

The Gun

A Search For FBI History



NOW SHOWING!

The year long search involving thousands of documents and nationwide interviews to set the Dillinger record straight.

By: Larry Wack, SA - FBI (Ret.)

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Larry Wack spent twenty-eight years as a Special Agent with the FBI and now retired, he researches the early Bureau and the Agents of the Depression Era. Before becoming a Special Agent, Mr. Wack spent the years from 1968 to 1975 as a support employee at FBI Headquarters, which duties involved giving FBI tours. He was appointed as a Special Agent in 1975. During retirement, Mr. Wack initiated a search for the Dillinger gun and worked in conjunction with Dr. John Fox, the FBI's current Historian. Mr. Wack is not a spokesman for the FBI nor The Society Of Former Special Agents Of The FBI.

This narrative is the results of the findings.

Those interested can see more about the Dillinger case, and other insights into the gangster era investigations at the above website and at fbi.gov

We encourage readers to do their own research on this matter.

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Introduction: “The Gun”

This document is a “re-visit” of our original on this matter that first appeared at our website in 2008. Our original intention here was to produce this document in an “e-book” fashion but suffice it to say, it simply didn’t work out. So we left it in .pdf format.

The many issues surrounding the likes of the John Dillinger’s; the Lizzy Borden’s; the Wyatt Earp’s and the Titanic’s (to name a few) will be around for a long time. But **we all have a duty to approach history with a certain amount of responsibility and fairness.** Having said that, we’d be extremely naive to believe it happens that way all the time.

Readers should note that in this particular writing, the primary issue is Dillinger’s gun he carried at the Biograph (and surrounding conclusions) and **I do not attempt to address** every assertion by critics such as Jay Nash and others. As you’ll note, frankly I find these findings totally absurd and **may make a general comment as to why** without providing immediate sourcing. With some of my own opinions, I have already considered the credibility of surrounding witnesses such as Dillinger’s friends, girlfriends, bystanders and forensics.

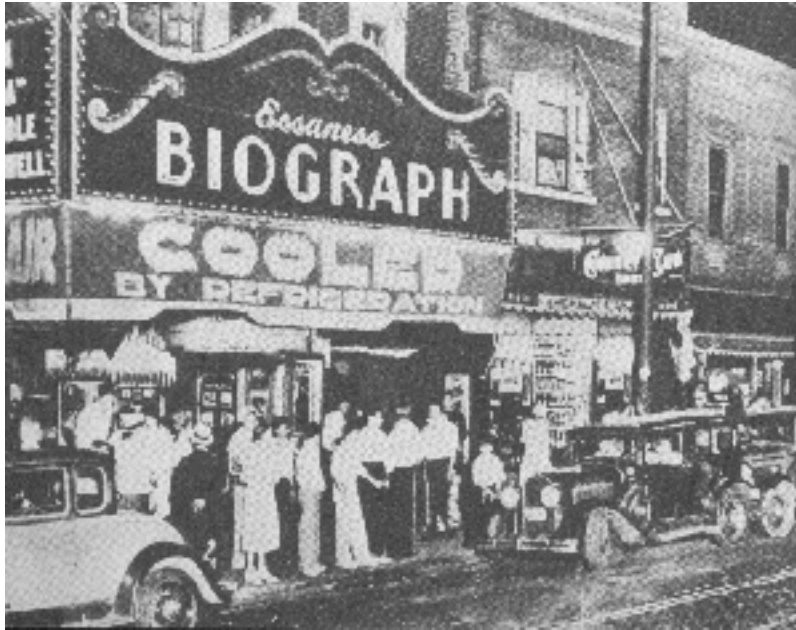
If I attempted to address every assertion, the issue about “the gun” would have gotten lost in the writing and it is exactly this issue with the weapon we wanted to resolve.

The story of Dillinger’s shooting has been told so many times the historical record as to what happened has become clouded by

opinion, embellishment, agendas, and even flat out distortions of the records. But we all know one thing; there is a very big difference between perception and truth.

A lie can travel halfway around the world while the truth is putting on its shoes - Mark Twain

Chapter I - When It All Unraveled



The theater shortly after the shooting. (Chicago Tribune)

On the night of July 22, 1934, notorious gangster John Dillinger was shot and killed by FBI agents outside the Biograph Theater in Chicago. Present with the agents were members of the East Chicago, Indiana Police Department. When the smoke cleared, Dillinger lay dying on the pavement, dropping a .380 Colt automatic which he attempted to draw from his pocket and use against the agents. Within days, media reports revealed that Dillinger's actual gun went on display with his straw hat, cigar, and glasses outside Director J. Edgar Hoover's office in 1934. As decades went on, Dillinger's belongings from that night made their way into the FBI's Dillinger tour exhibits in Washington, D. C. That was the accepted scenario anyhow since 1934. Tour

guides at the FBI had been repeating the last moments of Dillinger's life for years and showing tourists the above items which sat behind enclosed glass.

However, in 1970 one author and critic of the Bureau would throw Dillinger's death that night into a historical tailspin. As a result, controversy and criticism involving the FBI would remain in the minds of many concerning the events that night. "The gun....what about the gun?" It was this one particular item of FBI history that would continue to fuel the fires of the skeptics for decades to come.

As my own research efforts began for a project devoted to the FBI men of the Depression Era, the questions and speculation about the Dillinger shooting, and "the gun" began to surface from site viewers like hatching mayflies on a trout stream. I had figured that most of that was all behind us. In reality, what was being witnessed was a continuation of the speculation and doubt that surfaced in 1970 and continued through the writings of other authors and self proclaimed Dillinger experts. It was also clear by 2006 that no one in the FBI (that we could find a record of) spent any time addressing the confusing issues of Dillinger's gun and no one on the outside did either.

Because of the seemingly large amount of emails being received critical of the Dillinger shooting, coupled with comments on forums and opinions of those with an agenda, I decided to conduct a search for Dillinger's gun, find an explanation for it missing for so many years, and re-examine the shooting to put the remaining historical record to rest.

Wide, Wide World of Books

Did John Dillinger Really Die at the Biograph?

The FBI? "What have they done since they shot Dillinger?" a Justice Department official once asked a newsmen.

And if the chap had known what Jay Robert Nash and Ron Offen know, he might not even have conceded the G-men credit for killing the infamous bank robber 36 years ago this month. These two reporters are convinced that it wasn't John Dillinger who was shot by FBI men outside Chicago's Biograph Theater on July 22, 1934. Believe it or not, they say, the old crook may still be alive somewhere.

Now and why the two Chicagoans came to these conclusions is told in *Dillinger: Dead or Alive?*, the result of a two-year investigation into the curious details of

since the shooting. The letter was signed "John M. Dillinger."

Fascinated, Mr. Nash couldn't resist the challenge. He recruited editor-poet Ron Offen as a legman, and they started digging.

The ensuing investigation did far more than substantiate, to their satisfaction, the contentions in the letter. It turned up evidence indicating, among other things, that a Dillinger look-alike may have been "executed" at the Biograph by desperate FBI men whose reputation and jobs were at stake because they had let the elusive bad-man slip through their fingers so many times before. (In the Little Bohemia gunfight, for instance, they had killed one

Some of the media, and conspiracy lovers, take off with Nash's book. *"...evidence indicating that a Dillinger look-alike may have been 'executed' at the Biograph by desperate FBI men."*

"All good books have one thing in common - they are truer than if they had really happened." Ernest Hemingway

In 1970, Jay Nash (with Ron Offen) published their book, *"Dillinger: Dead or Alive?"* with an attempt to prove that it was one Jimmy Lawrence killed that night, not Dillinger. The book produced a variety of "evidence" including a purported 1963 letter from Dillinger himself (then in "hiding") to Emil Wanatka Jr. stating it was Lawrence who was killed. Wanatka of course,

was the son of the owner (Wanatka Sr.) of the lodge at Little Bohemia, Wisconsin where in April, 1934, Dillinger and other gang members escaped an FBI shootout.

