THE PAPER BAG THAT NEVER WAS

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An examination of the evidence which suggests that the paper bag in which Lee Harvey Oswald is alleged to have brought a rifle into the Texas School Book Depository never existed

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

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

Mr Belin: "Was there any long sack lying in the floor there that you remember seeing or not?"

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

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

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

"The Dallas police did an extremely capable job of documenting with photographs the crime scene that had just been discovered." (Extract from "First Day Evidence"

By Gary Savage: The Shoppe Press, Monroe, Louisiana; 1993 - pages 145/146)

Mr Ball: "Did you see Oswald come to work that morning?"

Mr Jack Dougherty (TSBD employee): "Yes - when he first come into the door."

Mr Ball: "Did he have anything in his hands or arms?"

Mr Dougherty: "Well, not that I could see of."

Mr Ball: "In other words, you would say positively that he had nothing in his hands?"

Mr Dougherty: "I would say that - yes, sir." (6H 376/377)
"Lt Day recalls that on evening of 11/22/63, about 11.30p.m. One of Captain FRITZ' officers requested that he show this thick brown sack to a man named FRAZIER. Lt. DAY said that FRAZIER was unable to identify this sack and told him that a sack he observed in the possession of OSWALD early that morning was definitely a thin, flimsy sack like one purchased in a dime store." (FBI memo, 29 November 1963)

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Introduction

One of the most questionable of all Warren Commission exhibits has to be CE 1302. This is the photograph which purports to show "Approximate location of wrapping-paper bag ... near window in southeast corner." The index to Volume 22 of the Warren Commission's 26 Volumes of Hearings and Exhibits, in which this appears on page 479, describes this exhibit as "Photograph of southeast corner of sixth floor of Texas School Book Depository Building, showing approximate location of wrapping-paper bag and location of palm print on carton."

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

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

In this paper I will examine the reasons for the bag becoming such a vital piece of evidence against Lee Harvey Oswald, the circumstances under which it was allegedly found, my unsuccessful attempts to establish who found it and the method by which Oswald is alleged to have used it to bring a rifle into the building. I will also address the infamous 'curtain rods' story, discuss where the bag is claimed to have been made and question why those investigating the case felt it necessary for a 'replica' bag to be constructed.
The importance of the paper bag to the Warren Commission

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

The sworn testimony of two people, Buell Wesley Frazier (2) and Mrs Linnie Mae Randle (3), was enough to satisfy the Commission that Oswald had concealed the rifle in a long paper bag (or sack) which he had carried to work that morning when he was a passenger in Frazier's car. No other means of bringing the rifle to the book depository was ever suggested or explored, either by the Warren Commission or by anybody else in the official investigative field. Had the matter ever come to court, that paper bag would have been as essential an item of real evidence as anything else in the entire case.

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

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

The fact that there is no photograph of the paper bag in situ immediately raises suspicion as to whether or not it was found where the Warren Commission said it was found. On the face of it, this should not prove an insurmountable problem. It is surely a simple task to refer to the testimony of the police officer who first saw it. Here, however, we encounter another problem. There is no way of establishing exactly who that may have been. According to the Warren Commission Report: "At the time the bag was found, Lieutenant Day of the Dallas police wrote on it, "Found next to the sixth floor window gun fired from. May have been used to carry gun. Lt. J.C.Day"" (4).
There is nothing in that brief statement to indicate either when the bag was found or, more importantly, by whom. As is so often the case, however, there is far more information to be gained from a study of the 26 Volumes of Hearings and Exhibits than from the incomplete and often ambiguous conclusions of the final Warren Report.

Lieutenant John Carl Day, head of the Dallas Police Department Crime Scene Search Section, testified before the Warren Commission at the offices of the Commission at the Veterans of Foreign Wars Building, 200 Maryland Avenue NE, Washington, DC on 22nd April 1964. The vast majority of his examination was conducted by Assistant Counsel David W Belin but there were also occasional questions from Commissioner John J McCloy (5).

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

Mr Belin next showed Lieutenant Day a photograph of the interior of the southeast corner of the sixth floor of the Texas School Book Depository - that area which later became known as the 'sniper's nest' (7). Mr Belin said: "I will first ask you to state if this picture was taken before or after anything was removed from the area." Lieutenant Day dutifully replied: "The sack had been removed." No explanation was offered - and none was sought.

**Who actually found the paper bag?**

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

Let us examine the testimony of some of the other law enforcement officers (Dallas Police Department and Dallas County Sheriff's Department) who would have been in a position to have seen the bag.

Dallas County Deputy Sheriff Luke Mooney

The Warren Report describes a very important find as follows:

"Around 1 p.m. Deputy Sheriff Luke Mooney noticed a pile of cartons in front of the window in the southeast corner of the sixth floor. Searching that area he found at approximately 1:12 p.m. three empty cartridge cases on the floor near the window. When he was notified of Mooney's discovery, Capt. J.W. Fritz, chief of the homicide bureau of the Dallas Police Department, issued instructions that nothing be moved or touched until technicians from the police crime laboratory could take photographs and check for fingerprints. Mooney stood guard to see that nothing was disturbed. A few minutes later, Lt. J.C. Day of the Dallas Police Department arrived and took photographs of the cartridge cases before anything had been moved." (10).

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

(1) Why is there no mention of Mooney finding or seeing the paper bag during his search of that area? Two immediate possibilities spring to mind: either Mooney failed to notice it because he was standing on it - or perhaps it was not there.

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

(3) Is it possible that one of the police officers present either ignored or misunderstood Captain Fritz' orders and did remove the bag? The two possibilities are that either someone committed one of the most serious errors ever in the history of crime scene preservation - or perhaps it was not there.
Dallas County Deputy Sheriff Roger Dean Craig

When Deputy Sheriff Craig gave his testimony to Assistant Counsel David W Belin in Dallas in the early afternoon of 1st April 1964, there was some initial confusion as to which bag (or sack) was being discussed. This was not a unique situation. We have already seen it in the case of Lieutenant Day's testimony. The testimony of several witnesses was subject to similar problems. Remember, there was supposed to be a large paper bag (said to have contained a deadly rifle) and a small paper bag (said to contain the remains of a dead chicken).

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

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

Dallas Police Sergeant Gerald Lynn Hill

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

"You were asking Officer Hicks if either one recalled seeing a sack, supposedly one that had been made by the suspect, in which he could have possibly carried the weapon into the Depository, and I at that time told you about the small sack that appeared to be a lunch sack, and that that was the only sack that I saw, and that I left the Book Depository prior to the finding of the gun.

Or the section, if it was found up there on the sixth floor, if it was there, I didn't see it." (13)
Dallas Police Detective John B Hicks

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

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

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

DET HICKS: "Paper bag?"

MR BALL: "Paper bag."

