

BLAKEY NARRATION: BACKYARD PHOTOGRAPHS

Thursday, September 14, 1978

One of the most publicized issues to emerge in the investigation of the Kennedy assassination has to do with the authenticity of photographs of Lee Harvey Oswald with a holstered pistol strapped to his waist, holding a rifle in one hand, and in the other copies of The Militant and The Worker. These photographs have been commonly called the backyard photographs of Lee Harvey Oswald.

Oswald himself, when shown the pictures at Dallas Police headquarters after his arrest, insisted they were fakes, and over the years many critics have argued similarly. No doubt, the controversy was stimulated by publication on the cover of Life in 1964, of a copy of one picture retouched to enhance the quality.

If the backyard photographs are valid, they are highly incriminating of Oswald, and they tend strongly to corroborate the basic story told by Marina Oswald. If they are invalid, how they were produced poses far-reaching questions in the area of conspiracy. They evince a degree of technical sophistication that would almost necessarily raise the possibility that more than private parties conspired not only to kill the President, but to make Oswald a "patsy".

Here, then, is a brief history of the backyard photographs.

In the early afternoon of November 23, 1963, Dallas detectives obtained a warrant to search the home of Ruth Paine in Irving, Texas, where Marina Oswald had been living. A thorough search of the premises was conducted. It was concentrated primarily on a garage in which possessions of the Oswalds were stored.

Among the belongings, Detective Guy F. Rose found a brown cardboard box containing books, papers, and photographs. There were two prints of Oswald holding the rifle, each showing him in a slightly different pose, and there was a negative from which one of the prints had been made. The items were taken to Dallas Police headquarters.

On the evening of November 23, Captain Will Fritz first showed Oswald an enlargement of the picture later designated by the Warren Commission as CE 133-A. According to officers present, Oswald denied repeatedly that he had ever seen the photograph and claimed that someone had superimposed his head on another person's body. Oswald was then shown the print later designated as CE 133-B, which he also claimed was a trick photo.

Marina Oswald was later questioned by the FBI about the photos. She said they were taken at the Oswald home on Neeley Street in Dallas, in the backyard. But Marina gave two different versions of when the pictures were taken. She first told the FBI it was in late February or early March

1963. Her testimony to the Warren Commission reflected the same recollection. But in an FBI interview made after her initial appearance before the Warren Commission, she said that the first time she ever saw the rifle was toward the end of March. She recalled taking the photos seven to ten days thereafter, in late March or early April.

Other evidence available to the Warren Commission supported her later version. A rifle and a revolver were shipped to Oswald from different mail order houses on March 20. The left-wing newspapers Oswald is holding in the pictures were dated March 11 and March 24, and were mailed on March 7 and March 21, respectively, both by second class mail. According to postal authorities, both newspapers would have arrived in Dallas by March 28. In addition, Marina claimed she remembered taking the photos on a Sunday about two weeks before Oswald allegedly took a shot at General Edwin Walker on April 10. The Commission concluded from all its information that the photos were probably taken on March 31, 1963.

Lyndal L. Shaneyfelt, an FBI photographic expert, analyzed the two prints, the negative, the Mannlicher-Carcano, and an Imperial Reflex camera that Marina testified she used to take the pictures.

Shaneyfelt testified as to the results of his analysis:

1. The photos were taken by the Imperial Reflex camera. Each camera has unique irregularities that are reflected on the margins of negatives made by that camera. Shaneyfelt determined that the margin irregularities of the negative of 133-~~A~~^B were identical to those of a negative which he made by using the Impreial Reflex camera.

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2. The photos were not composites. Shaneyfelt said he could find no indication that they had been tampered with.

3. The rifle in the photos was probably the Mannlicher-Carcano found in the Book Depository. Shaneyfelt photographed the rifle, duplicating as best he could its position in the photo and the lighting, and found the configurations matched. He also found a notch in the stock of the rifle that appears, albeit faintly, on the rifle in the photos. He did say, however, that he did not find there were not enough peculiarities to state categorically the rifles were identical.

The backyard photo appeared on the cover of the February 21, 1964 edition of Life, which had purchased rights to publish it from James Martin, Marina's business manager at the time. Several other copies appeared in The New York Times, Detroit Free Press and other news publications. Shaneyfelt told the Commission that any apparent variations, particularly with respect to the configuration of the rifle, were caused by retouching, a common practice in the printing of pictures.

Despite the efforts of the Warren Commission to settle questions about the two pictures, Warren Commission critics have refused to let the matter rest. They have persisted in doubting their authenticity, charging they are, in fact, composites.

