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# NEWS FROM DALLAS

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There are just two major news items to report this time, one concerning the former Texas School Book Depository and the other centred upon the Texas Theatre.

## On the Sixth Floor - not as sinister as it had seemed!

Well-known assassination researcher Gary Mack now holds the position of Official Archivist to the Sixth Floor Exhibit in the former Texas School Book Depository building. He has maintained a lengthy friendship with San Francisco researcher Hal Verb for many years. Towards the end of last year's Kennedy Assassination Symposium in Dallas, Gary took Hal into the basement of the building. This is a privilege extended to very few people!

No, Gary did not show Hal the original Stemmons Freeway road sign which has long been suspected of being hidden down there. What he did show him, however, was both surprising and significant. It was the original window frame, including glass panes, etc. from the so-called sniper's perch. It had apparently been removed on the orders of the building owner, Mr Burt, after the assassination, sometime in the early '60s.

When Hal told me about this, I immediately tried to fathom out the reasons behind Mr Burt's insistence that it be removed from its correct position. Was there something sinister here? Did it hold some hitherto unconsidered clue? Did it somehow indicate that Lee Harvey Oswald was not the lone-nut assassin?

The answer to all three questions is in the negative. That window frame, still complete, has now been brought up from the basement and is again on the sixth floor. Now, however, it forms part of the exhibit and is on display to the public. The reason for its mysterious removal in the 60s has also been explained it was simply to prevent workers and other people in the building from removing pieces of it as souvenirs or covering it with graffiti!

## Texas Theatre again in the news

The Texas Theatre, scene of Lee Harvey Oswald's arrest on the afternoon of the Kennedy assassination, has been seriously damaged by fire. The building represents an essential ingredient of the so-called Assassination Tour and has been visited by thousands of interested people in the 31 years since the presidential killing.

Not all of them can claim to have actually entered the building on West Jefferson Boulevard in the Oak Cliff district but those who did will have been fascinated by the somewhat sinister aura which it maintained.

The fire is believed to have started at 2.50 on the morning of Saturday 4th March. Co-owner Ron DuBois was asleep in his apartment behind the balcony at the time but he awoke and escaped unharmed. Damage has been estimated at around \$350,000. There was considerable damage to the roof of the theatre and to one end of the building where the cinema screen was located. The main auditorium, including that part of the theatre where Oswald was arrested, was not seriously affected by the fire.

At the time of the blaze, the display material - mainly photographs and other memorabilia - was well away from that part of the building affected by the fire itself and the subsequent efforts of the Dallas Fire Department to fight it!

Your correspondent was privileged to spend well over an hour inside the Texas Theatre during his regular pilgrimage to Dallas last November. The actual seat where Oswald was arrested has long been removed but the seat now in that position has been suitably embellished to indicate its significance. Whether this is appropriate or just an unnecessary and tasteless action is up to the individual to decide.