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

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

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

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

Dallas Police Detective Richard M Sims

Detective Sims was a member of the Homicide & Robbery Bureau. His Warren Commission testimony, taken by Assistant Counsel Joseph A Ball, in Dallas on 6th April 1964, contains much valuable peripheral information concerning the search of the sixth floor of the book depository.

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

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

DET SIMS: "Yes, sir."

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

DET SIMS: "Yes, sir."

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

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

MR BALL: "Studebaker and Day?"

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

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

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

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

MR BALL: "Where did you see it?"

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

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

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

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

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

MR BALL: "To stay there?"

DET SIMS: "Yes, sir."

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

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

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

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

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

Dallas Police Detective Marvin Johnson

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

After being questioned at length about the small paper bag, the remnants of fried chicken and a pop bottle, Detective Johnson stated: "We found this brown paper sack or case. It was made out of heavy wrapping paper. Actually, it looked similar to the paper that those books were wrapped in. It was just a long narrow paper bag." He added that his partner (Detective
Montgomery) picked it up from the floor and unfolded it. He stated that it was right in the corner of the building and had been left in a double-folded condition (18).

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

Detective Johnson was never asked his opinion of the dimensions of the paper bag. When asked by Mr Belin if there was anything else he could remember about the bag, he volunteered a very intriguing remark: "No; other than like I said, my partner picked it up and we unfolded it and it appeared to be about the same shape as a rifle case would be. In other words, we made the remark that that is what he probably brought it in. That is why, the reason we saved it." (20).

Considering the near-clairvoyant gifts he demonstrated with those remarks, it is difficult to imagine why Marvin Johnson, in his ten years police service in Dallas, had risen no further up the promotion ladder than mere Detective!

Dallas Police Detective L.D. Montgomery

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

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

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

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

MR BALL: "The paper sack?"

DET MONTGOMERY: "The small one or the larger one?"
MR BALL: "The larger one you mentioned that was in position 2."

DET MONTGOMERY: "Yes."

MR BALL: "You picked it up?"

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

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

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

A very interesting photograph showing Detectives Johnson and Montgomery removing the paper bag and a Dr Pepper pop bottle from the book depository has been published (22). Detective Johnson does not appear to be exercising much care as regards the safeguarding of any evidential value the bottle may have. In the case of Detective Montgomery, one has to say that two things are blatantly obvious about the bag he is carrying. Firstly, it appears to be over four feet in length and secondly, it is being held in a vertical position by means of something rigid inside it. 'A Mauser rifle, perhaps?

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

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

According to Dallas Police Department records for November 1963, Detective Studebaker was a member of the Auto Theft Bureau, part of the Criminal Investigation Division (23). From his Warren Commission testimony before Assistant Counsel Joseph A Ball in Dallas on 6th April 1964, it becomes evident that on the day of the assassination he was attached to the Crime Scene Search Section of the Identification Bureau. In view of some amazing testimony on his part, it appears that he was not only a newcomer to that Section - but also a virtual trainee!

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

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

DET STUDEBAKER: "Yes."

MR BALL: "For how long?"

DET STUDEBAKER: "Was about two months."

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

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

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

DET STUDEBAKER: "Just home photography." (24)

Together with Lieutenant Day, Detective Studebaker photographed the three hulls and he then took photographs of the rifle in situ before it was moved. One of these is the infamous picture in which Detective Studebaker demonstrated his photographic skills by getting his own knees into the photograph (25). In his own words, when asked who took that photograph: "I know it's mine because my knees are in the picture." (26)
Detective Studbaker failed to photograph any large paper bag despite the fact that it cannot have been more than a few feet away from the hulls - or perhaps it was not there. The bag became the subject of the following exchange:

MR BALL: "Now, did you at any time see any paper sack around there?"
DET STUDEBAKER: "Yes, sir."
MR BALL: "Where?"
DET STUDEBAKER: "Storage room there - in the southeast corner of the building - folded."
MR BALL: "In the southeast corner of the building?"
DET STUDEBAKER: "It was a paper - I don't know what it was."
MR BALL: "And it was folded, you say."
DET STUDEBAKER: "Yes."

Mr Ball showed Detective Studebaker a photograph of the so-called 'sniper's nest' area in the southeast corner of the sixth floor. No paper bag could be seen on the photograph but a dotted-line rectangle had been added to the photograph (27). When asked by Mr Ball if he had drawn that diagram, Detective Studebaker replied: "I drew a diagram in there for the FBI, somebody from the FBI called me down - I can't think of his name, and he wanted an approximate location of where the paper was found." (28).

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

MR BALL: "How long was it, approximately?"
DET STUDEBAKER: "I don't know - I picked it up and dusted it and they took it down there and sent it to Washington and that's the last I have seen of it, and I don't know."
MR BALL: "Did you take a picture of it before you picked it up?"
DET STUDEBAKER: "No."
MR BALL: "Does that sack show in any of the pictures you took?"

DET STUDEBAKER: "No; it doesn't show in any of the pictures." (29)

A short while later, Mr Ball returned to the question of the unphotographed paper bag and offered Detective Studebaker a photograph identical to the first one but without the added dotted-line rectangle. He then asked: "Can you draw in there showing us where the paper sack was found?" and Detective Studebaker complied (30).

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

MR BALL: "Now, how big was this paper that you saw - you saw the wrapper - tell me about how big that paper bag was - how long was it?"

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

MR BALL: "The paper bag?"

DET STUDEBAKER: "Yes."

MR BALL: "And how wide was it?"

DET STUDEBAKER: "Approximately 8 inches." (31).

At that point, probably to the relief of both men, Detective Studebaker's testimony ended.

Summary of the testimony pertaining to the finding of the paper bag

In the period immediately following the shooting in Dealey Plaza, one of the principal functions of the Dallas Police Department and the Dallas County Sheriff's Department was to seek, find and preserve anything of evidential value. In the case of items such as the rifle and spent cartridge cases found on the sixth floor of the Texas School Book Depository, they appear to have carried out these duties correctly. As is obvious from the testimony of the various law enforcement officers involved, however, that this was not the case with another vital piece of evidence - the large paper bag.

Despite considering the position in the most favourable manner possible, the testimony quoted above gives me no confidence in the claim that such a bag was found at the crime scene. As I have repeated several times in the foregoing paragraphs, it is my earnest belief that the paper bag never
existed - certainly not until later, when it became apparent that some means of conveying a concealed rifle into the building had to be established.

We must now consider another important aspect of the affair and study the testimony of the only two people who claimed to have seen Lee Harvey Oswald with the paper bag in his possession - Buell Wesley Frazier and his sister Mrs Linnie Mae Randle.

