

The "Sniper's Nest": Incarnations and Implications

by

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Summary: None of the extant photographs taken at the southeast window of the sixth floor of the Texas School Book Depository correctly portrays the “scene of the crime” at the time of the assassination of President Kennedy. Deconstructions and reconstructions, and their implications, are discussed with special reference to the recollections of *WFAA-TV Dallas* newsreel cameraman Tom Alyea, who witnessed the discovery of the “sniper’s nest.” Alyea’s account points to incompetence, manipulation of evidence, and perjury by the Dallas police.

In 1994, while researching library archives for newspaper coverage of the events in Dallas on 11/22/63, I came across a photograph in the *New York Times* that I had not seen before (Figure 1). Titled “Room from which shots were fired,” it purported to show “police officials and newsmen” in the southeast corner of the sixth floor of the Texas School Book Depository (TSBD). Three stacks of boxes, in a row parallel with the window, appeared to me to be too close to the window to accommodate cartons that were assumed to have been used by an assassin for rifle support. These “rifle-rest” boxes are seen in photographs of the so-called “sniper’s nest” in the Warren Report (e.g. Figure 2).



Figure 1. SE corner of the sixth floor of the TSBD, taken by Ira “Jack” Beers, *Dallas Morning News* (DMN).

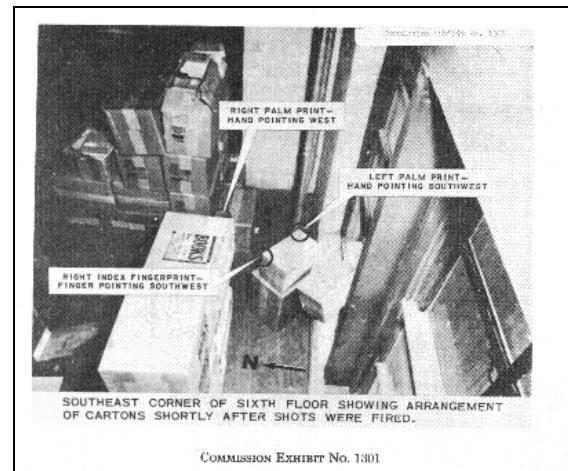


Figure 2. Warren Commission Exhibit 1301.

I wrote a rather muddled article on this subject, which was generously accepted for publication in the *Fourth Decade* by editor Dr. J.D. Rose [1]. As a result of feedback from *TFD* readers, I soon realized that the central thesis of the article was wrong.

Figures 3 and 4 show the three-stack wall of book cartons from other angles, revealing a pile of three boxes close to the window. Shadow angles indicate that these photographs were taken late in the afternoon. Ira “Jack” Beers of the *Dallas Morning News*, who took the photographs shown in Figures 1, 3 and 4, later recalled that he visited the sixth floor at around 4 PM [2].

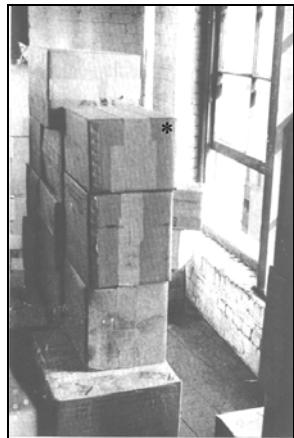


Figure 3. Beers photo, *DMN*.



Figure 4. Beers photo, *DMN*.

Comparison of the official photograph (Figure 2) with Figures 3 and 4 revealed obvious differences in the arrangement in the “rifle-rest” boxes and raised new questions, which led to the work reported here. My objectives are to set the record straight—inasmuch as it is possible in a different place and 40 years later—to assist others in interpreting photographs of the official scene of the crime and to discuss implications. Accordingly, scale drawings are presented of book-carton locations and arrangements that, I believe, are accurate to within two inches; methods used to make the drawings are described in an Appendix.

INCARNATIONS

Late-afternoon “sniper’s nest”

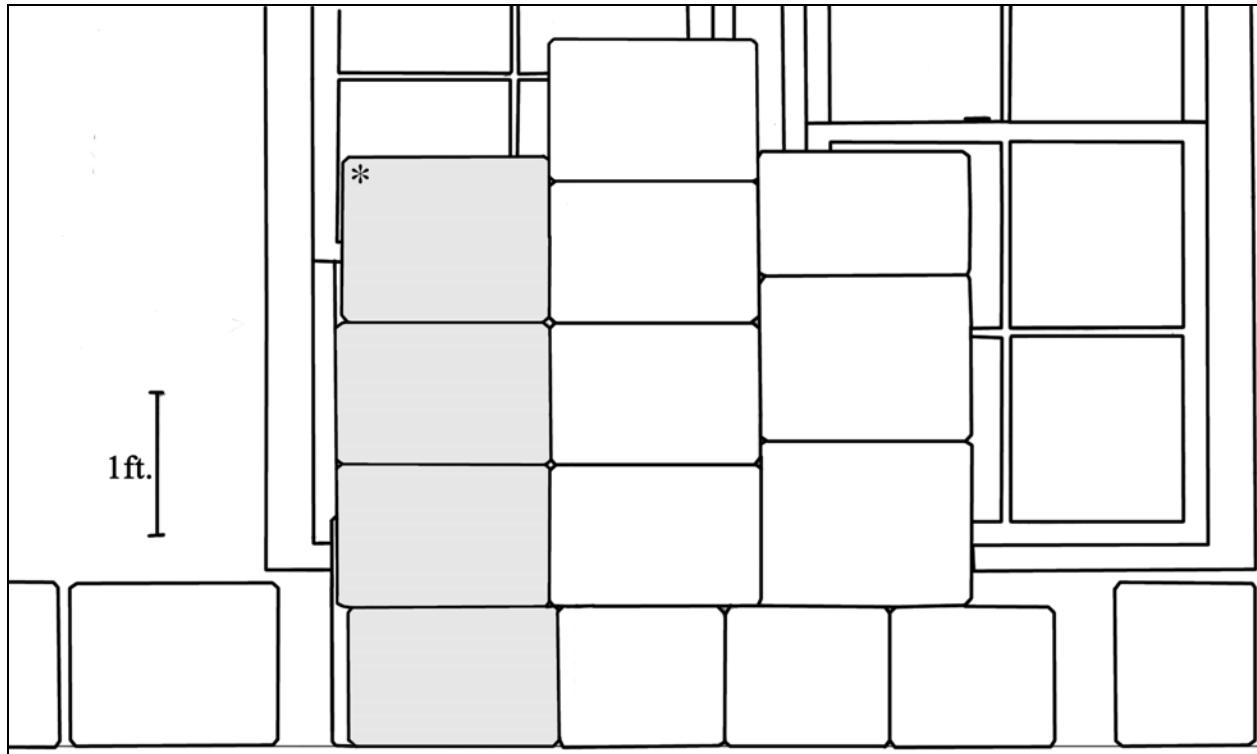


Figure 5. Late-afternoon “sniper’s nest,” elevation view.

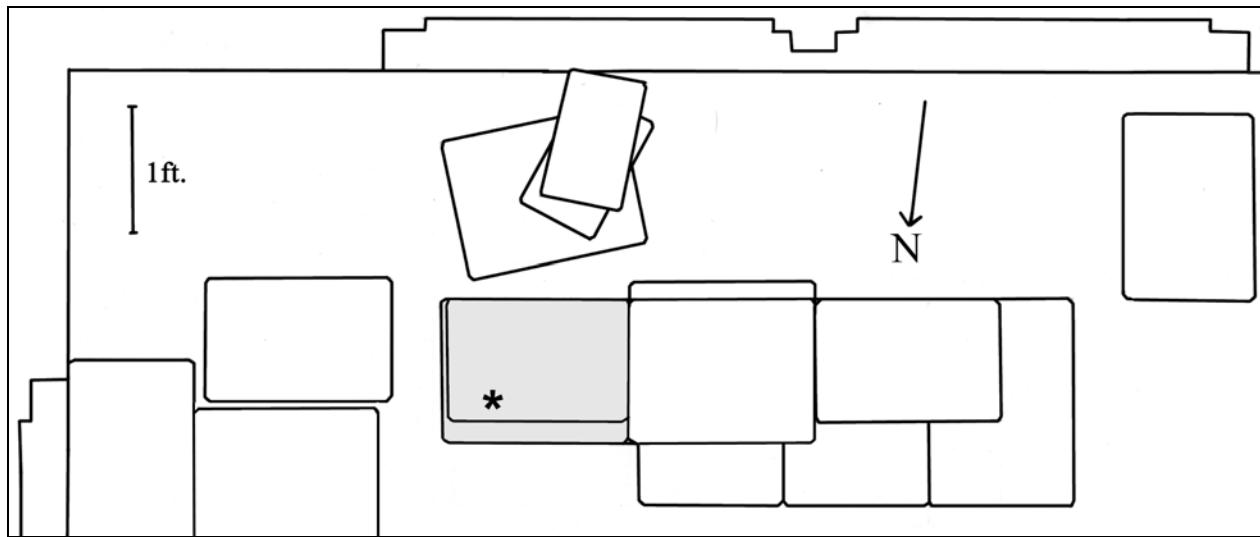


Figure 6. Late-afternoon “sniper’s nest,” plan view.

