Mr. Dulles. I have no other questions.

Mr. McCloy. We are through. We thank you very much for your cooperation, Captain.

## TESTIMONY OF J. C. DAY

Mr. McCloy. Do you solemnly swear the testimony you give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DAY. I do.

Mr. Belin. State your name for the Commission.

Mr. DAY. J. C. Day.

Mr. Belin. What is your occupation?

Mr. Day. Lieutenant, Dallas Police Department assigned to the crime scene search section of the identification bureau.

Mr. Belin. How old are you?

Mr. DAY. Fifty.

Mr. Belin. How long have you been associated with the Dallas Police Department?

Mr. Day. Twenty-three years.

Mr. Belin. Did you go to school in Texas?

Mr. DAY. Yes, sir.

Mr. Belin. How far did you get through school?

Mr. DAY. Through high school.

Mr. Belin. And then what did you do?

Mr. DAY. I went to work for a machinery company there in Dallas for about 9 years before I went with the city.

Mr. Belin. Then you went there directly to the city?

Mr. DAY. Yes, sir.

Mr. Belin. Were you on duty on November 22, 1963?

Mr. DAY. Yes, sir.

Mr. Belin. Could you describe your activities from about noon on of that day?

Mr. Day. I was in the identification bureau at the city hall. About a quarter of one I was in the basement of the city hall, which is three floors under meactually I am on the fourth floor—and a rumor swept through there that the President had been shot.

I returned to my office to get on the radio and wait for the developments. Shortly before 1 o'clock I received a call from the police dispatcher to go to 411 Elm Street, Dallas.

Mr. Belin. Is there any particular building at that particular location?

Mr. Day. The Texas School Book Depository, I believe is the correct name on it.

Mr. Belin. Did you go there?

Mr. Day. Yes, sir; I went out of my office almost straight up 1 o'clock. I arrived at the location on Elm about 1:12.

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

Mr. Day. I was directed to the sixth floor by the police inspector who was at the front door when I arrived.

Mr. Belin. Do you know who that was?

Mr. Day. Inspector Sawyer.

Mr. Belin. What did you do when you got to the sixth floor?

Mr. Day. I had to go up the stairs. The elevator—we couldn't figure out how to run it. When I got to the head of the stairs, I believe it was the patrolman standing there, I am not sure, stated they had found some hulls over in the northeast corner of the building, and I proceeded to that area—excuse me, southeast corner of the building.

Mr. Belin. Now, in your 23 years of work for the Dallas Police Department, have you had occasion to spend a good number of these years in crime-scene matters?

Mr. Day. Yes, sir.

Mr. Belin. How long, about?

Mr. Day. The past 7 years I have been—I have had immediate supervision of the crime-scene search section. It is our responsibility to go to the scene of the crime, take photographs, check for fingerprints, collect any other evidence that might be available, and primarily we are to assist the investigators with certain technical parts of the investigation.

Mr. Belin. Do you carry any equipment of any kind with you when you go there?

Mr. Day. Yes, sir. We have a station wagon equipped with fingerprint equipment, cameras, containers, various other articles that might be needed at the scene of the crime.

Mr. Belin. Have you had any special education or training or background insofar as your crime-scene work is concerned?

Mr. Day. In the matter of fingerprints, I have been assigned to the identification bureau 15 years. During that time I have attended schools, the Texas Department of Public Safety, on fingerprinting; also an advanced latent-print school conducted in Dallas by the Federal Bureau of Investigation. I have also had other schooling with the Texas Department of Public Safety and in the local department on crime-scene search and general investigative work.

Mr. Belin. Now, I believe you said that you were informed when you got there that they had located some hulls?

Mr. Day. Yes, sir.

Mr. Belin. What did you do then?

Mr. Day. I went to the northeast corner—southeast corner of the building, and first made photographs of the three hulls.

Mr. McCloy. What floor was this?

Mr. Day. On the sixth floor. I took photographs of the three hulls as they were found before they were moved.

Mr. Belin. I am going to hand you some pictures here and ask you to say if these pictures are the photographs you took. First, I will hand you a picture marked "Commission Exhibit 715," and ask you to state, if you know, what this is.

Mr. Day. Yes, sir. That is one of the photographs we made of the hulls on the floor.

Mr. Belin. Now, who took the actual picture?

Mr. Day. Detective Studebaker; R. L. Studebaker.

Mr. Belin. Who is he?

Mr. DAY. At my direction.

Mr. Belin. Who is he?

Mr. DAY. He is one of the officers who took this under my supervision, and he accompanied me from the office to this building.

Mr. Belin. Can you see in this picture the location of the hulls?

Mr. DAY. Yes, sir.

Mr. Belin. I wonder if you could take this pen and circle the hulls that you see there.

Mr. McCloy. I only see two.

Mr. Day. The other one doesn't show in this picture, I don't believe.

Mr. Belin. You have circled two hulls that appear to be resting near what would be the south wall of the building; is that correct?

Mr. DAY. Yes, sir.

Mr. Belin. Can you see the third hull in that picture?

Mr. Day. I think you can barely see the tip end of it sticking out there. I believe that is it.

Mr. Belin. Do you want to circle where you think you can see the third tip sticking out? I am now going to hand you what is marked "Commission Exhibit No. 716," and ask you to state, if you know, what this is.

Mr. Day. This is another view taken from a different angle of the same location. All three hulls are clearly visible here.

Mr. Belin. Would you circle the three hulls on Exhibit 716? Do you know whether or not Exhibit 716 and Exhibit 715 were taken before these hulls were moved?

Mr. Day. They were taken before anything was moved, to the best of my knowledge. I was advised when I got there nothing had been moved.

Mr. Belin. Who so advised you?

Mr. Day. I believe it was Detective Sims standing there, but I could be wrong about that.

Mr. Belin. Now, turning again to Exhibit 715, I notice that there is a box in a window which is partially open. I am going to first ask you to state what window this is.

Mr. DAY. This is the south window closest to Houston Street or, in other words, it is the easternmost window on the south side of the building on the sixth floor.

Mr. Belin. Was this window in about the same location with respect to how far it was open at the time you got there?

Mr. Day. That is the position it was in when I got there.

Mr. Belin. All right. I notice boxes throughout the picture, including the box in the window. To the best of your knowledge, had any of those boxes been moved prior to the time the picture, Exhibit 715, was taken?

Mr. DAY. No, sir; they had not.

Mr. Belin. Now, I am going to show you a picture which has been identified previously in Commission testimony as Commission Exhibit 482, which purports to have been a picture taken by a newspaper photographer shortly after the assassination, showing the easternmost windows on the south side of the fifth and the sixth floor of the Texas School Book Depository Building.

You will notice there are two Negro males looking out of the lower pair of windows, which would be the fifth-floor windows, and above that there is one window which appears to be open with a box or boxes in it.

I am going to first ask you to state whether or not the boxes in that picture, Exhibit 482, appear to be in the same location as you saw them when you first got on the crime scene.

Mr. Day. Yes, sir; I believe they are.

Mr. Belin. Now, as you face the picture, the box to the right, which would be to the east, has a corner sticking out, or just a corner of the box shows. Is that the same box that appears to be resting on the window ledge in Exhibit 715?

Mr. DAY. In my opinion, it is.

Mr. Belin. I also note there is another box that appears to be in the window on Exhibit 482. Is this box shown at all on either Exhibit 715 or 716, if you know?

Mr. DAY. No; I don't think it is.

Mr. Belin. What do you think happened to this other box in the window on Exhibit 482?

Mr. Day. I think the box you see through the window is to the west of the box you see here.

Mr. Belin. You are pointing out that the box you see in the window, and you are now pointing to Exhibit 482——

Mr. Day. I think that is east of the four boxes shown in your No. 715. Well, there are——

Mr. Belin. Let me give you another question. On Exhibit 715 there is only one box shown in the window actually resting on the ledge, which is the box that you identified the corner out of in the eastern part of the window shown on 482.

Now, what is the fact as to whether or not this other box on 482 would have been resting on the ledge, or is it a pictorial view of something that actually was in back of the window?

Mr. Day. I think this is one of the boxes 2 feet 11 inches back from the wall. There were two stacks of them, one behind the window sill that you see here.

Mr. Belin. You are pointing to the window sill between the pair of windows on Exhibit 482?

Mr. Day. That you can't see in this picture. This one is the other one I am trying to say, this stack here—there are two stacks of boxes here. This one is behind here. You can't see it.

Mr. Belin. What you are pointing is, as you point to Exhibit 715, you are saying that the tier of boxes which is in the left foreground, if you were standing outside taking a picture, would be hidden by the heavy beam between the windows, but beyond that, to the east of that, there is another tier of boxes of which you think this other box in Exhibit 482 is one; am I correct? Is this correct?

Mr. DAY. That is correct.

Mr. Belin. Handing you Exhibit 716, will you see this at all on Exhibit 716?

Mr. Day. This is the box, I think, showing here.

Mr. Belin. Do you want to make an X on the box on Exhibit 716 that you think is the other box showing in the window on Exhibit 482?

Mr. DAY. The corner that is showing I don't believe shows in the picture.

Mr. Belin. All right. You put an X on a box which I would say, looking at this picture, appears to be the fourth box starting from the bottom count, and you believe that is the picture or—that is the box that is shown in the window?

Mr. DAY. Yes, sir.

Mr. Belin. All right.

Mr. Day. I don't know what time this was taken. Do you?

Mr. Belin. Well, you are asking with regard to Exhibit 482? We know it was taken, I would say, not more than a minute after the shooting. This is our best recollection based on testimony of the two people in the window below, because this was their position as they saw the shooting, and the photographer himself says that after the shots were fired, he jumped out of the motorcade and took two shots of the building. This could have been the first or the second shot he took. He used two different cameras, so I don't imagine it would have been very long after the actual shots were fired.

For the record, I should add one other thing at this point. There is testimony by the deputy sheriff that found the shells, that after he found them he leaned out of the window to call down to try and tell someone that he found something, and it is conceivable that he moved a box, although he did not so testify. In other words, I don't want you to take this as the testimony of anyone—

Mr. Day. What I am getting at, this box doesn't jibe with my picture of the

Mr. Belin. You are pointing now to the other box on Exhibit 482. You say that does not jibe with the chart that you have here that you brought with you of boxes that you had inside.

Let me ask you this: When did you prepare your chart of boxes inside?

Mr. DAY. This chart here was prepared on the 25th. However, pictures were made immediately after my arrival.

Mr. Belin. You are talking now about Exhibit 715 and Exhibit 716?

Mr. Day. Yes, sir; don't jibe with that box there.

Mr. Belin. What I am asking you then is this: Is it possible that the box that is shown on Exhibit 482 is not shown on Exhibit 715 and Exhibit 716? By that I mean not the box that you see a corner of, but I am talking about the other box that is clear to the west of the easternmost window.

Mr. Day. I just don't know. I can't explain that box there depicted from the outside as related to the pictures that I took inside.

Mr. Belin. In other words, what you are saying is that on the sixth floor window the westernmost box on Exhibit 482, you cannot then relate to any of the boxes shown on Exhibits 715 or 716?

Mr. Day. That is correct.

Mr. Belin. Do you wish to correct your testimony with regard to the X you placed on the fourth box on the stack in Exhibit 716?

Mr. Day. Yes; that is just not the same box. It is not the same box. This is the first time I have seen No. 482.

Mr. Belin. All right. We will substitute for 716 then a copy of the picture without the  ${\bf X}$  mark on it.