It's worth noting that back in 1934, Wanatka, Sr. had his own problems with the FBI after the shootout which cost the lives of a civilian and FBI agent, Carter Baum. Wanatka had photos of himself and Dillinger, arm in arm, made up for sale. He would later admit to the FBI he had superimposed himself on the photo. Additionally, he turned the lodge into a museum of sorts and advertised some of the items as belonging to deceased agent, Carter Baum. It is documented that the FBI had to visit Wanatka to advise him to cease and desist these lies about the items he was advertising since they had no connection to Baum.

Nash's evidence in his book continued on that there had been an existing conspiracy among Dillinger friends to have him disappear into seclusion and have someone named Jimmy Lawrence unwittingly become Dillinger. Add a side dish of "planted" fingerprints along with meaningless discrepancies in official records and an overall cover-up that would involve nearly twenty-five law enforcement personnel present at the scene, among many others, and you'll have the recipe. In 1983, Nash's book was reprinted and updated to *"The Dillinger Dossier."*

One item that Mr. Nash mentioned which furthered his assertions of a cover-up was the fact that the **labeled Dillinger weapon in the FBI's tour exhibit could be proven to be something else.**

In the interest of fairness, the released Dillinger file from the FBI under the new Freedom Of Information Act was not available to Mr. Nash/Offen when their book was originally published in 1970. However, it doesn't appear that the file would have changed much of Nash's mind about the incident and I'm guessing at this juncture that there's a good chance he hasn't examined the historical record or if so, he's written it off as fiction.

As late as 2009, he had these words to say in an article with the *Chicago Sun-Times* regarding the new movie "*Public Enemies*." In part, the article starts:

Film wrong! Dillinger not killed
by FBI! Fact: Hoover coverup!

"My Answer Man received a question asking if crime expert Jay Robert Nash still holds the theory that John Dillinger was not killed by the FBI in front of the Biograph Theater on July 24, 1934. He does. Nash informs me he stands behind his two books on the subject, and may have met the real Dillinger many years later. "

by Jay Robert Nash

"Will there never be an end to this? Probably not, since the FBI (and no one else) has ever refuted the FACTS (far beyond my theory) I presented in several books about the shooting at the Biograph Theater on July 22, 1934. (lengthy article continues with Nash's theories on the Dillinger shooting)"

If Mr. Nash had ever looked at the Dillinger file, he'd see one particular memorandum dated October 6, 1970. The newspaper "*The National Observer*" carried a review of the book, a review that lent credence to the author's allegations. By letter dated August 4, 1970 to the paper's editor, J. Edgar Hoover called attention to the gross inaccuracies of the book. Prior to publication of the book, an extensive research project was conducted within the FBI relative to the allegations and the results, according to the above memo, showed "*this book was a self serving diatribe, designed only for pecuniary gains and based on innuendoes, fabrications, and falsehoods.*" (source: file 62-29777; Sec 130)

The "observations" section in the above memo revealed, "*This latest attempt by these authors to involve the Director in controversy is in keeping with their whole approach to this subject. We have already characterized their work for what it is to the Editor of The National Observer. Nothing would be gained, except to further publicize their book, by engaging Offen and Nash in a point-by-point discussion of the fallacious fabric of their sensationalistic book - a discussion which could well drag on almost interminably.*"

Nash's assertions were "refuted by the FBI" but they didn't do it publicly. The FBI in 1970 was right; there was nothing to gain by engaging in a back and forth "tennis game" with Nash & Offen about the absurdities. Apparently at one point, Mr. Nash/Offen complained early on that the Bureau refused to assist them in the writing.

As the Bureau did in 1970, upon seeing Nash's comment in 2009, I felt nothing would be gained by re-contacting Nash

about his assertions and giving the publicity he was still seeking. Besides, it really didn't matter what Nash said about this issue this late in the game; fact is, the search had to be done.

Chapter 2 - A Gun In Question & Fuel For The Fire



The Dillinger tour exhibit circa the late 1960's, early 1970's, and probably the one where Nash observed the controversial Volney Davis weapon. (courtesy: FBI)

During his writing, and in support of his own Dillinger conspiracy, Nash made one observation that would keep the skeptics of the FBI's version of the Dillinger shooting “fueled” for years to come. To support some of his argument that the FBI bungled the entire Dillinger shooting, and the resulting conspiracy to cover-up, Nash revealed that the supposed gun that Dillinger had

that night at the Biograph Theater and exhibited as such in the FBI tour in the late 1960's, had a serial number on it.

Anyone who had knowledge of the Dillinger shooting knew the official FBI reports revealed that the Dillinger gun had the serial number removed.

Nash went on to state in his book that the labeled Dillinger gun which was identified in the FBI's tour exhibit was traced via that serial number and the Colt manufacturer had advised the gun was made 5 months AFTER Dillinger was already dead! Nash, upon that finding alone, no doubt figured he had found that "Gotcha!" moment with the FBI. Needless to say, there's no doubt that this factor was going to need some explanation!

Nash's argument that the entire shooting was a massive coverup caused a flurry of letters to the FBI about the official record, and numerous nationwide news articles now critical of the FBI's handling of the Dillinger shooting. These are readily apparent in the FBI's Dillinger file. Frankly, I was quite surprised at the amount of people who used the issue of the gun in the tour exhibit as their basis for doubting the historical record of that night in question.

Nash was right in his observation about the Dillinger gun in the tour exhibit, and a gun there (as above) which didn't fit the official records of the FBI. As we'll see, where Nash and others were wrong was the "reason" the gun was missing. That "reason" was going to derail the theories of many critics.

TRUE COPY

604 W. Front St.
Glendora, N. J. 08029

Dear Mr. Hoover,

06-07

I have just finished reading an article in the Philadelphia Enquire. This article state that after a five-year probe into F.B.I. shooting, two authors claim: "F.B.I didn't kill Dillinger."

Since the age of twelve I have always respected the F.B.I. and sincerely hope that some day I might be a part of the greatest crime fighting organization in the United States if not the world.

My main reason for writing is to find out from the one man best authorized, was it really Dillinger or was it Lawrence who was on July 22, 1934 at the Biograph Theater in Chicago.

8

I would greatly appreciate an answer to my letter, to solve my confusion.

R Respectfully your,

Jeff McAleer

P.S. Keep up the good work! And never slacken down on your requirements.

*My information is taken from the Philadelphia Enquire from the week of August 16, 1970, page 18-written by William Dick.

62-29222-7600
1-2-76
J. McAleer

REC 85

62-29222-7600
AUG 28 1970

A sampling of public letters pouring in after Nash's book went public_ (Dillinger file - serial 7600)

You didn't have to be a Sherlock Holmes to look at Nash's information about the Dillinger weapon and realize it was going to present a problem. Anyone could see that sometime between 1934 (when recovered) and Nash's observation at the FBI's Dillinger exhibit on the tour in the late 1960's, Dillinger's actual

.380 Colt he carried that night was “switched” in the FBI tour exhibit with another gun, as found out later, belonged to gangster friend, Volney Davis and manufactured after Dillinger was dead. Presumably, the Davis gun carried a label with it indicative that it was actually the Dillinger gun.

