

#48

WHERE WAS OSWALD FROM 11:50 to 12:35 P.M. ON THE DAY OF THE ASSASSINATION?

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*File Oswald in  
Solo Gunner  
Maybe a  
major  
witness*

Gerald Posner follows the WC in placing Oswald on the sixth floor of the Texas School Book Depository Building from 11:55 A.M. until he supposedly fired the shots at 12:30 P.M. Therefore, according to Posner, Oswald had thirty-five minutes to build the sniper's nest. However, Posner's only in-building witness to put Oswald alone on the sixth floor before the shooting is Charles Givens, who said he saw Oswald there, at 11:55, after everyone else had left (6:226-228).

*file Oswald in  
Solo Gunner*

Yet, it is common knowledge among assassination researchers that when Givens was initially questioned, he mentioned nothing about seeing Oswald on the sixth floor after everyone else had left. In fact, Givens, who had a police record involving narcotics, originally told the authorities he saw Oswald reading a newspaper on the FIRST FLOOR at 11:50 (14:75). Two other TSBD workers likewise put Oswald on the first floor from 11:50 to 12:00 (17:68). And, Book Depository employee Bonnie Ray Williams told the WC that he ate lunch on the sixth floor from around noon until 12:15, perhaps even until 12:20, AND THAT HE SAW NO ONE ELSE ON THE FLOOR. This was, at the most, just fifteen minutes before the President's motorcade passed in front of the Depository. Even if Williams left the sixth floor at 12:15, Oswald still would not have had enough time to construct the sniper's nest, reassemble the Carcano rifle, and arrange the supposed gun-rest boxes before the motorcade arrived (and, keep in mind, too, that the motorcade was scheduled to pass the TSBD at 12:25, and Oswald would have had no way of knowing that it was going to be five minutes late).

In response to this evidence, Posner observes that Williams "told the FBI he left [the sixth floor] by 12:05 and went to the fifth floor" (6:228)--end of discussion.

This brings us to a crucial flaw in Posner's arguments. Posner attempts to discredit several witnesses whose testimony contradicts the lone-gunner scenario by citing differences between their FBI or Dallas police depositions and their statements to the WC, or between accounts they provided in later years and their earlier testimony. Yet, as Posner must know, numerous witnesses subsequently insisted that federal agents or the Dallas police, or both, altered or even fabricated their statements. Assassination-related documents disclosed by Freedom of Information Act suits have revealed undeniable instances of evidence tampering by the FBI. Several witnesses complained that they were pressured to change their testimony by federal agents or by the Dallas police. Posner quotes from books that thoroughly document these facts, but he does not bring this information to the attention of his readers.

For the most part, Posner summarily dismisses the recollections of witnesses with evidence of conspiracy if they did not speak up immediately or shortly after the shooting. But nearly all researchers would agree that this is not a sound criterion for rejecting testimony relating to the assassination. Many witnesses who had information favoring Oswald or contradicting the single-assassin story were afraid to go public with what they knew because of the charged anti-Oswald atmosphere at the time. Some conspiracy witnesses weren't aware of the significance of what they had seen until after the WC published its report, and, faced with the nearly universal acceptance the report initially enjoyed, they chose to remain silent for fear of being ridiculed. In addition, several witnesses later said they were hesitant to come forward because they knew that other witnesses had died under strange circumstances or had been murdered.

Now, let us revisit the statements made by Bonnie Ray Williams. First of all, when the WC asked Williams about his FBI statement, he denied telling the FBI that he left the sixth floor at 12:05 (4:103).

And, when the Commission asked Williams to give an approximate time for his departure from the sixth floor, he said he left at around 12:20 (4:103). Former WC member Gerald Ford said Williams left the sixth floor "just minutes before the Presidential motorcade reached the corner of Houston and Elm" (73:330). Similarly, the WC itself concluded Williams joined Harold Norman and James Jarman on the fifth floor "at approximately 12:20 p.m." (32:68).