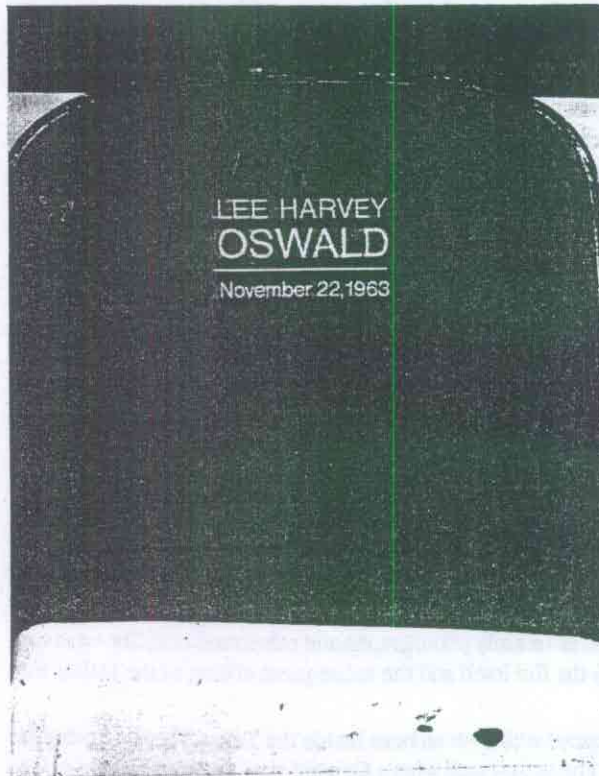


*Main Body of the Building*

*Entrance*

*The Texas Theater*

Many people marvel at how tiny Dealey Plaza is. There must be similar reaction to the unexpected vastness of the interior of the Texas Theatre. The narrow facade on West Jefferson gives no hint of the fact that it fronts a cinema capable of seating nearly 1,100 patrons 550 in the main auditorium and a further 530 in the balcony.



*Guess Who Sat Here.*

During the extensive refurbishment carried out in the past two years, attempts have been made to preserve parts of the original structure, including a section of the main staircase and parts of the balcony rail. This forethought provides the visitor with a valuable glimpse of a once proud building which somehow found itself unwittingly but indelibly linked with the crime of the century.

When you visit Dallas, please make a point of going down to West Jefferson Boulevard to pay your respects to a fine building which has seen more than its fair share of American (and world!) history. The Texas Theatre has survived the decline of the cinema, a period of near bankruptcy, threats to knock it down - and the infamy which accompanied the events of 22nd November 1963. A bit of fire damage in March 1995 is not going to beat it!

*Ian Griggs*

## "A CONSPIRACY TOO BIG?": NOT AT ALL!

by

Harrison E. Livingstone\*

Fred Litwin's article "A Conspiracy Too Big?" makes some valuable points, but it shows how effective the mind control apparatus among the Warren Commission critical community in America influences foreign opinion.

The control of foreign opinion with regard to the assassination of President Kennedy is a primary goal of powerful people in the United States. Mr. Litwin apparently has not bothered to study the actual medical and other evidence which show beyond a shadow of a doubt a conspiracy. Nevertheless, he is quite right about much of what he says.

Litwin demolishes the arguments of many of the theorists in the case, but not because his primary argument is true—it isn't. That argument is contained in the following solecism: "If one were to believe the current literature, we are faced with not just 'something larger' but a monster conspiracy that consists of several assassins, several accomplices, and the destruction and forgery of vital evidence. The critics have constructed a conspiracy so massive that it ultimately falls of its own weight."

He says further that "We are to believe that a conspiracy of multiple gunmen, massive forgery and tampering of evidence, impersonation, planting of evidence, etc. could survive without a single crack. It belies belief" This has been said often in the past.

Granted, Litwin is unaware that the autopsy doctors, forced to lie on another key point, have protested vigorously (he can't imagine how vigorously, courageously, and almost desperately) the movement of the head entry wound four inches from where they had found it. They tried very hard to get investigators to see that the photographs were wrong. I present their actual testimony in my new book for the first time.

There are a lot of problems with Litwin's reasoning. Many conspiracies historically involved cliques, political parties, circles of some kind which were composed of numbers of people. To assume that it would collapse merely because there are too many people is a fractured method of thought when such a conspiracy succeeds in its goal and takes power. Once in power, it may not matter if it is exposed, because those who won can prevent their own overthrow until a more powerful force removes them. They simply downplay or ignore the evidence against them.

In America, much of intelligent and informed opinion has always guessed at or known what the real facts were in the overthrow of the Administration in 1963, but we could do nothing about it. The physical and medical evidence was kept secret, for the most part, and remains so. In addition, the key evidence in the case continues to be excluded from the new disclosure laws, or protected by government regulation. That fact alone connotes sinister intent.

No-one publicly discussed forgery of vital medical evidence until I got into the case. The American critics of the Warren Report were largely a group of people who sought to control research in the case and threw up roadblocks to any notion that the evidence in the official story

was fake. I personally was blocked in my work by the famous people in the case, not just the government.

Litwin leads off with a basic fallacy which he lumps together with reasoning I agree with. His fourth paragraph begins with this denunciation: "If the autopsy X-rays and photos show evidence of a single head-shot from the rear, well, they must be fakes." He decides that this type of reasoning is "extremely dangerous," and he cites my second book, *High Treason 2*, "alleging massive forgery of the autopsy X-rays and photos." The book was about quite a lot else, but as he said, he could not follow my "erratic writing style" which made it "extremely difficult to follow his (my) arguments".

