

LIFE ^{COVER} "OSWALD" Photo - Feb 21 '64

I believe the most damning piece of evidence against Oswald in the mind of the public was the Life cover photo of Feb. 21, '64, which also appeared in substantially like versions in numerous publications around the world.

Yet, to my mind that photo also constitutes the most damning single piece of evidence exposing the shabbiness of the FBI/Warren Commission efforts to sell its version of the assassination.

When I first looked at the Life cover, I was struck, as thousands of others must have been, by the incongruity of the man who later, allegedly killed the president, having posed for a home snapshot holding the murder weapon and a left-wing newspaper. While looking at the picture, trying to guess what prompted him to pose for it, I noticed what seemed to me a discrepancy between the direction of the shadow under his nose (straight down), and that of his body, (clearly to his ~~left~~ right). I puzzled over this for a while and then put it out of mind, with the thought that it must have been caused by something in the camera angle, or lens distortion, or some such thing.

My interest was renewed about a month later when I heard Mark Lane refer briefly to the discrepancy during a public meeting in Los Angeles. I took the photo (masking it as is the* enclosed) to four men locally who should qualify as experts. I asked them, first to determine where the sun was, based on the shadow under "Oswald's" nose, and lighting on his ears. I got the obvious answer; overhead and somewhat in front. Then I asked where the sun was, based on the body shadow; Again, the obvious answer, forward and to his left. I then asked what they thought of the photo.

The first man is head of the commercial photography lab of the Art Center School, which has a national reputation. His name is Otto Halmer, over forty years experience in the field, and had been recommended as one of the top experts in L.A. He said flatly the picture was "phony", pointing out, in addition to the inconsistent shadows, that the entire neck area had been "airbrushed".

Second, the head of a small TV studio which produces commercials. He said the shadows were "impossible" in a legitimate picture.

Third, the head of the Cinema Arts department at U.S.C. He at first said the shadows were clearly inconsistent, then started pressing me as to my identity and motives, then hedged

LIFE photo not included in this packet

and said maybe the shadows were consistent after all. It was about two in the afternoon, and the sun was out, and he was off that hour; but he refused my request to see if he could observe similar shadows on me outside.

The fourth was head of Cinema Arts at U.C.L.A. After having first placed the sun overhead for the nose shadow, and to the left for the body shadow, he said he saw nothing wrong, and had no time to bother with it.

I did nothing further with the photo until after the Report and volumes came out, when I noted that Oswald is quoted by the police as saying -- when confronted with the photo -- that it was a composite, with his head pasted on someone else's body.

I am a self-employed salesman, and started carrying the picture in my car as I made my rounds. Whenever I passed a photographer's shop, I tried to get an opinion. Of about thirty received, approximately two-thirds said it was "phony", "a composite", "inconsistent", "doctored", or "impossible". These replies came quickly, and for the most part, with assurance. The remaining third, who saw nothing wrong with the photo, were marked by hedging and inquiries as to my purpose. About half of the latter group tried to explain the discrepancy by the fact that he is leaning to one side.

I took the snapshots of the three men in the enclosed photo (unfortunately, I neglected to pose them leaning as "Oswald" was -- but I have since determined to my satisfaction this makes no decisive difference). Note that while the body shadows are similar to "Oswald's", the shadows of their noses, like that of their bodies, go to their right; exactly where common sense would indicate under such sun conditions. Also, note that while their left ears are lit (more or less -- depending on shape), their right ears are totally shaded.

I have since posed, without photographing, at least a dozen other people, having them lean as "Oswald" did. In each case when the body shadow of the Life photo is approximated, the nose shadow goes to the right; and the right ear is completely in shade.

Here is a case where a piece of key evidence is so transparently phony that any interested party can be his own expert -- merely by posing a few friends or relatives and observing the shadows. I will change my mind ~~about this~~ about this only when I see legitimate photos taken that approximate both shadows in the Life photo.

In this instance, as is the pattern in many other areas of the W.C./F.B.I.'s work, a suspicious piece of evidence is made double so by the manner in which they handle it -- or fail to handle it. In vol. 21, pg. 455, is Shaneyfelt Ex. No. 14, which consists of three copies of the "Oswald" photo showing eleven numbered areas where the picture had been retouched by Life, Newsweek, and the N.Y. Times; ostensibly to make a better picture for reproduction purposes. (In the same volume, pg. 449-458, are copied of the correspondence between the W.C. and these publications, concerning the retouching done by each of them. Shaneyfelt

discusses the retouching, v.4, p.290-294. But note that none of the numbered retouched areas deal with the crucial question of the nose shadow/body shadow contradiction, and Shaneyfelt never mentions it; although stating his slightly qualified belief that the picture is not a composite (ib., p.288)

Obviously, the FBI was aware of questions raised on this point -- Lane had raised it publicly at least six months prior to the publication of the Report. Yet, instead of dealing with it in Shaneyfelt No. 14, they follow the now familiar W.C. pattern of attempting to bury a major question in a morass of answers to picayune ones.