Buell Wesley Frazier - testimony before the Warren Commission inquisition

Researchers concerned with this matter are aware that on the morning of the assassination of President Kennedy, Lee Harvey Oswald was driven the 15 miles to the Texas School Book Depository by fellow-worker Buell Wesley Frazier. Frazier lived at no. 2439 West 5th Street, Irving, just half a block down from no. 2515 where Oswald's wife Marina and their two daughters were lodging with Mrs Ruth Paine. Frazier had worked as an order filler at the book depository only since 13th September. Although Oswald had cheap lodgings in Oak Cliff, a southern suburb of Dallas, he spent the night of 21st/22nd with his family at the Paine house.

The 19-year-old Frazier appeared twice before the Warren Commission and his initial testimony was obviously considered to be of great importance. It was taken not in Dallas but at the offices of the Commission at the Veterans of Foreign Wars Building, 200 Maryland Avenue NE, Washington, DC. Furthermore, instead of being questioned by just one of the Assistant Counsel, he was honoured by receiving the full works.

Frazier was recalled by the Commission four and a half months after his first examination but on that occasion he attended in Dallas and was asked less than a dozen questions by Assistant Counsel Wesley J Liebeler. Since those questions were concerned with the journey to work on the morning of the assassination they are relevant to this paper and will be dealt with in due course.

Frazier's principal testimony was taken on 11th March 1964 in the presence of Chief Justice Earl Warren; two full members of the Commission (Senator John Sherman and Representative Gerald R Ford); General Counsel J Lee Rankin; five Assistant Counsel (Joseph A Ball, David W Belin, Albert E Jenner, Jr., Wesley J Liebeler and Norman Redlich) and two observers (Charles Murray and Lewis E Powell, Jr.) (32).
One can but speculate on the unfortunate Frazier's state of mind when, alone and many miles from home, he found himself confronted by this august gathering!

Mr Ball led most of this interview and after a considerable amount of preamble, he got around to asking Frazier about his drive home from the Texas School Book Depository after he finished work on the afternoon of Thursday 21st November 1963. Frazier stated that he had agreed to give Lee Harvey Oswald a lift to the Paine house in Irving that day and he had asked Oswald: "Why are you going home today?" Oswald's reply, as remembered and quoted by Frazier, represents one of the major cornerstones in what would have become the prosecution case: "I am going home to get some curtain rods. You know, put in an apartment." (33).

It is vital to note that Frazier is the one and only person ever to attribute the words "curtain rods" to Oswald. Less than half a dozen other people used those words - Linnie Mae Randle, when quoting her brother Frazier, Oswald himself when he denied that he ever made that remark to Frazier plus, of course, some of those questioning him (34). We have only Frazier's word that Oswald gave that as his reason for wanting a lift on that afternoon and on the following morning. Both Ruth Paine (35) and Marina Oswald (36) denied that Oswald had said anything to them about curtain rods.

As agreed, Frazier drove Oswald back to Irving that afternoon, leaving the book depository at 4.40pm and arriving at Irving (as far as can be determined) sometime between 5.20pm and 5.25pm. Mr Ball asked Frazier if any conversation had passed between them during the journey and Frazier could not remember anything being said. It is important to note here that no questions were put to Frazier as to whether Oswald was carrying anything or whether it appeared that he had anything concealed about his person. As we shall see later, if it was Oswald's intention to bring a rifle to work in a large paper bag the following morning, this would be his only opportunity to take the empty bag to Irving.

In reply to a question from Mr Ball, Frazier stated that his sister, Linnie Mae Randle, who lived at the same house, had asked him that evening why he had brought Oswald back to Irving on that particular day. Frazier said: "I told her that he had rode home with me and told her he said he was going to come home and pick up some curtain rods or something." (37).

According to Frazier's testimony, he and Oswald walked to Frazier's car which was parked just outside Frazier's house at a minute or so after
7.21am the following morning. (38). I find it odd that Frazier's very precise recollection of the time - literally to the exact minute after an interim period of three and a half months - was never queried.

Mr Ball asked what happened when they got into the car, and the dialogue continued:

MR FRAZIER: "Let's see, when I got in the car I have a kind of habit of glancing over my shoulder and so at that time I noticed there was a package laying on the back seat, I didn't pay too much attention and I said, "What's the package, Lee?" And he said, "Curtain rods," and I said, "Oh, yes, you told me you was going to bring some today."

That is the reason, the main reason he was going over there that Thursday afternoon when he was to bring back some curtain rods, so I didn't think any more about it when he told me that."

MR BALL: "What did the package look like?"

MR FRAZIER: "Well, I will be frank with you, I would just, it is right as you get out of the grocery store, just more or less out of a package, you have seen some of those brown paper sacks you can obtain from any, most of the stores, some varieties, but it was a package just roughly about two feet long."

MR BALL: "It was, what part of the back seat was it in?"

MR FRAZIER: "It was in his side over on his side in the far back."

MR BALL: "How much of that back seat, how much space did it take up?"

MR FRAZIER: "I would say roughly around two feet of the seat." (39).

Buell Frazier's nervous state of mind can be judged by those answers. Note, however, that without any prompting, he twice volunteered his impression of the length of the package as being about two feet. That, of course, was not the estimate which Mr Ball was seeking.

Buell Wesley Frazier - the attempted 'sting'

Perhaps it would be appropriate at this point to refer in some detail to the very beginning of this particular session of the Commission's investigation. At 9.45am, immediately prior to Frazier being called, Chairman Earl Warren had opened the proceedings and the following exchange ensued:
MR BALL: "I would like to assign Commission Exhibit No. 364 to a paper sack which the FBI has identified as their C-109 Exhibit. That will be the Commission's Exhibit No. 364 for identification at this time."

CHAIRMAN: "All right."

(The paper sack referred to was marked Commission Exhibit No. 364 for identification.)

MR BALL: "Also for the record I would like to announce that prior to this morning, Mr Cortlandt Cunningham and Charles Killion of the Federal Bureau of Investigation laboratory, the Ballistics Division, Firearms Division, I guess it is, broke down, that is unscrewed Commission Exhibit No. 139, an Italian rifle, and that rifle has been placed in, after being disassembled, has been placed in Commission's No. 364 for identification, that paper sack."

CHAIRMAN: "All right."

MR BALL: "We have also here before the Commission, Commission No. 142 which is a paper sack which is identified as the FBI's Exhibit No. 10. I think that has its number, exhibit number on it. I have been informed that was 142. My notes show that the brown sack is 142. I think we can call the witness now."

CHAIRMAN: "All right; would you call Mr Frazier, please." (40).

Mr Ball's comment "We have also here before the Commission .........." clearly indicates that both the alleged original paper bag (CE 142) and a replica bag (CE 364) were physically present in the room at that time. Furthermore, note that it was the replica bag into which the disassembled Mannlicher-Carcano was placed!