This is one of many signals in his article that Litwin does not pay attention to detail. *High Treason 2* was a *New York Times* best seller and was praised in America for its clarity. That book was primarily composed of interviews with witnesses which were presented in their entirety. It is not *my* arguments that had to be followed but the plain black and white statements of the witnesses, including two doctors at the autopsy, and Britain's own nurse at Parkland, Diana Bowron, who has strongly denounced these photos in my last book, *Killing the Truth*. My previous book, *High Treason 2*, presented many landmark interviews presenting materials previously unknown. Many call it a massive achievement, including some of my severest critics.

Unfortunately for Mr. Litwin, he makes an example of himself by not bothering to examine the actual evidence for forgery presented in any of my books. He merely attempts to reason from the top down just as the Posners, Lattimers, Wechts, Weisbergs, committees and commissions and others have done for so long.

It's true that under the pressure of researching and writing three such massive works in four years, my writing may have suffered at times. I'd like to see someone else duplicate what I accomplished.

The point of so much of what the other critics have put forward is to prevent serious consideration of detailed evidence which prove forgery. It's easy, after seeing how preposterous body alteration and other theories are, to throw one's hands up and not bother to examine the nuts and bolts of the actual evidence, as Litwin has failed to do.

I don't know what this half baked writer is going to do when my new book comes out this year, presenting the intense disagreement of the autopsy doctors with the photographs of the body taken at their autopsy, and the findings of the HSCA and the 1968 Clark Panel which so blatantly ignores their own autopsy report. The interviews were kept secret for the past 15 years for obvious reasons.

At the end of his article is the statement that we need to focus on the "more important issues. This need to throw out some sacred cows and begin to focus on the real issues cannot be overstated." *What are the real issues?* He then seems to answer this by implying that if we were to examine Oswald's possible relationships with various intelligence agencies, we might get some answers. What does he mean? Intelligence agencies killed Kennedy? There was no conspiracy but we should be interested in Oswald's intelligence connections, ("So, the case is very much open," Litwin writes in his fractured way of thinking) and this is "a more important issue?"

Litwin exposes his falseness with the additional comment in his last paragraph: "Dr. Gary Aguilar sums up some of the outstanding medical issues in a cogent article in *The Fourth Decade*." There was no article. It was a letter I also published in my last book. Litwin says of this letter in an endnote: "There are a total of 20 questions regarding the medical evidence. Most noticeably, the autopsy X-rays and photos show the head wound entry to be 10 cm higher than the point where the autopsy doctors placed it. This discrepancy has never been adequately explained."

What is wrong with this? I was the one who made a big issue of the four inch movement of

that wound in my first book. Book after book of mine presented the reasons why it has to indicate forgery, including the strong insistence of the autopsy doctors that their placement was correct and that its appearance in the photos is wrong. Everyone interested in this case therefore has to examine every facet of every statement already in the record and what I am about to publish from the doctors with regard to that because it can only indicate *forgery*.

Litwin argues that "to argue that evidence is fraudulent is to undermine the possibility that any theory might turn out to be 'true'...to argue in such a style is to cause the collapse of the entire empirical edifice of assassinology. However weak, evidence could at least refute theories; now the evidence can't even do that." What kind of drivel is this? He is saying that *we should not notice evidence of forgery* because "it undermines the possibility that any theory might turn out to be 'true'" He then says that whatever evidence there is in this case can no longer refute theories. That is what he wants us to believe in this exercise in mind control. *Because* I have presented massive testimony, even from the men who took the autopsy X-rays and photographs, that they are false. So he wants us to believe that the entire business of assassination research has negated such testimony or evidence from many witnesses. He can say that again, as that is exactly what has happened. It happened to Litwin, who ignores such testimony from every single witness who saw the body that the official evidence does not show the wounds.