The major question for us was: “*Why, (and when) did the “switch” occur, and what happened to Dillinger’s gun that the FBI already supposedly had since 1934?*” For many years, much of the public believed there was something sinister behind it all. Suffice it to say that Nash’s finding gave critics exactly what they were looking for in examining the Dillinger shooting. Those doubts would linger for another forty years with many Americans interested in the Dillinger event.

As a result of Nash and other’s assertions, the integrity and the credibility of the men present that night from the FBI had been challenged. Critics had taken the case of the missing gun alone to re-writing FBI and gangster history. Since Nash’s book in 1970, some have concluded that since the gun was never found, then its very existence was fictional. Many of Nash's arguments later led to theories of shooting or assassinating an unarmed man, and even alleged fabrication of the many reports by the Agents.

Brennan stated that his newspaper has just obtained the page proofs on a book on John Dillinger written by Jay Robert Nash and Ron Offen, which is to be published in approximately 2 months by the Regnery Publishing House in Chicago. Brennan stated that the theme of the book is that John Dillinger was not killed in Chicago in front of the Biograph Theater and is not dead. Brennan stated that suspect arguments are advanced to uphold this thesis of the book, one of which is that a .38 caliber automatic pistol in the "FBI museum" in Washington, serial number 116701, which is supposed to be the gun in Dillinger's possession when he was killed, was traced by the authors of the book and they claim that they ascertained it was sold by the manufacturer to L. H. Kurz, Des Moines, Iowa, five months after Dillinger was allegedly killed.

A portion of another 1970 FBI memo revealing the Nash interest in "the gun."

By mid 2000, to address Nash's allegations, and all of the others discovered that were similar or continued spin-offs, it was imperative that an effort be made to:

- Find out the facts of the gun's recovery that night in 1934 at the crime scene;
- Find the "paper trail" existing of its movement within the Bureau from the time it hit the Chicago sidewalk and;
- Find the actual Dillinger weapon, or at least what happened to it while in FBI custody, and why it was removed from the Dillinger tour exhibit and replaced with a similar gun.

During the initial planning of this search, I discovered the FBI's current Historian, Dr. John Fox, was also doing some preliminaries on finding out what happened to the gun. It was then that contact was made with Dr. Fox and without his assistance and perseverance this discovery would not have been made. Being

on the outside of the Bureau, and now a private citizen left me in a situation of not having access to everything needed for the search. Mainly, I did not have the ability to do an actual "physical check" among FBI weapons in headquarters, and if the Dillinger file didn't provide answers, (or Dr. Fox didn't find the answers) I was going to be at the mercy of the FOIA Act in trying to find other pertinent FBI files. Initially, I had visions of this search dragging on for many years to come.

Dr. Fox had an obligation to attempt to find the gun in relation to his historical duties at the FBI, but he also had other duties and couldn't spend full time on this project. At the time, I was left with one option; I would review the thirty-thousand pages or so of the Dillinger file and send any pertinent information to Dr. Fox if it might assist him in his own efforts. I wanted to document what really happened at the shooting that night and follow the documentation of the gun with hopes of finding a record of what happened to it. It was clear that there was no easier way of researching the fate of Dillinger's gun.

The one thing favorable concerning the Bureau's investigations is that from my own prior research into the Bureau of the 1930s, I knew that even then the agents were very meticulous in their report writing. After all, most of them were lawyers and accountants. Additionally, those supervisors and higher ranking personnel were also very meticulous in their preparation of memoranda and documenting nearly every aspect of investigative ongoing in the field and at Headquarters. With my own knowledge of how investigations were done and being familiar

with the report writings, interpretations, etc. I was confident that answers would come easily. Fact is....they didn't!

I had begun making some outside contacts with authors, researchers, Dillinger experts and retired FBI personnel. What became evident with outsiders was that many had already examined the Dillinger file, however for reasons different than simply finding the answers to his gun from the Biograph Theater. Instead, it was clear that most had used the released FBI file to write the legacy of Dillinger and his gang member's activities with minor attention to details about "the gun."

Needless to say, there were some rude awakenings, thanks in part, to the decades of mis-information that had already been circulating. Speculation, rumors and flawed research have the ability to present obstacles to history and some of them can be extremely difficult to overcome.

At the outset, it was clear that no one inside the Bureau, or outside, had any idea when the Volney Davis weapon was substituted in the tour exhibit for Dillinger's. We didn't even know what decade it happened in let alone any specific time period. Did something happen back in the 1930's when the Dillinger exhibit was originally made for J. Edgar Hoover? Was it in the 1940s or the 1960s? Did something happen when the tour exhibit changed over the years or when the FBI building moved? We just didn't have a logical starting point for this part of the project. There was no choice that the start had to be from day one!

Chapter 3 - Things Were Just “Too Quiet”

Before examining the Dillinger file, I had to know what the existing "camps" were with outsiders who questioned the Dillinger shooting. I had a general idea from my ongoing research into other areas of the 1930s and the Bureau's activities but I wanted to be sure we didn't overlook something.

By 2006 when the search was undertaken, I had had numerous conversations with writers, historians, gangster researchers, Dillinger experts and others. With regard to the Dillinger gun and the Biograph shooting, there seemed to be multiple “camps.” I was hoping for maybe two or so, but Murphy's Law prevailed.

One camp believed the gun never existed that night and FBI history is fraught with fiction and cover-up, some of which many believed was supported by Nash's book and later writings of additional authors and self appointed gangster “experts.” Others "cherry picked" their research and went off on their own with conspiracy theories. Suffice it to say that what started out with the original contentions by Nash/Offen, "blossomed" into a variety of areas each taking on its own life.

One aspect was becoming more noticeable; as various critics kept writing (especially on the Net) about what happened that night, they began to drift further from the actual record through the “art” of embellishment. A large part of this could be easily seen as re-telling what others had already said without realizing,

or wanting to, that much of what they were repeating was already severely flawed. One particular area of this distortion was the telling of what Special Agent Charles Winstead saw or didn't see, regarding his own shots fired at Dillinger and the immediate aftermath. With opinions of some as late as this writing in 2012, it's very obvious that many have not reviewed Winstead's statement in a very long time nor had they examined the surrounding corroborating evidence at hand. **Much of it is sheer recklessness!**

One particular "camp" believed there was a gun present that night, but that Hoover gave it away to comedian Red Skelton. I had heard this "rumor" when I was a young tour leader at the FBI, but now one thing that bothered me to a certain degree was that the "Skelton rumor" was believed by several historians and writers of Dillinger lore who were respected in their field and whom I knew already researched the file for other reasons. Little did I know that the "Skelton rumor" of the Dillinger gun would drive us in circles for months to come. Apparently, Skelton himself didn't help to disprove it and allegedly fueled his own fire on the matter.

My own search of the FBI's Dillinger file was combined with numerous contacts with older retired FBI Agents who worked in strategic locations in the Bureau, coupled with inquiries of nearly 2,000 retired Agents from the Society Of Former FBI Agents. This is not the entire Society but about one quarter of them. At the time, it was enough to conduct the inquiries I wanted to make with them. The search also encompassed contact with various outside Colt experts and collectors. I also had the gracious opinions of Dillinger writers, researchers, and histo-

rians, Rick Mattix (RIP), Bryan Burrough, Bill Helmer and Sandy Jones (not in any specific order). All of them were generally familiar with the controversies surrounding Dillinger's missing Colt automatic he had that night.