The sketch in Figure 5—an elevation view looking south—shows the placement of the three stacks of cartons and other boxes close to the window, that are seen also in Figures 1, 3 and 4, at approximately 4 PM. Figure 6 provides a plan, or bird’s-eye, view of this arrangement. The tall man in Figure 1 (Joe Sherman, *Dallas Times Herald*) is resting his right forearm on the box designated with an asterisk in Figures 5 and 6. Please note that north is to the bottom of the plan-view sketch (Figure 6).

The shaded boxes in Figures 5 and 6 were removed (see below) before the official photographs of the “sniper’s nest” were taken.

Official “sniper’s nest”



Figure 7. Same view as Figure 2.

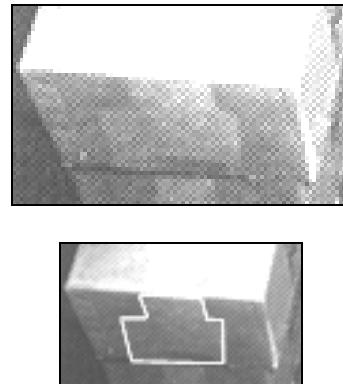


Figure 8. Cropped from Fig. 7.

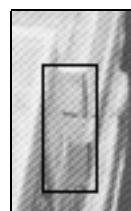


Figure 9.
Protruding box.

Figure 7 shows the same view as in Figure 2, without annotations. The box nearest to the camera is the same as that marked with an asterisk in Figure 3, as revealed by the distinctive pattern of

the shipping tape on the west surface (Figure 8). In Figure 7, the box marked “BOOKS” protrudes to the south by a couple of inches (Figure 9); in contrast, in Figure 4 the *second*-top carton in the middle stack protrudes. Clearly, the highest box in Figures 1 and 3 is not present in Figure 7. Furthermore, comparison of Figure 7 with Figures 3 and 4 reveals that the stack to the east (shaded in Figures 5 and 6) is missing from Figure 7. Likewise, the stack to the east is missing in other official views of the “sniper’s nest,” such as Commission Exhibits (CEs) 733 and 734 (Figures 10 and 11).

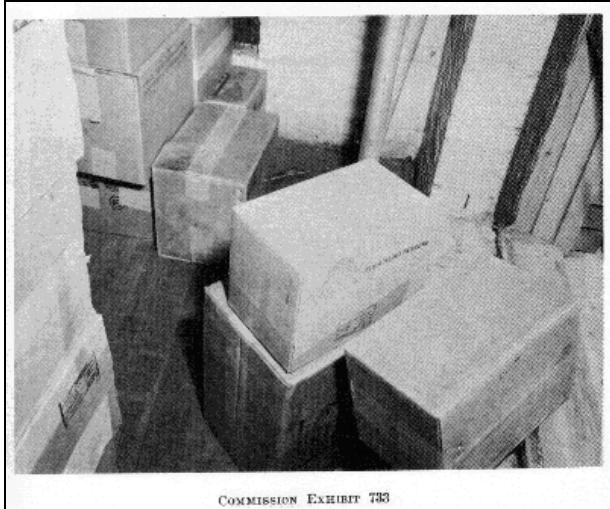


Figure 10. Commission Exhibit 733.

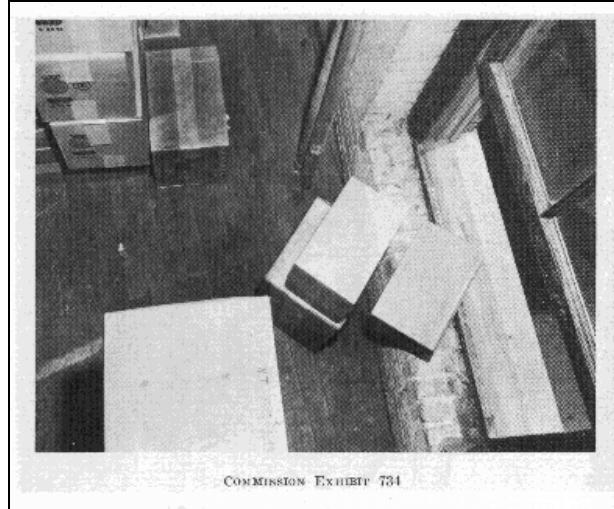


Figure 11. Commission Exhibit 734.

Figures 12 and 13 are sketches of the official “sniper’s nest.”

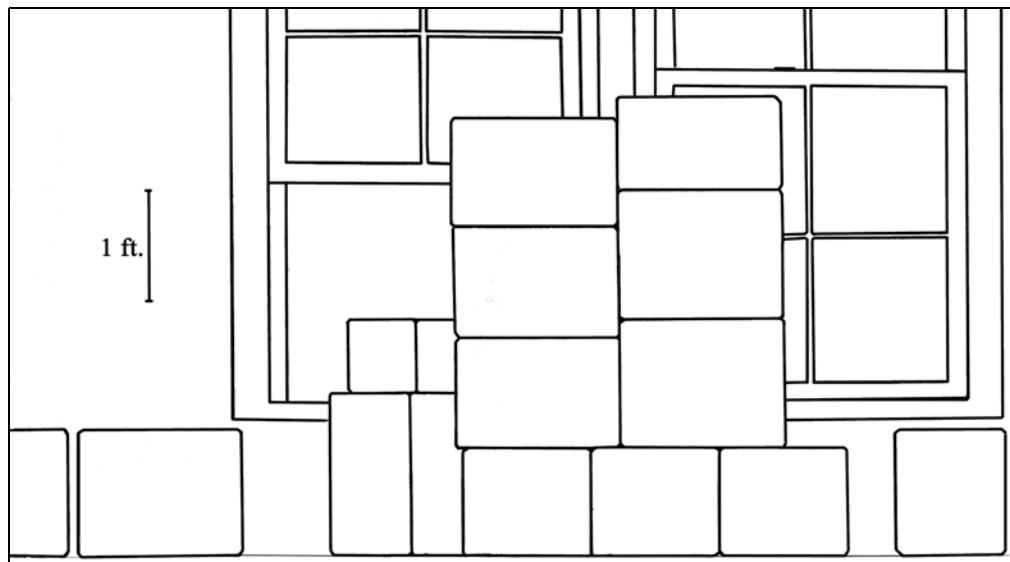


Figure 12. Official “sniper’s nest,” elevation view.

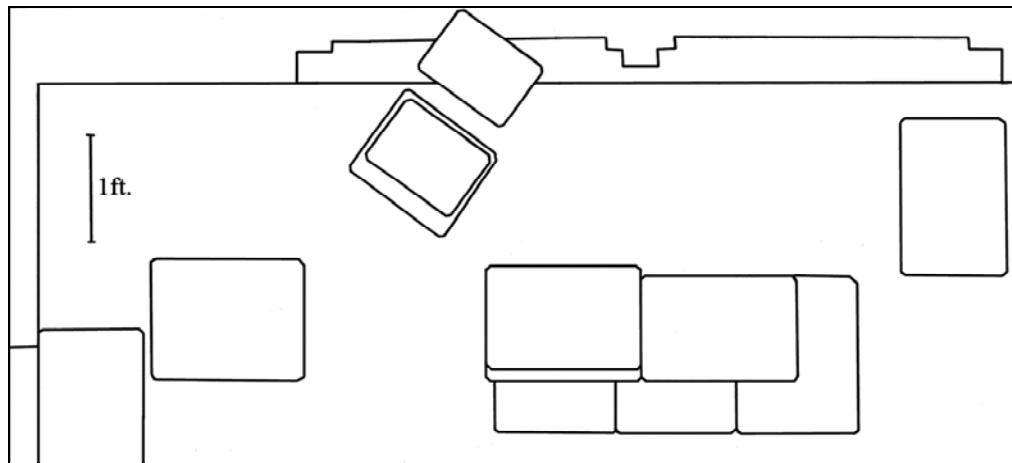


Figure 13. Official “sniper’s nest,” plan view.

In his testimony to the Warren Commission, crime-laboratory Detective Robert Lee Studebaker stated that three empty hulls (cartridge cases) were found in the southeast corner of the sixth floor of the TSBD shortly after he arrived there¹ [3]:

Q: Then, were you directed to some place on the sixth floor, as soon as you arrived there?

A: No; they hadn’t found anything when we got there¹.

Q: After you were there a little while, did somebody find something?

A: They found three empty hulls in the southeast corner of the building—they found three empty hulls and we went there and took photographs of that.

The first photograph taken at the “sniper’s nest” was labeled Studebaker Exhibit A (Figure 14a). Commission Exhibit 716 (Figure 14b) shows a similar view, but with a solitary carton more visible on the floor at the top of the picture. This carton, also in Figure 15a in the lower right corner, is included in the sketches (Figures 5, 6, 12 and 13).

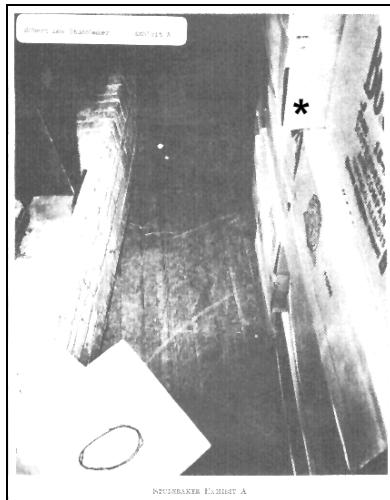


Figure 14a. Studebaker Exhibit A.



Figure 14b. Commission Exhibit 716.

¹Presumably, Detective Studebaker was mistaken. Until the discovery of cartridge cases, there was no physical evidence that the TSBD was a crime scene.