"So the critics are doing two things," Litwin writes, "they are rejecting many pieces of evidence. This rejection then forces them to paint a monstrous conspiracy and cover-up." It is Litwin who is rejecting many pieces of evidence which show conclusively that the autopsy was faked and that there was a monstrous crime in America in 1963 perpetrated by many people probably most of whom did not know what they were a part of.

But Litwin has already eliminated forgery without studying the obvious evidence for it. This negates whatever validity his otherwise interesting article might have had. When Litwin states that the movement of the wound "has never been adequately explained", what can he mean? Does he suppose that some other wild theory will explain it as a simple mistake by someone? Will he then ignore so much other evidence of forgery of everything else in the case? He names Dr. Mantik as one of the letter writers to *JAMA*, yet ignores the fact that Mantik then determined beyond a shadow of a doubt that the X-rays are altered. I'm presenting an entire chapter centered around Mantik's study of the X-rays with an optical densitometer in the National Archives.

Discussing the photos and X-rays (p. 11), Litwin ignores the issue that the photos and X-rays do not show the wounds as described in the autopsy report, and instead shifts emphasis to the discrepancy between the autopsy X-rays and photos. He then mixes the two issues and says that "not one forensic pathologist who has examined the original materials agrees with his assessment." If Litwin was a careful reader, which he is not, he would know that Dr. Angel and other scientists who examined the X-rays for the HSCA, Dr. Lattimer, and numerous other radiologists found that the front of the head was missing, and there is no mention of the back of the head missing. This is presented in great detail in my last books. Well, perhaps they did not address the question of that discrepancy. Since Litwin mixes two issues in true Posner fashion: the conflict between what the X-rays show and what the photos show (two different sets of wounds) and the conflict of both with what the autopsy report and all medical witnesses describe, it is clear that he does not understand any of this. So instead of paying close attention to the testimony, he blames his failure to understand it on what he says is my bad writing, which was almost universally praised in America, except for the allies of those critics who are opposed to this evidence and who stoop to character assassination.

It is not enough for Litwin to reason in true Posner fashion by saying that no forensic pathologist who has examined the original materials agree with my assessment (this is not true, since

Cyril Wecht reversed himself, came to our press conference in 1989 and warmly endorsed my findings) but he says "The authentication panel of the HSCA was quite clear in their conclusions that all the material was authentic. Interestingly enough, Livingstone dismisses their conclusions with little analysis." (p. 11-12) Well, it may be all right for him to accept the findings of one more government panel paid by the government, but I don't, and I only listen to what the medical witnesses themselves said when they strongly denounced and even ridiculed this material, as did Dr. Pierre Finck, who said that he had palpated the head and knew what the wounds were, and that the photographs were no evidence at all. When you read the whole story of what these doctors said, you will be astonished, but you should have understood it from all the other evidence I already published.

No forensic pathologist, to my knowledge (other than Wecht) examined the photos and X-rays for the purpose of authentication. So called photo experts did, though, for the government.

As for his statement that four of the Parkland doctors, the photographer and John Ebersole said the materials in the National Archives are authentic, this is again completely false. The recent presentations of these men is in direct conflict to what they have always said and continue to say. I know many of them too well to believe for a moment that slick media distortions and TV editing of their statements have altered the facts. I published the photographs of each of the four Parkland doctors he names demonstrating on national television that the large wound was in the back of the head behind the right ear. Litwin and many others are fooled by *JAMA's* twisting of the actual testimony and meaning of these doctors.

The medical evidence is far too intricate for most to grasp without focusing on it. When witnesses have been forced to lie, they will often say things between the lines, as did the autopsy doctors in the *JAMA* articles when they stated where the wounds were, which was not at all where they are in the pictures. Witnesses forced to lie will say other things that negate the lie in subtle ways. Only great devotion to detail will show us the trail that they left for us to follow to the truth, and simplistic thinkers with only the most superficial observations have no hope of intelligent comment or understanding.

Litwin has restated Posner, about to be exposed for the massive fraud that he is, and tried to put it all into boxes and tables, which should tell us something. He's a chalk talker. The tragedy is, I agree with him on most of the rest of what he says, but when it comes to the key evidence in the case, the cover-up artists have done their job, because this man is not bothering to examine the detail of the keys to the case: the medical evidence.