Does anybody share my opinion that the unfortunate Buell Wesley Frazier was being deliberately set up here? As his admittedly halting testimony indicates, he twice stated that the package he saw on the back seat of his car was only two feet in length. Can it be that the carefully-laid plan was too complex for him and despite having two paper bags before him (including one containing a disassembled Mannlicher), he has produced his "two feet" estimates of its length?

Buell Wesley Frazier - testimony continued
At this point, Mr Ball did not press Frazier to reconsider his estimate of the length of the package. Instead he led him through an account of the drive into Dallas that morning, only once producing questions about the mysterious back seat cargo.

MR BALL: "Anything else said about curtain rods?"

MR FRAZIER: "No, sir; there wasn't."

MR BALL: "Anything else said about the package?"

MR FRAZIER: "No, sir; there wasn't." (41).

In response to Mr Ball's questioning, Frazier said that Oswald did not take his lunch in with him that day. He then went on to explain that after parking his car, he watched as Oswald preceded him towards the Texas School Book Depository. He said that Oswald was carrying the package in his right hand "parallel to his body" with one end of it "under the armpit" and the "other part with his right hand." (42). In an affidavit made on the day of the assassination, Frazier had stated that he had followed Oswald as he entered the book depository through the back door at the Loading Dock (43). To carry a package about two feet long in this fashion would present no problem. The shortest length which can be achieved with a broken down Mannlicher-Carcano identical to CE 139 (the alleged assassination rifle), however, is 34.8 inches (44). To carry something that long in the manner described by Frazier would require a body height in excess of seven feet and arms like an orangutan - hardly an accurate description of the 5'9" Lee Harvey Oswald, a slim man who weighed an estimated 150 pounds (ten stone ten pounds) (45).

During the rest of Frazier's testimony, Joseph Ball returned to the question of the length of the paper bag again and again. Frazier, however, refused to be browbeaten and even when the replica bag (CE 364) was specifically shown to him, he stated "No, sir" when asked if it appeared to be the same length as the package on the back seat of his car. He was also a little more explicit concerning the way that Oswald had held the package, saying that "he had it cupped in his hand" (46).

A few minutes later, in respect of what was claimed to be the 'original' bag (CE 142), Frazier repeated what he had said earlier: "I told them that as far as the length there, I told them that it was entirely too long." (47).
It has long been my belief that Buell Wesley Frazier had been 'coached' prior to his appearance before the Commission. I also believe that he became totally confused during his ordeal and that the answers he gave were not the ones which had been expected of him. A man from whom so much had been expected in the quest to confirm the guilt of the deceased Oswald had, instead, proved a severe embarrassment.

**Frazier testifies again**

As mentioned earlier, Buell Wesley Frazier was called to testify again. This took place on 23rd July 1964 and this time he was spared the long journey to Washington, DC. He attended at the US Attorney's Office, 301 Post Office Building, Bryan and Ervay Streets, Dallas. Only Assistant Counsel Wesley J Liebeler was present. His sole object was to confirm that Frazier had seen Oswald "carrying a large brown package from the car into the Texas School Book Depository Building and that also you saw the package in the car." Frazier agreed.

Frazier also confirmed that he had never seen Oswald with a similar package (48).

I remain at a loss as to why this brief question-and-answer session was felt necessary. I can only suggest that it may have been an example of what is today known as 'Damage Limitation'.

If Mr Ball and his Commission colleagues were disappointed at Frazier's lack of agreement with their hoped-for estimates of the paper bag's length, imagine how they must have felt when he stated in his testimony that it had been his impression at the time, from the front entrance steps to the book depository, that the shots had been fired from "down there, you know, where that underpass is" (49)

**Corroboration of Frazier's testimony?**

Perhaps we should now seek some sort of corroboration of this part of Frazier's testimony.

Was there anybody who could confirm that Oswald left Frazier's car and walked into the book depository carrying a package that morning? That walk, from TSBD Parking Lot No. 1, was a distance of about 350 metres (50). The lot was located on the northeast corner of the Broadway and Munger Street intersection but it has since disappeared under the West End development scheme.
Jack Edwin Dougherty

Dougherty was a fellow TSBD worker (a shipping clerk) and he testified before the Warren Commission in Dallas on 8th April 1964. He stated that he had seen Oswald arrive for work on the morning of the assassination. As his testimony indicates, however, he was unable to confirm that Oswald was carrying anything. After telling Assistant Counsel Joseph A Ball that he (Dougherty) was inside the building by 7.00 am, his testimony on this point went thus:

MR BALL: "Did you see Oswald come to work that morning?"

MR DOUGHERTY: "Yes - when he first come into the door."

MR BALL: "When he came in the door?"

MR DOUGHERTY: "Yes."

MR BALL: "Did you see him come in that door?"

MR DOUGHERTY: "Yes; I saw him when he first come in the door - yes."

MR BALL: "Did he have anything in his hands or arms?"

MR DOUGHERTY: "Well, not that I could see of."

MR BALL: "About what time of day was that?"

MR DOUGHERTY: "That was eight o'clock." (51).

At this point, it should have been obvious to Mr Ball that this line of questioning was unlikely to elicit the replies he was seeking. After a brief diversion to confirm exactly where Dougherty had been at the time, he returned to it in a very unsubtle way. In my opinion, the following brief exchange represents one of the very worst examples of witness harassment in this investigation.

MR BALL: "Do you recall him having anything in his hand?"

MR DOUGHERTY: "Well, I didn't see anything, if he did."

MR BALL: "Did you pay enough attention to him, you think, that you would remember whether he did or didn't?"
MR DOUGHERTY: "Well, I believe I can - yes, sir - I'll put it this way; I didn't see anything in his hands at the time."

MR BALL: "In other words, your memory is definite on that, is it?"

MR DOUGHERTY: "Yes, sir."

MR BALL: "In other words, you would say positively he had nothing in his hands?"

MR DOUGHERTY: "I would say that - yes, sir."

MR BALL: "Or, are you guessing?"

MR DOUGHERTY: "I don't think so." (52).

Aware at last that Dougherty was either unable or unwilling to confirm that Oswald had carried a package into the building, Mr Ball moved on to other matters before unexpectedly returning to the subject. Dougherty, however, was not only ready for this - he was also becoming increasingly unhappy with the way he was being harassed. Now he sought an escape route.

MR BALL: "Did you ever see Lee Oswald carry any sort of large package?"

MR DOUGHERTY: "Well, I didn't, but some of the fellows said they did."

MR BALL: "Who said that?"

MR DOUGHERTY: "Well, Bill Shelley, he told me that he thought he saw him carrying a fairly good-sized package."

MR BALL: "When did Shelley tell you that?"

MR DOUGHERTY: "Well, it was - the day after it happened." (53).