Mr. McCloy. 482 was taken by the news photographer?

Mr. Belin. Yes, sir.

Mr. McCloy. Immediately after the shooting?

Mr. Belin. Yes, sir.

Mr. McCloy. The two colored men were still in the position where they were?

Mr. Belin. Yes, sir. He actually took two pictures. He took one of the building—that showed most of the south side of the building, and another with a different kind of lens that was aimed up to that particular corner. I will check to see if I can find the other picture, Mr. McCloy. Commission Exhibit 480 is the first picture that he took, or I shouldn't say the first—one of the two pictures he took.

You can see the southeast corner window on the sixth floor, and I will show you, Lieutenant Day, that you can still see two of those boxes there, and you can see on the window below, at least you can see, one of the Negro men. The other picture was Exhibit 481, and I believe 482 was actually an enlargement of 481.

Mr. Day. I still don't quite understand that one in relation to pictures here unless something was moved after this was taken before I got there.

Mr. Belin. What you are saying is on that southeast corner window, on the sixth floor, you do not understand the box that is the westernmost box of the two boxes in the window unless it was moved by someone before you got there to take the pictures?

Mr. Day. Yes, sir.

Mr. Belin. What about the other box as shown on Exhibit 482, does that appear to be in substantially the same position as the box in the window shown on your Exhibit 715?

Mr. Day. Yes, sir; it appears to be the same.

Mr. Belin. Now, on Exhibit 715, that box appears to be almost resting against the east part of the window where it does not so appear on Exhibit 482. Is this an optical illusion on 715?

Mr. Day. Yes, sir; I don't think it was up against the window sill. It was over as indicated on 482.

Mr. Belin. Lieutenant Day, you took some two pictures of those shell casings. Let me first get you through all the pictures you took.

Where did you next take pictures on the sixth floor after you took the pictures of the shell casing; what did you do then?

Mr. Day. I went, after these were taken-after your number-

Mr. Belin. 715 and 716.

Mr. Day. Were taken, I processed these three hulls for fingerprints, using a powder. Mr. Sims picked them up by the ends and handed them to me. I processed each of the three; did not find fingerprints. As I had finished that, Captain Fritz sent word for me to come to the northwest part of the building, the rifle had been found, and he wanted photographs.

Mr. Belin. All right. You have mentioned these three hulls. Did you put any initials on those at all, any means of identification?

Mr. Day. At that time they were placed in an envelope and the envelope marked. The three hulls were not marked at that time. Mr. Sims took possession of them.

Mr. Belin. Well, did you at any time put any mark on the shells?

Mr. Day. Yes, sir.

Mr. Belin. All right. Let me first hand you what has been marked as "Commission Exhibit," part of "Commission Exhibit 543-544," and ask you to state if you know what that is.

Mr. DAY. This is the envelope the shells were placed in.

Mr. Belin. How many shells were placed in that envelope?

Mr. DAY. Three.

Mr. Belin. It says here that, it is written on here, "Two of the three spent hulls under window on sixth floor."

Mr. DAY. Yes, sir.

Mr. Belin. Did you put all three there?

Mr. Day. Three were in there when they were turned over to Detective Sims at that time. The only writing on it was, "Lieut. J. C. Day." Down here at the bottom.

Mr. Belin. I see.

Mr. DAY. "Dallas Police Department," and the date.

Mr. Belin. In other words, you didn't put the writing in that says, "Two of the three spent hulls."

Mr. Day. Not then. About 10 o'clock in the evening this envelope came back to me with two hulls in it. I say it came to me, it was in a group of stuff, a group of evidence, we were getting ready to release to the FBI. I don't know who brought them back. Vince Drain, FBI, was present with the stuff, the first I noticed it. At that time there were two hulls inside.

I was advised the homicide division was retaining the third for their use. At that time I marked the two hulls inside of this, still inside this envelope.

Mr. Belin. That envelope, which is a part of Commission Exhibits 543 and 544?

Mr. Day. Yes, sir; I put the additional marking on at that time.

Mr. Belin. I see.

Mr. DAY. You will notice there is a little difference in the ink writing.

Mr. Belin. But all of the writing there is yours?

Mr. DAY. Yes, sir.

Mr. Belin. Now, at what time did you put any initials, if you did put any such initials, on the hull itself?

Mr. Day. At about 10 o'clock when I noticed it back in the identification bureau in this envelope.

Mr. Belin. Had the envelope been opened yet or not?

Mr. DAY. Yes, sir; it had been opened.

Mr. Belin. Had the shells been out of your possession then?

Mr. Day. Mr. Sims had the shells from the time they were moved from the building or he took them from me at that time, and the shells I did not see again until around 10 o'clock.

Mr. Belin. Who gave them to you at 10 o'clock?

Mr. Day. They were in this group of evidence being collected to turn over to the FBI. I don't know who brought them back.

Mr. Belin. Was the envelope sealed?

Mr. DAY. No, sir.

Mr. Belin. Had it been sealed when you gave it to Mr. Sims?

Mr. DAY. No, sir; no.

Mr. Belin. Handing you what has been marked "Exhibit 545," I will ask you to state if you know what this is.

Mr. DAY. This is one of the hulls in the envelope which I opened at 10 o'clock. It has my name written on the end of it.

Mr. Belin. When you say, on the end of it, where on the end of it?

Mr. DAY. On the small end where the slug would go.

Mr. Belin. And it has "Day" on it?

Mr. Day. Scratched on there; yes, sir.

Mr. Belin. With what instrument did you scratch it on?

Mr. Day. A diamond point pencil.

Mr. Belin. Did anyone else scratch any initials on it that you know of?

Mr. Day. I didn't see them. I didn't examine it too close at that time.

Mr. Belin. Do you know what kind of a cartridge case that is?

Mr. DAY. It is a 6.5.

Mr. Belin. Is that the same kind of a cartridge case that you saw when you first saw these cartridge cases?

Mr. DAY. Yes.

Mr. Belin. Is there any other testimony you have with regard to the chain of possession of this shell from the time it was first found until the time it got back to your office?

Mr. Day. No, sir; I told you in our conversation in Dallas that I marked those at the scene. After reviewing my records, I didn't think I was on all three of those hulls that you have, indicating I did not mark them at the scene, then I remembered putting them in the envelope, and Sims taking them.

It was further confirmed today when I noticed that the third hull, which I did not give you, or come to me through you, does not have my mark on it.

Mr. Belin. Now, I did interview you approximately 2 weeks ago in Dallas, more or less?

Mr. DAY. Yes, sir.

Mr. Belin. At that time what is the fact as to whether or not I went into

extended questions and answers as contrasted with just asking you to tell me about certain areas as to what happened? I mean, I questioned you, of course, but was it more along the lines of just asking you to tell me what happened, or more along the lines of interrogation, the interrogation we are doing now?

Mr. DAY. Yes, sir.

Mr. Belin. Which one?

Mr. Day. Wait a minute now. Say that again. I am at a loss.

Mr. Belin. Maybe it would be easier if I just struck the question and started all over again.

Mr. Day. I remember you asking me if I marked them.

Mr. Belin. Yes.

Mr. DAY. I remember I told you I did.

Mr. BELIN. All right.

Mr. Day. I got to reviewing this, and I got to wondering about whether I did mark those at the scene.

Mr. Belin. Your testimony now is that you did not mark any of the hulls at the scene?

Mr. DAY. Those three; no, sir.

Mr. Belin. I believe you said that you examined the three shells today?

Mr. DAY. Yes, sir.

Mr. Belin. While you were waiting to have your testimony taken here?

Mr. DAY. Yes, sir; that is what confirmed my thinking on this. The envelope now was marked.

Mr. Belin. And the shells were in the same envelope that it was marked?

Mr. DAY. Yes.

Mr. Belin. Now, I am going to ask you to state if you know what Commission Exhibit 543 is?

Mr. Day. That is a hull that does not have my marking on it.

Mr. Belin. Do you know whether or not this was one of the hulls that was found at the School Book Depository Building?

Mr. DAY. I think it is.

Mr. Belin. What makes you think it is?

Mr. DAY. It has the initials "G. D." on it, which is George Doughty, the captain that I worked under.

Mr. Belin. Was he there at the scene?

Mr. Day. No, sir; this hull came up, this hull that is not marked came up, later. I didn't send that.

Mr. Belin. This was-

Mr. Day. That was retained. That is the hull that was retained by homicide division when the other two were originally sent in with the gun.

Mr. Belin. You are referring now to Commission Exhibit 543 as being the one that was retained in your possession for a while?

Mr. DAY. It is the one that I did not see again.

Mr. Belin. It appears to be flattened out here. Do you know or have you any independent recollection as to whether or not it was flattened out at the small end when you saw it?

Mr. DAY. No, sir; I don't.

Mr. Belin. Now, handing you what has been marked as Commission Exhibit 544. I will ask you to state if you know what this is.

Mr. Day. This is the second hull that was in the envelope when I marked the two hulls that night on November 22.

Mr. Belin. I have now marked this envelope, which was formerly a part of Commission Exhibits 543 and 544 with a separate Commission Exhibit No. 717, and I believe you testify now that Commission Exhibit 544 was the other shell that was in the envelope which has now been marked as Commission Exhibit No. 717.

Mr. DAY. Yes.

Mr. Belin. Does that cartridge case, Exhibit 544, have your name on it again?

Mr. Day. It has my name on the small end where the slug would go into the shell.

Mr. Belin. Are all of the three shells of the same caliber?

Mr. DAY. Yes, sir.

Mr. Belin. Is there any other testimony you have with regard to the cartridge cases themselves?

Mr. DAY. No, sir.

Mr. Belin. Can you explain how you processed these shells for fingerprints?

Mr. Day. With black fingerprint-

Mr. McCloy. May I ask before you get to that, is this all your handwriting? Mr. Day. Yes, sir.

Mr. McCloy. The narrative as well as the signature?

Mr. DAY. Yes, sir; this and this. That is not, this is not.

Mr. McCloy. Who is that, what is that initial, do you know?

Mr. Day. I think that is Vince Drain, the FBI agent it was released to. It looks like a "V. D." I don't know whether his initial is "E" or not.

Mr. McCloy. Can you identify those marks up there, what they are?

Mr. Day. Those "Q" numbers, I believe, are FBI numbers affixed here in Washington.

Mr. Belin. Returning to Exhibit 717-

Mr. McCloy. Not returning. That is what that last question was about.

Mr. Belin. I believe the last questions were the initials on the cartridge cases. Strike the question then.

We will start all over again. On Commission Exhibit No. 717 I see some initials with the notation "11-22-63" in the upper left-hand corner as you take a look at the side which has all of your writing on it here. Do you know whose initials those are?

Mr. DAY. I think it is Vince Drain, FBI, but I am not sure.

Mr. Belin. You think it is the initials of Vincent E. Drain?

Mr. Day. Yes, sir; I am not sure if his middle initial is "E". I know it is Vince Drain.

Mr. Belin. Now, on the other side I see some other initials on here with some date and time. Do you know whose initials those are?

Mr. Day. "R. M. S." stands for R. M. Sims, the detective whom I turned it over to. That is the date and the time that he took it from me.

Mr. Belin. What date and time does it show?

Mr. Day. November 22, 1963, 1:23 p.m.

Mr. Belin. Now, I believe you originally stated that you had all three of these cartridge hulls put in Exhibit 717, is that correct?

Mr. Day. Yes, sir.

Mr. Belin. And then you turned it over to Detective Sims?