In closing I'd like to say that your magazine performs a great disservice for publishing such intellectually dishonest work. This is what he accuses all of us of doing. I agree that many of the people in this tragic work are intellectually dishonest, but the vast majority no-one has heard from are doing fine work and are honest.

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*Mr. Livingstone's fourth book on the case, Killing Kennedy, and the Hoax of the Century, will be published in May, 1995, by his publisher, Carroll & Graf.*

## THE MAN WHO WASN'T THERE

by

Chris Mills\*

*As I was coming down the stairs  
I met a man who wasn't there  
He wasn't there again today  
I wish that man would go away  
anon.*

### The Police Officer

It looked like it was going to be an easy day. Having been working traffic for more than four years, today's duties should present no real problems. He had never known a Presidential motorcade crawling through downtown Dallas before, but all he had to do was hold back the traffic until it had passed, a task that he had performed many times before. Although the whole caravan was due to pass within thirty feet of him, if he was to perform his duties correctly, unfortunately, he would have to keep his back turned towards it. The line of vehicles stretched away along Elm as far as he could see and although he was aware that Dallas was not exactly "Kennedy country", the crowd seemed merely calm and expectant.

Officer Joe Marshall Smith had been with the Dallas Police Department for just over seven years, the first three spent on radio patrol. He was used to organisation and discipline. Texas born and bred, he had served his country in the US Navy before returning to the "Lone Star State" and accepting a post with the DPD.<sup>1</sup> The 22nd of November 1963 wasn't quite like any other day, but the job was. Captain Lawrence (a stand-in for Captain R A Thompson, Head of the Traffic Division, who was absent that day) had given the orders at 8:45 a.m. that morning. Smith, along with other colleagues was to hold up the traffic coming west on Elm while the motorcade passed through. He was to assist in crowd control, keeping a lookout for anyone throwing objects towards the parade. Smith reached the Elm and Houston crossroads at around 10:00 a.m. along with two fellow officers, W. E. Barnett and E. L. Smith, also assigned to that position.<sup>2</sup> As the procession was not due to arrive until after midday there was little to do but watch the growing crowd on the sidewalks and enjoy the sun, now warming up what had threatened to be a wet and dismal morning.

Around noon Smith temporarily left his post to offer assistance to a fellow officer. A white male had apparently suffered an epileptic seizure a little further along Houston Street, towards Main. Smith stayed there until an ambulance arrived to deal with the situation. He then took up his position in the middle of Elm Street. From where he was now standing he was unable to see the frontage of any of the buildings which overlooked Dealey Plaza. Although situated within a few feet of the Texas Schoolbook Depository, he would have needed look behind and upwards to catch a glimpse of the sixth floor window. He did not. Not long after he moved into position, the crowd buzzed with anticipation as the lead car rounded the corner of Main and Houston. Smith stole a glance or two as the entourage rolled slowly past.<sup>3</sup>

Suddenly shots rang out. The echoes that reverberated around the Plaza gave the patrolman little clue as to their origin (he was later to tell the Warren Commission enquiry that he had the

impression that the shots came from the knoll). Smith immediately turned to face westwards, now looking in the direction of the Texas Schoolbook Depository and the triple underpass. A woman, seemingly hysterical, approached Smith telling him "They are shooting the President from the bushes."

The bushes to which the woman was referring ran along the southern edge of the Elm Street extension, behind the concrete pergola and all the way around and along the picket fence that overlooked the western end of the grassy knoll. Smith hurried along the fence checking all the small trees and bushes as he went. Unsure of what he may encounter, the policeman had drawn his service revolver and had soon reached a parking lot in front of some railroad tracks. Smith found that he was not alone in this area, a deputy sheriff (Seymour Weitzman) was close by as the officer approached an unidentified stranger. Upon seeing the armed Policeman, the man showed himself to be a Secret Service Agent, producing ID which the officer took to be genuine. Feeling foolish, Smith holstered his weapon and continued to search the parking lot.<sup>4</sup> Although remaining in the area for some 15 -20 minutes after the shots were fired, Smith found nothing.<sup>5</sup> He was subsequently ordered, along with Officer Welcome Eugene Barnett, to seal off the front entrance of the TSBD. Smith remained at this post until his shift finished at 2:30pm.<sup>6</sup>

