

¹Hearings Before the President's Commission on the Assassination of President Kennedy (U. S. GPO, Washington, DC, 1964).

²M. Lane, *Rush to Judgement* (Holt, Rinehart and Winston, New York, 1966), p. 55.

³Esquire, 205 (December 1966).

⁴S. White, *Shall We Now Believe the Warren Report?* (Macmillan, New York, 1968).

⁵R. Buckhout, *Sci. Am.* 231, 23 (December 1974).

⁶Reference 1, Vol. XVIII, pp. 1-80.

⁷H. Weisberg, *Whitewash* (Weisberg, Hyattsville, MD, 1966; reissued by Dell, New York, 1966).

⁸Reference 4, p. 228.

⁹Reference 1, Report, p. 98.

¹⁰Reference 4, p. 82.

¹¹J. Thompson, *Six Seconds in Dallas* (Geis, 1967).

¹²W. H. Hanson, *The Shooting of John F. Kennedy: One Assassin, Three Hits, No Misses* (Naylor, San Antonio, 1969).

¹³The fact that the bullets were soft nosed, rather than fully jacketed (as the Mannlicher-Carcano bullets were), was apparently important in intensifying the explosive jet effect. Dr. John K. Lattimer tells me that when he repeated our melon experiments with a duplicate of Oswald's weapon and jacketed cartridges, the effect was not as vigorous nor as dependable, even though it did occur about half the time. When he repeated it on skull models, however, the effect was still *more* violent than ours, even with the jacketed bullets.

¹⁴Dr. J. K. Lattimer, Resident and Staff Physician, 34 (May 1972).

¹⁵Reference 1, Vol. V, p. 159.

¹⁶Reference 1, Vol. XVIII, pp. 86-313.

¹⁷Reference 1, Vol. II, p. 119.

¹⁸Reference 1, Vol. VII, p. 57.

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

This Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

Mr. Chairman, the testimony now to be taken concerns forensic firearms identification—the science of identifying fired bullets and cartridge cases with particular firearms. But first, some background information will be helpful. Soon after the assassination, Dallas police suspected the shots originated at the Texas School Book Depository. At 1:13 p.m. central standard time Deputy Sheriff Luke Mooney discovered three used cartridge cases lying on the floor near the southeast corner window of the sixth story. The cartridge cases were later turned over to the FBI.

At 1:22 p.m. Deputy Sheriff Eugene Boone and Deputy Constable Seymour Weitzman discovered a bolt-action rifle equipped with a telescopic sight. It was also on the floor of the sixth story of the book depository, near the northwest corner. Weitzman—though neither he nor Boone actually handled the rifle—described it as a 7.65 German Mauser, although it was subsequently determined to be a 6.5 millimeter Mannlicher-Carcano Italian military rifle. It contained one round, a full copper-jacketed military-type bullet manufactured by Western Cartridge Co.

As the officers were collecting assassination evidence in the Book Depository, Officer J. D. Tippit was shot and killed in the Oak Cliff section of Dallas, several miles away from the Book Depository. Four spent .38-caliber cartridges were found at the scene of the Tippit murder.

Before 2 p.m., Lee Harvey Oswald was arrested as a suspect, not in the President's assassination, but in the Tippit shooting.

He was apprehended after a scuffle in the Texas Theater, and he was carrying already a .38 Smith & Wesson special designed to fire .38 Smith & Wesson ammunition. Although the revolver had been recharged to fire .38 special ammunition, it had not been rebarreled.

At approximately 1:55 p.m., a bullet was found on a stretcher in the emergency area of Parkland Hospital. O. P. Wright, Director of Security, was notified, and he turned the bullet over to Secret Service agents. It was the one the Warren Commission was later to label exhibit 399.

Other evidence that was recovered in the aftermath of the assassination included missile fragments from the Presidential limousine, fragments from Governor Connally's wrist, and fragments from the President's body. In addition, a bullet that had been

recovered in an attempted assault on Gen. Edwin A. Walker in Dallas on April 10, 1963, would become the subject of evidentiary significance in the assassination.

The Warren Commission relied on FBI facilities for firearms identification of the missiles and fragments. [Firearms identification, of course, is the process in which missiles and fragments are examined for characteristics that precisely identify the weapon from which they were fired.] The Commission concluded from the FBI tests that CE-399, and the two fragments found in the limousine that were large enough to test reliably, had been fired by the Mannlicher-Carcano retrieved from the Texas School Book Depository. It also determined that the three cartridge cases found in the Book Depository had been ejected from the chamber of the Mannlicher-Carcano. The FBI was unable, however, to link the bullet fired at General Walker with the rifle, though it said the badly mutilated bullet showed the characteristics of a round that had been fired by a Mannlicher-Carcano.