Mr. DAY. Yes, sir.

Mr. Belin. Was the envelope sealed when you turned it over to Detective Sims?

Mr. DAY. No, sir; I don't think so.

Mr. Belin. Did you seal it?

Mr. Day. No. sir.

Mr. Belin. When you got the envelope back later that night was the envelope sealed?

Mr. DAY. I don't think so.

Mr. Belin. To the best of your knowledge, had it been sealed and reopened or was it just unsealed?

Mr. Day. To the best of my knowledge it was not sealed. It is possible I could be wrong on that, but I don't think it was sealed.

Mr. McCloy. In order to make the record perfectly clear, at least my understanding perfectly clear, did I understand that you testified that your initial which appears on that exhibit was—not your initial but your signature which appears on that exhibit was—put on there before the other writing, namely to the effect that there were two of the three hulls enclosed, that was put on the envelope?

Mr. Belin. You are referring, Mr. McCloy, to the signature on the bottom of Commission Exhibit 717, "Lieutenant J. C. Day."

Mr. McCloy. That is what I am referring to.

Mr. Day. That was put on there before.

Mr. McCloy. That was put on there---

Mr. DAY. At 1:23 p.m.

Mr. Belin. And the remainder of the writing was put on that night at the Dallas Police Department, is that right?

Mr. Day. Yes, sir; about the same time that I marked those two hulls.

Mr. Belin. Could you tell us what exactly you did in testing those hulls for fingerprints?

Mr. Day. I used fingerprint powder, dusted them with the powder, a dark powder. No legible prints were found.

Mr. Belin. After you did this, you dusted the prints and you put them in the envelope, 717, and then what did you do?

Mr. Day. I released them to Detective Sims or rather he took them.

Mr. Belin. And then what did you do?

Mr. Day. At that time I was summoned to the northwest corner of the building.

Mr. Belin. Then what did you do?

Mr. DAY. Sir?

Mr. Belin. Then what did you do?

Mr. Day. I met Captain Fritz. He wanted photographs of the rifle before it was moved.

Mr. Belin. Do you remember if Captain Fritz told you that the rifle had not been moved?

Mr. Day. He told me he wanted photographs before it was moved, if I remember correctly. He definitely told me it had not been moved, and the reason for the photographs he wanted it photographed before it was moved.

Mr. Belin. I am going to hand you what the reporter has marked or what has been marked as Commission Exhibit 718, and ask you to state, if you know, what this is.

Mr. Day. This is a photograph made by me of the rifle where it was found in the northwest portion of the sixth floor, 411 Elm Street, Dallas.

Mr. Belin. I am going to hand you what has been marked as Commission Exhibit 719 and ask you to state if you know what that is.

Mr. Day. It is a picture of the portion of the northwest floor where the rifle was found. This is a distance shot showing the stack of boxes.

Mr. Belin. Is Commission Exhibit 718 a print from the same negative as Commission Exhibit 514?

Mr. Day. The same negative?

Mr. Belin. Yes, sir.

Mr. DAY. No, I don't think so. This is a copy of this picture.

Mr. Belin. You are saying 514 was made, I assume, as a copy of 718. By that you mean a negative, a second negative, was made of 718 from which 514 was taken?

Mr. DAY. Yes, sir.

Mr. Belin. Otherwise it is the same?

Mr. DAY. Yes, sir.

Mr. Belin. 718 appears to be a little clearer and sharper.

Mr. DAY. You can tell from looking at the two pictures which is the copy.

Mr. Belin. Was any other picture of that rifle made in that position?

Mr. Day. Nos. 22 and 23 were both made.

Mr. Belin. Your pictures which you have marked No. 22 and No. 23 were both made, one was made by you, is that Commission Exhibit 718—

Mr. DAY. Yes, sir.

Mr. Belin. And the other was made by-

Mr. Day. Detective Studebaker.

Mr. Belin. Whose knee appears?

Mr. Day. Yes, sir; showing. Identical shots, we just made both to be sure that one of us made it, and it would be in focus.

Mr. Belin. For this reason I am introducing only 718, if that is satisfactory.

Mr. McCloy. Very well.

Mr. Belin. How did you stand to take the picture, Exhibit 718?

Mr. Day. I was on top of a stack of boxes to the south of where the gun was found.

Mr. Belin. I wonder if you could put on Exhibit 719 the location with an "X" where you stood to take the picture, 718.

Mr. DAY. I was in that position looking this way, but you can't tell which box I was on looking from that angle.

Mr Bellin. I mean, you have placed an "X" on Exhibit 719. Were you sitting or standing on top of a stack of boxes in that general area?

Mr. DAY. Kneeling.

Mr. Belin. Kneeling?

Mr. DAY. Yes, sir.

Mr. Belin. In what direction would your face have been?

Mr. DAY. Facing north and down.

Mr. Belin. Facing north and looking down?

Mr. DAY. Yes, sir; to the floor.

Mr. Belin. Can you see the rifle at all in Exhibit 719?

Mr. DAY. No, sir.

Mr. Belin. Had the rifle been removed when 719 was taken, if you know?

Mr. Day. I don't remember.

Mr. Belin. Could you locate with an arrow on Exhibit 719 the place where the rifle would have been?

Mr. DAY. Here.

Mr. Belin. You have so noted with an arrow on 719. Was the rifle resting on the floor or not?

Mr. DAY. Yes, sir.

Mr. Belin. It was?

Mr. DAY. The rifle was resting on the floor.

Mr. Belin. What else did you do in connection with the rifle at that particular time?

Mr. Day. Captain Fritz was present. After we got the photographs I asked him if he was ready for me to pick it up, and he said, yes. I picked the gun up by the wooden stock. I noted that the stock was too rough apparently to take fingerprints, so I picked it up, and Captain Fritz opened the bolt as I held the gun. A live round fell to the floor.

Mr. Belin. Did you initial that live round at all?

Mr. DAY. Yes, sir; my name is on it.

Mr. Belin. When did you place your name on this live round, if you remember?

Mr. DAY. How?

Mr. Belin, When?

Mr. Day. At the time, that was marked at the scene.

Mr. Belin. Handing you Commission Exhibit No. 141, I will ask you to state if you know what this is.

Mr. Day. It has "Day" on it where I scratched it on the small end where the slug goes into the shell.

Mr. Belin. What is this, what is Exhibit 141?

Mr. Day. That is the live round that fell from the rifle when Captain Fritz opened the bolt.

Mr. Belin. What did you do with this after you put your name on it?

Mr. Day. Captain Fritz took possession of it. I retained possession of the rifle.

Mr. Belin. Did you process this live round at all for prints?

Mr. DAY. Yes, sir; I did. I did not find any prints.

Mr. McCloy. Before Captain Fritz ejected the live cartridge, did you dust the rifle for fingerprints?

Mr. DAY. Not before.

Mr. Belin. Did you dust the bolt for fingerprints?

Mr. DAY. Yes, sir.

Mr. Belin. Before the live round was ejected?

Mr. Day. No, no; the only part that Captain Fritz touched was the round nob. I looked at it through a glass and decided there was not a print there, and it would be safe for him to open the bolt.

Mr. Belin. You did this before it was ejected, before the live round was ejected?

Mr. Day. Yes, sir.

Mr. Belin. Who held the rifle while you looked at it with the glass?

Mr. DAY. I held it.

Mr. BELIN. In one hand?

Mr. DAY. One hand, using the glass with the other.

Mr. Belin. How did you try to process the live round for prints?

Mr. Day. With black fingerprint powder.

Mr. Belin. Let me ask you this in an effort, perhaps, to save time. In all of your processing of prints did you use anything other than this black powder at the scene that day?

Mr. DAY. No, sir.

Mr. Belin. So whenever you say you processed for prints you used black powder, is that correct?

Mr. DAY. Yes, sir.

Mr. McCloy. When was the rifle as such dusted with fingerprint powder?

Mr. Day. After ejecting the live round, then I gave my attention to the rifle. I put fingerprint powder on the side of the rifle over the magazine housing. I noticed it was rather rough.

I also noticed there were traces of two prints visible. I told Captain Fritz it was too rough to do there, it should go to the office where I would have better facilities for trying to work with the fingerprints.

Mr. McCloy. But you could note with your naked eye or with a magnifying glass the remnants of fingerprints on the stock?

Mr. DAY. Yes, sir; I could see traces of ridges, fingerprint ridges, on the side of the housing.

Mr. Belin. Lieutenant Day, as I understand it, you held the stock of the rifle when Captain Fritz operated the bolt?

Mr. DAY. Yes, sir.

Mr. Belin. Now, when you first came over to see the rifle, was it easily visible or not?

Mr. DAY. I beg pardon?

Mr. Belin. When you first came over to see the rifle, when you were first called there, what is the fact as to whether or not it was easily visible?

Mr. Day. No, sir; you had to look over the box and down to see it. You could not see it ordinarily walking down the aisle.

Mr. Belin. Was anything resting on top of it?

Mr. DAY. On top of the gun?

Mr. Belin. Yes.

Mr. Day. No, sir.

Mr. Belin. Do you have any estimate as to how wide or what the width was of that particular area in which the rifle was placed? In other words, the area between the boxes, how much space was there?

Mr. Day. It was just wide enough to accommodate that rifle and hold it in an upright position.

Mr. Belin. Was the location at which you found the rifle completely surrounded by boxes or was it kind of like two parallel rows of boxes without boxes at either end of it?

Mr. Day. There was three or four rows of boxes there.

Mr. Belin. What I mean is this: If you can visualize a narrow squared "O," was it more like a narrow squared "O" so far as the boxes were concerned, with sort of an island of space in the center or was it more like just two basic rows of boxes with nothing at either end?

Mr. Day. I don't quite follow you there.

Mr. Belin. I will restate the question this way.

Mr. Day. There were four parallel lines of boxes. The second line from the north side was not completely filled. In other words, there was vacant places in this particular line.

Mr. Belin. I am going to hand you what has been marked Commission Exhibit 139 and ask you to state if you know what this is.

Mr. Day. This is the rifle found on the sixth floor of the Texas Book Store at 411 Elm Street, November 23, 1963.

Mr. Belin. What date?

Mr. Day. November 22, 1963.

Mr. Belin. Does it have any identification mark of yours on it?

Mr. Day. It has my name "J. C. Day" scratched on the stock.

Mr. Belin. And on the stock you are pointing to your name which is scratched as you would hold the rifle and rest it on the stock, approximately an inch or so from the bottom of the stock on the sling side of the stock, is that correct?

Mr. Day. Yes. sir.

Mr. Belin. Do you have any recollection as to what the serial number was of that?

Mr. DAY. Yes, sir; I recorded it at the time, C-2566.

Mr. Belin. Before you say that-

Mr. DAY. C-2766, excuse me.

Mr. Belin. Do you have any record of that with you or not?

Mr. DAY. Yes, sir; this is the record I made of the gun when I took it back to the office. Now, the gun did not leave my possession.

Mr. Belin. From the time it was found at the School Book Depository Building?

Mr. Day. Yes, sir; I took the gun myself and retained possession, took it to the office where I dictated——

Mr. Belin. Could you just read into the record what you dictated.

Mr. Day. To my secretary. She wrote on the typewriter: "4 x 18, coated, Ordinance Optics, Inc., Hollywood, California, 010 Japan. OSC inside a clover-leaf design."

Mr. Belin. What did that have reference to?

Mr. Day. That was stamped on the scopic sight on top of the gun. On the gun itself, "6.5 caliber C-2766, 1940 made in Italy." That was what was on the gun.