Oswald allegedly told the police that he ate lunch in the domino room on the first floor (which was often used as a lunchroom by employees), and that he went upstairs to the second-floor lunchroom to buy a Coke and had just finished getting the Coke from the soda machine when Officer Marrion Baker approached him and asked him to identify himself. Three witnesses, Eddie Piper, Bill Shelley, and Charles Givens, reported seeing Oswald on the first floor between 11:50 and 12:00 (19 H 499; 6 H 383; 7 H 390; CD 5; 14:76-77). There is other evidence that supports Oswald's story, as Summers explains:

Under interrogation, Oswald insisted he had followed his workmates down to eat [from the fifth floor, where he and others had been working that morning]. He said he ate a snack in the first-floor lunchroom [the domino room] alone but that he remembered two black employees walking through the room while he was there. Oswald believed one of them was a colleague known as "Junior" and said he would recognize the other man although he could not recall his name. He did say the second man was "short." There were two rooms in the Book Depository where workers had lunch, the "domino room" on the first floor and the lunchroom proper on the second floor. There was indeed a worker named "Junior" Jarman, and he spent his lunch break largely in the company of another black man called Harold Norman. Norman, who was indeed "short," said later he ate in the domino room between 12:00 and 12:15 p.m., and indeed he thought "there was someone else in there," though he couldn't remember who. At about 12:15, Jarman walked over to the domino room, and together the two black men left the building for a few minutes. Between 12:20 and 12:25--just before the assassination--they strolled through the first floor once more, on the way upstairs to watch the motorcade from a window. If Oswald was not indeed on the first floor at some stage, he demonstrated almost psychic powers by describing two men--out of a staff of 75--who were actually there. (14:76)

Bill Lovelady, Danny Arce, and Bonnie Ray Williams, like Oswald, had been working upstairs that morning. All three told the Commission that Oswald was anxious for them to send the elevator back up to him when it was time for lunch, and one of them specified that Oswald said he would be coming downstairs. A few minutes later, Bill Shelley and Charles Givens saw Oswald on the first floor, at around 11:50. Then, ten minutes later, Eddie Piper also saw Oswald on the first floor. Moreover, as mentioned, Williams began eating his lunch on the sixth floor at right around noon and didn't leave the floor until around 12:15 or 12:20. Since Oswald was seen by Piper on the first floor at noon, and since Williams was on the sixth floor at noon to eat his lunch, **THE ONLY TIME OSWALD COULD HAVE GONE UP TO THE SNIPER'S NEST WAS AFTER WILLIAMS LEFT THE SIXTH FLOOR TO GO DOWN TO THE FIFTH FLOOR AT 12:15 OR 12:20.** The motorcade was scheduled to pass in front of the TSBD at 12:25. As it turned out, the motorcade was running five minutes late, but Oswald could not have known that. Arriving at the sniper's window at 12:16 at the earliest, Oswald would have been hard-pressed to build (or finish building) the sniper's nest, arrange the boxes next to the window as a gun rest, and then reassemble the rifle. One witness, Arnold Rowland, insisted he saw a man with a rifle (an ASSEMBLED rifle) on the sixth floor at 12:15 or 12:16, and Rowland said nothing about seeing any boxes being moved in the sniper's nest.

If Oswald was at the sniper's nest on the sixth floor at the time of the shooting, then how is it he was seen by the building manager and a pistol-waving police officer less than 90 seconds afterwards on the SECOND floor, standing in the lunchroom with a Coke in his hand, giving every appearance of being

perfectly calm and relaxed? (The manager was Roy Truly and the policeman was Officer Marrion Baker.)

Jim Moore and other lone-gunman theorists assume that Oswald bought the Coke after the encounter with the manager and the policeman (3:53). However, the available evidence indicates Oswald purchased the Coke before the second-floor encounter (5: 50-52). Oswald had no reason to lie about when he bought the Coke. When he mentioned the Coke-buying during his questioning, he did so in passing, and he could not have known the important role the timing of this detail would subsequently play in the investigation. I agree with what David Lifton has said on this subject:

The original news accounts said that when Baker first saw Oswald, the latter was drinking a Coke. This seemingly minor fact was crucial, because if Oswald had time to operate the machine, open the bottle, and drink some soda, that would mean he was on the second floor even earlier than the Commission's reconstructions allowed. In a signed statement Officer Baker was asked to make in September 1964, at the tail-end of the investigation, he wrote: "I saw a man standing in the lunchroom drinking a coke." A line was drawn through "drinking a coke," and Baker initialed the corrected version.