It is surely obvious to anybody reading that passage that Dougherty had grown tired of his treatment and was anxious to remove the pressure being exerted upon him. We must ask why he did not mention Shelley earlier. As becomes plain when we study Shelley's version of events, Dougherty probably just blurted out the first suitable name which came to mind.

William Hoyt Shelley

Shelley, the Manager of the Miscellaneous Department, had been examined by Mr Ball on 7th April 1964 - the day immediately prior to the Dougherty
testimony. Part of that testimony concerning Lee Harvey Oswald was as follows:

MR BALL: "On the 22d of November 1963, did you see him come to work that morning?"

MR SHELLEY: "No, he was at work when I got there already filling orders."

Other TSBD employees

You will search in vain for any employee of the Texas School Book Depository (other than Buell Wesley Frazier of course) who said that Oswald had been in possession of any sort of package when he arrived at work that morning. Furthermore, nobody ever stated that they had seen him with a package inside the building.

Mrs Linnie Mae Randle

Frazier's married sister, Linnie Mae Randle, testified immediately after him - before the same powerful gathering of Warren Commission 'heavies' and like her brother, she was questioned by Assistant Counsel Joseph A Ball.

After the usual preamble and a few questions about Lee Harvey Oswald and the way he had obtained employment at the book depository, Mr Ball reached the point when Frazier had brought Oswald back to Irving on the Thursday evening. Mr Ball went on to the attack in a very positive way:

MR BALL: "Do you remember anything about curtain rods?"

MRS RANDLE: "Yes."

MR BALL: "What do you remember about that?"

MRS RANDLE: "He had told Wesley - "

MR BALL: "Tell me what Wesley told you."

MRS RANDLE: "What Wesley told me. That Lee had rode home with him to get some curtain rods from Mrs Paine to fix up his apartment."

Mr Ball quickly switched to the following morning as Frazier was preparing to leave for work. He asked Mrs Randle if she had seen Lee:
MRS RANDLE: "I saw him as he crossed the street and come across my drive-way to where Wesley had his car parked by the carport."

MR BALL: "Was he carrying any package?"

MRS RANDLE: "Yes; he was."

MR BALL: "What was he carrying?"

MRS RANDLE: "He was carrying a package in a sort of heavy brown bag, heavier than a grocery bag it looked to me. It was about, if I might measure, about this long, I suppose, and he carried it in his right hand, had the top sort of folded down and had a grip like this, and the bottom, he carried it this way, you know, and it almost touched the ground as he carried it."

MR BALL: "And where was his hand gripping the middle of the package?"

MRS RANDLE: "No, sir; the top with just a little bit sticking up. You know, just like you grab something like that."

MR BALL: "And he was grabbing it with his right hand at the top of the package and the package almost touched the ground?"

MRS RANDLE: "Yes, sir." (55).

Possibly unaware of whether or not he had obtained the answer he was seeking, Mr Ball went on to another minor matter before suddenly returning to the package. He showed the replica bag to Mrs Randle and, according to the record, asked a strange question:

MR BALL: "Now, was the length of it any similar, anywhere near similar?"

MRS RANDLE: "Well, it wasn't that long, I mean it was folded down at the top as I told you. It definitely wasn't that long."

MR BALL: "I see. You figure about two feet long, is that right?"

MRS RANDLE: "A little bit more."

MR BALL: "Is that about right? That is 28 and a half inches."

MRS RANDLE: "I measured 27 last time."

MR BALL: "You measured 27 once before?"
MRS RANDLE: "Yes, sir" (56).

At this point, perhaps satisfied that he had got Mrs Randle to increase her original estimate of the bag's length from two feet to 27 inches, Mr Ball asked a few inconsequential questions before the witness was dismissed.

Some facts about the disassembled Mannlicher-Carcano

The 6.5mm Mannlicher-Carcano Model 1938 (91/38) rifle found half-hidden on the sixth floor of the Texas School Book Depository (CE 139) has an overall length of 40.2 inches. As already explained, its longest component when disassembled, the wooden stock, is 34.8 inches long (57). It follows that any paper bag in which it is carried must be longer than that. The disassembled rifle consists of 12 components and to that figure we must add such things as ammunition, an ammunition clip and the sling.

It is not a simple matter of sliding the parts of the rifle into a paper bag. My own practical experiments in this field, using a Mannlicher identical to CE 139 plus a reconstructed paper bag, are very revealing (58). The second longest individual component consists of the barrel, the trigger mechanism, the chamber, the scope, etc. All these are predominantly metal and they do not make a smooth, easily-handled item. Several parts, particularly the trigger itself, the foresight, the rear sight, the scope, the safety catch and the rear mounting screw of the tang all protrude at different angles. The length of this assembly is 29.5 inches.

The most practical way to place the disassembled Mannlicher into a suitable paper bag is to put the metal barrel assembly on top of the wooden stock and then slide them into the bag together. This is best done with the barrel pointing rearwards towards the butt plate. The smaller components (wooden top stock, metal collars, sling swivel, trigger guard and five screws) are best dealt with by placing them into a large envelope or something similar and putting that into the paper bag last. I have done this several times with a rifle identical to CE 139 plus a reconstructed paper bag (40 inches long, including a four inch flap).

Something very important results from this treatment - something which I have never seen mentioned in any published work on the Kennedy assassination. When the components of the rifle are removed from the bag, it is found that the first seven or eight inches of the stock show obvious signs of severe scoring and scratching. This is caused by the protruding parts of the barrel assembly - principally the trigger - rubbing against it as the bag is carried or moved. It does not require much imagination to work
out the result if the bag has been carried a total of something like 400 metres and has undergone a car journey of 15 miles.

So what is the significance of these facts? Quite simply, no such scratches have ever been reported on the CE 139 rifle. Furthermore, they are not evident on any of the photographs taken of that rifle. To me this provides irrefutable physical evidence that the rifle was never transported in a disassembled state in a long paper bag as has been claimed by the investigative agencies and the Warren Commission!

Would Oswald have had the opportunity to make the bag?

The answer to this question is simple. No, he would not! Let us examine the facts.

Commission Exhibit 142 (or, if you prefer, CE 626 - for some unexplained reason the 'original' bag was assigned two exhibit numbers) purports to be the paper bag found by the Dallas Police in the southeast corner of the sixth floor. As we shall see, there is no dispute that it was constructed from wrapping paper and tape available at the Texas School Book Depository (59). For Lee Harvey Oswald to have brought a rifle into the building inside that paper bag it would have been necessary for him to have constructed the bag there. As we can learn from the testimony of FBI Special Agent James C Cadigan and TSBD employee Troy Eugene West, however, he had neither the time nor the opportunity to do this.