The controversial part of this testimony concerns the officer's encounter with the Secret Service Agent. Winston Lawson, one of the two Secret Service Agents with overall responsibility the Dallas trip, told the Warren Commission that there were no Agents on the ground in Dealey Plaza before or immediately after the shooting and that all agents assigned to the motorcade stayed with it until it arrived at Parkland Hospital.<sup>7</sup> For thirty-one years the research community has queried the identity of this person, many believing him to be a conspirator if not an actual assassin. Hopefully by taking a close look at what other witnesses have said we can come to a more logical conclusion.

### The Cameraman

In order that the American public could be fed not only news reports of the Presidential tour of Texas, but also pictures, both movie and still photographers accompanied the President and First Lady throughout the trip. These professionals consisted of both White House staff and representatives of the major news and broadcasting organizations. All these photographers were familiar with one-another and with members of the Presidential entourage, some having been assigned to White House duties for several years. For this particular motorcade the movie photographers were allocated the position of Camera Car 1. This was the first of the Camera Cars in the procession, and the 10th vehicle (the Presidential Limousine being the fourth) in the entire train. The car, a yellow 1964 Chevrolet Impala Convertible, carried six occupants only three of whom were actually cameramen. David Wiegman Jr. of NBC; Thomas J Craven Jr. of CBS and Thomas "Ollie" Atkins (White House). The other three were the driver, a Texas Ranger, John Hofan, an NBC sound engineer and Cleveland Ryan, a lighting technician.<sup>8</sup>

Dave Wiegman, easily recognisable in motorcade photographs due to the distinctive Fedora hat which he employed to keep his thinning hair in place during the open air drive, was sitting in the front right hand seat of the Impala. He was thirty-nine years of age in 1963. Photography was not simply his job, it had also been a lifelong interest. In earlier years he had often assisted his father-in-law, a professional photographer, and was known for his freelance work in the Baltimore area. After a short spell working for CBS, covering the absence of Tom Craven (one of his fellow passengers on 22.11.63), he was hired as a cameraman by NBC. Previous to Kennedy's election, Wiegman had covered White House news and affairs for some eight years.<sup>9</sup> *He knew all the staff very well.*



The Cameraman had covered many motorcades and had developed specific techniques in order to capture candid shots. Knowing he would be positioned far behind the Presidential Limousine, Wiegman sat high on the right-hand front door of the convertible. This afforded him the opportunity, should the motorcade slow or stop, to jump out quickly and run forwards, hopefully catching the President shaking hands or conversing with members of the crowd. The technique had delivered the goods in the past and Wiegman hoped for a repetition on this trip.<sup>10</sup>

The Presidential Limousine was already on Elm Street when Camera Car 1 made the turn from Main into Houston. When Wiegman heard the first shot, like many other witnesses, he assumed that someone in the crowd was throwing fire crackers. At the sound of the second explosion there appeared to be a reaction in the motorcade. By the time of the third shot Dave Wiegman was out of the car and running, his camera rolling and tucked into his chest, towards the corner of Houston and Elm. Racing along past the reflecting pool on Houston, his camera caught the doorway of the building that was later to become infamous as the alleged hiding place of the assassin. Wiegman paused momentarily at the junction. Looking quickly down the gradual incline of Elm Street, he did not notice the Presidential Limousine moving rapidly out of view below the railroad overpass. What he did see was a policeman starting to run up a grassed slope to the North of Elm<sup>11</sup> (this was almost certainly Bobby Hargis, who turned back to his motorcycle without ever reaching the top of the knoll).<sup>12</sup>

*"I figured he knows something's up there, so I ran up there. I found myself there with Lem (Johns) [this author's emphasis] close by, a few feet away. Then I saw people lying on the side, and I saw nothing up there. Lem, sort of looking around. Couldn't see anything. I knew now I'd better get something. I've got to get some footage. I saw these people lying on the ground and I took them. I saw a lady being pulled to the ground....."*<sup>13</sup>