But they're not quite through with their show of thoroughness. In vol. 17, pg. 522, is Com.Ex.No.748, a photo which Shaneyfelt says he prepared himself (v.4, p.281), saying he did so to "duplicate the lighting of the photograph, Exhibit 133A" (the photo which appeared on the Life cover; and which appears as C.E. 746A, vol.17, pg.517)

No. 748 shows a man holding a rifle in a similar pose to the Life "Oswald" photo -- with the body shadow similarly going to his right. However, in this photo which Shaneyfelt has told the W.C. was for the purpose of duplicating the lighting in the "Oswald" photo, he blanked out the head of the individual. ". . . because it was one of the employees of the FBI, and I felt it desirable to blank out the head since it was not pertinent."

The head and face was "not pertinent" in a photo allegedly taken to duplicate lighting; and presumably was therefore omitted to avoid embarrassment to the individual posing.

But such consideration was evidently not deemed necessary in the cases of a number of other individuals who posed in various demonstration photos -- most of whom were apparently FBI men -- although in these cases lighting wasn't even a factor. (A total of six individuals are shown in vol. 18, pg. 86 and 96; and vol. 22, pg. 485). It seems that the "pertinence" of faces in FBI demonstration photos is inversely proportional to the necessity to learn something from them.

But what about the second photo of "Oswald", C.E. 133B (of which a larger version appears as C.E. 749, v.17, p.523)? In this photo he is holding the rifle in his right hand instead of his left; and while in my opinion the nose/body shadow discrepancy still exists, because of the way the body is turned and the tilt of the head, it is less apparent than in 133A. If I am correct in the belief that both 133A and 133B are composites; since the shadow discrepancy is less glaring in the latter than the former, why then didn't those who manufactured them choose to release 133B for wide publication, instead of 133A?

I believe the answer is in the neck area of 133B, which even to a layman appears obviously phony in tone and texture. And this, without availability of the excuse that it had been touched up to make a better picture, as was the Life photo. (CONT'D)

I have a page of volume references resulting from my attempt to trace these photos through the testimony, and they do little to counteract their suspect nature.

If the photos are indeed spurious, the implications would depend on their origin. If they were made after Oswald's arrest, I guess it's barely conceivable they were fabricated by police in an effort to strengthen a weak case against a man they thought guilty. But I can't believe one would run such a risk in a case like this merely to strengthen a case against a guilty man.

If they were made prior to his arrest, it would constitute prima facie evidence that the assassination was the result of a conspiracy, and that Oswald was picked in advance as the "patsy". (I'm sure you are aware that Seth Kantor quotes him as saying he is the patsy, writing Oswald's remark in his notebook; v.20, p. 366. Also, ~~somebody's statement~~ Oswald's statement that he was the patsy was included in a brief video tape of him -- I have access to a sound tape of it -- which was part of an NBC-TV program several months ago, "Lee Harvey Oswald and the Law") (Someone must have put the screws to the real contents of this show shortly in advance of its showing date, since only about two minutes out of the entire hour had anything to do with Oswald.)*

Of course, even assuming he was set up in advance does not prove he was innocent of any role in the conspiracy. I am certainly prepared to accept that he was guilty if the proof is there. So far, I've seen nothing in the physical evidence tending to prove him guilty that does not appear vulnerable.

As to the circumstantial evidence, I feel there is at least as much tending towards innocence as toward guilt; and if one can accept, as I am inclined to, the case made by Harold Feldman in the Nation, Jan. 27, '64, pointing toward some type of involvement by Oswald as a government agent, then an innocent explanation may in fact lay behind his allegedly guilty behavior between the assassination and his arrest -- except, of course, for his alleged killing of ~~Tipit~~ Tippit, about which I have plenty of doubts.

*
The show had been prominently advertised for a week or so before its showing; and yet when shown, it dealt with cases of mistaken identity in a number of other cases unrelated to the assassination. Except for the brief appearance of Oswald mentioned -- during the fade in and fade out -- the assassination was not mentioned. It does appear that NBC was preparing an extensive study of the assassination. The N.Y. Times of May 7, '64, said: "NBC is preparing a television report on Lee H. Oswald, the accused assassin of President Kennedy ... Irving J. Gitlin, exec. producer of NBC's creative projects unit, said the program would present the results of a large-scale investigation of the assassination of Pres. Kennedy, and Oswald's role in it. Mr. Gitlin said research has been

Mr. McCLOY. It may be admitted.
(The photograph referred to was marked Commission Exhibit No. 747, and received into evidence.)

Mr. EISENBERG. Have you prepared a simulated photograph showing this weapon, Commission Exhibit 139, held in approximately the same pose as it appears to be held in Commission Exhibit 133A?

Mr. SHANEYFELT. I have; yes.

Mr. EISENBERG. And that is an 8-by-10-inch photograph?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Which you prepared yourself?

Mr. SHANEYFELT. Yes; I prepared the photograph myself, having the rifle held in approximately the same position as in Exhibit 133A, and I attempted to duplicate the lighting of the photograph, Exhibit 133A.

Mr. EISENBERG. Mr. Chairman, may I have this admitted?

Mr. McCLOY. It may be admitted.

(The photograph referred to was marked Commission Exhibit No. 748, and was received into evidence.)

Mr. EISENBERG. Where was this photograph prepared, Mr. Shaneyfelt?

Mr. SHANEYFELT. This was prepared in the FBI laboratory.

Mr. EISENBERG. Was this inside or outside?

Mr. SHANEYFELT. Outside.

Mr. EISENBERG. On the roof?

Mr. SHANEYFELT. On the roof of the Justice Building.