FBI Special Agent James C Cadigan

SA Cadigan was based at the Washington, DC FBI laboratory as an examiner of questioned documents. A major part of his expertise was in the field of paper. He testified before the Warren Commission as an expert witness on 3rd and 30th April 1964. On the first occasion, it was in connection with the long paper bag.

He told Assistant Counsel Melvin Aron Eisenberg that he had examined CE 142/626 (the paper bag) in the FBI laboratory on 23rd November 1963, together with samples of paper and tape obtained from the Texas School Book Depository on the day of the assassination (60). An FBI Report sent by J Edgar Hoover to Dallas Police Chief Jesse Curry on 23rd November 1963 includes the paragraph: "The paper of the wrapping and the tape, Q10, were found to have the same observable physical characteristics as the known brown wrapping paper and tape, K2, from the Texas Public School Book Depository." (61). That statement obviously pertains to SA
Cadigan's examination (FBI exhibit Q10 was the paper bag). Although we have the professional opinion of an accepted expert witness here, the actual significance of his conclusion is worthless if, as I surmise, the paper bag was manufactured from material in the book depository not by Oswald but by somebody else!

He also commented on a series of marks running down the centre of the tape: "I might explain that these are made by a wheel in the paper-tape dispenser ... As you pull the operating handle that pulls the paper tape from the roll through the machine and over the wetting brush, the wheel, in the process leaves these markings on the tape." (62). As we shall see shortly, these marks are significant.

SA Cadigan goes on to throw some valuable light on why it was felt necessary to construct a replica bag. In fact, he does not wait to be asked about it - as the following exchange shows:

MR CADIGAN: "Do you want me to discuss this replica sack yet?"

MR EISENBERG: "You mentioned a replica bag?"

MR CADIGAN: "Yes."

MR EISENBERG: "Could you explain what that is?"

MR CADIGAN: "Yes; this is Commission Exhibit 364. It is a paper sack similar to Commission Exhibit 142. It was made at the Texas School Book Depository on December 1, 1963, by special agents of the FBI in Dallas to show to prospective witnesses, because Commission's Exhibit 142 was dark and stained from the latent fingerprint treatment and they thought that this would - it wouldn't be fair to the witness to ask "Did you see a bag like that?" So they went to the Texas School Book Depository and constructed from paper and tape a similar bag."

MR EISENBERG: "This was made December 1?"

MR CADIGAN: "December 1, of 1963." (63)

I am astounded at this action on the part of the FBI - and by the fact that one of their agents should openly (almost eagerly) admit what happened. In my eyes, this is tantamount to attempting to pervert the course of justice. What is the point of showing a 'replica' or 'copy' exhibit to a witness? How many similar occurrences were there during this case? How
can we be certain that any of the exhibits were really what they purport to be?

SA Cadigan's explanation that the replica bag was needed because the original had been stained during its fingerprint examination does not say much for the forensic skills of those who examined it! His account of the visit to the book depository to construct the bag omits one important fact. 1st December 1963 was a Sunday - a non-working day - so they very conveniently had the place to themselves.

Another part of SA Cadigan's expert testimony concerned his opinions regarding any contents the paper bag may have ever had. This important exchange was as follows:

MR EISENBERG: "Mr Cadigan, did you notice when you looked at the bag whether there were - that is the bag found on the sixth floor, Exhibit 142 - whether it had any bulges or unusual creases?"

MR CADIGAN: "I was also requested at that time to examine the bag to determine if there were any significant markings or scratches or abrasions or anything by which it could be associated with the rifle, Commission Exhibit 139, that is, could I find any markings that I could tie to that rifle?"

MR EISENBERG: "Yes?"

MR CADIGAN: "And I couldn't find any such markings." (64).

SA Cadigan was not alone in failing to associate the rifle with the paper bag. There is no testimony or hard evidence to suggest that anybody else could. The aforementioned FBI Report (Hoover/Curry, dated 23rd November 1963) even contained the sentence: "The inside surface of specimen Q10 did not disclose markings identifiable with the rifle, K1." (Q10 was described as "Wrapping paper in shape of a large bag") (65).

An official letter from FBI Director Hoover to J Lee Rankin (General Counsel to the Warren Commission) on 20th August 1964 states, among other things, that the rifle was in a "well-oiled condition" (66). Marina Oswald testified that when they were living at 214 Neely Street, Dallas, she had seen her husband clean his rifle "about four times - about four or five times, I think" (67). Nowhere, however, was it ever reported that any oil-stains were found on the paper bag. The inference behind that is obvious!

Troy Eugene West
One of the most important facts about the paper bag is that it could only have been made inside the book depository, at the work bench where the materials were kept. It was not possible for Oswald (or anybody else) to smuggle the materials out of the building and make the bag elsewhere. The reason for this becomes obvious with the testimony of the full-time mail wrapper employed at the Texas School Book Depository.

West gave his Warren Commission testimony before Assistant Counsel David W Belin in Dallas on 8th April 1964 (68). West explained that he was the only full-time mail-wrapper employed in the building and that his permanent place of work was at what he described as a "mail wrapping table" on the first floor. All the materials he required - wrapping paper, tape and string - were kept at this table and he never had occasion to leave it. It seems that he even made his coffee and ate his lunch at this table. As he said to Mr Belin: "I never did hardly ever leave the first floor. That is just I stayed there where all my work was, and I just stayed there."

Not even a Presidential motorcade passing the building tempted him away from it. When that happened, at 12.30pm on 22nd November 1963, West was sitting at his work table, halfway through his lunch! (69)

West explained to Mr Belin that the gummed tape was dispensed through a special machine and that the tape was automatically moistened as it was pulled through. There was only one way to obtain unmoistened tape - as would be necessary for the paper bag to have been made elsewhere.

MR BELIN: "If I wanted to pull the tape, pull off a piece without getting water on it, would I just lift it up without going over the wet roller and get the tape without getting it wet?"

MR WEST: "You would have to take it out. You would have to take it out of the machine. See, it's put on there and then run through a little clamp that holds it down, and you pull it, well, then the water, it gets water on it."

MR BELIN: "Is this an electrical machine or is it just kind of a little apparatus for just pulling it through by hand?"

MR WEST: "Well, it is not electric, no, sir." (70).

Since we know from SA Cadigan's testimony that the tape on the original paper bag showed markings from the tape dispenser, it follows that the bag was manufactured at West's place of work. It was not a case of the
materials being removed from the building and the bag being assembled somewhere else.

West's replies to Mr Belin's questions established several vital facts: he knew Oswald by sight; Oswald had never helped him to wrap mail; he was unaware that Oswald had ever borrowed or used any wrapping paper for himself; he had never seen Oswald around the wrapper rolls or the wrapper roll machines (71). Furthermore, he stated that he usually arrived at his place of work around 7.50am - earlier than was normal for Oswald (72).