In the upper right of Figure 14a, the protruding box (cf. Figure 9) is visible (marked with an asterisk), as is a stack of boxes to its east.

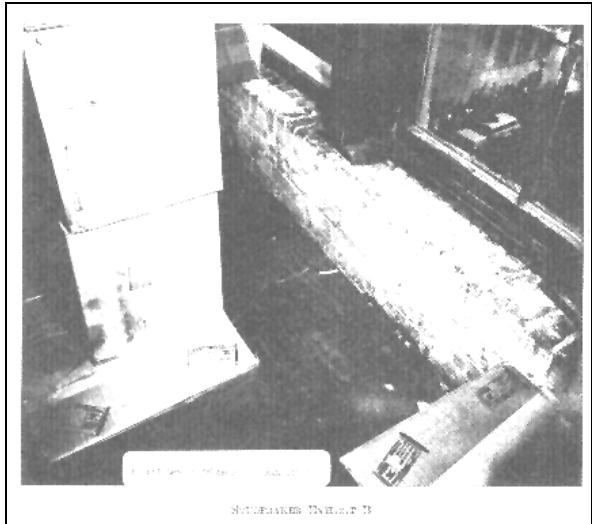


Figure 15a. Studebaker Exhibit B.

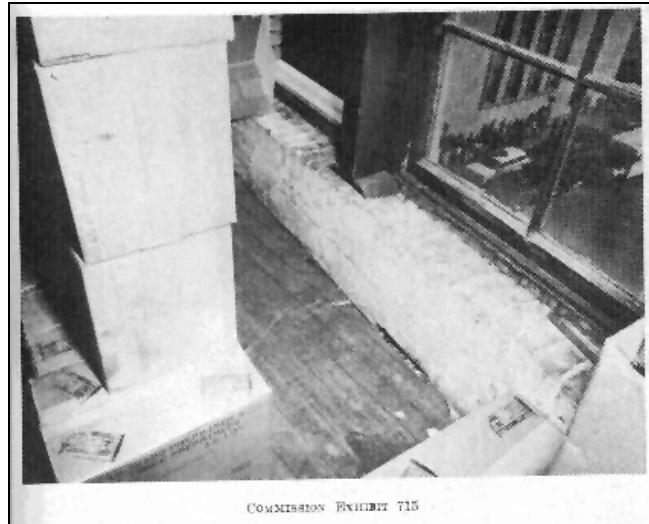


Figure 15b. Commission Exhibit 715.

Studebaker's Exhibit B (Figure 15a)—a similar view as in CE 715 (Figure 15b)—was taken in order to show the location on the floor of two of three spent cartridges (although they are not easily seen in either picture); the shadow angles and pedestrians crowding the sidewalk on Houston Street verify that it was taken on the afternoon of 11/22/63². Until recently, this was the best view available of the box on the window-sill at the time of the assassination. Detective Studebaker did not take a photograph of the “rifle rest” *per se* until after he had moved the boxes to dust them for fingerprints (Figure 16, Studebaker Exhibit D). He explained in his testimony to the Warren Commission [4]:

Q: (Referring to the “rifle-rest” boxes in Studebaker Exhibits A and B, Figures 14 and 15) Do you have any pictures of the boxes before they were moved other than those you have showed [sic] me?

A: Just these two.

Q: Then you don't have any pictures taken of the boxes before they were moved?

A: No.

Q: Now, I will show you another picture which we will mark “Exhibit D”³ (i.e. Figure 16), was that taken by you?

A: Yes.

Q: Does that show the position of the boxes before or after they were moved?

A: That's after they were dusted—there's finger print dust on every box.

Q: And they were not in that position then when you first saw them?

A: No.

²Because the view through the east side of the double-casement window is black, it has been suggested that this photograph was taken at night and the view through the west side of the window “pasted” in. I believe that the blackness is an artifact of flash photography and the north side of the Dallas County Records Building, across Houston Street, being in deep shadow.

³The arrangement of the “rifle-rest” boxes in Studebaker Exhibit D (Figure 16) is similar to that recorded by Jack Beers (Figure 4), but not exactly the same.

Later in the testimony, referring to Studebaker Exhibit J (Figure 17):

Q: The picture of the boxes; this is after they were moved?

A: Yes, they were moved there. This is exactly the position they were in.

Q: It is?

A: Yes—not—this was after they were moved, but I put them back in the exact same position.

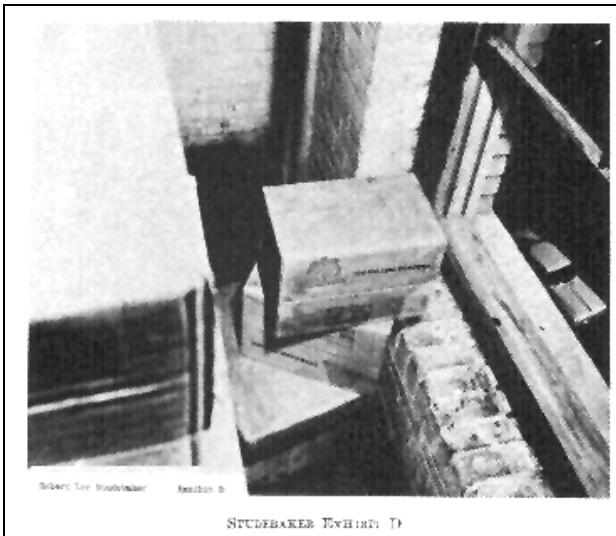


Figure 16. Studebaker Exhibit D.

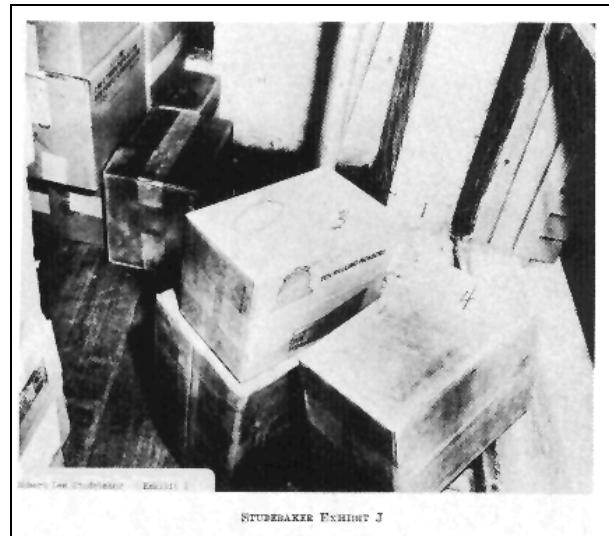


Figure 17. Studebaker Exhibit J.

Detective Studebaker offered no further information on *when* the “rifle-rest” boxes were replaced “in the exact same position.” Neither was he asked. Presumably, it was after Jack Beers and colleagues had visited, made their observations, and taken photographs. In fact, it was *long* afterward. Here is Warren-Commission testimony from Mr. Studebaker’s superior officer, Lieutenant Carl Day [5]:

Q: I am going to hand you what has been marked as Commission Exhibit 733 (i.e. Figure 10) and ask you to state if you know what this is.

A: 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, (are) in the position they were in when we arrived there on November 22, 1963.

Q: So 733 represents a reconstruction in that sense, is that correct?

A: Yes sir.

Q: What about Exhibit—

A: This, by the way was taken on November 25, 1963.

The three-day time lapse—described in the caption for CE 1301 (Figure 2) in the Warren Report [6] as “shortly after the shots were fired”—raises a fundamentally important question: to what extent does the photographic record accurately depict the putative scene of the crime at the time of the assassination?

Actual “sniper’s nest”

Tom Alyea, newsreel photographer for *WFAA-TV Dallas*, was present in the TSBD during the search by the police. Although ordered by an officer in plain clothes to take no photographs and

to return to the first floor, Mr. Alyea ducked back into the sixth floor and witnessed the discovery of the “sniper’s nest.” In his own words [7]:

“The search on the sixth floor had been underway for about ten minutes when we all heard a call from the direction of the front windows. It was a call summoning Captain Fritz. I could see the head of an officer over the tops of stacked book cartons. He had his hand in the air signaling towards another pile of boxes...The officer was pointing over the top of a row of stacked book cartons that averaged a little less than five feet high. When we looked over the top of the boxes, we saw the shell casings located in front of the second window in the single casement window construction...The west end of the barricade was closed by a row of boxes that extended to the front wall, to the right of the double casement window.”

Alyea’s description of the arrangement of cartons around the southeast window on the sixth floor is significantly different from what is seen in photographs showing the late-afternoon “sniper’s nest” and the official “sniper’s nest.” According to Alyea, “The west end of the barricade was closed by a row of boxes that extended to the front wall, to the right of the double casement window.” In short, the stacked boxes had a tight L-shaped configuration.

Alyea recalls that Detective Studebaker, after assisting Lieutenant Day in photographing the rifle, was led to the “sniper’s nest” by one of the officers [8]. When Alyea returned to the southeast corner window, after filming the retrieval of the rifle and its dusting for fingerprints by Lieutenant Day—footage that has appeared in many documentaries on the assassination—he discovered that Studebaker had removed boxes from the L-shaped enclosure [9]:

“Boxes were taken from the first barricade by Studebaker, and placed as an extension to the second barricade, just to get them out of the way. They can be seen as the boxes with the shipping tape running horizontally, at the bottom of the picture showing the newsmen” (i.e. Figure 1).