Mr. EISENBERG. I see the head of the individual in the photograph is blacked out. Can you explain the reason for that?

Mr. SHANEYFELT. I blacked out the head because it was one of the employees of the FBI, and I felt it was desirable to blank out the head since it was not pertinent.

Mr. EISENBERG. Now, Mr. Shaneyfelt, based upon Exhibit 133A, upon your reproductions of Exhibit 133A, consisting of the Exhibits Nos. 746 A through E; and upon your photograph of the rifle, Exhibit 747, and your simulation of 133A, Exhibit 748—have you formed an opinion concerning whether Exhibit 139, the rifle used in the assassination, is the same or similar to the rifle pictured in Exhibit 133A?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. Can you give us that opinion?

Mr. SHANEYFELT. Yes; I compared the actual rifle with the photograph, Exhibit 133A, and with the photographs that I prepared from Exhibit 133A, as well as the other simulated photograph and the photograph of the rifle, attempting to establish whether or not it could be determined whether it was or was not the same.

I found it to be the same general configuration. All appearances were the same. I found no differences. I did not find any really specific peculiarities on which I could base a positive identification to the exclusion of all other rifles of the same general configuration.

I did find one notch in the stock at this point that appears very faintly in the photograph, but it is not sufficient to warrant positive identification.

Mr. EISENBERG. When you say "this point," you are pointing to the right side of the weapon, to a point approximately 14 to 15 inches in front of the bolt when the bolt is turned down—is that correct?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Mr. Shaneyfelt, looking at this Commission Exhibit 139, the weapon, I see that the stock is curved downward, about 8 inches—at a point approximately 8 inches—from the butt of the weapon, and that it then curves upward at an angle of approximately 10° to the plane of the forepart of the butt—is that correct?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Now, I will hand you Commission Exhibits 746 A through E, and I will ask you to select from those exhibits the photograph which best brings out the various details of the weapon.

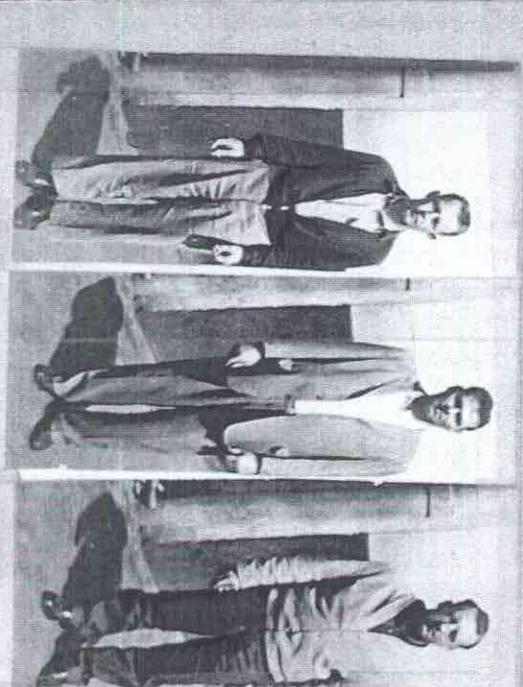
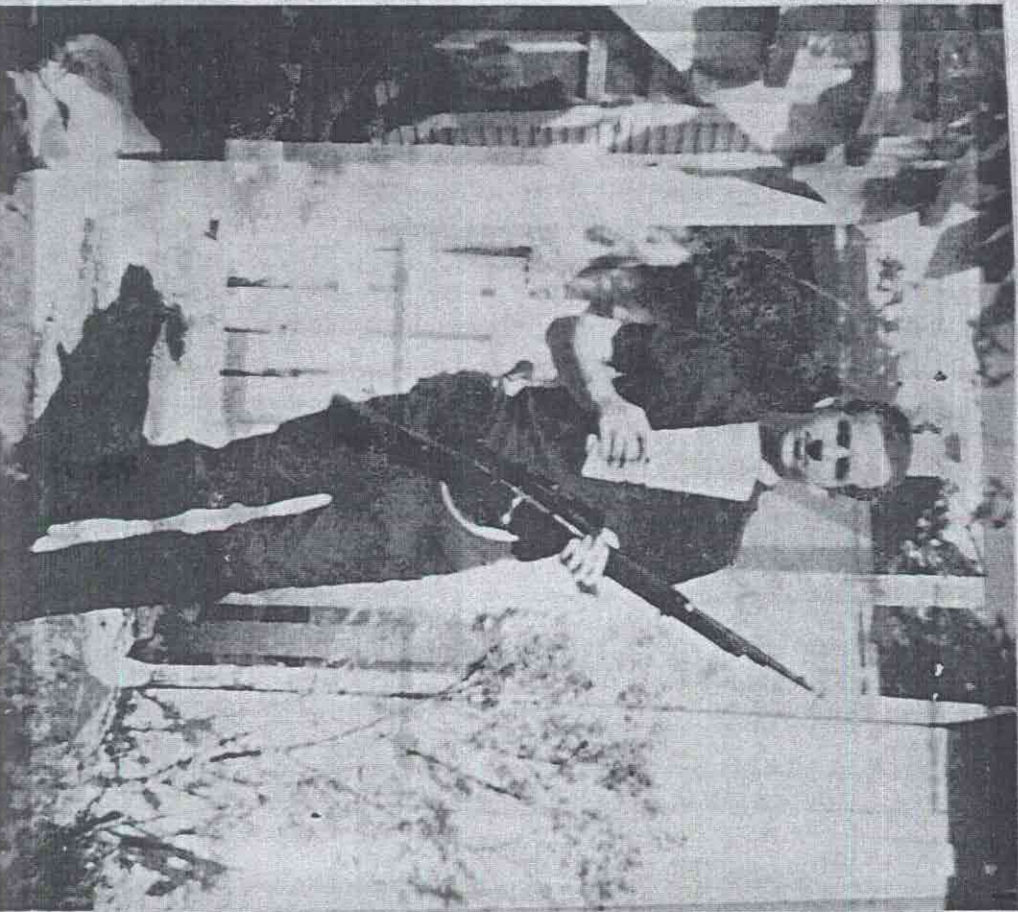
Mr. SHANEYFELT. I believe that the contour of the stock is best shown in Commission Exhibit 746E.