I dictated certain other stuff, other information, for her to type for me.

Mr. Belin. Well, you might just as well dictate the rest there.

Mr. Day. "When bolt opened one live round was in the barrel. No prints are on the live round. Captain Fritz and Lieutenant Day opened the barrel. Captain Fritz has the live round. Three spent hulls were found under the window. They were picked up by Detective Sims and witnessed by Lieutenant Day and Studebaker. The clip is stamped 'SMI, 9 x 2.'"

Mr. Belin. Could you tell us what other processing you did with this particular rifle?

Mr. DAY. Beg pardon?

Mr. Belin. What other processing did you do with this particular rifle?

Mr. Day. I took it to the office and tried to bring out the two prints I had seen on the side of the gun at the bookstore. They still were rather unclear. Due to the roughness of the metal, I photographed them rather than try to lift them.

I could also see a trace of a print on the side of the barrel that extended under the woodstock. I started to take the woodstock off and noted traces of a palmprint near the firing end of the barrel about 3 inches under the woodstock when I took the woodstock loose.

Mr. Belin. You mean 3 inches from the small end of the woodstock?

Mr. Day. Right-yes, sir.

Mr. McCloy. From the firing end of the barrel, you mean the muzzle?

Mr. Day. The muzzle; yes, sir.

Mr. Belin. Let me clarify the record. By that you mean you found it on the metal or you mean you found it on the wood?

Mr. Day. On the metal, after removing the wood.

Mr. Belin. The wood. You removed the wood, and then underneath the wood is where you found the print?

Mr. Day. On the bottom side of the barrel which was covered by the wood, I found traces of a palmprint. I dusted these and tried lifting them, the prints, with scotch tape in the usual manner. A faint palmprint came off.

I could still see traces of the print under the barrel and was going to try to use photography to bring off or bring out a better print. About this time I received instructions from the chief's office to go no further with the processing, it was to be released to the FBI for them to complete. I did not process the underside of the barrel under the scopic sight, did not get to this area of the gun.

Mr. Belin. Do you know what Commission Exhibit No. 637 is?

Mr. Day. This is the trace of palmprint I lifted off of the barrel of the gun after I had removed the wood.

Mr. Belin. Does it have your name on it or your handwriting?

Mr. DAY. It has the name "J. C. Day," and also "11/22/63" written on it in my writing off the underside gun barrel near the end of foregrip, C-2766.

Mr. Belin. When you lift a print is it then harder to make a photograph of that print after it is lifted or doesn't it make any difference?

Mr. Day. It depends. If it is a fresh print, and by fresh I mean hadn't been there very long and dried, practically all the print will come off and there will be nothing left. If it is an old print, that is pretty well dried, many times you can still see it after the lift. In this case I could still see traces of print on that barrel.

Mr. Belin. Did you do anything with the other prints or partial prints that you said you thought you saw?

Mr. Day. I photographed them only. I did not try to lift them.

Mr. Belin. Do you have those photographs, sir? I will mark the two photographs which you have just produced Commission Exhibits 720 and 721. I will ask you to state what these are.

Mr. Day. These are prints or pictures, I should say, of the latent—of the traces of prints on the side of the magazine housing of the gun No. C-2766.

Mr. Belin. Were those prints in such condition as to be identifiable, if you know?

Mr. DAY. No, sir; I could not make positive identification of these prints.

Mr. Belin. Did you have enough opportunity to work and get these pictures or not?

Mr. Day. I worked with them, yes. I could not exclude all possibility as to identification. I thought I knew which they were, but I could not positively identify them.

Mr. Belin. What was your opinion so far as it went as to whose they were?

Mr. Day. They appeared to be the right middle and right ring finger of Harvey Lee Oswald, Lee Harvey Oswald.

Mr. Belin. At the time you had this did you have any comparison finger-prints to make with the actual prints of Lee Harvey Oswald?

Mr. Day. Yes, sir; we had sets in Captain Fritz' office. Oswald was in his custody, we had made palmprints and fingerprints of him.

Mr. Belin. Is there any other processing that you did with the rifle?

Mr. DAY. No, sir.

Mr. Belin. At what time, if you know, did you release the rifle to the FBI?

Mr. Dav. 11:45 p.m. the rifle was released or picked up by them and taken from the office.

Mr. Belin. Was that on November 22?

Mr. Day. November 22, 1963.

Mr. Belin. At what time did these same photographs which are the same as Commission Exhibit 720 and 721 of this print——

Mr. Day. About 8 o'clock, somewhere around 8 o'clock, in that neighborhood.

Mr. Belin. Of what date?

Mr. Day. November 22, 1963.

Mr. Belin. What about the lift which has previously been marked as Commission Exhibit 637?

Mr. DAY. About what?

Mr. Belin. When did you turn that over to the FBI?

Mr. Day. I released that to them on November 26, 1963. I did not release this——

Mr. Belin. You are referring now-

Mr. DAY. On November 22.

Mr. Belin. You are referring to Commission Exhibit 637?

Mr. DAY. Yes.

Mr. Belin. Is there any particular reason why this was not released on the 22d?

Mr. Day. The gun was being sent in to them for process of prints. Actually I thought the print on the gun was their best bet, still remained on there, and,

too, there was another print, I thought possibly under the wood part up near the trigger housing.

Mr. Belin. You mean the remaining traces of the powder you had when you got the lift, Exhibit 637, is that what you mean by the lift of the remaining print on the gun?

Mr. Day. Yes, sir. Actually it was dried ridges on there. There were traces of ridges still on the gun barrel.

Mr. Belin. Can you tell the circumstances under which you sent Exhibit 637 to the FBI?

Mr. Day. We released certain evidence to the FBI, including the gun, on November 22. It was returned to us on November 24. Then on November 26 we received instructions to send back to the FBI everything that we had.

Mr. Belin. Did you do that?

Mr. Day. Yes, sir; and at that time I sent the lift marked-

Mr. Belin. 637.

Mr. Day. Yes. The gun was sent back again, and all of the other evidence that I had, including cartons from Texas Bookstore, and various other items, a rather lengthy list.

Mr. Belin. Had the FBI in the interim returned the gun to you then after you sent it to them on November 22?

Mr. DAY. Yes, sir.

Mr. Belin. When the rifle was photographed, as I understand it, you were the one who lifted it out of there, is that correct?

Mr. Day. Yes, sir.

Mr. Belin. Was it wedged in very tight or could you readily lift it up without moving any boxes?

Mr. Day. It came out without moving any boxes. It wasn't wedged in.

Mr. McCloy. Am I to understand your testimony, Lieutenant, about the fingerprints to be you said you were positive—you couldn't make a positive identification, but it was your opinion that these were the fingerprints of Lee Oswald?

Mr. Day. Well, actually in fingerprinting it either is or is not the man. So I wouldn't say those were his prints. They appeared similar to these two, certainly bore further investigation to see if I could bring them out better. But from what I had I could not make a positive identification as being his prints.

Mr. McCloy. How about the palmprint?

Mr. Day. The palmprint again that I lifted appeared to be his right palm, but I didn't get to work enough on that to fully satisfy myself it was his palm. With a little more work I would have come up with the identification there.

Mr. Belin. Lieutenant Day, what is the fact as to whether or not palmprints are a sound means of identification of an individual?

Mr. Day. You have the same characteristics of the palms that you do the fingers, also on the soles of feet. They are just as good for identification purposes.

Mr. Belin. Is there anything else you did in connection with the rifle, the cartridges, the live cartridge, or the taking of prints from any of these metallic objects that you haven't talked about yet?

Mr. Day. No, sir; I believe that is the extent of the prints on any of those articles.

Mr. Belin. Did you make a positive identification of any palmprint or fingerprint?

Mr. DAY. Not off the rifle or slug at that time.

Mr. Belin. At any other time did you off the rifle or the slugs?

Mr. Day. After I have been looking at that thing again here today, that is his right palm. But at that time I had not no—

Mr. Belin. When you are saying you looked at that thing today, to what are you referring?

Mr. Day. Your No. 637 is the right palm of Oswald.

Mr. Belin. Handing you what has been marked "Exhibit 629" I ask you to state if you know what this is.

Mr. Day. That is the right palm of Lee Harvey Oswald.

Mr. Belin. Do you know where this print was taken?

Mr. DAY. Yes, sir; it was taken by Detective J. B. Hicks in Captain Fritz' office on November 22, 1963.

Mr. Belin. Did you take more than one right palmprint on that day, if you know?

Mr. Day. Yes, sir; we took two, actually we took three. Two of them were taken in Captain Fritz' office, and one set which I witnessed taking myself in the identification bureau.

Mr. Belin. Any particular reason why you took more than one?

Mr. Day. In most cases, when making comparisons, we will take at least two to insure we have a good clear print of the entire palm.

Mr. Belin. Now, based-

Mr. Day. One might be smeared where the other would not.

Mr. Belin. Based on your experience, 1 will ask you now for a definitive statement as to whether or not you can positively identify the print shown on Commission Exhibit 637 as being from the right palm of Lee Harvey Oswald as shown on Commission Exhibit 629?

Mr. Day. Maybe I shouldn't absolutely make a positive statement without further checking that. I think it is his, but I would have to sit down and take two glasses to make an additional comparison before I would say absolutely, excluding all possibility, it is. I think it is, but I would have to do some more work on that.

Mr. Belin. Could you do that here in Washington before you go back, sir, or would this necessitate going back to Dallas?

Mr. Day. If I had the proper equipment I think I could do it here. I don't have very good equipment for making comparisons here. I need two fingerprint glasses.

It was my understanding the prints had been identified by the FBI. I don't have official word on it.

Mr. Belin. Is there any other thing that you did with regard to the rifle that you haven't discussed this far that you can remember right now?

Mr. Day. No, sir; I released it to the FBI then, and they took possession of it.

Mr. Belin. Did you ever hear this rifle referred to as a 7.65 Mauser or as any type of a Mauser?

Mr. Day. Yes, sir; it wasn't referred to as that. Some of the newsmen, when I first carried the rifle out, asked me if it was a .30-06, and at another time they asked me if it was a Mauser. I did not give them an answer.

Mr. Belin. Were there newsmen on the sixth floor at the time the rifle was found, if you know?

Mr. DAY. I think there was.

Mr. Belin. Did you ever describe the rifle as anything but a 6.5-caliber with regard to the rifle itself?

Mr. Day. I didn't describe the rifle to anyone other than police officers.

Mr. Belin. Is the description that you used with the police officers the same that you dictated here into the record from your notes?

Mr. Day. Yes, sir.

Mr. BELIN. Anything else with regard to the rifle?

Mr. Day. I can't think of anything else that I did with it at the time.

I don't know whether you are interested in this or not, but about, it must have been about 8:30 I was processing the gun on the fourth floor——

Mr. Belin. Of the police department there?

Mr. Day. Of the police department where my office is. The identification bureau. And Captain Fritz came up and said he had Mrs. Oswald in his office on the third floor, but the place was so jammed with news cameramen and newsmen he did not want to bring her out into it.

Mr. Belin. Was this the wife or the mother of Lee Harvey Oswald?

Mr. Day. That was Marina, Oswald's wife. She had her baby with her, or babies, and there was an interpreter down there. He wanted her to look at the gun to see if she could identify it, didn't want to bring her in through the crowd, and wanted to know if we could carry it down. He said, "There is an awful mob down there."

I explained to him that I was still working with the prints, but I thought I could carry it down without disturbing the prints, which I did.