It would be extremely difficult to suggest any opportunity which Lee Harvey Oswald would have had to put together a long paper bag at Troy Eugene West's table - and that task cannot have been done elsewhere. Oswald's rooming house - 1026 North Beckley Avenue

Before closing, perhaps we should cast a glance in the direction of 1026 North Beckley Avenue, Oak Cliff - the rooming house at which Oswald was living at this time. Is there any evidence to suggest that his room there required curtain rods? No! Is it even feasible that a tenant would be required to supply the curtain rods for his rented room? Again, no!

The co-owners of the property (Mr and Mrs Johnson) and the housekeeper (Mrs Roberts) testified before the Warren Commission and a study of the Johnsons' testimony clearly tells us all we need to know regarding the question of curtain rods in Oswald's room.

Mrs Arthur Carl (Gladys J.) Johnson

Mrs Johnson was 61 years old at the time of the assassination and she had owned and occupied 1026 North Beckley for 21 years. Her testimony, taken by Assistant Counsel Joseph A Ball in Dallas on the afternoon of 1st April 1964, revealed that the house had 22 rooms and that when Oswald began his tenancy there on 14th October 1963, there were "about 10 or 12" tenants in residence (73).

The subject of curtain rods was covered in a straightforward way and left no doubt that there was no need for Oswald, or anybody else, to provide curtain rods for his room. The relevant questions and answers concerning the room and its windows were as follows:

MRS JOHNSON: "Yes, sir; and it had curtains and venetian blinds."

MR BALL: "What kind of curtains did it have?"
MRS JOHNSON: "Well, it just had side drapes and panels."
MR BALL: "Were the curtains on curtain rods?"
MRS JOHNSON: "Yes, sir."
MR BALL: "They were in the room when he rented it?"
MRS JOHNSON: "Yes, sir."
MR BALL: "Did Oswald ever talk to you about redecorating the room?"
MRS JOHNSON: "No, sir; never mentioned it."
MR BALL: "Did he ever talk to you about putting up new curtains in his room?"
MRS JOHNSON: "No, sir."
MR BALL: "Did he ever tell you he was going to get some curtain rods?"
MRS JOHNSON: "No; he didn't."
MR BALL: "The room had curtain rods on the window when he came in there?"
MRS JOHNSON: "Yes, sir; sure did."
MR BALL: "Also curtains?"
MRS JOHNSON: "Yes, sir." (74).

Arthur Carl Johnson

Arthur Johnson testified immediately after his wife and he confirmed to Assistant Counsel David W Belin what she had told Mr Ball about the room rented to Oswald. The relevant exchange was as follows:

MR JOHNSON: "..... it was a library room."
MR BELIN: "Does it have any windows in it?"
MR JOHNSON: "It has - uh - three - four windows, I believe."
MR BELIN: "On one side, two sides, three sides?"
MR JOHNSON: "One side."

MR BELIN: "They're all on one side?"

MR JOHNSON: "All on one side."

MR BELIN: "Do you have any curtains on those windows?"

MR JOHNSON: "Yes."

MR BELIN: "Did you have curtains at that time on the windows?"

MR JOHNSON: "Yes."

MR BELIN: "How were the curtains put up - by curtain rods, or by what?"

MR JOHNSON: "Yes. Curtain rods. Yes. They were just regular curtain rods."

MR BELIN: "There were already curtain rods in the room, then, when this O.H. Lee came there - is that correct?" MR JOHNSON: "Yes, uh-huh." (75).

In addition to confirming the existence of curtain rods prior to 22nd November 1963, Mr Johnson's testimony is also useful in determining the fact that there were four separate windows in the room and that they were all along one wall. In describing the dimensions of the room, he said: "Well, it's just a small room. I believe it's about 8 by 12, or something like that."

Freelance photographer Gene Daniels

Gene Daniels (possibly Daniel) was a local freelancer who took somewhere around 24 black-and-white still photographs in the area of Dealey Plaza and City Hall on the day of the assassination. The following morning, 23rd November 1963, he took a further 11 photographs of both the interior and exterior of 1026 North Beckley. Nine of these show Mrs Johnson and/or her husband making or standing on Oswald's bed and adjusting the curtains. As indicated by Mr Johnson, the curtains stretch the entire length of the room (76).

I originally understood that these photographs had been taken covertly by Daniels but an interesting passage in Howard Roffman's Presumed Guilty suggests otherwise (77). Roffman quotes directly from a letter he received from Daniels on 19th March 1970 as follows:
"I went to the rooming house the following morning (Saturday 23rd November 1963) and requested permission to make a photograph from the landlady. I'm not sure of her name but I don't think she was the owner. We went into the room and she told me she preferred not to have me take any pictures until she put "the curtains back up." She said that newsmen the evening before had disturbed the room and she didn't want anyone to see it messed up. I agreed and stood in the room as she and her husband stood on the bed and hammered the curtain rods back into position. While she did this, I photographed them or possibly just her, I forget right now, up on the bed with the curtain rods etc."

Obviously, the lady in question was the owner, Mrs Johnson. I feel that it is important that Daniels stated in the letter that the Johnsons had hammered the curtain rods back into position - thus indicating that they had indeed been installed already. One is left to wonder exactly what activities the newsmen had been practising the previous evening!

It is important to note that all four curtains appear to be hung from one continuous curtain rod - which must be approximately 12 feet long! (78).

Daniels, like many freelance photographers of the period, used the Black Star Photographic Agency, New York City for the marketing and distribution of his work (79). I have been given to understand that Daniels' nine photographs taken inside Oswald's room at 1026 North Beckley have been suppressed and remain unpublished (80).

Was Oswald anticipating moving out of his room at 1026 North Beckley?

This is a question which should be considered in light of Oswald's alleged remark to Frazier that he needed the curtain rods to "put in an apartment" (81).

There is nothing in the testimony or evidence of any person - Oswald, his wife, Mrs Paine, the Johnsons, Mrs Roberts, Frazier, Mrs Randle or any of the employees at the book depository - that Oswald was either seeking alternative accommodation or had found some. His weekly rent at 1026 North Beckley ($8.00) had been paid up to date.

Unfortunately, there is no record of this question ever being put directly to him during his lengthy but apparently unrecorded interrogation at the hands of the Dallas police.

Conclusion
My conclusion is short. It consists of the following ten individual findings - each of which I hope to have proved in the foregoing - plus one overall conclusion.

(1) The long paper bag was not photographed at the scene because at that time it did not exist.

(2) The long paper bag was 'made up' (in both the mental and physical senses) by members of the investigative agencies - whether by the Dallas Police Department, the Dallas County Sheriff's Department, or somebody else, I do not claim to know.

(3) The long paper bag was assigned two separate exhibit numbers (142 and 626) in a deliberate attempt to confuse the issue.