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ASSASSIN-TO-BE AT 23. Full version of photograph which appears on LIFE's cover shows Oswald proudly holding a Trotskyite newspaper, *The Militant*, in one hand and rifle he used to shoot President Kennedy in the other. Dallas police have confirmed that this is the rifle found in the Texas Book Depository. On Oswald's hip is revolver which killed Dallas policeman J. D. Tippit. Oswald posed for photograph in spring of 1963, outside his home in Dallas. He set the camera and then, handing it to Marina, directed her to take the picture. Shortly after, Oswald shot at Major General Edwin Walker. Seven months later, he killed the President.

Life 2/21/64

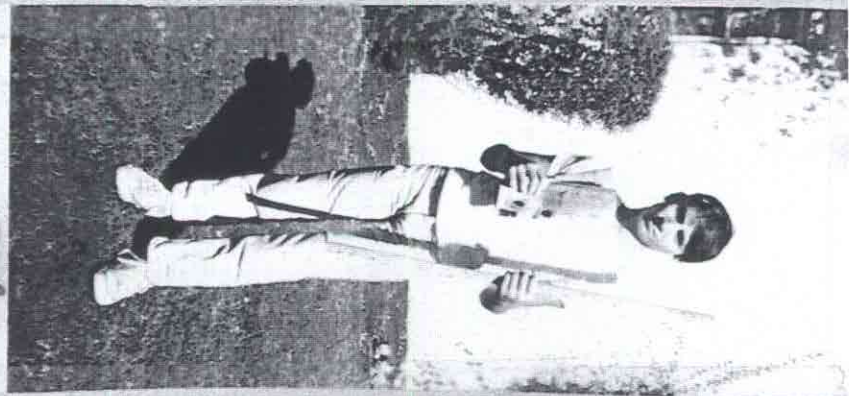




1-A



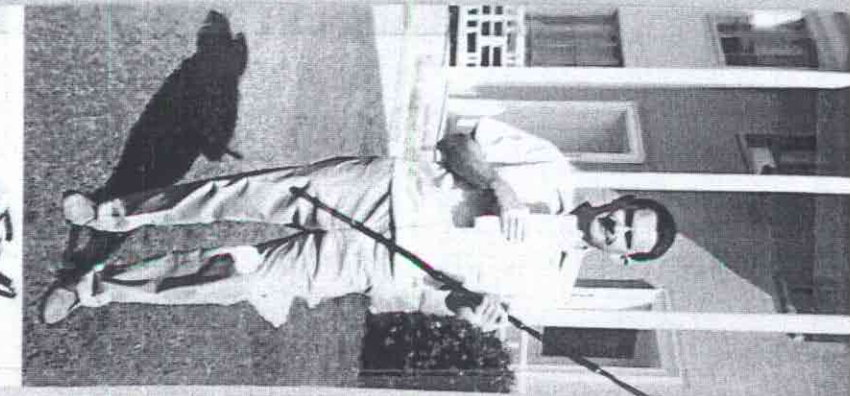
2-A



3-A

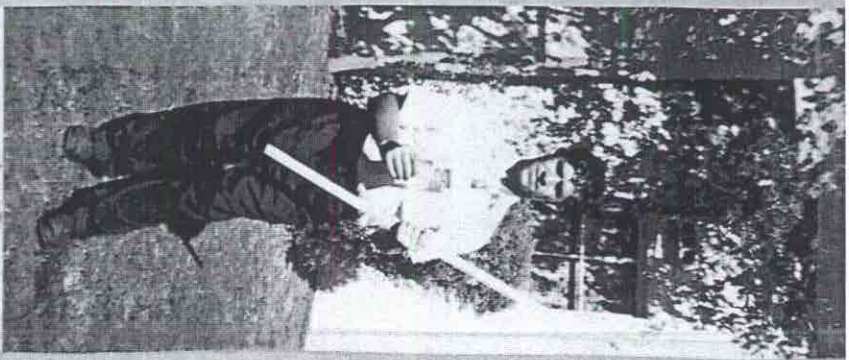


4-A

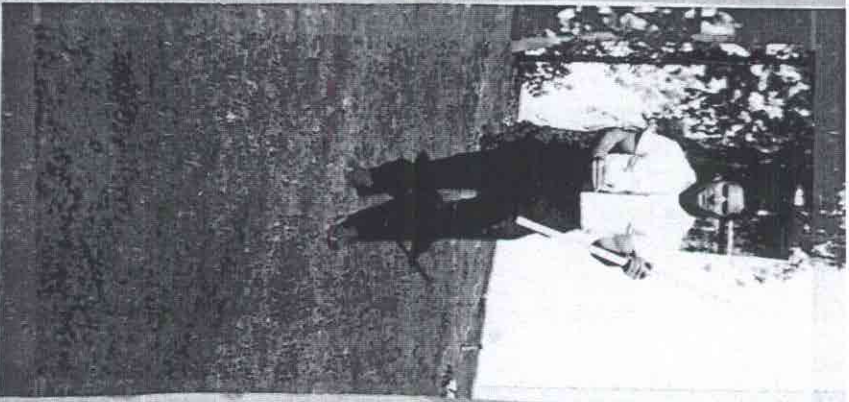


5-A

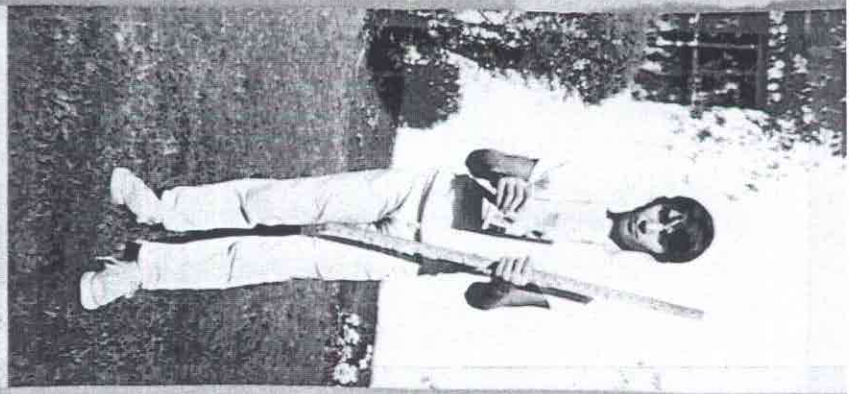
1-B



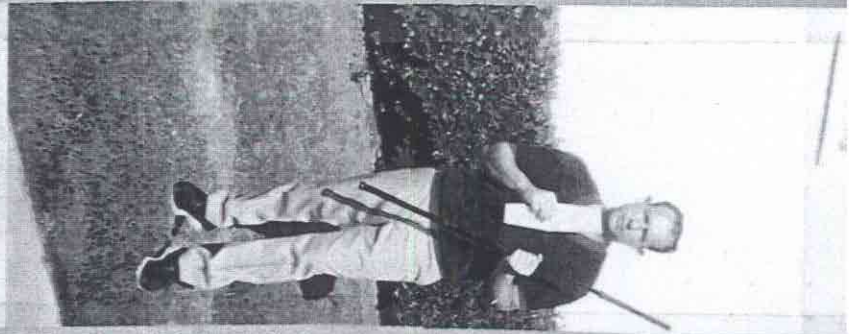
2-B



3-B



4-B



5-B

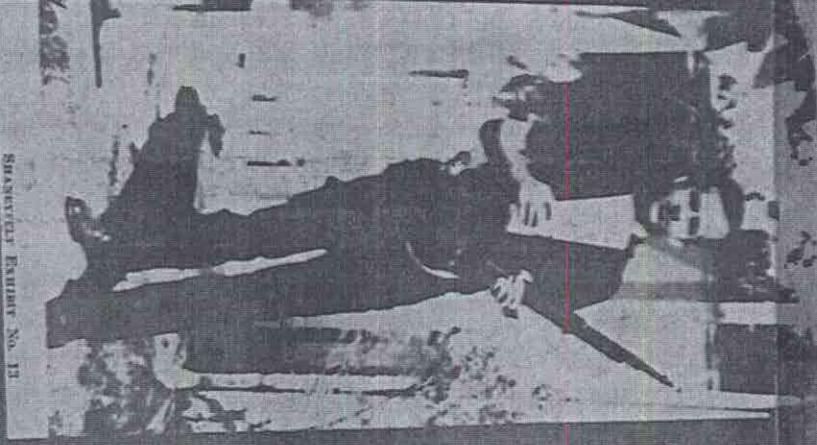


LIFE

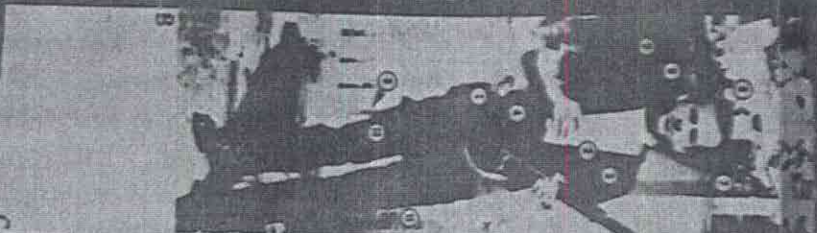
**LEE
OSWALD**
with the
weapons he
used to kill
President Kennedy
and
Officer Tippit