As for the evidence in the Tippit shooting, the bullets removed from the officer's body could not be linked to Oswald's revolver. This was attributed to the erratic bullet behavior caused by re-chambering. The empty cartridge cases found near Tippit's body were never the less connected to Oswald's revolver.

The critics have used the ballistic evidence to cast doubt on the Warren Commission conclusions. Edward Jay Epstein, for example, in his book *Inquest*, contends that there remained in Governor Connally's body more bullet fragments than could have been left by CE-399. Many critics, for that matter, have maintained as the testimony has shown in these hearings, that CE-399 could not have remained virtually intact after causing the many severe wounds the Governor received.

To conduct a comprehensive scientific examination of the firearms evidence, the committee chose a panel of experts who had no prior affiliation with the case. The panel was charged with resolving the following issues:

1. The character and characteristics of the evidence—the Mannlicher-Carcano retrieved from the Book Depository, the .38 revolver allegedly found in Oswald's possession, and missiles and fragments that have been associated with the assassination.

2. The possibility that a 6.5-millimeter Mannlicher-Carcano could easily or not be mistaken for a 7.65 German Mauser.

3. Whether the cartridge cases found on the floor of the sixth story of the Texas School Book Depository, the bullet found at Parkland Hospital and the fragments removed from Governor Connally, the limousine and the President's body can be connected to the Mannlicher-Carcano.

4. A number of related issues raised by critics, for example, was the scope on the Mannlicher-Carcano mounted for a left-handed marksman?

Members of the Firearms panel on hand today are: Mr. Monty C. Lutz, Mr. Donald E. Champagne, Mr. John S. Bates, Jr., and Mr. Andrew M. Newquist.

Mr. Lutz holds a B.S. degree in criminal justice from the University of Nebraska. He presently is a firearms and tool mark analyst with the Wisconsin Regional Crime Laboratory, New Berlin, Wis.

Mr. Champagne is presently a firearms and tool mark examiner with the Florida Department of Criminal Law Enforcement in Tallahassee. He previously served for 15 years as a firearms and tool mark examiner in the Crime Detection Laboratory in Ottawa, Ontario.

Mr. Bates is the senior firearms examiner in the New York State Police Laboratory at Albany. He has been a lecturer at the State University of New York at Albany, the New York Police Academy and the New York State Municipal Police Training Council.

Mr. Newquist is a special agent and firearm, tool mark and latent fingerprint examiner for the Iowa Bureau of Criminal Investigation. He is a member and a past president of the Association of Firearm and Tool Examiners, and he currently is on its executive committee.

Serving as technical assistant to the firearms panel is Mr. George R. Wilson. Through his assistance, the facilities at the Metropolitan Police Department Firearms Laboratory here in the District of Columbia were secured. His expertise in the area of firearms identification greatly assisted the panel's conduct of its inquiry.

It would be appropriate Mr. Chairman, at this time to call the panel as a whole.

Chairman STOKES. The committee at this time calls the panel forward.

Would each of you gentlemen raise your right hand to be sworn.

Do you solemnly swear the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF FIREARMS PANEL: MONTY C. LUTZ, DONALD E. CHAMPAGNE, JOHN S. BATES, JR., AND ANDREW M. NEWQUIST

Mr. LUTZ. I do.

Mr. CHAMPAGNE. I do.

Mr. BATES. I do.

Mr. NEWQUIST. I do.

Mr. WILSON. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes committee counsel James McDonald.

Mr. McDONALD. Thank you Mr. Chairman.

Members of the firearms panel, have you completed your tests of the firearms evidence in the assassination of President John F. Kennedy?

Mr. LUTZ. Yes, sir, we have.

Mr. McDONALD. And do you have a report ready at this time to present to the committee.

Mr. LUTZ. Yes, sir.

Mr. McDONALD. Mr. Chairman, I would like with your permission to have the clerk receive a copy of the firearms panel report, and identified for the record as JFK exhibit No. F-275.

Chairman STOKES. Without objection.

[JFK exhibit No. F-275 will be published as an appendix to the committee's final report.]

Mr. McDONALD. The first exhibit, Mr. Chairman, is CE-139.