We waded through the mob with me holding the gun up high. No one touched it. Several of the newsmen asked me various questions about what the gun was at that time. I did not give them an answer.

When I went back to the office after Marina Oswald viewed the gun, they still were hounding me for it. I told them to check with the chief's office, he would have to give them the information, and as soon as I got back to my office I gave a complete description, and so forth, to Captain King on the gun.

Mr. Belin. Were you there when Marina Oswald was asked whether or not she could identify it?

Mr. Day, Yes, sir. But I didn't understand what she said. I was standing across the room from her where I couldn't understand. The interpreter said something to her and said something to Captain Fritz. I didn't catch what was said. I mentioned that because there was some talk about a Mauser and .30-06 at the time and various other things, that is the reason I mentioned it.

Mr. Belin. You just refused to answer all questions on that, is that correct?

Mr. Day. Yes, sir. It wasn't my place to give them that information. I didn't know whether they wanted it out yet or not.

Mr. McCloy. There was never any doubt in your mind what the rifle was from the minute you saw it?

Mr. Day. No, sir; It was stamped right on there, 6.5, and when en route to the office with Mr. Odum, the FBI agent who drove me in, he radioed it in, he radioed in what it was to the FBI over the air.

Mr. Belin. What else did you do, or what was the next thing you did after you completed photographing and inspecting the rifle on the sixth floor of the Texas School Book Depository Building for whatever prints you could find, what did you do next?

Mr. DAY. I took the gun at the time to the office and locked it up in a box in my office at Captain Fritz' direction.

Mr. Belin. Then what did you do?

Mr. Day. I went back to the School Book Depository and stayed there. It was around three that I got back, and I was in that building until about 6, directing the other officers as to what we needed in the way of photographs and some drawing, and so forth.

Mr. Belin. What did you do when you got back, what photographs did you take?

Mr. Day. We went, made the outside photographs of the street, we made more photographs inside, and did further checking for prints by using dust on the boxes around the window.

Mr. Belin. I hand you what has been marked as "Commission Exhibit 722" and ask you to state if you know what this is.

Mr. Day. Yes, sir. This is a view of Houston Street looking south from the sixth floor of the Texas School Book Depository Building.

Mr. Belin. Do you know when that was taken?

Mr. Day. About 3 or 3:15, somewhere along there, on November 22, 1963.

Mr. McCloy. You say from the sixth floor; was it from the farthest east window?

Mr. Day. The south window on the east end of the building.

Mr. Belin. You don't mean that. State that again. What side of the building was the window on?

Mr. Day. It was on the south side of the building, the easternmost window.

Mr. Belin. At the time you took Exhibit 722 had any boxes been moved at all?

Mr. Day. Yes, sir.

Mr. Belin. Here is Exhibit 724, and I will ask you to state if you know what that is.

Mr. Day. This is a view from the same window looking southwest down Elm Street. Actually this is the direction the shots were fired. When this picture was made——

Mr. Belin. When you say this picture you are referring to—I think I have skipped a number here.

Mr. McCloy. This is 722.

Mr. Belin. All right. When 722 was made, you-

Mr. Day. I did not know the direction the shots had been fired.

Mr. Belin. All right. I'm going to hand you what I have already marked as 724. What about that one?

Mr. Day. This was made, 724 was made, some 15 to 20 minutes after 722 when I received information that the shooting actually occurred on Elm rather than Houston Street. The boxes had been moved at that time.

Mr. Belin. In 724 there are boxes in the window. Were those boxes in the window the way you saw them, or had they been replaced in the window to reconstruct it?

Mr. Day. They had simply been moved in the processing for prints. They weren't put back in any particular order.

Mr. Belin. So 724 does not represent, so far as the boxes are concerned, the crime scene when you first came to the sixth floor; is that correct?

Mr. Day. That is correct.

Mr. Belin. Let me ask you this: Had all of the boxes of the stack in 724 been replaced there or had any of the boxes been in a position they were at the time you first arrived at the building, if you know?

Mr. Day. No, sir; they had not been placed in the proper position or approximate position at the time we arrived.

Mr. Belin. Now, I am going to hand you what I will mark as "723" and ask you to state if you know what this is.

Mr. DAY. 726-

Mr. Belin. No; 723.

Mr. DAY. 723 is the southeast corner of the sixth floor of the Texas School Book Depository Building.

Mr. Belin. Who took that picture, if you know?

Mr. Day. Detective Studebaker.

Mr. Belin. Was it taken under your direction and supervision, Mr. Day?

Mr. Day. Yes, sir; I was present. The two metal boxes you will note to the left, are our fingerprint equipment that inadvertently got into the picture with a wide-angle lens camera.

Mr. Belin. When you say to the left-

Mr. DAY. To the right.

Mr. Belin. You mean as you face the picture to the right.

Mr. DAY. Yes.

Mr. Belin. Do you want to circle on Exhibit 723 your fingerprint equipment?

Mr. DAY. Yes.

Mr. Belin. Now, I will ask you to state if you know if this picture was taken before any of the boxes shown on 723 were moved.

Mr. Day. To the best of my knowledge they had not been moved.

Mr. Belin. And straight ahead the camera is pointed toward it?

Mr. Day, To the south.

Mr. Belin. At which window?

Mr. Day. Toward the window where the hulls were found.

Mr. Belin. I'm going to hand you what has been marked as "725," and ask you to state if you know what this is.

Mr. Day. That is a view of the same window as 723 except it shows the full length of the aisle.

Mr. Belin. Was 725 taken before the boxes were moved, if you know?

Mr. Day. I beg your pardon?

Mr. Belin. Was Commission Exhibit 725 taken before any boxes were moved, if you know?

Mr. Day. To the best of my knowledge, nothing had been moved.

Mr. Belin. I'm going to hand you what has been marked as 726 and ask you to state if you know what this is.

Mr. Day. This is the next aisle over, or the next aisle west of the aisle shown in 723. Actually, this was taken on November 25. Some movement had been made of the boxes as shown in 723.

Mr. Belin. All right. So you now are saying Commission Exhibit 726 was taken on November 25—

Mr. DAY. Yes, sir.

Mr. Belin. And there had been some movement of the boxes?

Mr. DAY. Yes, sir.

Mr. Belin. Generally did it depict the area as you saw it on November 22?

Mr. Day. Yes, sir.

Mr. Belin. I am handing you Commission Exhibit 727 and ask you to state if you know what that is.

Mr. DAY. 727 is the sixth floor of the Texas School Book Depository, taken looking east along the inside of the south wall.

Mr. Belin. When was that taken?

Mr. Day. November 25, 1963.

Mr. Belin. Just by general means of identification, perhaps it might help to see when some pictures were taken and some pictures were not taken. I think you can see on Exhibit 727 that the shadows show that the sun would not as yet have reached a due south position. Is that correct?

Mr. DAY. That is correct. It was taken in the morning. This is the morning shadow.

Mr. Belin. Handing you what has been marked 728, would you state if you know what this is?

Mr. DAY. This is the third aisle from the east side of the building, sixth floor, Texas School Book Depository.

Mr. Belin. Was that taken on November 22 or November 25?

Mr. DAY. It was taken on November 22, 1963.

Mr. Belin. Again you can note the shadows at this time, and it would appear as a southwesterly sun.

Mr. DAY. Yes, sir.

Mr. Belin. I notice a pop bottle there. Do you know whether or not that pop bottle was there at the time you got to the scene?

Mr. DAY. It was, sir.

Mr. Belin. Was it in the same relation as that two-wheeler cart, if you know?

Mr. DAY. To the best of my knowledge nothing had been moved there.

Mr. Belin. Did you see anything else with the pop bottle when you were in that area?

Mr. Day. There was a brown-paper sack, like a lunch sack.

Mr. Belin. About how large?

Mr. DAY. It does not show in the picture.

Mr. Belin. Where would the sack have been located?

Mr. DAY. Sir?

Mr. Belin. Where would that sack have been located, if you know?

Mr. DAY. I don't remember.

Mr. Belin. Would this have been at the third pair of windows counting from the east; when you meant the third aisle, did you mean the third set of windows also?

Mr. Day. Yes. sir.

Mr. Belin. You mentioned a sack that would have been at that third aisle. Was any kind of a sack found on the sixth floor, if you know?

Mr. DAY. Yes, sir,

Mr. Belin. What other kind of a sack was found?

Mr. DAY. 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.

Mr. McCloy. Near where the hulls were found?

Mr. Day. Near where the hulls. What did I say?

Mr. McCloy. Slugs.

Mr. DAY. Hulls.

Mr. Belin. I'm going to hand you what has been marked as Commission Exhibit 729 and ask you to state if you know what this is.

Mr. DAY. 729 is a photograph of the inside wall, south and east walls, right at the corner of the building at the sixth floor of the Texas Book Depository.

Mr. Belin. I notice some pipes on the right portion of this picture as you face it, and I also notice a box.

I will first ask you to state if this picture was taken before or after anything was removed from the area.

Mr. Day. The sack had been removed.

Mr. Belin. Had any change been made of the position of that box that is set off by itself in the center of the picture?

Mr. Day. I don't think the box—well, it is possible the box had been moved. This is an approximate position of it. The box had been dusted for powder and—dusted for prints. The black powder is visible on it. It is possible the box may have been moved a tiny bit.

Mr. Belin. Where was the sack found with relation to the pipes and that box?

Mr. Day. Between the sack and the south wall, which would be the wall at the top of the picture as shown here.

Mr. Belin. You mean between—you said the sack.

Mr. Day. I mean the pipe. The sack was between the pipe and the wall at the top of the picture.

Mr. Belin. That wall at the top of the picture would be the east wall, would it not?

Mr. DAY. Yes, sir; laying parallel to the south wall.

Mr. Belin. Did the sack—was it folded over in any way or just lying flat, if you remember?

Mr. Day. It was folded over with the fold next to the pipe, to the best of my knowledge.

Mr. Belin. I will now hand you what has been marked as Commission Exhibit 626 and ask you to state if you know what this is, and also appears to be marked as Commission Exhibit 142.

Mr. Day. This is the sack found on the sixth floor in the southeast corner of the building on November 22, 1963.

Mr. Belin. Do you have any identification on that to so indicate?

Mr. Day. It has my name on it, and it also has other writing that I put on there for the information of the FBI.

Mr. Belin. Could you read what you wrote on there?

Mr. DAY. "Found next to the sixth floor window gun fired from. May have been used to carry gun. Lieutenant J. C. Day."

Mr. Belin. When did you write that?

Mr. DAY. I wrote that at the time the sack was found before it left our possession.

Mr. Belin. All right, anything else that you wrote on there?

Mr. Day. When the sack was released on November 22 to the FBI about 11:45 p.m., I put further information to the FBI reading as follows: "FBI: Has been dusted with metallic magnetic powder on outside only. Inside has not been processed. Lieut. J. C. Day."

Mr. Belin. Did you find anything, any print of any kind, in connection with the processing of this?

Mr. DAY. No legible prints were found with the powder, no.

Mr. Belin. Do you know whether any legible prints were found by any other means or any other place?

Mr. Day. There is a legible print on it now. They were on there when it was returned to me from the FBI on November 24.

Mr. Belin. Do you know by what means they found these?

Mr. DAY. It is apparently silver nitrate. It could be another compound they have used. The sack had an orange color indicating it was silver nitrate.

Mr. Belin. You mean the sack when it came back from the FBI had a-

Mr. DAY. Orange color. It is another method of processing paper for finger-prints.

