1963.

REPORT ON OFFICER'S DUTIES IN REGARDS TO THE PRESIDENT'S MURDER

C. N. DHORITY - #476

Friday, November 22, 1963, I was on day off. I was called by Lt. T. P. Wells at 1:30 PM to come back to work, that the President had been killed. I got to work at 2:00 PM. I worked in the office answering telephone calls until 3:30 PM. At this time I received information from Lt. Wells that Mrs.

Mr. BALL. And what address did you go to?

Mr. DHORITY. 400 East 10th.

Mr. BALL. Who did you see there?

Mr. DHORITY. Well, there were quite a few people in the house there. but we were told to contact Virginia Davis and her sister, Jeanette Davis.

Mr. BALL. And, did you talk to them?

Mr. DHORITY. Yes, sir.

Mr. BALL. Did they give you anything?

Mr. DHORITY. Virginia gave me a .38 hull.

Mr. BALL. Did she tell you where she got it?

Mr. DHORITY. I believe that she said that she found it in her front yard, as well as I remember.

Mr. BALL. What did you do after that?

Mr. DHORITY. We carried them down to the police department and took affidavits off of them and they went to the lineup.

14. CSS Form (Crime Scene Section), by C. N. Dhority. Original form concerning a 38 hull special, (Original), 11/22/63. 00002559 1 page 09 01 014 **(no scan)**