A handful of key men, retired Special Agents and employees of the Exhibits Section who needed to be spoken to, and in charge of the FBI's tour exhibit years ago, I found out were now deceased. Others, unfortunately, were afflicted with the problem of simple aging and the lack of recollection. If anyone knew some answers, some of them did. This was a tremendous setback. On the other hand, there were a few still alive who could shed some light on the thinking of those in the FBI Lab and other areas of the Bureau in regard to these famous gangster weapons, and the handling of such. There were also a few who had first hand knowledge of Hoover's attitude toward these "trophies." What existed within the first four months or so of the search was a **massive amount of "opinions" but really no "facts."** And all of it was continually clouded with the Red Skelton rumor.

As we moved into 2007, and after large telephone bills and many interviews, my own preliminary contacts with people such as those above, and of course Dr. Fox, started to surface a "gut feeling" from investigative experience that **"something was wrong."** Namely, it was just **"too quiet"** with regard to the fate of Dillinger's gun. There should have been more and there wasn't.

One area that turned out to be an advantage was that the exact same rumors and opinions circulating thirty to forty years ago

were still in existence! There were not even any “new rumors” and among writers, historians, and researchers there was absolutely no information on any “movement” of the gun. There was absolutely no indication the Dillinger gun had been moving around in the auction or collector arena but I later found out that the lack of this information wasn't unusual. Likewise, no one in the retired agent's Society questioned had heard anything about the gun's fate.

All of this was highly unusual to me and led to the belief that wherever the gun was thirty or forty odd years ago when Nash questioned it, *it very well may be in the exact same place or close to it.* After months of conversations and as I opened the beginning volumes of the Dillinger file, I can recall thinking one thought; *"the answer to this thing is right in front of us!"*

I also had a sick feeling already that the gun may have been destroyed and we may not find a record of that.

Chapter 4 - Did The Comedian Have Dillinger's Gun?

Before this issue is addressed, I've recently noticed in 2012 some critics contending that Hoover stated he gave the gun to comedian, Red Skelton. Frankly, I have no idea where they are getting this from and suffice it to say there is nothing in the historical record of the Dillinger case revealing Hoover having ever said that. The record of the "Skelton rumor" is now pretty clear.

From my own preliminary conversations, I doubted the "Skelton rumor" but it was a horrific thorn in our side and was going to have to be dealt with. The bothersome part was the fact that it was being repeated by some very recognized writers and others.

Respected author and gangster historian, Rick Mattix (RIP) indicated to me during conversation that Skelton, while at NRA functions, "alluded" to possession of the gun, however he never produced the gun for anyone to see. Regardless, by 2007 this was accepted by many as the most likely answer to the gun. In retrospect, it was apparent that those believing this were all relatively close friends and associates interested in the Dillinger case. As a result, the rumor kept traveling within the inner circle and moving outward to others who came along with similar interests. It wasn't hard to see that "rumor" had become "fact."

The immediate "problem" with the Skelton rumor was that it was "inconsistent"; some in a position who should have heard

about it never did such as former tour guides and supervisors I spoke with and now retired.

While the Skelton “giveaway” story existed when I was giving FBI tours in the late 1960's, it was never part of our official training. In hindsight, that was the first thought in my mind causing my now updated skepticism about this story. If there was any truth to it, we would have been trained in the particulars during our tour training at the FBI.

It's very possible the Skelton story came from outside the FBI and made its way inward, instead of beginning within the FBI and being passed to the outside. Some believe the Skelton rumor started with now deceased, Joe Pinkston, previous owner of the Dillinger museum but no one was sure. Mattix, above, had told me that Pinkston wrote those involved with the Skelton estate who kept sending Pinkston's letters back saying "we don't have the gun." Not that anyone would expect them to admit it anyhow if they were trying to keep publicity away from it. These letters of Pinkston's, and the returning of such, further fueled the fire of the rumor.

The first thing I wanted to do in the beginning of this search was put the Skelton rumor behind us by somehow disproving he ever had the gun. If we couldn't do that, at least find enough evidence to make an educated guess as to whether this area needed further pursuit and perhaps we should divert in that direction. It was imperative we attempt to establish how close the relationship between Hoover and Skelton really was. In this regard, the correspondence file (now public) between Hoover and Skelton showed minimal amount of cordial type letters but no evidence

of giving Skelton the gun nor having any close relationship with him.

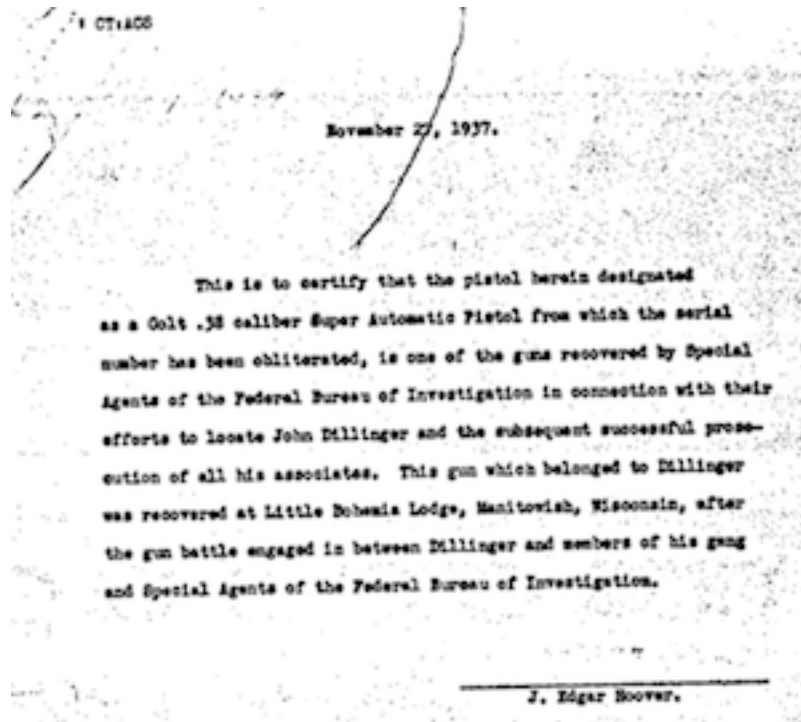
Hoover's #3 man, Cartha "Deke" DeLoach, emailed me mentioning that in all of the conversations he had with Hoover and Tolson over the years on multiple subjects, the Dillinger gun, missing or not, simply never came up. As a result, he could shed no light on its whereabouts, but doubted the validity of the Skelton rumor especially since in all of his years, Skelton only visited the Director on one occasion with his son, as best DeLoach could recall. The "lack of closeness" between Hoover and Skelton was becoming more evident and was slowly removing Skelton as a possibility.

While the Skelton rumor existed with many whom I spoke to, there were others on the outside who believed Hoover would never have given the gun away since it was a "trophy item." This idea led to confusing theories on the part of some that Hoover had kept the gun for himself. Suffice it to say there was absolutely no evidence, even from Mr. Hoover's #3 man to me in 2006, that Hoover considered that gun a "trophy" of any type and other than mere speculation, there's no basis for this belief. As Hoover's No. 3 Man said to me, *"The Director and Tolson just didn't care about stuff like that."*

By 2007, based upon many interviews and even though the "Skelton rumor" was prominent with many, (and had existed now for nearly fifty years!) the decision was made that in all likelihood, this was NOT the recommended lead to pursue and drop the Dillinger file review. If the file revealed truth to the Skelton story then we'd approach it.

Dr. Fox and I had wondered initially if Skelton, being the comic he was, decided one day to "play out the rumor" with those who asked, thus fueling the continued fire. Thoughts of attempting to pursue the estate records in this regard was not a relished one and we couldn't be guaranteed the gun would be in the records anyhow. Simply put; something was very wrong with the Skelton story in general and the gamble would be taken that it was not a logical course to take. There were too many opinions and not enough facts surrounding this issue. And once again; it was too inconsistent!