Some critics cite a horizontal line across Oswald's chin as evidence that his head was grafted onto another person's body. Others claim that Oswald's chin structure does not correspond to the shape depicted in the photographs. Critics also contend that the heads are identical in both pictures whereas the position of the body differs. Finally, the critics have alleged that the shadows cast by the nose are inconsistent with those cast by the body.

Mark Lane indicated in Rush to Judgment that "an examination of the picture...tends to raise doubts as to its authenticity." He also argued that the Warren Commission relied on insufficient evidence to conclude the rifle depicted in the backyard photographs was the rifle recovered from the Book Depository. He states: "The Commission had only one expert on the question - Shaneyfelt - and he refused to make an identification. Yet the Commission concluded that 'the rifle shown in these pictures is the same rifle which was found on the sixth floor of the Depository Building on November 22, 1963.'"

Sylvia Meagher, in Accessories After the Fact, states another critic's view:

"...it is not possible to determine whether the photograph is genuine or forged, but I do conclude that the Commission's procedures were so loose and its judgment so oblivious in considering this matter that it would have been possible to introduce spurious evidence and have it accepted as authentic."

Marina Oswald, in addition to giving two different versions of when the backyard pictures were taken, gave different versions of the number of pictures taken. At first she testified that she took one picture. She later testified that she took two pictures. In addition, Marguerite Oswald testified that soon after the assassination she and Marina destroyed yet another picture, in which Oswald was holding the rifle over his head with both hands. No copy of such a photograph has ever been uncovered.

In the course of the Select Committee's investigation, it obtained an additional photograph of Oswald holding the rifle in a pose different from Commission Exhibit 133-A or 133-B. This photograph, a first generation print, was given to the Committee on December 30, 1976 by Mrs. Geneva Dees of Paris, Texas. According to Mrs. Dees, this print was acquired by her former husband Roscoe White, now deceased, in the course of his employment with the Dallas police at the time of the assassination. This recently discovered photograph has been designated 133-C.

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The Committee obtained another first generation print of Commission Exhibit 133-A on April 1, 1977 from the widow of George DeMohrenschildt, Jeanne. In the manuscript of DeMohrenschildt's book, which he was writing at the time of his death in 1977, he stated that he and Jeanne found the photograph in February 1967 among personal belongings they had stored in Dallas before departing for Haiti in May, 1963.

Two additional first generation prints, one of 133-A and one of 133-C, were also obtained from former Dallas Police Detective Richard S. Stovall on April 14, 1978. Stovall was among the police officers who discovered the backyard photographs during a search of the Paine premises on November 23, 1963.

The 1978 BBC television documentary entitled "The Assassination of President Kennedy...What Do We Know Now That We Didn't Know Then" includes an interview with British forensic photography expert Malcolm Thomson. At the request of the British Broadcasting Corporation, Mr. Thomson examined copies of the three backyard photographs. He found that they were fakes.

With your permission, Mr. Chairman, it would be appropriate now to show the BBC interview to illustrate how concern over the photographs has drawn public attention.

The Committee has also asked Mr. Jack D. White to appear as a witness today. Mr. White has studied the backyard photographs for over ten years.

Mr. White received a B.A. in history from the Texas Christian University in 1949. Currently, he is Vice President of Witherspoon and Associates, Ft. Worth's largest advertising and public relations firm.

Mr. White has served with Witherspoon in various capacities for over 25 years. He has done extensive work in all areas of reproduction, including photographic, mechanical, printing, and the graphic arts.

Mr. White has lectured widely on the subject of the backyard photographs.

It would be appropriate at this time, Mr. Chairman, to call Mr. White to testify on the backyard photographs.

In addition to questions about the authenticity of the backyard photographs, other questions have arisen about the depiction of the rifle in the backyard and other photographs. Some critics, including Mr. White, have compared the rifle depicted in backyard photograph 133-A with other photographs of the alleged assassination rifle contained in the Warren Commission's Exhibits and elsewhere. A number of inconsistencies have been alleged, contributing to theories by various critics that more than one rifle was found at the Texas School Book Depository, and that one or more rifles were substituted for the assassination weapon.

Mr. Chairman, it would be appropriate now to take further testimony from Mr. White on this issue.

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Early in 1978, the Committee convened a panel of experts with varied backgrounds in the photographic sciences to study all photographic evidence relating to the assassination. The panel's expertise includes: analogue photographic enhancement, digital image processing, photogrammetry, photo interpretation and forensic photography. Resolving the controversy of the backyard photographs was a prime objective.

Because the quantity of material to be examined was large, the technical projects were contracted to several laboratories. The photo-optical, analogue enhancement work was done by a team of professors at the Rochester Institute of Technology. The image processing work was done by the University of Southern California Image Processing Institute, the University of California Los Alamos Scientific Laboratory, and the Aerospace Corporation.