Mr. Belin. Was there anything inside the bag, if you know, when you found it?

Mr. DAY. I did not open the bag. I did not look inside of the bag at all.

Mr. Belin. What did you do with the bag after you found it and you put this writing on after you dusted it?

Mr. DAY. I released it to the FBI agent.

Mr. Belin. Did you take it down to the station with you?

Mr. Day. I didn't take it with me. I left it with the men when I left. I left Detectives Hicks and Studebaker to bring this in with them when they brought other equipment in.

Mr. Belin. By this you are referring to the bag itself?

Mr. DAY. Yes, sir.

Mr. Belin. Did you ever get the kind of sample used at the School Book Depository?

Mr. Day. Yes, sir; on the afternoon of November 22, 1963, I had the bag listed as—

Mr. Belin. Commission Exhibit 626 or 142.

Mr. Day. On the first floor of the Texas School Book Depository, and I noticed from their wrapping bench there was paper and tape of a similar—the tape was of the same width as this. I took the bag over and tried it, and I noticed that the tape was the same width as on the bag.

Mr. Belin. Did it appear to have the same color?

Mr. DAY. Yes, sir.

Mr. Belin. All right. Then what did you do?

Mr. DAY. Sir?

Mr. Belin. Then what did you do?

Mr. DAY. I directed one of the officers standing by me, I don't know which, to get a piece of the tape and a piece of the paper from the wrapping bench.

Mr. Belin. Handing you what has been marked as Commission Exhibit 677, I will ask you to state if you know what this is.

Mr. DAY. This is the tape and paper collected from the first floor in the shipping department of the Texas School Book Depository on November 22, 1963.

Mr. Belin. Does this have any identification marks on it?

Mr. Day. It has my name, "J. C. Day, Dallas Police Department," and also in my writing, "Shipping Department."

Mr. Belin. Any other writing on there that you recognize?

Mr. Day. Yes, sir; Detective Studebaker, who was with me, and in his writing it says, "Paper sample from first floor, Texas School Book Depository, Studebaker, 11-22-63."

The tape also has Studebaker's writing on it, "Tape sample from first floor."

Mr. Belin. I will ask you to state if you know what are Exhibits 730, 731 and 732?

Mr. Day. These are photographs of the wrapping bench on the first floor, Texas School Book Depository, taken by me on April 13, 1964, after I had talked to you when I was back in the building. I didn't have a previous picture of this wrapping bench.

Mr. Belin. Does that represent the location on the first floor of the School Book Depository Building where you got the tape sample, Commission Exhibit 677?

Mr. Day. Yes, sir; it is approximately the same. I do not think the benches had been changed since the November shooting.

Mr. Belin. Do you recognize at any point on any of the exhibits the actual tape machine that was used?

Mr. Day. The one that we removed this from was the north roll and tape on the east side of the bench.

Mr. Belin. You are now pointing at Exhibit 730. I notice a roll of paper underneath the bench in the center of the picture. Is that where you got the big paper, the main paper on Commission Exhibit 677?

Mr. DAY. Yes, sir. To the best of my knowledge that is the roll we tore the paper off of.

Mr. Belin. What about tape itself?

Mr. Day. The tape was from the machine immediately above that roll of paper on top of the bench.

Mr. Belin. Were there other tape machines there also?

Mr. DAY. Yes; but I didn't notice them at the time.

Mr. Belin. How did you get the tape from out of the machine, if you remember?

Mr. Day. Just pulled the tape off and tear it out and tear it off.

Mr. Belin. Was there a lever at all that you used, if you remember if there is such a lever?

Mr. Day. I don't remember. I don't think we used the lever.

Mr. Belin. What did you do with Commission Exhibit 677?

Mr. Day. I released this, I released 677 to Vince Drain of the FBI, 11:45 p.m., November 22, 1963.

Mr. Belin. I am going to hand you what has been marked as Commission Exhibit 733 and ask you to state if you know what this is.

Mr. Day. This is the southeast corner of the sixth floor at the window where the shooting apparently occurred. The boxes in front of the window, to the best of our knowledge, in the position they were in when we arrived there on November 22, 1963.

Mr. Belin. So 733 represents a reconstruction in that sense, is that correct?

Mr. DAY. Yes. sir.

Mr. Belin. What about Exhibit-

Mr. Day. This, by the way, was taken on November 25, 1963.

Mr. Belin. All right. What about 734?

Mr. Day. That is another view of the same boxes shown in 733.

Mr. Belin. In 734 you can also see this juncture of the south and east walls of the sixth floor where you say the bag was found; is that correct?

Mr. DAY. Yes. sir.

Mr. Belin. I want to turn for the moment to 729. I notice that the box on 729 appears to have a portion of it torn off and then replaced again. Is this correct or not?

Mr. DAY. Yes, sir.

Mr. Belin. I am going to hand you what has been marked as Commission Exhibit 649 and ask you to state if you know what this is.

Mr. Day. Yes, sir. This is a portion torn from the box shown in 729.

Mr. Beljn. While you are holding that I'm going to hand you Commission Exhibit 648 and ask you to state if you know what this is.

Mr. DAY. That is the box shown in 729 at the center of the picture.

Mr. Belin. Is that the box, 648, from which 649 was torn?

Mr. DAY. Yes, sir: it is.

Mr. Belin. Could you relate what transpired to cause 649 to be torn from 648?

Mr. Day. After I returned to the sixth floor of the Texas School Book Depository after delivering the gun to my office, we processed the boxes in that area, in the area of the window where the shooting apparently occurred, with powder. This particular box was processed and a palmprint, a legible palmprint, developed on the northwest corner of the box, on the top of the box as it was sitting on the floor.

Mr. Belin. Then what did you do when you developed this print?

Mr. DAY. I placed a piece of transparent tape, ordinary Scotch tape, which we use for fingerprint work, over the developed palmprint.

Mr. Belin. And then what did you do?

Mr. DAY. I tore the cardboard from the box that contained the palmprint.

Mr. Belin. Then what did you do?

'Mr. DAY. The box was left in its position, but the palmprint was taken by me to the identification bureau.

Mr. Belin. Did you make any identification of it?

Mr. Day. Yes, sir. Later that night when I had a chance to get palmprints from Lee Harvey Oswald. I made a comparison with the palmprint off of the box, your 729, and determined that the palmprint on the box was made by the right palm of Lee Harvey Oswald.

Mr. Belin. Did you make any identification on Exhibit 649 which would indicate that this is the palmprint you took?

Mr. DAY. It has in my writing, "From top of box Oswald apparently sat on to fire gun. Lieut. J. C. Day," and it is marked "right palm of Oswald. Lieut. J. C. Day."

There is also an arrow indicating north and where the palmprint was found. It further has Detective Studebaker's name on it, and he also wrote on there, "From top of box subject sat on."

Mr. Belin. Now, when was that placed on that exhibit, that writing of yours, when was it placed on there?

Mr. Day. It was placed on there November 22, 1963.

Mr. Belly. Can you identify by any way Commission Exhibit 648?

Mr. Day. This has my name "J. C. Day" written on it. It also has "R. L. Studebaker" written on it. It has written in the corner in my writing, "Southwest corner box 18 inches from wall."

Mr. Belin. I also see the name "W. H. Shelley" written on there. Do you know when this was put on?

Mr. Day, W. H. Shelley is the assistant manager apparently of the Texas School Book Depository.

Mr. Belin. Did he put it on at the time you found the box?

Mr. DAY. No, sir.

Mr. Belin. Do you know when that was placed on there?

Mr. Day. That was placed there November 26. The box was not removed, just the cardboard was removed on November 22—excuse me, November 25 I should say that he put his name on there. I returned to the School Book Depository on November 25 and collected this box.

Mr. McCloy. Did he say southwest on that or southeast?

Mr. Belin. I believe he said that he has here that the southwest corner of the box is 18 inches from the wall.

Mr. DAY. Yes, sir; that being the south wall.

Mr. McCloy. This is the southwest corner of the box he is talking about?

Mr. Day. Yes, sir.

Mr. Belin. That is what is written on Commission Exhibit 648.

Mr. McCloy. It depends on where that box was. It is kind of a removable direction, isn't it?

Mr. Belin. I am going to hand you what has been marked Commission Exhibit 641, Exhibit 653, and Exhibit 654, and ask you to state if you know what these are. I will start with 641 first.

Mr. Day. 641 is a box found in front of the window, Texas School Book Depository. Apparently the gun had rested across this. This is the top box now of two that were sitting in the window.

Mr. McCloy. At the sixth floor window from which the shots are alleged to have been fired?

Mr. DAY. Where the gun was fired from.

Mr. Belin. Does this box appear on Commission Exhibit 715?

Mr. DAY. No, sir; this does not show.

Mr. Belin. In other words, what you are saying is that the box, 641, is not the box which is shown in the window on 715?

Mr. DAY. That is correct.

Mr. Belin. Taking a look now at the box No. 653, I want to ask you to state if you know what this is.

Mr. Day. This is the box that is shown on 715, that is in the window.

Mr. Belin. Does it have any means of identification?

Mr. Day. It has my name "J. C. Day," also "R. L. Studebaker" marked "Box B."

Mr. Belin. I see you have a notation about the top, which appears to be reading on the side of the box. What does that mean?

Mr. DAY. That is the top of the box as it was sitting in the window sill, on the window sill.

Mr. Belin. I see you have an arrow with the arrow pointing to the north.

Placing the box on the table here with the arrow pointing in a north direction, it would appear the box is lying on its side, is that correct?

Mr. DAY. Yes, sir.

Mr. Belin. Is that the way you found it in the window before you moved it?

Mr. DAY. Yes, sir.

Mr. Belin. Is that the way it is shown on 715?

Mr. DAY. Yes, sir.

Mr. Belin. Is there any kind of a mark to show what the contents of this box were?

Mr. DAY. It says "Ten Rolling Readers."

Mr. Belin. Is there anything, any other identification, that you found on it? Did you dust this for prints?

Mr. DAY. Yes. sir.

Mr. Belin. Did you find any?

Mr. DAY. Not with the powder.

Mr. Belin. Did you find any in any way?

Mr. DAY. No; I didn't find any.

Mr. Belin. Do you know if anyone else found any?

Mr. DAY. No, sir; I don't.

Mr. Belin. When did you put your initials on the boxes, 653 and 641, if you know?

Mr. Day. I am not certain whether it was the 22d or 25th when we collected the boxes.

Mr. Belin. I notice your initials are also on 641, is that correct?

Mr. DAY. Yes. sir.

Mr. BELIN. Again you have marked the side of the box as being the top, is that correct?

Mr. Day. Yes, sir.

Mr. Belin. Putting your initials on there?

Mr. Day. Yes, sir; and my name is on it "J. C. Day."

Mr. Belin. If you put your initials on or your name on on November 25, how do you know this was the same box that was there when you first came?

Mr. Day. There was a scar on the top of or the top side of this box that was sitting there. I noticed that at the time. I thought the recoil of the gun had caused that. I later decided that was in the wrong direction. It was not the recoil of the gun but I did notice this scar on the box.

Mr. Belin. When you came back on the 25th where did you find this box, 641?

Mr. Day. They were still in the area of the window but had been moved from their original position.

Mr. Belin. Does that scar appear on the box in 733?

Mr. DAY. Yes, sir.

Mr. Belin. I see there was one box in the window which you have reconstructed as being box 653, am I correct on that?

Mr. DAY. Yes, sir.