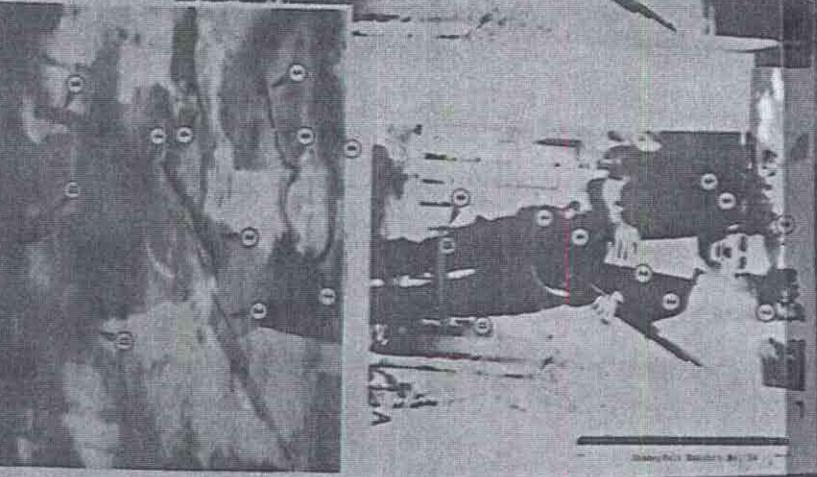
FEBRUARY 21 • 1964 • 25¢



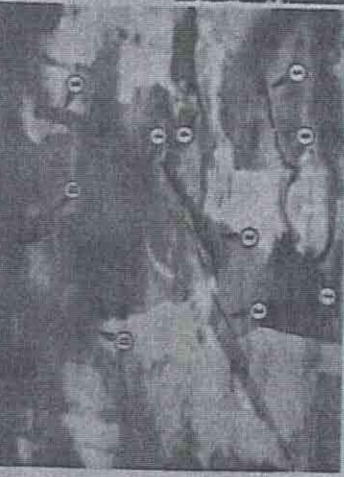
SHAWYETI Exhibit No. 13



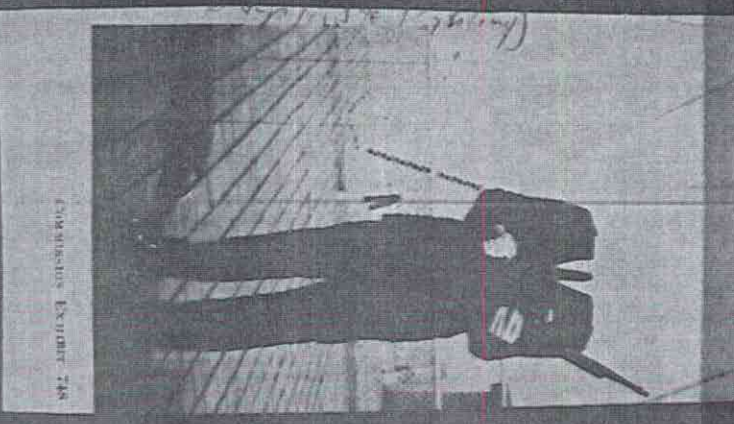
C



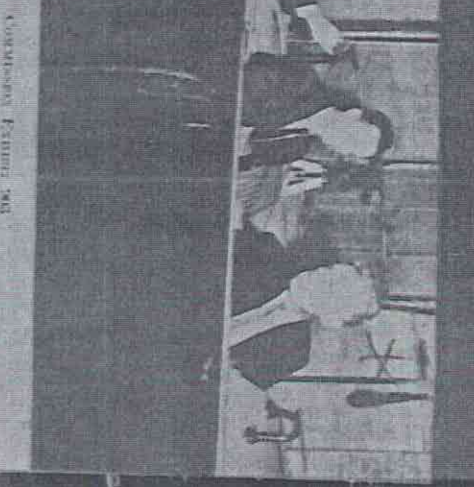
Shawyetti Exhibit No. 14



SHAWYETI Exhibit No. 14



SHAWYETI Exhibit No. 15



SHAWYETI Exhibit No. 16

17. DOCTORED PHOTO-GRAPH THEORY

Proponents: Mark Lane, Harold Weisberg, David Lifton, et al.

Thesis: The photographs showing Oswald with the Kennedy and Tippit murder weapons are clever paste-ups of Oswald's head on another man's body.

When the Dallas police found the two photographs they were certain they had positive evidence linking Oswald with the weapons. *Life* magazine ran one of the pictures on its cover. *Newsweek* and *The New York Times* also printed the picture.

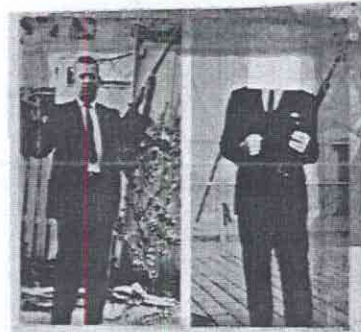
Confusion reigned shortly. Careful observers had noticed that all three publications had retouched the rifle and the pistol, but each did it in different ways. Their editors were forced to write humiliating letters to the Warren Commission admitting their alterations, but in essence none had falsified the photographs. Those accusations were to come later.

Mark Lane and Harold Weisberg noticed that the shadow under Os-

wald's nose seemed to be inconsistent with the other shadows in the picture. Both the F.B.I. and the Dallas police rushed to prove such a photograph was possible, but only succeeding in adding a touch of Dogberry humor. The Dallas police shot a picture of a plainclothesman on the scene, but on a cloudy day. The F.B.I. posed an agent on a roof in bright sunlight, but the photograph they sent to the Commission had the head cut off.