The photographic panel met with representatives of the laboratories in February 1978. The analytical work began in March and proceeded, subject to the panel's review, until mid-July.

The most advanced technology was applied to the photographic evidence. In addition to the original negative and first generation prints of Exhibits 133-A and B examined by the Warren Commission, the panel examined the first generation prints obtained from Dees, DeMohrenschildt and Stovall. The additional prints allowed a more comprehensive investigation than that of the Warren Commission.

Two representatives of the photographic panel are here today to present the panel's findings: Mr. Calvin S. McCamy and Sergeant Cecil W. Kirk.

Sergeant Kirk has served seventeen years with the Identification Branch of the D.C. Metropolitan Police Department. He supervises the branch's mobile crime laboratory and the Photographic Services Unit, which produces about 30,000 forensic photographs per month.

Sergeant Kirk has studied forensic photography at the University of Louisville Southern Police Institute, the FBI Academy, and the University of Maryland. He has received the Photographic Craftsman Degree from the Professional Photographers of America.

Sergeant Kirk is an instructor of forensic photography at the University of Maryland and the Virginia Academy of Forensic Sciences. He is a guest lecturer at Central Missouri State University and the FBI Academy. He is the author of numerous professional articles in the field of photography and is the Vice President of the Evidence Photographers International Council.

Mr. McCamy received a B.S. degree in chemical engineering and an M.S. degree in physics from the University of Minnesota. He has taught mathematics at the University of Minnesota and physics at Clemson University. For eighteen years he was with the National Bureau of

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Standards, where he was Chief of the Image Optics and Photography Section. He is the author of the National Bureau of Standards handbook on the examination of microfilm. Currently he is Vice President for Service and Technology of the Macbeth Division of Kollmorgen Corporation.

Mr. McCamy is Chairman of the Photographic Standards Management Board of the American National Standards Institute. That Board is responsible for all photographic standardization activity in the United States, including such matters as ASA film speeds. He is also Chairman of the Standards Committee of the American Society of Photogrammetry.

Mr. McCamy is a fellow of the Optical Society of America, the Society of Motion Picture and Television Engineers, and the Society of Photographic Scientists and Engineers. He has served on the editorial review boards of several technical journals and has authored numerous professional papers.

Mr. Chairman, it would be appropriate at this time to call Mr. McCamy and Sergeant Kirk.

In August a representative from the SCA talked with Malcolm Thomson in Edinburgh, Scotland, concerning his examination of copies of the backyard photographs and conclusions he drew as a result. He was shown various technical reports compiled by the Committee's Photographic Evidence Panel, which addressed the issue of the authenticity of the backyard photographs, and was asked to comment. After studying the reports, Thomson deferred to the Panel's conclusion that the photographs revealed no evidence of faking, noting the thoroughness of their investigation and emphasizing that the opinions he expressed earlier were based on examination of copies of the photographs, not the original negative and first generation prints, as had been the case in the Photographic Panel's analysis process.

Thomson did, however, reserve his opinion that the chin in the backyard pictures was suspiciously different from the chin he had observed in the Dallas arrest photographs of Oswald. He also remained skeptical as to the ability of a computer to detect a photocopied composite photograph.

In the case of the photograph turned over to the Committee by Mrs. DeMohrenschildt, the Committee decided to attempt to verify that the inscription on the back of the photographs was written by Lee Harvey Oswald. To this end, three samples of Oswald's handwriting were selected and experts in the field of document identification were asked to compare them to the photograph inscription.

The samples are a signature from Oswald's fingerprint card when he was arrested in New Orleans in August 1963, his passport application dated June 24, 1963 and a list of handwritten questions found among his possessions.

A member of the Committee's panel of handwriting experts is here today to discuss the findings with regard to the inscription. He is Joseph P. McNally.

Mr. McNally received a B.S. and an M.S. in police science from the John Jay College of Criminal Justice, University of the City of New York. He started in the field of questioned document identification in 1942 with the New York Police Laboratory. He has been supervisor of the Document Identification Section of the Police Laboratory, training officer in the Police Academy, commanding officer of the Police Laboratory and handwriting expert in the District Attorney's Office of New York County. He retired from the Police Department with the rank of captain in 1972 and entered private practice in the field of document identification. He serves as consultant to New York's Human Resources Administration.

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Mr. McNally is a fellow of the American Academy of Forensic Sciences, and a member of the American Society of Questioned Document Examiners, the International Association for Identification, and the American Society for Testing and Materials. He has lectured at the University of the City University of New York, Rockland College and the New York Police Academy.

Mr. McNally has been involved in thousands of cases where document evidence has been supremely important.

It would be appropriate at this time, Mr. Chairman, to call Mr. McNally.