Mr. Belin. And then there is a box which is stacked on top of another box, the upper box of that two-box stack is 641, is that correct?

Mr. Day. Yes, sir.

Mr. Belin. And there is a scar on top of that. Is this the same one that you referred to at the top of 641?

Mr. DAY. Yes, sir.

Mr. Belin. Do you know when you initialed box No. 653?

Mr. Day. No, sir; I don't know exactly which day it was.

Mr. Belin. Do you have any independent recollection of this being the same box you saw in the window?

Mr. DAY. I beg pardon?

Mr. Belin. Do you have any independent recollection of this being the same box that you saw in the window, if you don't remember when you initialed it?

Mr. Day. No, sir; except that it was still there in that area and had been dusted on the 25th. We did dust it on the 22d.

Mr. Belin. Let me ask you this: When you were dusting it were there remains of the dust on there?

Mr. DAY. Yes, sir.

Mr. Belin. When you put your initials on on the 25th were the dust remains still there?

Mr. DAY. The dust was still there; yes, sir.

Mr. Belin. On all of these boxes, 641 and 653, and now handing you 654, was there dust on 654 also?

Mr. Day. All boxes had dust on them when I collected them.

Mr. Belin. Were boxes Nos. 641, 653, and 654 open or closed?

Mr. Day. They were closed and had books in them.

Mr. Belin. Did they have tape around them?

Mr. DAY. They were sealed with tape.

Mr. Belin. Turning to 654, do you see your name as a means of identification on this box?

Mr. Day. Yes, sir; "J. C. Day." It also has the name "R. L. Studebaker" on it.

Mr. Belin. I see there is an arrow pointing north here, is that correct?

Mr. DAY. Yes, sir.

Mr. Belin. And the box appears with—it appears to have "top" written on the box as it stands on one end, is that correct?

Mr. Day. Yes, sir; that is the top side as it was standing on the floor.

Mr. Belin. Now, again turning to Exhibit 733, do you see where box 654 was then?

Mr. Day. It would be the bottom box of the center stack. There are two boxes.

Mr. Belin. There are two boxes, and the upper box is marked "Ten Rolling Readers," and 654 would be below that one?

Mr. DAY. Yes. sir.

Mr. Belin. That is a reconstructed photo, to the best of your knowledge, as to where the boxes were?

Mr. Day. Yes, sir.

Mr. McCloy. Is there any indication on any of these boxes which you could identify as indicating on which box the rifle rested?

Mr. Day. I beg your pardon?

Mr. McCloy. Is there any indication on any of these boxes that could tell you where the rifle rested?

Mr. DAY. No. sir.

Mr. McCloy. When it was fired?

Mr. Day. No. sir: I couldn't find a thing there.

Mr. Belin. I am going to hand you what has been marked Commission Exhibit 735 and 736 and ask you to state if you know what these are.

Mr. DAY. 735 is the right palm of Lee Harvey Oswald's palmprint. 736 is the left palmprint of Lee Harvey Oswald.

Mr. Belin. Do you know when these prints were made?

Mr. DAY. They were made November 22, 1963.

Mr. Belin. Does your name appear on these?

Mr. DAY. Yes, sir.

Mr. Belin. With the permisson of Commissioner McCloy, would it be possible to have Xerox copies substituted for these so that the original can go back with Lieutenant Day?

Mr. McCloy. Yes.

Mr. Belin. As I understand it, these are the last original copies you have of palmprints of Lee Harvey Oswald.

Mr. DAY. Yes.

Mr. Belin. Were you there when these prints were made?

Mr. DAY. No, sir. The prints that were made in my presence, which I compared with these, I can state are his, were sent to the FBI.

Mr. Belin. Would these be the same prints as shown on Commission Exhibit 628 and 629?

Mr. Day. No, sir. They are still not the originals. They had my name on it when I saw them sign it. But I did compare these with ones I saw made personally of Oswald, and I can say this is his left hand, his left palm, and his right palm.

Mr. Belin. So you are saying 735 and 736 are his right and left palms. What about 628 and 629?

Mr. DAY. 629 is the right palm, and 628 is the left palm of Lee Harvey Oswald.

Mr. Belin. What about 627, can you state what that is, if you know?

Mr. Day. That is a set of fingerprints, standard set of fingerprints, of Lee Harvey Oswald taken by Detective J. B. Hicks on November 22, 1963.

Mr. Belin. You have just examined these with your magnifying glass, is that correct?

Mr. DAY. Yes, sir.

Mr. Belin. And you so identify these?

Mr. DAY. They are the fingerprints of Lee Harvey Oswald, whose palmprints appear in 735 and 736.

Mr. Belin. Lieutenant Day, did you ever try to make any ballistic identification of the bullet slug that was removed from the residence of General Walker?

Mr. Day. No, sir. I don't do that work. We have a laboratory in Dallas that we ask to do that. Wait a minute now, you said identification? My answer should be no, sir.

Mr. Belin. I will ask you this. Have you ever seen Commission Exhibit 573 before, if you know?

Mr. DAY. Yes, sir; I have.

Mr. Belin. Could you tell us what 573 is?

Mr. Day. This slug was gotten from the home of former General Edwin Walker, 4011 Turtle Creek, April 10, 1963, by Detective B. G. Brown, one of the officers under my supervision. He brought this in and released it to me.

Mr. Belin. You are reading now from a report that is in your possession, is that correct?

Mr. Day. Yes, sir. Those are the official records of my office.

Mr. Belin. Was that prepared under your supervision?

Mr. DAY. Yes. sir.

Mr. Belin. In the regular course of your duties at the Dallas Police Department?

Mr. DAY. Yes, sir. The slug has my name "Day" scratched in it.

Mr. Belin. Do you know whether or not any ballistic identification was made of this slug with regard to any rifle it may have been fired from?

Mr. Day. No, sir. I released that to the FBI agent B. D. Odum on December 2, 1963, at 4:10 p.m.

Mr. Belin. Has that ever been back in your possession since that time?

Mr. DAY. Not since that time.

Mr. Belin. Prior to that time do you know whether or not any positive ballistic identifications were made of Exhibit 573 with regard to the rifle from which it might have been fired?

Mr. Day. It had not been compared with any rifle, to the best of my knowledge.

Mr. Belin. At this point we would like to offer and introduce in evidence Commission Exhibits Nos. 715 through 734, inclusive.

Mr. McCLoy. They have all heretofore been identified?

Mr. Belin. Yes, they have; and I think 715 is the first one, and if there have been any prior to 715 I would offer to introduce that also.

Mr. McCloy. They may be admitted.

(Commission Exhibits Nos. 715 through 734 inclusive, were received in evidence.)

Mr. Belin. I am also going to introduce 735 and 736. These are the Xerox copies of those cards, of those palmprint cards, that I believe you had, sir. Am I correct in that, and according to my records, the next number for introduction of exhibits is 737.

Mr. McCloy. They may be admitted.

(Commission Exhibits Nos. 735 and 736 were received in evidence.)

Mr. Belin. I am now going to hand you No. 737 and ask you to state if you know what this is.

Mr. Day. Yes, sir. This is the rifle found on the sixth floor of the Texas School Book Depository November 22, 1963.

Mr. Belin. Who took that picture?

Mr. DAY. I took it myself.

Mr. Belin. When?

Mr. Day. About 9 or 9:30 p.m., November 22, on the fourth floor of the City Hall in my office.

Mr. Belin. I am going to now hand you what has been marked as 738 and ask you to state if you know what this is.

Mr. Day. Yes, sir. This is a photograph of most of the evidence that was returned to the FBI the second time on November 26, 1963. It was released to Agent Vince Drain at 2 p.m., November 26.

Mr. Belin. Who took that picture, if you know?

Mr. DAY. I beg pardon?

Mr. Belin. Who took that picture?

Mr. Day. I took this picture.

Mr. Belin. I am going to now hand you what has been marked as Commission Exhibit 739 and ask you to state if you know what this is.

Mr. Day. Yes, sir; this is a view of the Texas School Book Depository made from about a half block south looking north on Houston Street on November 22, 1963.

Mr. Belin. Now, returning for the moment to Exhibit 738, do you recognize any items in there as items that you turned over to the FBI?

Mr. Day. All of these items were released to the FBI.

Mr. Belin. Which ones are there now?

Mr. DAY. There is a shirt.

Mr. Belin. This is the same shirt that has been marked Commission Exhibit 150?

Mr. DAY. Yes, sir.

Mr. Belin. All right. What else?

Mr. DAY. A revolver.

Mr. Belin. Did you put any initials on the revolver or not?

Mr. DAY. No, sir; I don't think I did.

Mr. Belin. All right. What else?

Mr. DAY. A blanket.

Mr. Belin. Is that the blanket that has been marked "Commission Exhibit 140" here?

Mr. Day. Yes, sir.

Mr. Belin. All right. What else?

Mr. DAY. A live round.

Mr. Belin. Is that the live round that you earlier identified as what Captain Fritz ejected from the rifle?

Mr. DAY. Yes, sir.

Mr. BELIN. What else?

Mr. DAY. Two spent hulls, and an envelope in which they were in.

Mr. Belin. Those are the ones you have earlier identified, is that correct?

Mr. Day. Yes, sir.

Mr. Belin. What else?

Mr. Day. One piece of cardboard with a palmprint on it that has been identified as that of Oswald.

Mr. Belin. That is the piece of cardboard that you tore off this cardboard box, the cardboard box being Commission Exhibit No. 648, is that correct?

Mr. Day. Yes, sir.

Mr. Belin. What else?

Mr. DAY. Two-correction, one .38-caliber slug, and a button off a policeman's uniform.

Mr. Belin. Is that slug, do you know where that came from?

Mr. Day. I didn't personally collect that. It was in the stuff that was given to Vince Drain.

Mr. Belin. All right. Anything else, if you know?

Mr. Day. There is a plastic box, I don't remember what was in it, a slip of paper reading "Dallas County Hospital District," laying with the box, and there is an envelope laying with the live round with information stating that it is a live round from the gun found on the sixth floor of the Texas Book Depository.

Mr. McCloy. Did you refer to the paper sack?

Mr. Day. Yes; I didn't mention that. Also one homemade paper bag previously identified as the bag found in the southeast corner of the sixth floor of the Texas School Book Depository.

Mr. McCloy. What is the revolver that you previously mentioned, where did it come from?

Mr. Day. I understand that was the one that was in Oswald's possession, reportedly the one used to shoot the officer.

Mr. Belin. You don't have any independent knowledge of that, do you?

Mr. DAY. No, sir; I did not collect that.

Mr. Belin. I am going to hand you what has been marked "Commission Exhibit 740" and ask you to state if you know what that is. Do you have any further comments, by the way, of 738?

Mr. DAY. I can tell from this what it is.

Mr. Belin. You are looking toward your own inventory and you are pointing to a picture of Exhibit 738?

Mr. Day. Yes; it was a bullet fragment taken from the body of John Connally at Parkland General Hospital in Dallas. The slip was in connection with a fragment, the hospital slip previously mentioned.

Mr. Belin. Anything else on 738?

Mr. DAY. That is all that is in the picture.

Mr. Belin. All right. What about exhibit-

Mr. Day. There was one other article released with this, an envelope containing the three negatives I made of the prints on the side of the magazine housing of that 6.5 rifle, which I did not definitely identify as belonging to Oswald.

Mr. Belin. Anything else on 738?

Mr. DAY. That is all, sir.

Mr. Belin. What about Exhibit 740?