Chapter 5 - Obstacles And A Bothersome Finding



Hoover's confirming 1937 letter to Charles Pettijohn regarding the weapon sent to him

Although we were skeptical of the “Skelton rumor,” one item did surface about Hoover giving away gangster guns that hung like an albatross around our necks for months to come. For myself, the whole issue opened up a slew of "what if's" and a "suspect list" that would get longer as days went on.

While reviewing the Dillinger file, evidence was found that **revealed precedence** for giving away historical guns. Those documents revealed that in 1937, Hoover gave away a handgun of Dillinger's, taken from the scene of the Little Bohemia shoot out, to a Mr. Charles Pettijohn of the Motion Picture Industry. In another instance, an outside contact had written the Bureau asking for a gun used by John Paul Chase, one of the killers of Inspector Cowley and Special Agent Herman Hollis. No action was taken on this request but it caused us to wonder if there were other such incidents documented somewhere **other than the Dillinger file**.

The exchange of various gifts by men (and no doubt women) in prominent positions in the early days was not a new concept and we were already aware, for example, of Hoover receiving various handguns over the years from a variety of manufacturers in addition to gifts of other types. As a result, there was no reason to believe that Hoover didn't return a similar favor to those he socialized with or even those within the Bureau he admired. Having said that, it was a hard pill to swallow now knowing that some of his gifts included actual weapons recovered by the FBI and connected to notorious gangsters.

The Pettijohn "precedence" was extremely bothersome. While we doubted (but still not sure) the "Skelton rumor," was this an indication that the possibility existed that Hoover did give away the Dillinger gun to some party we didn't know about? The only positive thought on all of this was the belief that if the Director documented two incidents of less important weapons, then surely we'd find documents revealing the Dillinger giveaway. But what if for some reason Hoover made no record of it,

or the filing of the record was in some obscure FBI file we hadn't even thought about?

Importantly, if we didn't find the evidence of Hoover "gifting" the Dillinger gun to a specific party, how were we ever going to figure out who the logical people were to receive it? Where does one start knowing the amount of friends, both inside the FBI and outside, Hoover had?

One thing was clear with regard to giving away the Dillinger gun. If we found evidence of a Dillinger gun "gifting" **but no name attached, we were cooked!** We'd spend our dying days speculating who received it and attempting to contact their relatives if any were living. Then we'd have to assume they would tell us the truth and admit they had the famous gun, and that's providing we found living relatives. I had been warned by prominent gun collectors not to expect any admissions from anyone! The contemplated thoughts of what we'd be up against if all of this came true was a thought I didn't even want to entertain.

Chapter 6 - A Question Of Existence



A news photo July 23, 1934; a day after the shooting. The green arrow points to the obliterated serial number

For critics of the Dillinger shooting to deny there ever was a handgun is an **unreasonable approach to existing evidence**. It would require a belief that everyone at the immediate scene lied as to what they saw, and that they had the ability to perpetuate this lie long into their careers and into retirement. At a bare minimum, it would require the belief that SAC Melvin Purvis,

who retrieved the gun and who immediately told Winstead he had done so, is the one who started “the big lie.” There is not a shred of evidence supporting this belief.

After a review of the Agent's statements present that night at the Biograph, coupled with surrounding factors, personally I had no doubt of the gun's existence and that's not because I have a desire to protect the Agents involved. In the mere observance of the “**spontaneous nature**” of phone calls, wire messages sent by Inspector Cowley to Headquarters, etc. of the shooting, coupled with media reports (plus photos) and statements of the Agents, to believe there was a vast conspiracy of a “planting” of the gun or the gun never existed would involve massive planning ahead of the shooting, and afterwards, involving too many law enforcement personnel, and way too many variables to build any type of “cover up.” The whole thing would have the likes of a magic act far better than Harry Houdini could ever pull off, and the precision of a surgeon who probably doesn't exist on this earth.

In examining the file, I played the Devil's advocate with information to determine if there were signs of anything that couldn't logically be explained through the many “variables” which exist at crime scenes. Any law enforcement officer knows there is always confusion during and immediately after a shooting incident. The more I read, the more I was convinced nothing of any sinister plot ever happened. Suffice it to say that had I found any evidence that could be spun into a massive conspiracy or cover-up, no doubt I'd have a New York Times Best Seller and a movie!

The evidence was overwhelming: no reasonable person looking at it could be convinced that Dillinger was "unarmed" that night.

For informational purposes here, Agent statements in the file revealed that the **ORIGINAL PLAN** to arrest Dillinger coming out of the theater involved two detectives and two Agents "physically taking" Dillinger. In fact, at the meeting to discuss this, someone, name not given, actually suggested that no one even bring a gun to the scene! Needless to say, in light of Dillinger's reputation, this opinion was not "seconded." It is also clear in the reports that East Chicago, In. policemen, Sopsic and Stretch were to be the two locals to assist the two Agents, namely SA's Hurt and Hollis, in tackling Dillinger, depending on which way Dillinger went when exiting the theater; right or left. There was an immediate breakdown of the plan when Dillinger exited since the two officers were speaking to a bystander or possibly a police officer at the time SAC Purvis lit his cigar and they missed the signal.

Importantly, it was clear that the Agent's statements first needed examination to get an idea of what happened and who saw what. The statements of the Agents present give a scenario of the gun's recovery:

- Agent Winstead's statement reveals he directed a police officer at the body to "search for a gun because he had one" and Purvis tells Winstead he picked it up and it was a .380 Colt automatic. It contained a loaded magazine. Thus, it was Purvis who was the first to retrieve the gun from the fallen Dillinger.

- According to the statement of SA Ralph Brown, Brown approached Dillinger on the sidewalk and **he specifically saw the gun in Dillinger's hand.** There are other Agent statements of seeing Dillinger pulling his gun, particularly SA Herman Hollis who fired one shot at Dillinger according to statements.
- SA Clarence Hurt's statement reveals him seeing Dillinger as he "grabbed his pistol." Hurt fired one round at Dillinger simultaneous with Winstead at that moment.
- The statement of SA Val Zimmer reveals it was he who picked up Dillinger's straw hat, glasses and cigar and handed them to Inspector Cowley at the scene.
- The five or 6 page combined statement of Purvis and Inspector Cowley, reveals among other things, the fact that Dillinger had a .380 Colt in his possession.
- Inspector Samuel Cowley testified under oath at the inquest that the .380 Colt had the serial number obliterated but acknowledged he didn't bring the gun to the inquest. In this case, it's obvious that no doubt the Coroner did not think the weapon to be evidence of any type and there were no questions raised about it from jurors.
- The statement of SA Dan Sullivan, and his inventory at the morgue later, reveals a second magazine found in Dillinger's pants pocket, among other items. A logical question might be, "why carry a magazine in your pocket if you're not carrying the gun?"

- As a side note, the many stories that have circulated over the years that East Chicago officers, either Sgt. Zarcovich or Lt. O'Neill fired the fatal shots at Dillinger are false. The existing sketches on record of where everyone was reveals neither of them were close enough to fire at Dillinger.

The immediate retrieval of the gun from Dillinger at the scene by Purvis was a logical step that any experienced officer then, and even today, would take who didn't have the advantage of absolute and immediate crowd control.

Secondly, in 1934 agents did not have the luxury as today of being in the possession of crime scene cameras carried in their vehicles.

Chapter 7 - The Path Of "The Gun"

In addition to the witness accounts by the agents present that night of the recovery of the gun at the scene, the Dillinger file further revealed documentation of the travel of the gun to Washington, D. C. and into Hoover's display outside his office. There was no "mystery" surrounding how this was all achieved. More media photos would provide visual observation of the path traveled.

