

*JFK: Destiny Betrayed* Partial Transcript from Episode 2:

CE 399 Provenance

[@ 44:09] [Oliver Stone]: How important is chain of custody in a legal proceeding?

[Brian Edwards]: Chain of custody basically refers to the integrity of evidence. If I pick up a piece of evidence and I transfer it to somebody else for holding or processing, my name is the first name on this list. [On screen: an FBI custody log] The second person who touches this and takes possession of it is next. And if you don't do that, there's no way to prove that the evidence you collected on Day One is the same one you get on Day 25 when you go to court.

[@ 44:36] [Stone]: Can you walk us through the magic [sic] bullet's chain of custody, from the Parkland employees to the Secret Service to the FBI?

[@ 44:46] [David Mantik]: Well, the magic [sic] bullet was supposedly found on a stretcher at Parkland Hospital, and it went through several hands before it got to the Secret Service. Richard Johnsen was the first Secret Service agent to handle it, and he carried it back to Washington, DC. When he got back to Washington, DC, he gave it to the chief of the Secret Service, who was James Rowley. And at the White House, James Rowley gave it to Elmer Lee Todd and Todd then took it to the FBI lab and gave it to Robert Frazier.

[@ 45:21] [Mantik]: We have interesting information produced by John Hunt, a private citizen who went to the archives on four or five occasions to track down the story about the magic bullet, and what he found was truly astounding.

[@ 43:35] [Debra Conway]: He practically moved into the National Archives in Washington, DC. They allowed him to set up a desk with a computer and his own scanner. And he also did something different. He didn't interview policemen and FBI people, and he wasn't swayed by their excuses. He went straight to: This is what you told, and you signed your name.

[@ 46:01] [Whoopi Goldberg]: Working with FBI and Warren Commission documents, John Hunt asked the most basic question: Was CE 399, in evidence, the same bullet that was found on the stretcher?

[@ 46:15] [Mantik]: At 7:30 at night, this is the day of the assassination, November 22, 1963, a bullet appears in the record, it's signed for by Robert Frazier, who is the main

investigator at the FBI lab. And it's not just one document. There are multiple documents that indicate that Frazier signed for a bullet at 7:30 that night. Now, here's where things get interesting. Elmer Lee Todd received the bullet at the White House from chief of the Secret Service, James Rowley. And Todd documents, very clearly in writing, that he got this bullet at 8:50 PM. How is that possible? How can Robert Frazier receive the bullet in the lab at 7:30 from Elmer Lee Todd when Todd didn't get the bullet until 8:50?

[@ 47:13] [Conway]: You would think that they would have handled it, you know, like it would've been gold going to the bank. There it is in the record. Someone is lying about when they got the bullet.

[@ 47:25] [Mantik]: It gets worse, though. Todd initialed that bullet. [CD 7 shown] The one that he got at 8:50, and everyone else who touched the bullet after that initialed it too, including Robert Frazier. I went to the archives to look at this bullet. And specifically what we want to know is do we see Todd's initials on this bullet? He said he initialed the bullet. It is not there. Todd's initials are not on the magic bullet.

[@ 47:55] [Aguilar]: I was very interested in finding out what the [Assassination Records] Review Board would show us about this. So we began scouring their evidence, and we found out something very interesting. We found out that the *Warren Report* had, from the FBI, a report saying that the guys that found the bullet later identified that as the bullet they'd seen. The internal record didn't show that at all. The internal record said this bullet didn't look like that bullet at all. [The highlighted text on screen does not say that, just 'could not identify'] But the FBI reported to the Warren Commission that it did, it lied. We then talked to the FBI agent that was supposed to have carried that bullet around. His name was Bardwell Odum. I got Bardwell Odum on the phone. I sent him the documents that said that he had done this. He said, "I never had that bullet. I never showed any bullet to anyone. If I'd had the bullet, there'd be a [FD-]302. I would have filed a report, particularly in that era, everybody was very uptight about getting everything right." So we scoured for 302 reports. His name appears nowhere in the record. This is just something that the FBI invented.

[@ 48:49] [Mantik]: In 1966, Josiah Thompson, who authored *Six Seconds in Dallas*, interviewed O. P. Wright, who was head of maintenance at Parkland Hospital, and who had handled the bullet. He showed him a photograph of the magic bullet, which has a rounded tip. And O. P. Wright said, "No, it wasn't like that."

[@ 49:09] [Aguilar]: Wright, who worked as a policeman, he knew bullets, and he said, "No, no, the bullet that we found at Parkland had a pointed tip." And he just pulled one out of his drawer that had a pointed tip and showed it. And it looks nothing like 399.

[@ 49:20] [Mantik]: It's conceivable that some mysterious bullet showed up from who knows where. Todd did not initial it, and it ended up in the FBI lab as the magic bullet. But then we have the second bullet that arrives at 8:50. Is this possibly the pointed bullet that was seen by O.P. Wright in Dallas, and that then disappeared? We don't have any idea where it is today. That scenario would fit the known facts.

[@ 49:50] [Aguilar]: So it appears that a different bullet was found on that stretcher than 399. 399 shows up after it's been to the FBI lab. And one can only surmise that—somewhere in the FBI, they realized that they had to close the loop on Oswald's guilt. And so they just switched it out, because none of the four people, either the guys at Parkland or the two Secret Service agents, could identify the bullet. The guy who is supposed to have gotten confirmation that they did identify the bullet [Odum] said he never did it. And the record supports that. So there is—there's good reason to be very suspicious about the magic [sic] bullet.

[@ 50:27] [Dr. Henry C. Lee]: The chain of custody doesn't start from the laboratory, it starts from the crime scene. Each piece of evidence should be photographed, documented, and preserved properly. From the scene evidence is collected, [and] sent to the laboratory. We have to keep the chain of custody when they enter the lab. Who exam? [sic] Who did the further analysis? And each step have to maintain until submit to the court. If this chain broke, then my evidence becomes inadmissible.

[@ 51:11] [tense music] [photo of CE 399 fades away]