[Dallas] Police Captain Will Fritz, in his report on his interrogation of Oswald, wrote: "I asked Oswald where he was when the police officer stopped him. He said he was on the second floor drinking a Coca Cola when the officer came in." If I were a juror, I would have believed Oswald already had the Coke in hand, and indeed, had drunk some of it, by the time the officer entered the lunchroom. (18:351)

During a radio program on December 23, 1966, Albert Jenner, a former senior WC counsel, said that when Baker saw Oswald in the lunchroom, Oswald was holding a Coke in his hand. Said Jenner, "the first man this policeman saw, was Oswald with a bottle of Coke" (17:226). The fact that Oswald was holding a Coke when Baker confronted him in the lunchroom was one of the details that Chief Jesse Curry of the Dallas police mentioned to reporters the day after the shooting. As late as ten days later this detail was still being reported in major newspapers, such as THE WASHINGTON POST.

Oswald simply could not have made it to the second floor without first being seen by Roy Truly, who was running ahead of Patrolman Baker. The Dallas police descriptions of the rifle in its hiding place indicate that the alleged murder weapon was very carefully stashed under and between a stack of book boxes at the OPPOSITE end of the sixth floor from where the shots were supposedly fired. It is reasonable to assume Oswald would have attempted to wipe his fingerprints off the rifle (at least those parts of the rifle he had just handled while firing it). Someone wiped off the Carcano before it was "discovered" because the FBI found no identifiable prints on it when it examined the weapon on November 23. This would mean that in less than 90 seconds Oswald squeezed out of the sniper's nest, ran all the way to the opposite end of the sixth floor, wiped off the rifle (at least those parts that he would have just handled while firing it), carefully hid it under and between some boxes, ran down four flights of stairs to the second floor (actually eight small flights), went through the foyer door, and then made his way to the lunchroom, yet did not appear the least bit winded or nervous when seen by the manager and the policeman. And, if we add the Coke-buying, Oswald's alleged journey becomes even more implausible.

The WC's own reenactments of Officer Baker's encounter with Oswald indicated that it occurred no more than 75 seconds after the shots were fired. There is no way Oswald could have done everything the Commission said he did and still have made it to the lunchroom in time to be seen by Baker and without being seen by Truly. Additionally, we should keep in mind that the men watching the motorcade from fifth-floor windows beneath the sniper's nest said they heard no movement above them after the shots

were fired, and they were separated from the nest only by thin plywood floor boarding that had cracks between the planks. One of them said he could hear a rifle bolt operating and shells hitting the floor above them during the shooting--yet, again, these men heard no movement above them after the shots were fired. This report accords with the finding that boxes were being moved in the sniper's window within two minutes of the assassination (see below); it also agrees with the eyewitness account of a law clerk from a nearby building who said she saw a man in the sixth-floor window about four to five minutes after the shots were fired. The law clerk was a woman named Lillian Mooneyham. She told the FBI that she saw a man standing a few feet back from the sniper's window four to five minutes after the shooting.

Photos taken of the sixth-floor window less than two minutes after the shooting show the boxes being REARRANGED (5:53). This fact was detected by the photographic experts retained by the House Select Committee on Assassinations (HSCA). I quote from the HSCA testimony of photographic expert Dr. Robert R. Hunt:

Mr. FITHIAN. I would like to ask the staff to put up JFK F-153. As I understand it, Doctor, this is a picture that was taken a few seconds after the shot; is that correct? Dr. HUNT. I am not sure until I see the picture. Which one are you referring to? Mr. FITHIAN. I believe that is the one of the---TSBD? Dr. HUNT. Oh, yes, right. Yes; in answer to your question, THAT WAS TAKEN A FEW SECONDS AFTER THE LAST SHOT WAS FIRED. AT LEAST THAT IS DILLARD'S TESTIMONY TO THE WARREN COMMISSION, I BELIEVE.