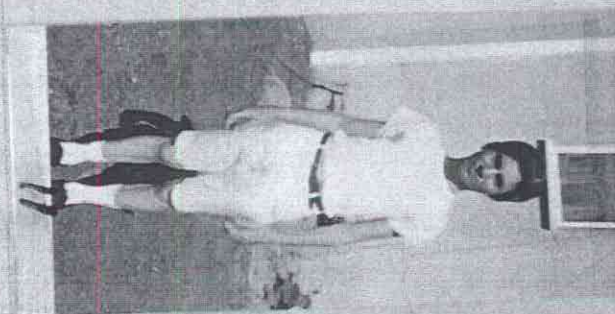
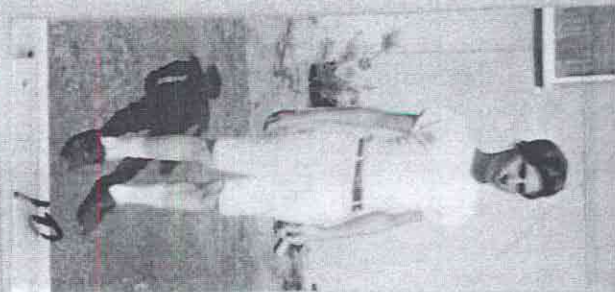
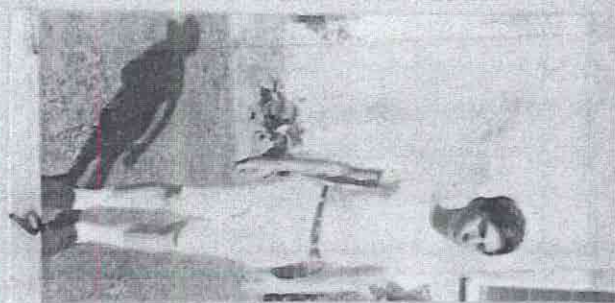
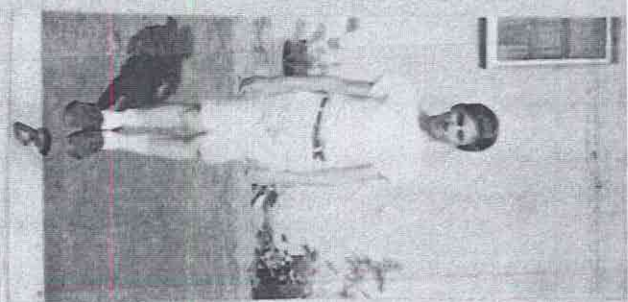
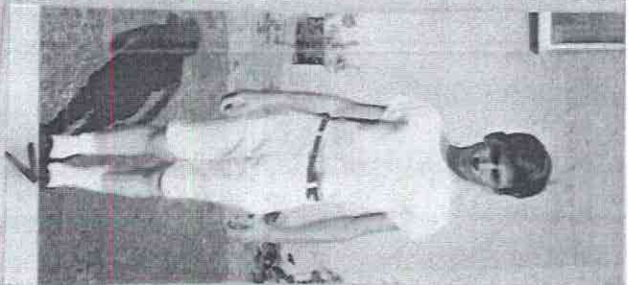
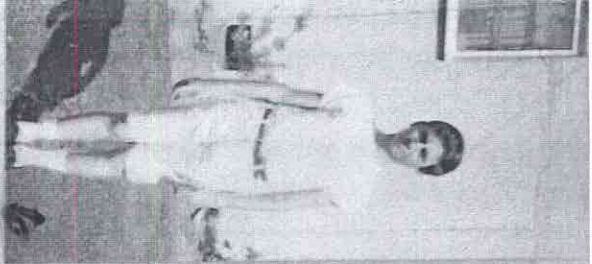


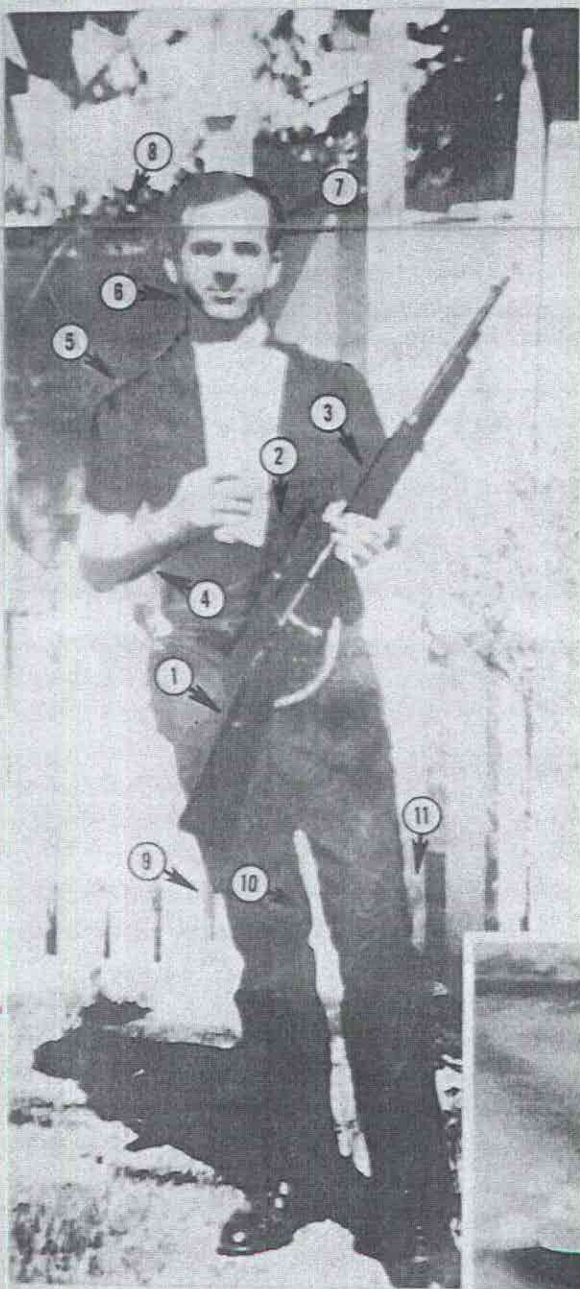
The "Doctored Photo."