As seen in the photo in Chapter 5, a July 23, 1934 media photo taken in Chicago, reveals Dillinger's gun had the Colt silver logo in the hand grips of the gun. The photo also reveals the **obliterated serial number**, just above the trigger and which only showed on the left side of the Colt .380 of the time. (**This obliteration mark was unique** in that it could probably be "matched" to any gun we found.)

On July 23, 1934, the Chicago Tribune carried an article found in file that Purvis was being interviewed at the Chicago, FBI office and **was showing the gun in question** to reporters. The small article in the Tribune is captioned "*Purvis Still Dreads Dillinger's Gun.*" The article in part goes on to state,

"Melvin Purvis, chief of the local federal bureau of investigation, who snatched the .38 caliber Colt automatic pistol from John Dillinger as the latter fell mortally wounded, was showing

it to newspaper men today. "I'm rather proud of that gun," he said. (Chicago Tribune, July 23, 1934)

No doubt that any media photos of the gun, or most of them were taken this particular day, and this meet with media personnel produced several different angles of the gun with the best photo being later published. This particular photo seemed to dominate a lot of the photo headlines found in the Dillinger file immediately after the shooting and no doubt is the one most reading this are accustomed to seeing. The media photo of July 23, mentioned above, very well may have been taken at the Purvis interview, but it's unclear.

There is a highly relevant documented telephone call between Hoover and Purvis. According to a memo in file dated July 24, 1934 of a telephone call between Hoover and Purvis, (occurring that morning) Hoover asked Melvin Purvis **to bring the gun**, the straw hat, the glasses and cigar to Washington, D. C. because the press was hounding the Director to see them.

Hoover's memo to Mr. Tamm dated July 24, 1934 (file 62-29777-Serial 3001) states:

*" I talked to Mr. Purvis at Chicago this morning and stated that we are being pestered here by the press for the exhibits obtained in the Dillinger case, such as his hat, glasses, **gun**, etc. Mr. Purvis stated that he has these exhibits in his possession, and will bring them to Washington with him. Very truly yours
J. Edgar Hoover, Director"*

On the same memo, at the bottom, Associate Director Clyde Tolson hand wrote the following: *“These articles should be included on memo list of material on exhibit”* and dated it 7/30/34.

Purvis then traveled to Washington, D. C. and met with the Director although it cannot be ascertained if he arrived on July 24 or July 25, 1934. It does appear the gun and other exhibits are in Washington on July 25, 1934 as evident by the below news article.

An article dated July 25, 1934 in the *“Chicago American,”* with a dateline of Washington, D. C. reveals that Hoover announced a pay raise for Purvis and Cowley and in addition the article states:

“Belongings found on the body of the gangster in Chicago were on view at the Department today. The exhibit was placed under a tablet commemorating investigators who died in the line of duty....It consisted of Dillinger’s blood stained straw hat, his .38 calibre automatic, the cartridge holder, a pair of glasses, a cigar and a box of matches.”

With regard to Hoover’s statement above, he adds: *“Hoover said an examination had shown **the gun had a rather large dent in the muzzle**”*. He declared: *“I don’t see how he could get any accuracy unless he stood close to the target.”*

I mention here that finding the above article is the first time there was any information to me that the Dillinger gun had a dent in the muzzle. This “dent” is not mentioned in the descrip-

tion of the gun in the Chicago, FBI statements of its recovery. Neither historian/writers Bill Helmer, Sandy Jones nor Rick Mattix had heard this either. Although it's unclear whether this is a "dent" as we know one, or simply perhaps a scratch or "nick" of some type, obviously it would be highly significant for additional identification of anything later found.

Purvis is photographed with the Director and the Attorney General at Hoover's desk on July 26 and July 27, 1934 clearly corroborating his trip to Washington, D. C. with a reminder that Hoover had instructed him to bring the gun and other items with him.

Subsequent media photos place **the gun**, Dillinger's cigar, glasses and straw hat at the base of a bronze plaque at the FBI, Washington, D. C. on July 27, 1934 (as they did in the July 25 article above). The media photos of the gun at the base of the plaque **clearly reveal a small Colt logo in the hand grips, consistent** with the above media photo, among others, previously taken in Chicago several days before.

Newspaper accounts **place the gun**, hat, and cigar and glasses still in the exhibit at the FBI in early **1935** outside the Director's office.

Chapter 8 - The Important Naughten Memo Of 1938

The Naughten/Glaven memo we found and dated 1938, gives further documented evidence of the existence of Dillinger's gun, and its continued presence in the Dillinger exhibit. The Naughten memo was the only memo found that speaks of the "physical placement" of the Dillinger gun. The memo is set forth in its exact contents here:

“Memo, Naughten to Glaven , Re: Dillinger Exhibit, 2/9/1938 “

“ In the John Dillinger Exhibit in the Tour Reception Room, #5636, there is a 38 calibre automatic pistol which was recovered from the body of John Dillinger the night he was killed; it is the gun he attempted to use. There is at present time no card of explanation for this gun. Therefore the writer respectfully suggests that a card be made, to conform in type to the other cards of explanation already in the same cabinet. The new card might read as follows:

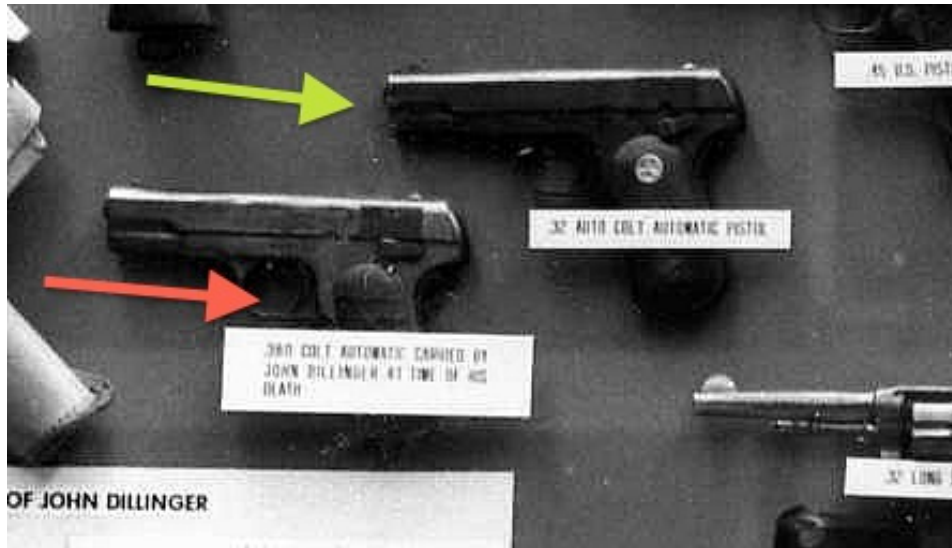
“.38 caliber automatic taken from John Dillinger the night he was killed in Chicago , July 22, 1934

Note: “ Done , 2-14-38 ”

Colt historian, Kevin Williams tells us that it was common back then for people to refer to everything as .38, even if it was actually .380. Part of the confusion was that most people were more familiar with revolvers back then and secondly, the earlier Colt

autos (the Pocket Hammer, not the Pocket Hammerless) was .38 ACP, not .380 ACP.

Chapter 9 - Was There An Early Labeling Flaw?