Mr. FITHIAN. Now, directing your attention to that particular exhibit, the photograph in the area of the sixth floor window, the open window, there seems to be a change in the configuration of the boxes. How did the photo panel account for this?

Dr. HUNT. The change in configuration of the boxes with respect to what, with respect to another window view?

Mr. FITHIAN. No, with respect to other photos that you analyzed.

Dr. HUNT. OK. Probably the one most pertinent to that would be exhibit which is showing next to it at the moment--I am not aware of the exhibit number for it--but that shows the same window, TAKEN APPROXIMATELY ONE TO TWO MINUTES AFTER THE FIRST PICTURE WHICH WE TALKED ABOUT, the one taken by Dillard on the right, the one by Powell on the left. You are correct in perceiving that there is something which we could ascribe to a change in the configuration of the boxes. For example, the picture on the right, we see only two boxes, one at the left of the window sill and just a corner of the one peeping up at the right of the window sill. Whereas, in the picture, the enlarged picture, for example, on the left, we see not just the two boxes; you can still see, for example, on the left there is the same small box at the left, there is the same corner peeping up at the right. But now we have two or three other boxes, apparently rising up in between them. There are two possible explanations, I guess, for that, that the panel considered. One is that we are seeing boxes which are in the room, but because of our perspective, our line of sight, is different, we are seeing different boxes than were visible in the other picture. The second explanation is that there has been physically a movement of the boxes in the room during the time which elapsed between the taking of those pictures.

Mr. FITHIAN. All right. Now there is no way that we can know which it is?

Dr. HUNT. There are ways of eliminating or narrowing down the possibilities between those two choices. For example, given the geometry at which you are viewing, and given the apparent sunlight on the boxes, you could probably guess how far into the room those boxes do lie. For example, if you look at the two boxes which appear to have been introduced in the picture on the left, they appear to be in full sunlight, which means they must not lie too far inside the room because this was high noon, in November; the sun angle is simply not that low in Dallas at high noon in November to shine sunlight very deep into the room. So they can certainly not be too far behind the plane of the window; and THAT WOULD THEREFORE TEND TO RULE OUT THE POSSIBILITY THAT WE ARE LOOKING AT THE BOX WHICH LIES IN ONE POSITION IN THE ROOM AND IS SIMPLY TENDED TO BE VIEWED IN DIFFERENT PERSPECTIVE FROM TWO DIFFERENT VIEWING POINTS.

Mr. FITHIAN. You say it rules that out?

Dr. HUNT. It tends to rule it out, yes. It does not rule it out completely, because we lack what is usually referred to as the analytical information, from the position of the two photographers to precisely plot the positions of those boxes by stereoanalysis techniques.

Mr. FITHIAN. WELL, IF IT GENERALLY TENDS TO RULE THAT OUT, THEN IT SEEMS THIS COMMITTEE WOULD BE LEFT WITH ONLY ONE CONCLUSION, AND THAT IS, THAT A BOX WAS ACTUALLY MOVED.

Dr. HUNT. THAT WOULD BE MY ONLY PERSONAL CONCLUSION, THAT SOMEBODY OR SOMETHING MOVED BOXES AROUND IN THAT ROOM DURING THE TIME OF TAKING OF THOSE TWO PICTURES. (4 HSCA 422-423, emphasis added)

Indeed, the Committee's photographic panel eventually came to the following conclusion: "There is an apparent rearranging of boxes within 2 minutes after the last shot was fired at President Kennedy" (6 HSCA 109). The photographic panel went into more detail in its report:

Examination of both the Dillard and Powell photographs of the sixth floor windows shows an open window with deep shadows in the region behind it. The deep shadows indicate the film was underexposed in these regions; that is, too little light reached the film or a clear recording of any details in the room behind the window.