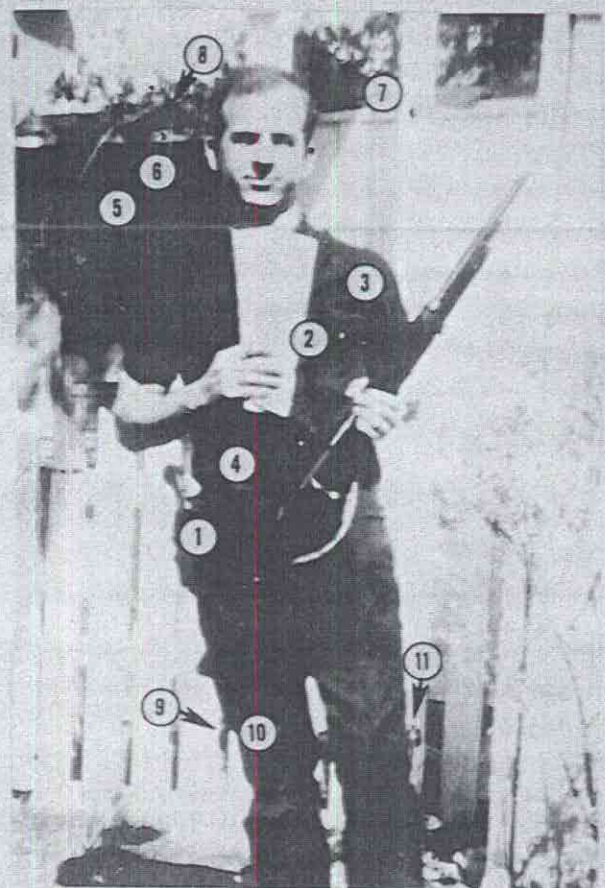
Dallas Police

F.B.I.

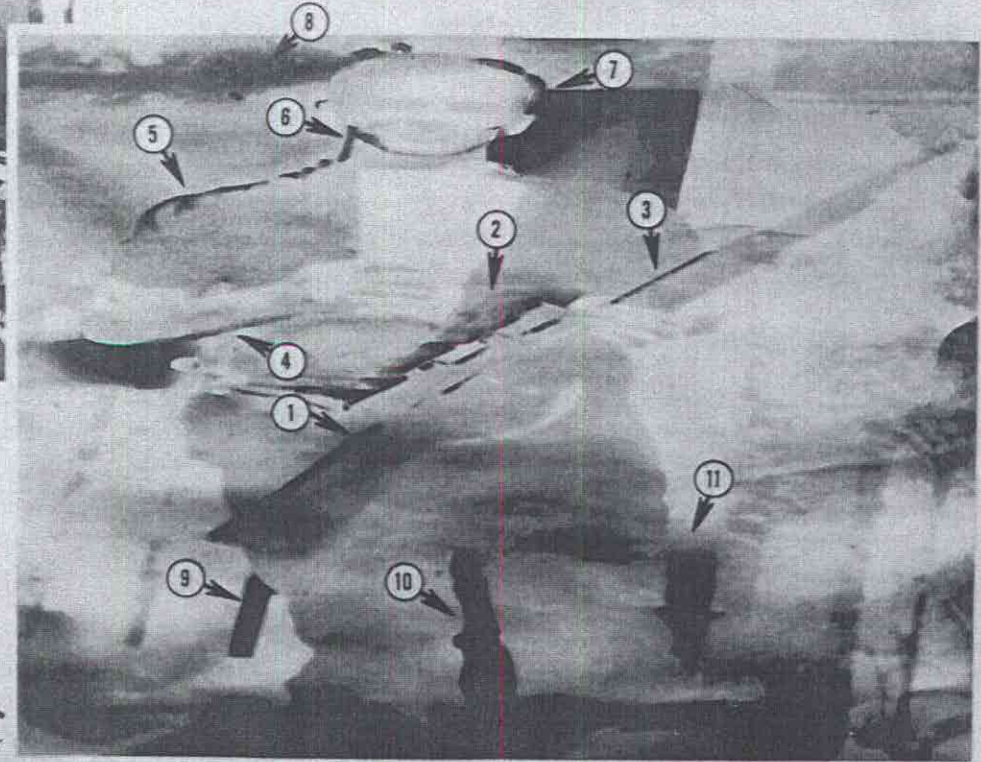




B



A



C



C.E.-133-A