The removed cartons are also in Alyea’s film footage, e.g. in the foreground of Figure 18 (marked with asterisks), which he described as follows [10]:

“This was one of the last shots I made on the floor before I left. Time was approximately 2.15. [Building manager Roy] Truly had not yet arrived to tell Fritz about Oswald and Lieutenant Day was at police headquarters with the rifle.”



Figure 18. A frame from Tom Alyea’s newsreel film.
(Courtesy of Tom Alyea.)

Let’s return to Detective Studebaker’s ruminations on Exhibit A (Figure 14) [11]:

“This one was right before anything was moved...You see these boxes all right stacked up here, and you couldn’t get over here to take another picture in that way, without getting up on everything and messing everything up.”

Consider Studebaker's choice of words, referring to the wall of boxes on the right of Figure 14a: "...you couldn't get over here to take another picture in that way, without getting up on everything and messing everything up." By saying that it was difficult to take a photograph "in *that* way," I believe he meant looking east. He was confessing—in not so many words—that in order to take the photograph in Exhibit B (Figure 15), *i.e.* looking east, it was necessary to remove boxes to avoid "getting up on everything." This interpretation is consistent with Tom Alyea's description of a tight L-shaped configuration. In contrast, the official depiction of the "sniper's nest" posed no photographic challenge whatsoever.

Apparently, Detective Studebaker's primary objectives were to photograph the spent cartridges and to process the book cartons for fingerprints; with less than two months on-the-job experience, he neglected to make a complete photographic record of the overall scene of the crime of the century!⁴

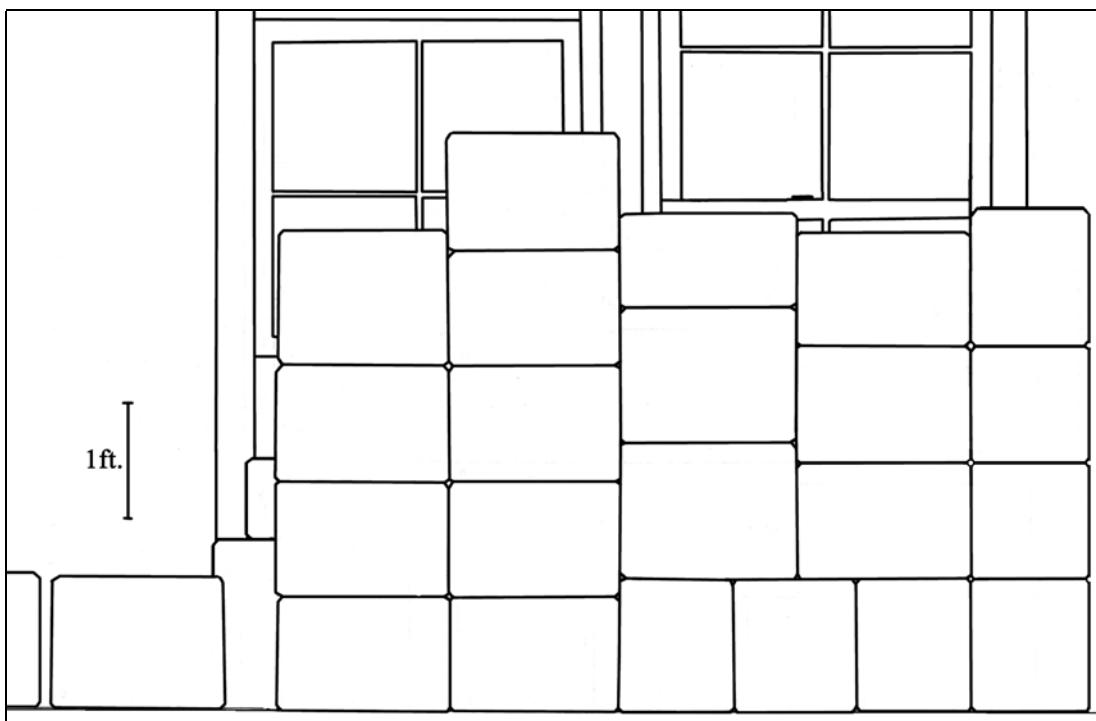


Figure 19. Possible carton arrangement of the actual "sniper's nest," elevation view.

Tom Alyea's description of the carton arrangement as a solid L-shaped "barricade" tends to be borne out by the Warren-Commission testimony of Dallas Police Department Sergeant Gerald Lynn Hill. Sergeant Hill said that he witnessed the discovery of the "sniper's nest" and left the TSBD shortly thereafter. Therefore, he did not witness the removal of cartons from the original structure by Mr. Studebaker, and described the arrangement as [13]:

⁴Not only did Detective Studebaker fail to photograph the arrangement of cartons at the "scene of the crime," he failed also to photograph a long paper sack, said to have been found on the floor in the south-east corner, within which Lee Oswald purportedly carried a Mannlicher-Carcano rifle into the TSBD. On the other hand, it is noteworthy that Tom Alyea has no recollection of the paper sack. If it had been there, he is certain that he would have recorded its presence on film [12]. It is possible that Studebaker's failure to photograph the paper sack was not because of incompetence, but because it was not there.

“...boxes had been stacked in sort of a triangle shape with three sides over near the window...the boxes were stacked in sort of a three-sided shield.”

Of course, the boxes actually were not in a triangle. An L-shaped configuration fits with Hill’s words, whereas it would be impossible to describe the setup in Figures 12 and 13 as “a three-sided shield.”

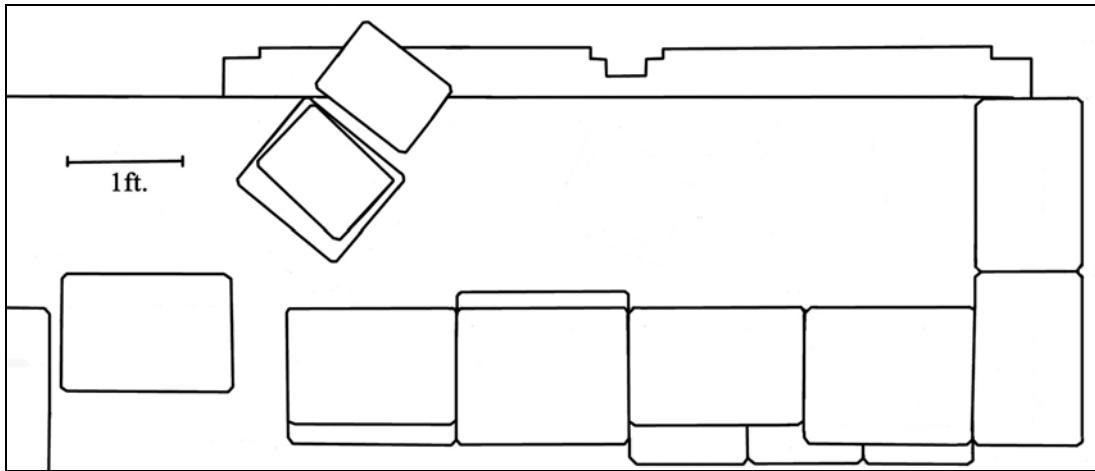


Figure 20. Possible carton arrangement of the actual “sniper’s nest,” plan view.

Figures 19 and 20 show a possible arrangement of cartons consistent with Tom Alyea’s description, with “the west end of the barricade closed by a row of boxes that extended to the front wall, to the right of the casement window.” According to Alyea [14], the “rifle-rest” set-up in Figure 20 is close to how he remembers it. The angle in the horizontal plane, at which I have placed the box on the window-sill in Figure 20, is based on a photograph taken by free-lance photographer James Murray 10 to 15 minutes after the shots were fired, *i.e.* before the “sniper’s nest” was discovered (Figure 21). In comparison with the “official” representation, the actual “rifle-rest” was several inches to the east (compare Figures 20 and 13).

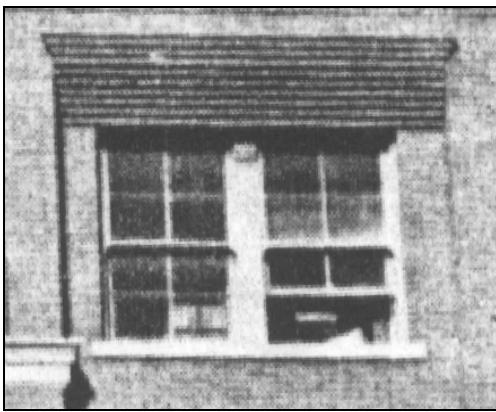


Figure 21a. James Murray’s photograph, approx. 12.42 pm.

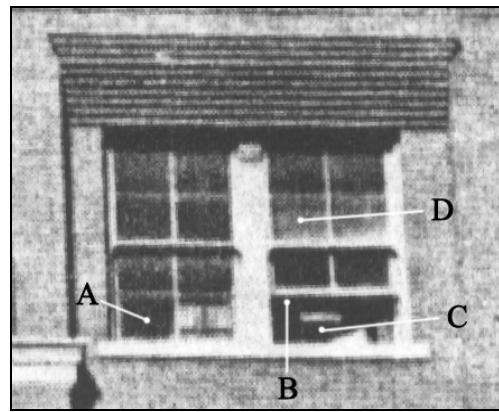


Figure 21b. Please see footnote⁵.