The early Dillinger tour exhibit, prior to the one from the late 1960's, produced concern over Dillinger's gun label

While the investigation into the historical record of what happened that night in 1934 produced overwhelming evidence of the gun's existence, it didn't answer the question of "where is the gun today?" Our efforts to attempt to determine how many times the Dillinger tour exhibit changed, moved etc. over the years was a daunting task but these moves and changes could account for the missing weapon also. Then.....another obstacle!

Early on in this investigation, outside Dillinger collectors/writers and historians Bill Helmer, Rick Mattix, and Sandy Jones mentioned to me that a picture of the Dillinger early FBI tour exhibit (the exhibit that existed prior to the one in the late 60's) **posed a problem with a gun labeled there as the Dillinger weapon.** And no doubt it does. In fact, it is this very picture that today is still unexplainable and possibly could have been a mix up with the Dillinger weapon.

By what appears to be the mid to late 1930's time period, the massive amount of guns obtained from Dillinger and his gang were moved from a small exhibit outside of J. Edgar Hoover's office into a larger display at FBI Headquarters for the public. A black and white photo of this exhibit has been examined, which is above. Although blurred somewhat, the labels on the guns are readable in another file we have but could't fit here.

This photo clearly shows a .380 Colt and identified by the labeling as **“.380 Colt Automatic Carried By John Dillinger At The Time Of His Death.”** (red arrow)

The problem we had with the above photo is that we cannot date it, but suspect it was taken during the late 1930's possibly but regardless, the date of the photo doesn't change the contents of what is observed on the label for the gun shown.

A close examination of the supposed “Dillinger gun” (red arrow) in this late '30s tour exhibit reveals a problem. **The .380 Colt shown, and identified as the gun Dillinger had when killed, does not have the Colt silver logo shown in the hand grips which is readily observed in the media photos of July 23, 1934.** Any in-

sider can tell you that, barring unforeseen circumstances, FBI Laboratory and other personnel never made any changes to the gangster weapons. Thus, there's no reason for the difference in the grips. The Dillinger file did not reveal any recorded Lab changes with the Dillinger weapon. Retired FBI Lab personnel mentioned to me that historical weapons were never altered for any reasons unless there was some exigent circumstance to do so such as the gun was unsafe, etc.

Actually, the .32 Colt shown **to the immediate right of the supposed "Dillinger gun"** (**green arrow**) bears more of a resemblance to the gun exhibited by the media the day after the shoot. But again, this is labeled a ".32 Auto Colt Automatic Weapon."

Colt experts such as Kevin Williams will tell you that one of the main problems in identifying the above two guns in question are that the .380 Colt was "identical" in appearance to the .32 Colt. You won't be able to identify which is which especially from a photo. You can't tell the difference from the outside; the internal barrels need to be examined.

Did something happen with the labeling of the Dillinger gun that caused even later confusion? Could a mistake of this nature have occurred? During 2007, my conversations with FBI Firearms personnel present in the 1940's and those who worked in the Exhibits Section for years revealed an easy answer. **A mistake was very possible.** As one prominent Agent, now retired, who led the firearms exams beginning in 1941 told me, "you have to remember, we were examiners and scientists.....not historians. Whose gun belonged to whom, meant very little to

us then.” With a parting word he said, “Until your call today, I didn’t even know the Dillinger gun was missing.”

Without additional documentation, and more photos, we were stuck at the time in trying to answer the discrepancy in the hand grips mentioned above. At face value, it did appear that possibly an error had occurred early on with the labeling of the Dillinger gun, but we couldn't be certain. Not being able to answer this question during the search was like a splinter in your hand you can't find but you know it's there!

Chapter 10 - The Weapon & Letters To The Public - 1949

Part of the massive review of the Dillinger file included various volumes where outgoing letters to the public could be found. I was especially interested in seeing if there was any documentation over the years as to what the FBI was telling the public with regard to Dillinger's items in the tour exhibit and most importantly, what they may have been saying about "the gun."

In at least two letters found in Dillinger's file, both dated 1949, and "boiler plate" type responses from the FBI, members of the public had written the FBI with questions about Dillinger. Two writers had specifically asked about the Dillinger gun. In each FBI response that went out in 1949, both had the same paragraph at the end, shown below from an actual letter. The letter stated:

"For your information, the weapon which was carried by Dillinger at the time of his death is presently on display in an exhibit room at the Headquarters of the FBI."

In a way, I find it interesting that the Dillinger file **does not reflect any more of these letters AFTER 1949 using the above verbiage in the ending paragraphs.**

One thing is very clear here; if the 1949 letters are genuinely accurate and the "actual Dillinger gun" is sitting in the tour ex-

hibit, then something happened causing its loss sometime after 1949.

Chapter II - The 2007 Find At FBI Headquarters



A photo of Dillinger's found weapon, clearly drilled out to accept mounting bolts and render it inoperable. The obliterated serial number area above the trigger (green arrow) clearly matches that of the gun in the 1934 media photos.

On or about November 1, 2007, Dr. Fox contacted me regarding the finding at FBIHQ of a .380 Colt among old tour exhibits. With regard to the newly found Colt:

- The gun Dr. Fox found on or about November 1, 2007 has significant markings which match the photo of the Dillinger gun taken by the media the day after the shoot. Specifically, the se-

rial number obliteration marks match the already existing media photos I had sent him.

- Also of significance were markings on the front of the found weapon that may correspond with Hoover's 1934 comment about indentations in the muzzle area of the Dillinger gun.
- The gun found has significant drilling holes for mounting and an observed "glue" area on the right side where the Bureau tour identification label probably was. That identification label for the gun has become detached and cannot be found.
- The gun was found in a cardboard box in a vault on the premises of the Tour, i.e. 2nd floor Hoover building. The box had come from an off-premises storage facility approximately two years earlier and placed in the vault.

Based on the totality of facts known, and markings etc. on the found gun, there is no doubt in our minds that this is Dillinger's missing .380 Colt. Several outside Dillinger writers and researchers who have seen the photos of the found gun believe the same, including Helmer, Jones and Mattix (RIP).

I want to especially thank Dr. John Fox at FBI Headquarters for his perseverance in helping to resolve this decades old matter.

Chapter 12 - Conclusion

“That is what we are supposed to do when we are at our best – make it all up – but make it up so truly that later it will happen that way.” - Ernest Hemingway

For many critics of the FBI's Dillinger shooting, Hemingway's words above were never so true; “make it up so truly that later it will happen that way.” In many instances, that's what happened to the Dillinger story and his gun over the years.

The finding of Dillinger's .380 Colt he held the night he was killed by FBI Agents and the supporting historical documentation made at the time, should convince some that “misplaced history” is far from evidence of some massive conspiracy and effort to cover-up the facts.

Critics made **one fatal mistake**; they failed to answer the question of “*why was the Davis gun in the exhibit replacing the original Dillinger gun in the first place?*” Instead of answering that question, they immediately **took the replacement as something sinister** and immediately ran off to add the replacement to the conspiracy around the missing weapon. One other thing is perfectly clear in some instances also; the historical record has either been totally disregarded or never examined.

What this search should show others is that not every mystery has a sinister angle to it, and regardless of how old the mystery is, there could be a very logical reason for its existence. The search also showed how decade old rumors have the ability to impede finding the truth, especially if recognized men and women believe them. The “Skelton rumor” is a classic example.

Until Jay Nash’s allegations in 1970, the Dillinger file revealed nothing in the way of conspiracy allegations from anyone; not from those in law enforcement; not from the press, not from witnesses at the scene and not from other researchers. In all of the decades since that night in 1934, there has never been a policeman or FBI agent who was involved that night ever come forward with any tales of conspiracy or cover-up. Many had the opportunity in retirement to sell a story to the tabloids; not one iota of even a small allegation.