Mr. Day. 740 is a photograph looking northeast toward the Texas School Book Depository. This shows Elm Street at the point at which the President was shot.

Mr. Belin. Do you know when that was taken?

Mr. Day. November 22, 1963, in the afternoon sometime after 3 o'clock.

Mr. Belin. All right. I am going to hand you Exhibit 741 and ask you to state if you know what this is.

Mr. DAY. 741 is a photograph of the lunchroom area on the second floor of the Texas School Book Depository taken November 25, 1963.

Mr. Belin. Do you know what direction the camera is facing?

Mr. DAY. The camera is facing west looking toward the west door of the lunchroom.

Mr. Belin. All right. I'm going to hand you what has been marked "Exhibit 742" and ask you to state if you know what this is.

Mr. Day. That is the outside of the door shown in the picture on 741, which door—

Mr. Belin. There appear to be two doors shown on 741. One door that is open and one door that is closed with the window in it.

Mr. Day. This is outside of the door that is closed with the window in it. This picture looks east, made on the second floor of the Texas School Book Depository from a position near the stairway.

Mr. Belin. That would be the stairway coming-

Mr. Day. Stairway coming down from the third floor.

Mr. Belin. I will hand you what has been marked "743" and ask you to state if you know what this is.

Mr. DAY. 743 is a photograph of the stairway leading to the third floor from the second floor of the southwest corner of the Texas School Book Depository. Make a correction on that previous picture 742. I stated that was taken from a position of the stairway leading to the third floor. It should read taken from a position of the stairway leading to the first floor.

Mr. Belin. Is there any other evidence pertaining to fingerprints or palmprints that you have not discussed?

Mr. Day. I can't think of any at the present time. I believe that pretty well covers my participation in this investigation.

Mr. Belin. Is there any other evidence that you can think of pertaining to the rifle that you have not discussed that you can think of at this time?

Mr. DAY. Not that I can think of.

Mr. Belin. Is there any other thing that you did pertaining to the investigation of the assassination of the President that you can think of at this time?

Mr. DAY. Under my direction they made paraffin casts of the hand of Lee Harvey Oswald in Captain Fritz' office.

Mr. Belin. This was done under your direction?

Mr. DAY. I directed them to make it, and also paraffin casts or just of a piece of paraffin on the left side of the face to see if there were any nitrates there.

Mr. Belin. On the left side or right side of the face?

Mr. DAY. Right side.

Mr. Belin. Do you know what the results of the paraffin tests were?

Mr. Day. The test on the face was negative.

Mr. Belin. Had you ever done a paraffin test on a face before?

Mr. DAY. No; actually—had it not been for the particular type of case and this particular situation here—we would not have at this time. It was just something that was done to actually keep from someone saying later on, "Why didn't you do it?"

Actually, in my experience there, shooting a rifle with a telescopic sight there would be no chance for nitrates to get way back or on the side of the face from a rifle.

Mr. Belin. Well, the chamber, the nature of the chamber of the rifle, would that have anything to do with that?

Mr. DAY. Yes, sir.

Mr. Belin. In what way?

Mr. Day. A rifle such as that one we are talking about here from the sixth floor of the Texas School Book Depository, in my opinion, would not throw nitrates back to where a man's face was when he is looking through a telescopic sight.

Mr. Belin. Well, when you ran these tests you had understood that the man, Oswald, had fired a pistol, too, hadn't he?

Mr. Day. Yes. sir.

Mr. Belin. Would you expect to have any positive tests from a pistol on the cheek?

Mr. DAY. I would expect more with a revolver with an open cylinder than I would from a rifle. Actually, for most practical purposes, I would not be surprised if there would be no nitrates from a man firing a rifle.

Mr. Belin. What about on the hands?

Mr. Day. Even on the hands. It is possible, but it is more likely with a revolver where you have a revolving cylinder and an opening between the cylinder and the actual barrel where the nitrates can come out.

Mr. McCloy. That was the type of pistol that was used to kill Tippit, wasn't it?

Mr. Day. Yes, sir.

Mr. McCLoy. Did the paraffin show up nitrate?

Mr. Day. Yes, sir: nitrates were present on the cast made of Oswald's hands.

Mr. Belin. Is there anything else, are there any other comments you have with regard to the paraffin test, sir?

Mr. Day. No, sir.

Mr. Belin. You are showing me your report of paraffin findings. Is this the same report that was sent into the FBI, if you know?

Mr. Day. I think they were sent a report. This is the report submitted by the laboratory at Dallas who first processed this paraffin. Later on the FBI did come and want this paraffin, and it was turned over to them, also the can from which this was made. I don't know what purpose they wanted it for.

Mr. Belin. I believe you mentioned that you took a measurement of the area in which the long paper bag was found to show how big an area that was with relation to the easternmost pair of windows on the east side of the building, and the—on the south side of the building rather—and on the southeast corner juncture of the south wall to the east wall.

Mr. DAY. Yes, sir.

Mr. Belin. All right. Handing you what has been marked as "Commission Exhibit 734"—you are using another exhibit there——

Mr. Day. It is the same, it would be the same. I just had my measurements on there, was all.

Mr. Belin. 729, is this the one that you have here?

Mr. DAY. Yes, sir.

Mr. Belin. All right.

How far would the distance be between the east wall and the east side of that easternmost pipe?

Mr. DAY. Two feet, seven inches.

Mr. Belin. Do you have what the measurements were between the south wall and that box that you tore the piece off of to make the palmprint takeoff?

Mr. Day. Yes, sir; it would be 19½ inches. Actually the box was marked "18 inches." If you will note there are six boards. I thought they were 3 inches wide. On doublechecking I found they were 3½ inches wide which would make a 1½-inch difference in six boards.

Mr. Belin. And I believe you have already said that the bag was folded over when it was found, is that correct?

Mr. DAY. Yes, sir.

Mr. Belin. Now, on the picture, 734, this is the reconstruction of the boxes in the window, is that correct?

Mr. Day. Yes, sir.

Mr. Belin. Does that represent, to the best of your recollection, the way the boxes were at the time you first came upon the crime scene, if you know?

Mr. Day. It is an approximate location. I may be a little too far from the west to what they actually were when we got there on November 22.

Mr. Belin. Is there any other information you can think of, any facts that you can think of, whether I have asked you or not, that you feel are in any way relevant to the area of inquiry, the assassination of the President, the murder of Officer Tippit, or anything else?

Mr. DAY. I can't think of anything right now.

Mr. Belin. All right.

Now, I'm going to hand you what has been marked as "Commission Exhibit 744," and ask you to state if you know what this is.

Mr. DAY. 744 is a picture of Officer M. N. McDonald, and shows the scratch on the side of his face made somewhere close to 2 p.m., November 22, 1963, by Detective J. M. Craft—correction, I believe he is a patrolman, Patrolman J. M. Craft, who is assigned to identification, to the identification bureau, and did the actual snapping of the shutter.

Mr. Belin. Was this picture taken under your supervision?

Mr. Day. Yes, sir.

Mr. Belin. I am going to hand you what has been marked "Commission Exhibit 745" and ask you to state if you know what this is.

Mr. DAY. 745 is a photograph of Don Ray Ables, Dallas Police Department jail clerk, who was on duty, and placed in the showup November—I don't know whether it was the 23d or 22d, one of those 2 days, along with Lee Harvey Oswald at the Dallas Police Department showup room.

Mr. Belin. Do you know about how tall Don Ray Ables is, if you know?

Mr. Day. He is about 5'6", or 7", but I would have to get his accurate measurements to get it. In other words, he is not a large man.

Mr. McCloy. There were more than he in the showup with Oswald, which Oswald was in, that is, he wasn't the only one in the showup besides Oswald? Mr. Day. I don't think so, but I don't know, sir.

Mr. McCloy. You weren't present at the showup?

Mr. Day. No, sir.

Mr. Belin. At this time we would offer and introduce into evidence Exhibits 736 through 745.

Mr. McCloy. They may be admitted.

(The items marked Commission Exhibits Nos. 736 through 745 for identification were received in evidence.)

Mr. Belin. Any other questions that you have, Mr. McCloy?

Mr. McClox. On the crime scene, that is, on the sixth floor, did you notice any chicken bones or chicken remnants of a chicken sandwich or lunch or the whereabouts, if you did see them?

Mr. Day. Yes, sir; there was a sack of some chicken bones and a bottle brought into the identification bureau. I think I still have that sack and

bottle down there. The chicken bones, I finally threw them away that laid around there.

In my talking to the men who were working on that floor, November 25, they stated, one of them stated, he had eaten lunch over there.

Mr. McCloy. Someone other than Oswald?

Mr. Day. Yes, sir; so I discarded it, or disconnected it with being with Oswald. Incidentally, Oswald's fingerprints were not on the bottle. I checked that.

Mr. McCloy. They were not on the bottle?

Mr. DAY. No. sir.

Mr. McCloy. Did you go on the fifth floor and make any investigation on the fifth floor?

Mr. Day. I was there but I didn't have any photographs taken or do much investigating there.

My work was mostly confined to the sixth, second and the first floors.

Mr. McCloy. I noticed that in the picture you took of the sixth floor window, the picture that had the hulls on the floor, there seemed to be a break in the floor between—against the wall where the wood did not reach the brick of the wall. Was that hole, so far as you recall, all the way through from the sixth floor to the fifth floor?

Mr. Day. No, sir; I checked that. A hull could not go down through there. You could see the bottom of it. There was no hull in there.

Mr. McCloy. I'm not saying there was any hull in there. I was wondering whether that aperture, whatever it was, not related to the hulls, whether that went all the way through to the fifth floor.

Mr. Day. No, sir; I don't think so. I think it was tight there and nothing—

Mr. McCloy. The colored man testified he could see air from the fifth floor to the sixth floor.

Mr. Day. I may be wrong, but I did make a search in that area for the hulls and determined none could be in there. As far as from the bottom looking up, I couldn't say.

Mr. McCloy. I don't think I can think of anything else to ask you, anything else I would like to ask you, Lieutenant Day.

Mr. Belin. Lieutenant Day, we want to thank you for your splendid cooperation here. We appreciate your coming up and staying over and staying late tonight, and we know it has taken time on your part.

Mr. Day. I hope I have helped you and not confused you.

Mr. McCloy. You indicated one thing, Lieutenant, that you didn't have quite the proper equipment here tonight to make the comparisons that you might want to make.

Mr. Day. Yes, sir.

Mr. McCloy. Did I hear that you were going to stay over and go to the FBI laboratory in the morning?

Mr. Day. Well, they are trying to make reservations to leave tonight if they can get them. I do not know whether they can. On that print it would take me some work to do that before I could eliminate all possibility of it not being his print. I feel it is his from what I have seen of it, but before I can take the witness stand and say that is his, I would want to do some more work on it. What it would take, I don't know. I understand that it was identified. What process they used I don't know.

Mr. McCloy. By someone else, by some other agency?

Mr. DAY. Yes.

Mr. McCloy. Can you restate again for the record what you can positively identitfy in terms of fingerprints or palmprints and Oswald's——

Mr. Day. The palmprint on the box he apparently sat on I can definitely say it is his without being in fear of any error. The other, I think it is his, but I couldn't say definitely on a witness stand.

Mr. McCloy. By the other, you mean the other palmprint?

Mr. DAY. The palmprint and that tracer print aside the trigger housing or the magazine housing.

Mr. McCloy. Thank you very much.

(Whereupon, at 9:15 p.m. the President's Commission recessed.)