⁵At first viewing, it may appear that Mr. Murray’s photograph precludes Tom Alyea’s description of a complete wall of boxes (Figures 19 and 20): dark area A seems to be consistent with the two- and three-stack arrangements in Figures 12 and 5, respectively. In fact, area A is in shadow (as is B, the location of the highest box in the wall). Area C is in partial shadow because of the double layer of dirty glass in area D.

IMPLICATIONS

Sniper position

The August/September 1993 issue of *U.S. News & World Report* contained an eleven-page article by Gerald Posner titled “The Sniper’s Nest.” It was an adaptation from Posner’s book *Case Closed* (Random House, 1993), and included a sketch of a sniper at the southeast corner of the sixth floor of the TSBD (Figure 22). The illustration was true to the official “sniper’s nest,” with the eastern-most stack of cartons absent and the window-sill box positioned in mid-window. Only the upper body of the shooter was illustrated, and he appeared to have ample space in which to maneuver. The sketch was not to scale, however. Using the length of the Mannlicher-Carcano as reference, Figure 23 illustrates how cramped a gunman would actually have been; the rifle is at an angle of 45 degrees to the south wall of the TSBD, approximately the trajectory for a hit at Zapruder frame 313 [15] when President Kennedy was struck in the head. The sniper, as depicted in Figure 23, could not have moved significantly to his left, *i.e.* to the south, because of vertical pipes near the edge of the brick wall (cf. Figures 1, 4 and 11). In contrast, Posner’s sketch indicated that a sniper would have been comfortably to the west of the pipes (Figure 22).

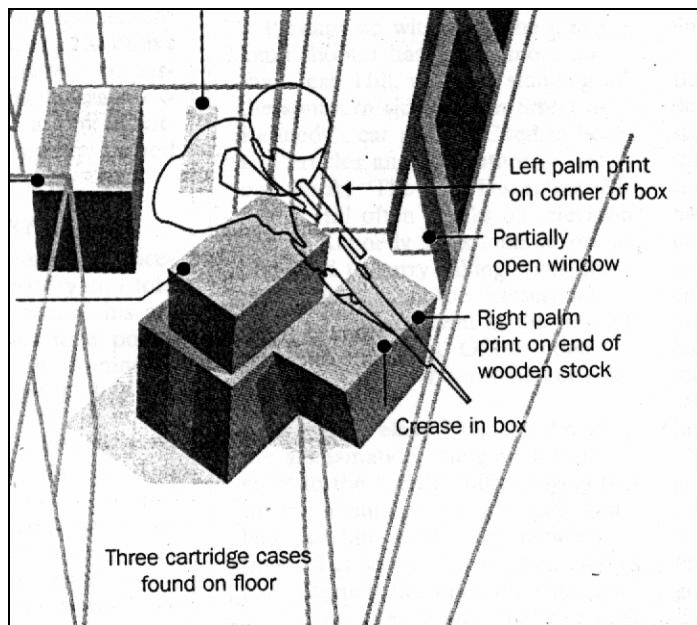


Figure 22. Cropped version of a sketch in *U.S. News & World Report*, August 30/September 6, 1993.

Figure 23 includes loosely stacked cartons, mainly three-high, to the north of the “sniper’s nest” (also seen in Figure 24). These would have concealed a crouched gunman from view from the sixth floor as a whole—the tightly stacked cartons closer to the window were not necessary for coverage; in the sketch the loosely stacked carton are positioned approximately, with input from Tom Alyea. Alyea has a firm recollection of a clear passage between the two distinct sets of stacked cartons (termed “barricades” by him), and a clear area west of the “sniper’s nest” up to the next window on the south wall. Additional boxes to the north and west of the “sniper’s nest” that are in Figure 24 (with and above asterisks), were those removed from the L-shaped configuration by Detective Studebaker.

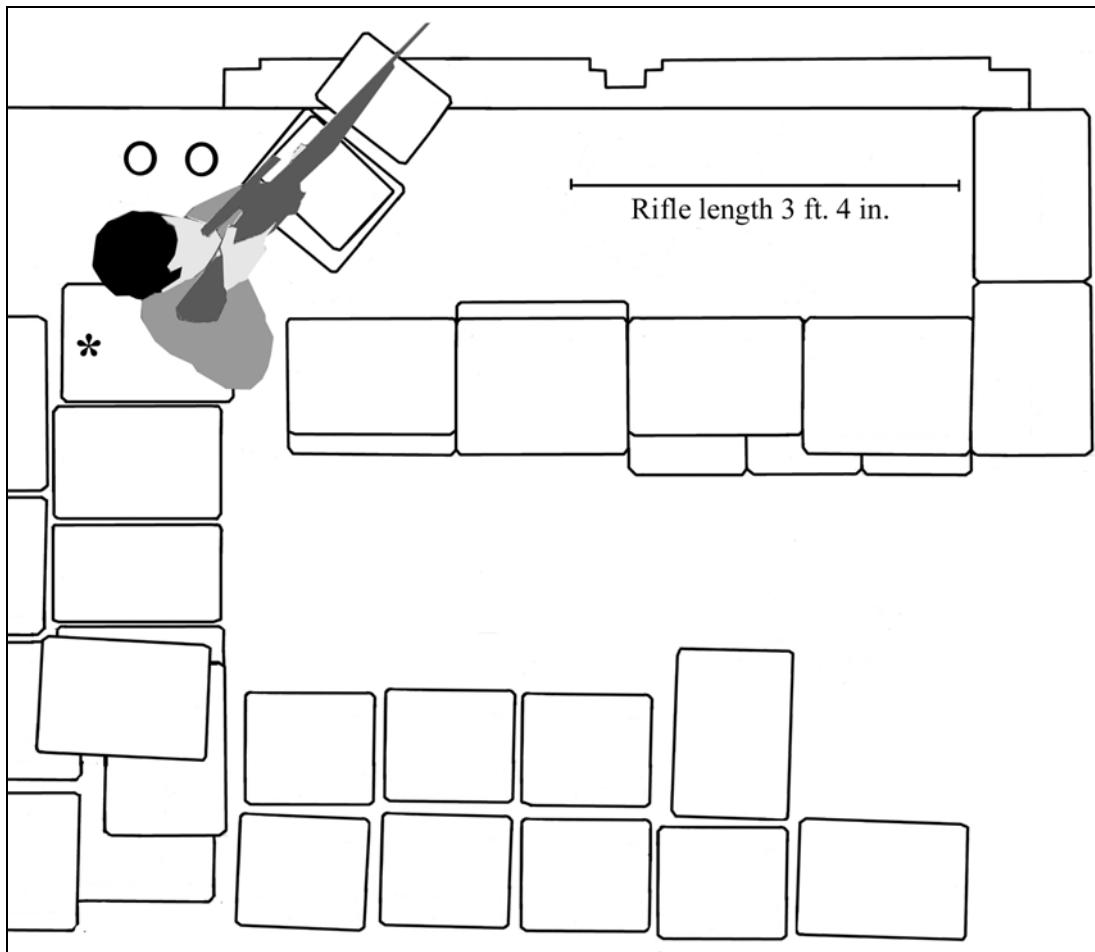


Figure 23. "Sniper" inserted into Figure 20, with rifle as a scale.

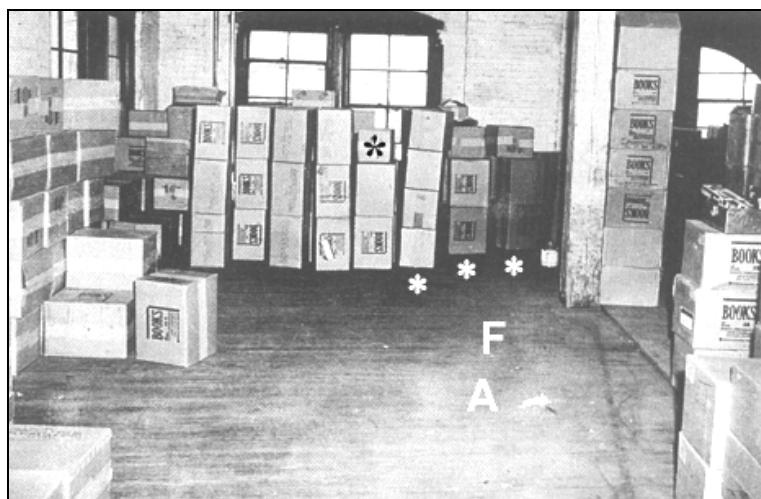


Figure 24. Same view as Commission Exhibit 503.
(“F” and “A” denote the approximate locations of Captain Fritz and Tom Alyea when the police officer signaled that he had discovered the cartridges in the “sniper’s nest.”)

Commission Exhibit 887 (Figure 25) provides a convenient reference for appraising the space available to a sniper. The photographer's left foot was in contact with the east wall, and comparison with Figure 23 shows that his right leg, knee to the floor, was in the location of the box marked with an asterisk in Figure 23. In Figure 23, if the shooter moved to the west, even by just a few inches, he would lose elbow room because of the wall of cartons to his right. In Figure 25, the rifle is several inches higher than the "rifle-support" boxes in Figure 12, further suggesting that the sniper position in Figure 22 is unlikely.