The missing Dillinger gun mentioned by Nash and Offen in their book, and the replacement of the gun in the FBI tour exhibit, did take on a life of its own. Discounting Nash's other opinions, the Davis weapon in the tour exhibit created some lasting fervor with many critics who were hell bent on finding something suspicious with the Dillinger shooting and the investigation. As the decades progressed and because of all the writings about the incident itself, the original truth about Dillinger’s gun (and the shooting for that matter) no doubt started to get beyond the reach of the American public.

For the record, it's now known that three FBI agents fired the shots which landed Dillinger on one of Chicago's pavements.

They were identified as agents Clarence Hurt, Herman Hollis and Charles Winstead. From all available records there's probably no doubt today that it was one of the shots from Winstead that was the fatal round which exited Dillinger's cheek. (Hollis was later killed the following November, 1934 in a shootout with "Baby Face" Nelson and John Paul Chase. Also killed were Inspector Samuel Cowley, and Nelson himself.)

More supporting documents regarding statements of the agents, the original sketches of where everyone was stationed, and a host of other items can be found at our website mentioned in the beginning. All of them are from the actual Dillinger FBI file which anyone is free to examine on their own.

In 2012, I think most will find that responsible history seekers will find Nash's account, and those of others, completely absurd. With the amount of law enforcement present at the shooting scene, the spontaneous reporting (or "paper trail") of the event, and especially media photos, a cover-up of the facts by those involved is a "bridge too far." There was no mystery person named Jimmy Lawrence, a known alias of Dillinger, and Dillinger's identity that night was confirmed by at least two sets of fingerprints taken by agents present at the scene. Yet, we can tell from Nash's 2009 statement earlier, that he still holds fast his conspiratorial beliefs. We also know it's naive to think the prevailing evidence will change the minds of everyone.

The long existing rumors and more that Hoover gave away the Dillinger gun, especially to comedian Red Skelton, have gone to the grave with Skelton himself. He probably enjoyed toying

with those who pestered him with the continuing folk lore of the day and later his estate reps no doubt became annoyed with the continuing questions. The "Pettijohn weapon" was the only recorded actual give-away of any gangster guns by Hoover. In 2011, we confirmed that the weapon and a letter from Hoover was still with Pettijohn relatives.

The final answer to the misplaced Dillinger gun in the end, was a simple one; something occurred within the FBI's tour exhibit that caused "the gun" to walk the decades with the missing. The "morphing" of the Dillinger tour exhibit over the years at FBI Headquarters and the continued adding and taking away of guns and other items left room for mistakes. It should be remembered that the FBI Headquarters building changed locations since the first exhibits and thus, everything had to be moved. We know that even within the same FBI buildings, the exhibit itself was moved at times. We also know from records that at various times, the weapons in the exhibit were added to and taken from. Even as careful as anyone tried to be, mistakes happen.

There's more educated guessing right now on our part of a possible misplacement of the gun during one of these moves, than anything else. My personal opinion lies in **a strong possibility that the identification plate for the gun became detached at some point**, thus leaving a gun that an incoming generation of FBI personnel could not readily identify. At least, they set it aside and didn't destroy it. But as personnel retired and died, the answers died with them.

The one thing not explainable at this time is the late 30s photo of Dillinger's gun in the tour exhibit with different hand grips than

the early media photos showing that significant Colt silver emblem in the hand grips. Without additional evidence and photos, it's impossible at this time to determine if there was an actual mis-labeling of the gun and what later effects this may have caused. Without a more clear photo of the two guns in question and the lack of any records, we simply cannot tell what was really going on.

The massive search of records left us with another question that is lost to history. We were never able to determine when exactly the Volney Davis gun was inserted into the Dillinger tour exhibit in place of Dillinger's "real .380 Colt." That date would no doubt give us an idea of perhaps where something went wrong. Anyone in the FBI who would know the answer is long gone and no documentation of the replacement was found. If the 1949 letters to the public, mentioned herein, can be taken "literally" then the misplacing of the gun **had to occur between 1949 and Nash's observations of the gun in the exhibit in the late 1960's.**

Regardless, the search for a small piece of FBI history and answers to surrounding questions is now over.....

For a quick reference and clarification, I have attached agent Winstead's statement, below, which is many times taken out of context or embellished upon.

Many thanks to current FBI Historian, Dr. John Fox, the many retired FBI agents and civilians we interviewed; Colt historian

Kevin Williams and writers, collectors and historians Rick Mat-tix, (RIP) Brian Burrough, Sandy Jones, and Bill Helmer for their assistance. These individuals may or may not agree with our findings.

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Chicago, Illinois
July 23, 1934

MEMORANDUM FOR FILE:

Re: DILLINGER CASE

On the evening of July 22, 1934, this agent, acting upon instructions of Special Agent in Charge Purvis, and Special Agent S. P. Cowley, proceeded with City Detective Zarkovich of Gary, Indiana, to the 4300 block, west Madison Street, where we parked across the street from the Marbo Theatre, at a point where we were able to observe at all times, the box office. Agent called the Chicago Division Office at intervals, in order to keep informed as to whether or not Dillinger had come to the Biograph theatre. Upon being advised by Special Agent Peterson, shortly before 9 o'clock that the other agents had already gone to the Biograph theatre, this agent and Detective Zarkovich proceeded immediately to a point near the Biograph Theatre on Lincoln Street, and there located the other agents at their stations along the street.

Agent located Special Agent in Charge Purvis, and Special Agent C. O. Hurt, and was informed by them that Dillinger had come to the theatre from the south, and likely would return in that direction. Agent stepped in a doorway where Special Agent Hurt was standing, and it was agreed that when Mr. Purvis gave the signal that Dillinger was leaving the theatre, if he had gone south, Hurt was to take the right side, and this agent the left side, and endeavor to apprehend Dillinger, before he reached an alley about 40 or 50 feet from where we were stationed. When Mr. Purvis gave the signal, a few minutes before 11 o'clock, Agent Hurt turned to this agent and stated "That is Dillinger with the straw hat, and the glasses". Special Agent Hurt stepped across the sidewalk and Dillinger passed us. Just after he passed where this agent was standing agent stepped from the doorway to the sidewalk, falling behind him and at that point, Dillinger turned his head, looked squarely at agent, and reached with his right hand for his gun. Agent then pulled the Division .45 Automatic, with which he was armed, and shot Dillinger, as nearly as he could tell, in the right side, from the rear. Just as this shot was fired, Dillinger, who was then beginning to run, struck a woman who was walking in front and a little to his right, with his body, and agent fired two more shots, as he turned. He staggered to the mouth of the alley and fell on his face. By this time, Special Agent in Charge Purvis ran to Dillinger's body and this agent turned and asked the woman if she were shot. She stated that she did not know. She had blood on her dress just below her hip, and agent told her to lift her dress and saw that the

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bullet had passed through the fleshy part of her upper leg, and passed out of the front of her left leg. By that time a man, who said he was her relative came up, and agent went with her and this man to the latter's place of business up the street toward the Biograph theatre. She stated that she wanted Dr. Fenn, or Fenner; that she was not suffering, and did not think it was very bad. By that time the throng of people was making its way toward the spot where the shooting had occurred, and agent, with other agents attempted to hold the crowd back.

A local police officer had begun systematically searching the body of Dillinger. I requested that they look for a gun, as he had reached for one. Mr. Purvis stated that he had already taken a gun out of his hand, and that it was a .380 calibre Colt Automatic.

In a short while, an ambulance had arrived, and this agent and Special Agent Jerry Campbell proceeded to the office.

Respectfully submitted,

C. B. WINSTEAD;
Special Agent

CBW/dr