(4) A replica of the long paper bag (CE 364) was manufactured in order to cause added confusion. The official reason given for its manufacture - to show to witnesses instead of the original which had been damaged during forensic examination - is too ridiculous to consider.

(5) The long paper bag (CE 142/626) exhibited no physical signs of ever having contained a "well-oiled" rifle or anything else with jagged edges.

(6) The wooden stock of the Mannlicher-Carcano rifle (CE 139) would have clearly shown the marks of being carried in a disassembled state inside the large paper bag.

(7) Lee Harvey Oswald did not manufacture a long paper bag for the purpose of carrying a concealed rifle into the Texas School Book Depository.

(8) Lee Harvey Oswald did not carry a long paper bag from the Paine house to the Frazier/Randle house, place it into Buell Wesley Frazier's car and then carry it from a parking lot to the book depository.

(9) Lee Harvey Oswald did not utter the words "curtain rods" in any conversation he had with Frazier.

(10) Lee Harvey Oswald did not have any requirement to install curtain rods in his room since an adequate curtain rod system was already in place.

(Overall conclusion) Lee Harvey Oswald did not fire a rifle at anybody that day!

Notes
1 Warren Commission Report, page 19 (hereafter cited as WCR 19)

2 Warren Commission Hearings and Exhibits (26 Volumes), Volume 2, pages 210-245 and Volume 7, page 531 (hereafter cited as 2H 210-245 and 7H531) (Buell Wesley Frazier)

3 2H 245-251 (Mrs Linnie Mae Randle)

4 WCR 135

5 4H 249-278 (Lieutenant John Carl Day)

6 4H 266 (Lieutenant John Carl Day)

7 Warren Commission Hearings and Exhibits (26 Volumes), Commission Exhibit 729

(Hereafter cited as CE 729)

8 7H 144 (Detective Robert Lee Studebaker)

9 7H 145 (Detective Robert Lee Studebaker)

10 WCR 79

11 6H 268 (Deputy Sheriff Roger Dean Craig)

12 7H 46 (Sergeant Gerald Lynn Hill)

13 7H 65 (Sergeant Gerald Lynn Hill)

14 7H 289 (Detective John B Hicks)

15 7H 161 (Detective Richard M Sims)

16 7H 162 (Detective Richard M Sims)


18 7H 103 (Detective Marvin Johnson)
19 Warren Commission Hearings and Exhibits (26 Volumes), Studebaker Exhibit G

(Hereafter cited as Studebaker G) (21H 647)

20 7H 104 (Detective Marvin Johnson)

21 7H 98 (Detective L D Montgomery) See also Studebaker J (Nos. 1,3 and 4 are plainly visible but No. 2 cannot be seen. Its location must be in the dark area immediately to the right of the dark-shaded box at top left)

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

23 Warren Commission Hearings and Exhibits (26 Volumes), Batchelor Exhibit No. 5002, page 29 of exhibit (DPD Personnel Assignments, November 1963) (19H 146)

24 7H 138 (Detective Robert Lee Studebaker)

25 Studebaker C (21H 645)

26 7H 140 (Detective Robert Lee Studebaker)

27 Studebaker F (21H 647)

28 7H 144 (Detective Robert Lee Studebaker)

29 Ibid

30 7H 145 (Detective Robert Lee Studebaker) also Studebaker G (21H 647)

31 7H 149 (Detective Robert Lee Studebaker)

32 2H 210 (Buell Wesley Frazier)

33 2H 222 (Buell Wesley Frazier)

35 3H 75-76 (Mrs Ruth Hyde Paine)
36 1H 68-69 (Mrs Marina Oswald)
37 2H 224 (Buell Wesley Frazier)
38 2H 226 (Buell Wesley Frazier)
39 Ibid
40 2H 210-211 (Preamble to Buell Wesley Frazier testimony)
41 2H 227 (Buell Wesley Frazier)
42 2H 228 (Buell Wesley Frazier)
43 CE 2003, page 26 of exhibit (Affidavit of Frazier, 22nd November 1963) (23H 209)
44 Physical measurements made by this paper's author. See also my article The Mannlicher-Carcano - a practical experiment in its reassembly, published in The Fourth Decade, Volume 2, No. 1, November 1994
45 CE 1981 (opening page of exhibit) (Autopsy Report - Lee Harvey Oswald) (24H 7)
46 2H 239 (Buell Wesley Frazier)
47 2H 240 (Buell Wesley Frazier)
48 7H 531 (Buell Wesley Frazier)
49 2H 234 (Buell Wesley Frazier)
50 CE 361 (Diagram showing the Texas School Book Depository and the immediate area with relation to the parking lot used by employees)
51 6H 376 (Jack Edwin Dougherty)
52 6H 377 (Jack Edwin Dougherty)
53 6H 381 (Jack Edwin Dougherty)
Carried out using a 6.5mm Mannlicher-Carcano rifle identical to CE 139 and a large paper bag made as closely as possible to CE 142/626. Practical demonstration given at the meeting of the national British research group Dealey Plaza UK at Sutton Coldfield, UK on 11th February 1996.

FBI Report (FBI File No. PC-78243 BX), page 4; copy held at Dallas Municipal Archives and Records Center, Dallas

As 59 above

4H 91 (SA James C Cadigan)

4H 93 (SA James C Cadigan) also CE 2009, page 3 of exhibit (FBI report dated December 2, 1963, of interview of Buell Wesley Frazier at Irving, Tex.) (24H 409)

4H 97 (SA James C Cadigan)

As 59 above

CE 2974 (Letter dated August 20, 1964, from FBI to Commission, concerning certain information regarding assassination rifle) 26H 455

1H 14, also 1H 93-94, 5H 597-598 (Mrs Marina Oswald)

As 60 above

6H 356-363 (Troy Eugene West)

6H 361 (Troy Eugene West)

Ibid

6H 360 (Troy Eugene West)
72 6H 357 (Troy Eugene West)

73 10H 293 (Mrs Arthur Carl Johnson)

74 10H 297 (Mrs Arthur Carl Johnson)

75 10H 302 (Arthur Carl Johnson) See also Robert S Groden: The Search for Lee Harvey Oswald, published by Penguin Studio Books, 1995; page 97, on which the photograph at top left shows the four adjacent windows from the outside.

76 John R Woods II: J.F.K. Assassination Photographs: A Comprehensive Listing, self-published, 1993; pages 108-109. See also Daniel photographs 1-34 and 1-36 which show Mrs Johnson making the bed in Oswald's room and also show a major part of the wall in which the windows were located and the curtains hung from what appears to be one long curtain rod.


78 Woods - see note 76 above.

79 ibid; page 10.

80 Basic information supplied by: The Collector's Archive, Beaconsfield, Quebec, Canada

81 See note 33 above

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