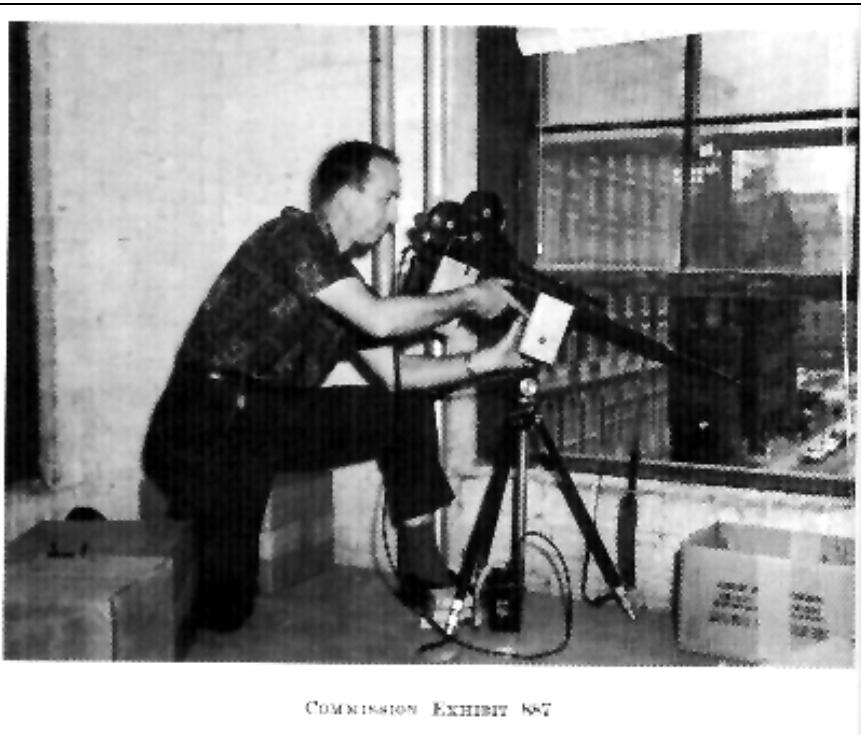


Figure 25. Commission Exhibit 887.

Cartridge cases—the broken chain of evidence

When the call went out that the "sniper's nest" had been discovered, police Captain Will Fritz and Tom Alyea were only 20 to 30 feet away (see Figure 24). Alyea followed Fritz, and described the discovery of three shell casings as follows [16]:

"The casings were clustered inside the enclosure...I filmed them from the window box position but did not enter the enclosure...The lowest box in the barricade allowed me to look over and see the casings below, but I was not able to film them while looking through the viewfinder of the camera. I set my lens at five feet and held the camera over the box and got my shot...All three casings could have been covered by a small hand towel...I asked Captain Fritz if I could go behind the barricade and get a close up of the casings. He said "No," and proceeded to enter the enclosure, gather up the casings, and hold them over the low box for me to get my close-up shot...He did not return them to the floor, but turned and walked toward the boxes at the shooting site and visually examined the placement and view down Elm Street."

It appears that, in order to assist the newsman obtain a close-up of the cartridge cases, Captain Fritz compromised the crime scene and handled vital evidence in cavalier fashion—possibly smudging fingerprints on the cartridge cases.

The approximate locations of the cartridge cases when seen by Mr. Alyea, from his memory, are shown in Figure 26 in conjunction with their official locations. Alyea has described them as “bunched” within “an area of two feet” [9]. Shadow angles are consistent with Detective Studebaker’s statement that the photograph in Figure 26 (same view as in Figure 14) was taken on the afternoon of 11/22/63.

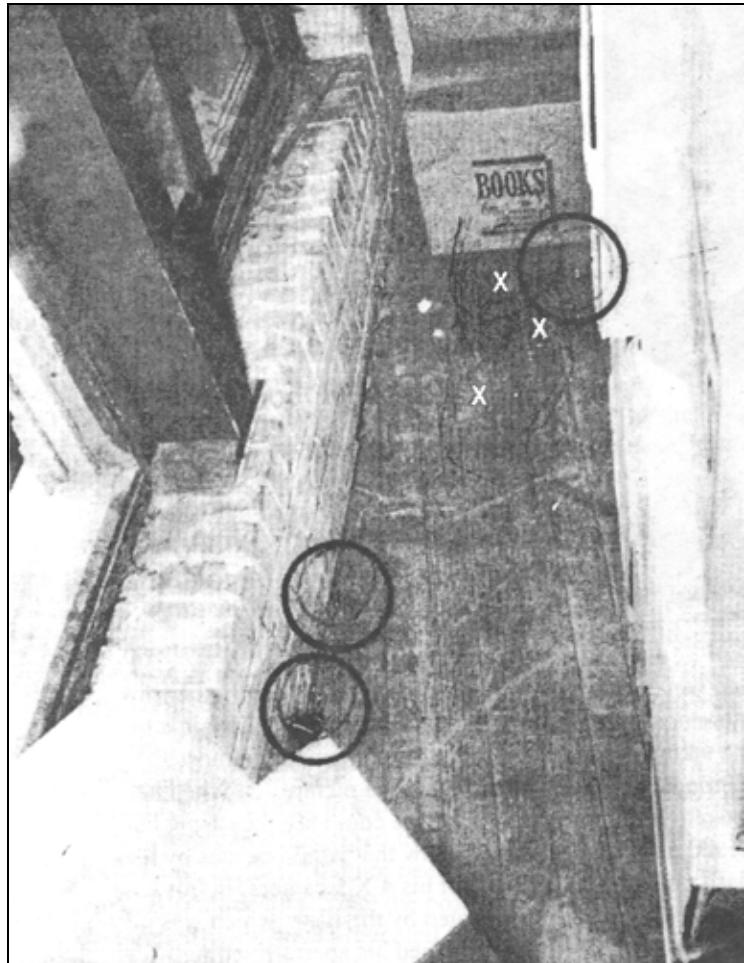


Figure 26. Circles mark the official locations of the shell casings (CE 512), and crosses mark the approximate locations of the casings when seen by Tom Alyea. (Courtesy of Tom Alyea.) [17].

Regarding when and by whom the cartridge cases were replaced, apparently randomly, on the floor, Alyea said [12]:

“I never saw the casings again after Fritz put them in his pocket. Obviously he gave them to Studebaker when Studebaker was led to the sniper’s nest, with the instructions to include them in shots of the crime scene. Fritz did not go with Studebaker, he stayed with us, watching Day dusting the rifle.”

After the discovery of the “sniper’s nest,” Captain Fritz assigned two uniformed officers to guard the location, then ordered a search of the seventh floor, which yielded nothing of interest. At this point, Alyea removed the roll of film from his movie camera and dropped it to a locked-out colleague; within 20 minutes, pictures from the sixth floor were flashed around the world. However, without Alyea’s explanation of the film footage, its enormous significance went largely unrecognized; Alyea later discovered that key shots were edited out and lost [18]. He never saw the footage of the undisturbed “sniper’s nest,” of the cartridge cases on the floor, or of the cartridge cases in Fritz’s hand.

Captain Fritz's account of the discovery of the "sniper's nest" was as follows, from his testimony to the Warren Commission [19]:

Q: Then what did you do?

A: We began searching the floors (of the TSBD) looking for anyone with a gun or looked suspicious, and we searched hurriedly through most of the floors.

Q: Which floor did you start with?

A: We started at the bottom...and it wasn't very long until someone called me and told me they wanted me to come to the front window, the corner window, they had found some empty cartridges.

Q: That was on the sixth floor.

A: That is right; the sixth floor, corner window.

Q: What did you do?

A: I told them not to move the cartridges, not to touch anything until we could get the crime lab to take pictures just as they were lying there and I left an officer assigned there to see that that was done, and the crime lab came almost immediately, and took pictures and dusted the shells for prints.

In a subsequent affidavit, Captain Fritz saw the need to repeat what surely was standard procedure and second nature to law-enforcement officers—hardly worthy of mention—to leave a crime scene untouched until processed by crime-laboratory detectives [20]:

*"When the officers called me to this window, I asked them not to move the shells nor touch them until Lt. Day of the Dallas Police Department could make pictures of the hulls showing where they fell **after being ejected from the rifle.**"*

The routine aspect of leaving the putative crime scene untouched was a recurring theme in the testimony of policemen involved in the TSBD search [21]. It is noteworthy that Captain Fritz felt it necessary also to spell out that the cartridges had been ejected from the rifle; perhaps he felt the need to scotch any rumors that Detective Studebaker had tossed them onto the floor!

Sheriff's Deputy Luke Mooney corroborated Tom Alyea's account of Fritz picking up the cartridge cases. During Mooney's testimony for the Warren Commission, his questioner, Joseph A. Ball, posed a blatantly leading question with reference to the chain of evidence for the cartridge cases:

Q: Those were empty shells?

A: Yes, sir.

Q: They were turned over to Captain Fritz?

A: Yes, sir: he was the first officer that picked them up, as far as I know, because I stood there and watched him go over and pick them up and look at them...

His choice of words—"I stood there and watched him..."—suggests surprise, if not shock. Although Mr. Ball seemed to expect Deputy Mooney to say that someone other than Fritz had picked up the empty shells, the news that Fritz himself had gone over and picked them up elicited no response. In the questioning of other police officers, much emphasis was given to who collected the cartridge cases and the chain of evidence, yet the issue of Captain Fritz boldly stepping into the crime scene and handling evidence was unworthy of follow-up questions. Instead:

Q: Is this the position of the cartridges as shown in 510 (Figure 27), as you saw them?

A: Yes, sir. That is just the way they were lying, to the best of my knowledge. I do know there was—one was further away, and these two were relatively close together—on this particular area. But these cartridges—this one and this one looks like they are further apart than they actually was [sic].