A number of enhancement processes were applied to the photographs in order to bring out any details obscured within the underexposed regions. They were as follows:

- (1) Photographic enhancement (using photo-optical and photochemical techniques) of the underexposed regions of the Dillard photograph undertaken at the Rochester Institute of Technology (RIT).
- (2) Autoradiographic enhancement of the underexposed regions of the Dillard photograph at Stanford Research Institute, Inc. (SRI).
- (3) Computer enhancement of the underexposed regions of the Powell photograph at the University of Southern California and the Aerospace Corp. In addition, the Dillard photographs were scanned and digitized for possible computer enhancement. Nevertheless,

no such enhancement was performed because the Panel decided that the autoradiographic technique had more potential for success.

The photographic and computer processes made visible details that had been obscured in the underexposed regions of the photographs. Both the photographic enhancement by RIT and the autoradiographic enhancement by SRI revealed a feature in the fifth floor window immediately beneath the sixth floor window. Figure IV-1 (JFK exhibit F-153) shows one of the original Dillard photographs, and figure IV-2 is an autoradiographic enhancement. The detail revealed by the processing appears to be a circular light fixture hanging from the ceiling of the fifth floor room, with a light bulb in the center of the fixture.

In the enhanced Powell photograph additional details became visible on the boxes in the windows. (See figure IV-3, JFK exhibit F157.) Nevertheless in neither photograph did the processing operations reveal any sign of a human face or form in the open sixth floor or adjoining windows.

The Panel concluded that the light fixture revealed in the fifth window served as a "benchmark" against which the sixth floor enhancement could be judged. . . .

Although human faces or forms were not visible in the enhanced photographs, inspection of figures IV-2 and IV-3 reveals a difference in the boxes visible through the sixth floor window. In the Dillard photograph, only two boxes are immediately visible, one each to the left and right of the window frame. Nevertheless, the Powell photograph shows several additional boxes. There are two possible explanations for this difference:

- (1) The Powell photograph may reflect only an apparent change in the boxes; the different angle from which Powell viewed the depository may have caused a different set of boxes within the room to be framed within the window;
- (2) The boxes were moved during the time that elapsed between the Dillard and Powell photographs. Since the precise positions of Dillard and Powell at the time of the photographs were unknown, it was not possible to calculate precisely the region within the sixth floor room that would have been visible to each photographer. In the Dillard photograph, the two to the left and right of the window frame appear to be in the full light of the Sun, with no shadows cast on them by the frame of the partially opened window. In the Powell photograph, it also appears that the boxes are in full sunlight, with no shadow cast on them by the window frame.

A simple trigonometric calculation shows that the two boxes at the left and right lie approximately 6 inches from the plane of the window (see appendix A). If full sunlight is falling on the additional boxes in question in the Powell photograph, they must also lie close to the plane of the window. For this reason, **THE PANEL CONCLUDED THAT THE ADDITIONAL BOXES VISIBLE IN THE POWELL PHOTOGRAPH WERE MOVED DURING THE INTERVAL BETWEEN THE DILLARD AND POWELL PHOTOGRAPHS.** (6 HSCA 110-115, emphasis added)

WC defenders cite the claims of Dale Myers, a private researcher who asserts that the apparent movement of boxes is in effect an optical illusion. But the photographic panel considered the argument on which Myers makes this claim--and rejected it. Oswald could not have been the one moving the boxes because he was seen on the second floor by Baker and Truly less than 90 seconds after the shots were fired (5:53). So, who was moving the boxes around less than two minutes after the shooting? Who

was the man seen in the sniper's nest by the law clerk from a nearby building just a few minutes after the shots were fired? Whoever it was, it could not have been Oswald.

When Oswald was being held at the Dallas police station, he told reporters, "I didn't shoot anybody." The news tapes of Oswald's denial were examined by a researcher using the Psychological Stress Evaluator (PSE), which is a lie-detecting device that measures stress by voice stress analysis. The PSE has been shown to be reliable in several tests. It is used by hundreds of U.S. law enforcement agencies, and it is accepted as evidence in more than a dozen states. The PSE tests done on Oswald's denial indicate he was telling the truth (2:349; on the PSE test itself, see 25:206 n).

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