Q: Which ones?

A: This one and this one.

Q: Now, two cartridges were close together, is that right?

A: The one cartridge here, by the wall facing, is right. And this one and this one, they were further away from this one.

Q: Well—

A: But as to being positive of the exact distance—

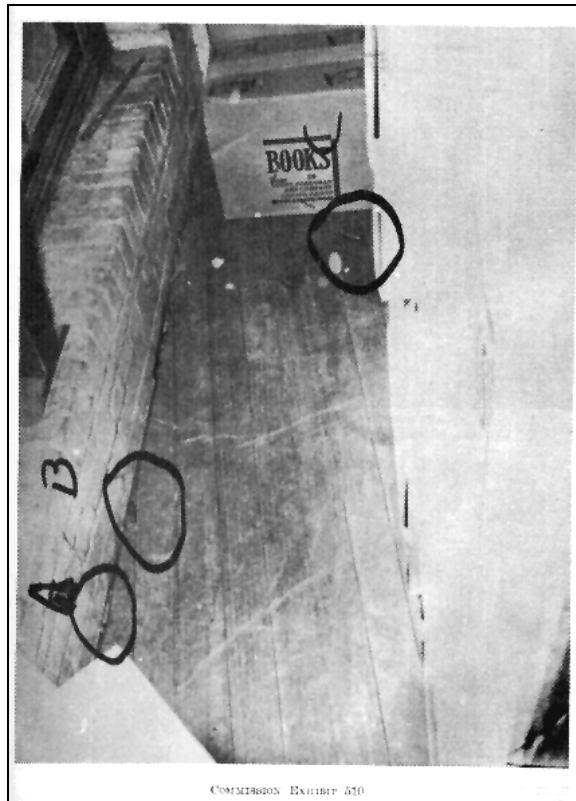


Figure 27. Commission Exhibit 510.

After this tortuous exchange, which demonstrated that Deputy Mooney did *not* recognize the position of the cartridges as seen in CE 510, Mr. Ball came up with the non-sequitur of the year:

Q: You think that the cartridges are in the same position as when you saw them in this picture 510?

And the witness almost succumbed to this coercion:

A: As far as my knowledge, they are; pretty close to right...Just from my memory, it seems that this cartridge ought to have been over this way a little further.

Q: You mean "B" cartridge (see Figure 27) should have been closer to "C"?

A: Closer to the "C"; yes sir.

That was the end of the subject. Mr. Ball did not invite Mr. Mooney to mark on the photograph where he thought "B" should have been located. It is noteworthy that the Deputy Sheriff not only corroborated Tom Alyea's account of Captain Fritz compromising the crime scene, but he also placed two of the three cartridges in the same general area as did Alyea.

In affidavits for the Warren Commission, Lieutenant Day stated that he and Detective Richard M. Sims picked up the cartridge cases at about 1:20 PM and placed them in an envelope; after Day processed them for fingerprints, Sims took possession of them [22]. One might think that key events of that terrible day would be indelibly impressed in the memories of those involved. Taking possession of the cartridge cases of the bullets assumed to have killed the President of the United States would surely have been a seminal experience. Yet, Detective Sims was vague and uncertain in his Warren Commission testimony [23]:

Q: Who picked up the hulls?

A: Well, I assisted Lieutenant Day in picking the hulls up.

Q: There were three hulls?

A: Yes, sir.

Q: Now, what kind of receptacle did you put them in?

A: He had an envelope.

Q: Did he take charge of the hulls there?

A: I don't know.

Q: Did he take them in his possession, I mean?

A: I don't remember if he took them in his possession then or not.

Q: ... You didn't take them in your possession did you?

A: No sir; I don't believe I did.

This confused exchange suggests that Mr. Sims was relying less on his memory of the events than on his memory of what he had been told to say. Captain Fritz, although significantly older than Detective Sims, exhibited a better memory in an affidavit [24]:

"After the pictures were made, Detective R.M. Sims of the Homicide Bureau, who was assisting in the search of building, brought the three empty hulls to my office. These were delivered to me in my office at the police headquarters. I kept the hulls in an envelope in my possession and later turned them over to C.N. Dhority of the Homicide Bureau and instructed him to take them to Lt. Day of the Identification Bureau."

One has to wonder if these were the same casings that Captain Fritz himself had picked up and pocketed.

The Mannlicher-Carcano rifle found on the sixth floor of the TSBD was examined for its pattern of cartridge-case ejection by Robert Frazier, a firearms expert with the FBI. The tests showed that cartridges were ejected at angles ranging from 68 to 97 degrees [25]). When shown the photographs in Figures 14 and 15, Mr. Frazier concurred, in his Warren Commission testimony, that if the rifle had been fired from that window, the locations of the cartridge cases were consistent with the results of his tests to determine the ejection patterns [26]. If Mr. Frazier had been shown the photograph in Figure 11 and had been told that the rifle trajectory was 45 degrees towards the southwest, I wonder if he would have similarly concurred. It is ironic that the results from Mr. Frazier's tests indicate that casings ejected from the rifle fired by an assassin in the official "sniper's nest," as illustrated in Figure 11, would have struck the east surface of the stacked cartons and not ricocheted between the stacked cartons and the south wall.

SYNTHESIS

The official record of the area around the southeast window of the sixth floor of the TSBD shows a haphazard stacking of boxes (Figure 24), apparently hurriedly assembled to provide cover for a sniper, with ample space at the "rifle-rest" for a sharpshooter to do his job (Figures 10 and 11). However, it has been suggested by other researchers that the area used by the putative sniper was constricted [e.g. 27]. This theme has been expanded here with Figure 23. If the "sniper's nest" were constructed for the purpose of providing a shooting location, the first priority would have been to provide the necessary space within which to do the job. The L-shaped configuration was probably constructed as a "safe haven" for TSBD employees wishing to escape

work for an unscheduled break; it was located in the farthest corner of the sixth floor and the height of the wall of cartons was such as to allow a person to peep over—e.g. to check on the boss's movements—while providing concealment when seated. The “rifle-support” boxes, deconstructed, would have provided a makeshift table at which to eat or play cards.

In my opinion, Tom Alyea's account of the events on the sixth floor is persuasive for these reasons:

- He had no axe to grind against Will Fritz. Having met the captain at other crime scenes, their interaction was professional and positive. In the TSBD, Fritz would even step out of the way to allow Alyea a clear shot, of the rifle for example [12].
- Alyea subscribes to the lone-assassination theory. There is no pro-conspiracy agenda.
- Testimony of police officers, detailed above, is supportive.

It is nothing short of a tragedy that the corroborative movie footage is missing. However, even after nearly 40 years, Alyea remains hopeful that it will be discovered in an archive.

It is noteworthy that Captain Fritz requested copies of Alyea's footage [28]. Mr. Alyea theorizes that this provided the information needed to reconstruct the “rifle-rest” boxes for photographing on Monday, November 25. Is it mere coincidence that this footage is now lost?

I find it hard to agree with Tom Alyea that Captain Fritz picked up the casings to be helpful. Detective Studebaker's mistakes are understandable. He had been learning his craft for just seven weeks; the challenge of doing a good job under those circumstances must have weighed heavily. In contrast, Fritz was a 40-year veteran for whom preserving physical evidence must have been second nature. Add to this consideration the enormity of the crime and it is difficult to believe that he compromised the crime scene just to be a nice guy.

Were shots fired from the “sniper's nest”?

To adequately address this question would take another article as long as this one. Perhaps the most persuasive direct evidence of a sniper at the southwest window of the sixth floor of the TSBD was the observation by Bob Jackson, cameraman for the *Dallas Times Herald*—immediately after shots were fired—of what appeared to be a “half of” a rifle being drawn back into the building [29]. When Jackson exclaimed, “There's the rifle” or words to that effect, his colleague in the car, Mal Couch, news cameraman for *WFAA-TV*, looked up and saw “about a foot of a rifle” being pulled back into the open window [30]. According to the Warren Report [31], Tom Dillard, *Dallas Morning News*, and James Underwood, *KRLD-TV*, also heard Jackson's exclamation. Amazingly, however, none of these newsmen acted immediately on this information; not one of them collared a police officer to report the location of a sniper. Compare this with the tenacious “newshound” ethic of Tom Alyea, who ignored an order to exit the sixth floor of the TSBD in order to record history in the making! In a recent series of two articles in this journal, Carleton Sterling made a persuasive case that the accounts of Jackson and company qualify as “recovered memories”—slanting reports to support the official story-line [32].

What thinking underpinned the removal of the stack of book cartons to the east of the late-afternoon “sniper's nest” (shaded in Figure 5) before the photographs of the official “sniper's nest” were taken on 11/25/63? Those cartons were heavy (approximately 50 lbs) and significant effort was involved in getting them out of the way. One possibility—a probability in my opinion—was to make a more persuasive case that this was, indeed, the location from which shots were fired. The figure of a sniper in Figure 23 demonstrates that there was little space in which to maneuver. It is possible that, on the morning of 11/25/63, it was discovered that it would have been impossible for a sniper to operate without more elbow room, hence the cartons

had to come out. Figure 23 reveals how little kneeling space there was. In contrast, Figure 11, with the “rifle-rest” boxes further to the west and the east stack of cartons gone, shows adequate space for an assassin to have done the dirty deed.

Tom Alyea describes the spent cartridges as being positioned no more than 2 feet from each other; all three could have been covered by a small hand towel (see Figure 26). Robert Frazier’s tests of the rifle revealed that cartridges landed within a 47-inch circle, located at right angles to the ejection port, or 90 degrees from the line of sight, and at a distance of 80 inches from the ejection port [33]. After bouncing on the floor within this circle, momentum carried the cartridges from 8 inches up to 15 feet [34]. In view of the ranges in angle of ejection and in momentum from cartridge to cartridge, it is inconceivable that any three would have landed as observed by Tom Alyea. Captain Fritz may have compromised the putative crime scene because he did not want Alyea to record the unlikely cluster of cartridges.

Throughout this article I have placed the words “snipers nest” and “rifle rest” in quotes because I am unconvinced that shots were fired from there. I suspect that the “rifle rest” was constructed and Mannlicher-Carcano cartridges were placed there as part of an elaborate scheme to frame Lee Oswald. In 2001, a fingerprint on one of the Rolling Readers boxes (see Appendix) of the “rifle rest” was reported by Walt Brown to be a 34-point match with that of hit-man Malcolm “Mac” Wallace [35].

However you, the reader, choose to interpret the information presented here, it is undeniable that members of the Dallas Police Department manipulated evidence in constructing the false crime scene in Figures 2, 10, and 11. Film footage may yet come to light to establish beyond any doubt that the deception was even more significant, per hand-scattered cartridge cases in Figures 14 and 15, revealing perjury on the part of J.W. Fritz, captain of the Dallas Police Department Homicide and Robbery Bureau and other law-enforcement officers.

Acknowledgments: I am grateful to Tom Alyea for many communications by conventional and electronic mail, relatively few of which are referenced here, in which he tirelessly and generously shared his memories of the immediate aftermath of the assassination of President Kennedy, and for his comments on drafts of this manuscript. Also, I thank Martha Schallhorn for sharing her archive and sharp insight, and Walt Brown and Rob Eaglesham for helpful comments on the manuscript.

Notes

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23. 7H162.
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25. CE 546.
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29. 2H159.
30. 6H157.
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APPENDIX

Methods for constructing the sketches

Figure A-1 shows Warren-Commission Exhibit (CE) 503, looking south towards the “sniper’s nest”; shadow angles indicate that it was taken in the morning—presumably on 11/25/63. In Figure A-2, cropped from A-1, the highest box, with horizontal packing tape, is the same as the highest in Figure 1 in the middle stack close to the window. This provides a convenient reference point: the west edge of the highest box was mid-way between the windows.

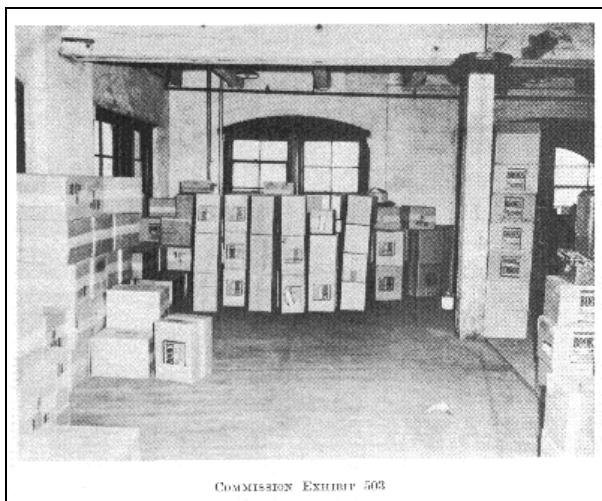


Figure A-1. Commission Exhibit 503.

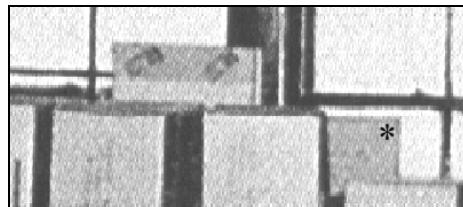


Figure A-2. Cropped from A-1

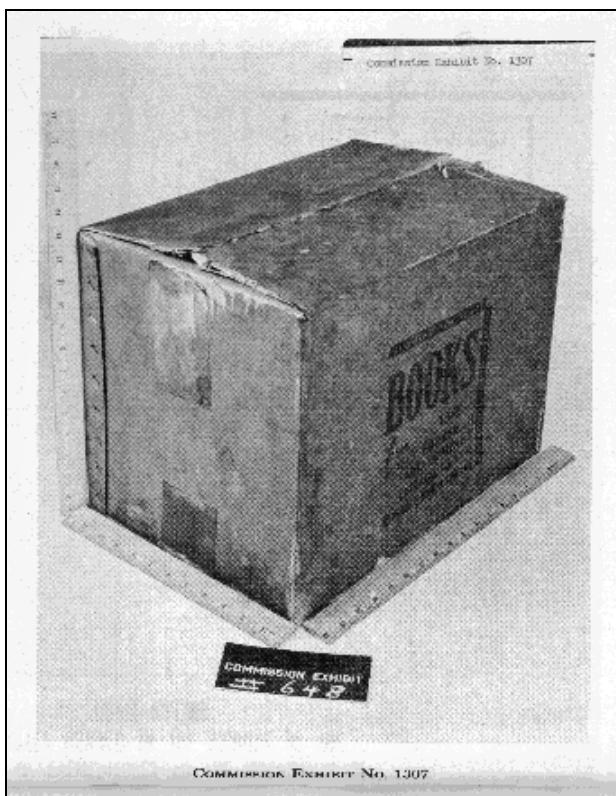


Figure A-3. Standard carton, Commission Exhibit 1307.

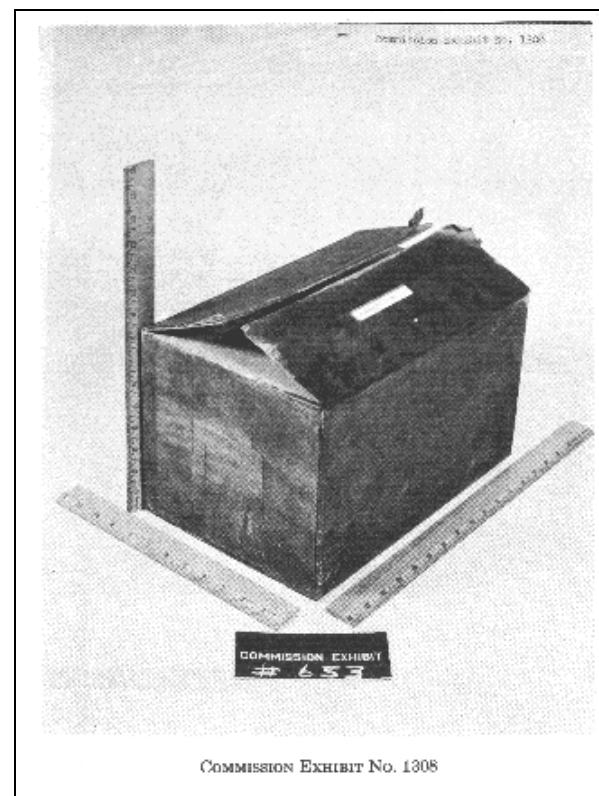


Figure A-4. Rolling Readers carton, CE 1308.



Figure A-5. Commission Exhibit 513.

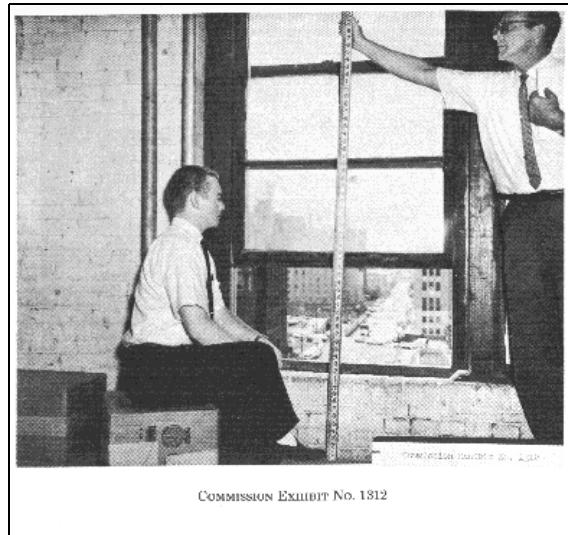


Figure A-6. Commission Exhibit 1312.

Three sizes of boxes are discernable in photographs of the area around the SE corner window of the sixth floor:

- standard carton (Figure A-3), $18 \times 14 \times 12$ inches, with “BOOKS” printed on one of the 18×14 surfaces,
- Rolling Readers carton (Figure A-4), $13 \times 9 \times 8$ inches, with “TEN ROLLING READERS” printed on one flap of the 13×9 surface, and
- non-standard carton, of which I discern only one, indicated with an asterisk in Figures 3 and A-2; it appears to be $12 \times 12 \times 18$ inches.

Two Rolling Readers cartons were used with a standard carton to construct the “rifle rest.” The “rifle rest” position was determined from Figure 21 and the “rifle-rest” cartons were configured (Figure 20) with input from Tom Alyea.

The distance between the stacks of boxes and the south wall of the TSBD was taken to be 22 inches, an estimate averaged from several photographs and confirmed by Tom Alyea.

The dimensions and arrangement of the boxes in the middle stack and the stack to the west were determined from Figures 3 and 4 and similar photographs, and the dimensions and arrangement of boxes in the stack to the east were determined from CE 513 (Figure A-5). The window dimensions were determined from CE 1312 (Figure A-6).