Wiegman's film lasts approximately 36.5 seconds filmed in real time with no breaks.<sup>14</sup> After racing up the knoll and filming the Hesters, who were cowering in the shelter of the Pergola, he pans the Plaza again, catching a glimpse of the Newman family lying close to the curb of Elm, and Motorcycle Cop Clyde Haygood riding along the street, below Wiegman's position. Wiegman stops filming here.<sup>15</sup> It is at this point, at the top of the knoll somewhere, that Wiegman encountered Lem Johns, an individual he knew well. Realizing that the President had gone, and a News Cameraman's job was to follow him and obtain more footage Wiegman made his way back to Camera Car 1 which was parked by the South curb of Elm.

Other cameramen in Wiegman's vehicle testify to Lem Johns vaulting over the trunk of their car as it pulled away and being hauled in as the car made its way, rapidly toward the Trade Mart.<sup>16</sup>

#### The Secret Service Man

Thomas Lemuel "Lem" Johns was considered something of a legend in the Secret Service - a man of action. Much respected by LBJ, he rose to become the Agent in Charge of the White House Detail during Johnson's term of office.<sup>17</sup> On the 22nd of November 1963 Johns was assigned to the Vice Presidential Detail as ATSAIC (Assistant to Special Agent in Charge). SAIC Rufus Youngblood was the Agent to whom Johns was responsible.<sup>18</sup> Whilst Youngblood occupied a position in the Vice President's Vehicle the other Secret Service agents in Johnson's party followed behind in a yellow 1964 model Ford Mercury four door sedan. Lem Johns sat in the right rear seat alongside SA Warren "Woody" Taylor.<sup>19</sup>

The Mercury can be clearly seen in the famous Altgens photograph of Elm Street at the time when the President is first hit. The left rear door is open as though an agent is about to emerge. Over the years it has been claimed by some researchers that Johnson's Secret Service Agents had

prior knowledge of the assassination, and cite the fact that the door was open before the shots as proof. In fact this "state of readiness" was common practice throughout the motorcade, whenever the procession slowed down. An earlier still photograph, taken on Main at 12.20 p.m., also shows the left rear door open.<sup>20</sup> Another reason for the open door may have been that it was Secret Service policy to use a car door, opened to 45° as a sweep, a kind of moving wedge to either intimidate, or brush aside, crowds that appeared to be closing in.<sup>21</sup>

Only four of the Secret Service Agents in the motorcade appear to have taken decisive action during the time the shots were being fired. Clint Hill, of course, ran from the Presidential follow up car and crawled across the trunk of the President's Limousine to try and protect Kennedy with his own body. SA John Ready left the follow up car, but was recalled before being able to offer any help. ASIC Youngblood seems to have reacted even more quickly. Almost immediately after the first shot, he was over his seat, pushing the Vice President to the floor of the vehicle, once again using his own body as a shield against any attack that may have been directed at Johnson.<sup>22</sup> The final agent who seems to have been more alert than his some of his companions was "Lem" Johns. By the time the third shot was fired, Johns was out of the follow-up car, and running towards the Vice President's vehicle.

*"... before I reached the Vice President's Car a third shot had sounded and the entire motorcade then picked up speed and I was left on the street at this point. I obtained a ride with White House movie men and joined the Vice President and ASAIC Youngblood at the Parkland Hospital." <sup>23</sup>*

Johns was possibly the last individual to climb aboard Camera Car 1<sup>24</sup>, which did not go straight to Parkland. The Camera Car was now a good few minutes behind the President, and no-one in it was aware that Kennedy had been hit. The Cameramen went to the next venue on the Presidential itinerary which happened to be the Trade Mart. It was here that Johns learned that both Kennedy and Johnson were at Parkland. He commandeered a Police three wheeler motorcycle cop to take him directly to the hospital, advising the film crew to follow-up close behind.<sup>25</sup> Once at Parkland, Johns rejoined his colleagues and set about organizing the Vice President's departure from Love Field Airport.<sup>26</sup>

#### The Man Who Wasn't There.

Taken individually these accounts do not help to solve the mystery of the Agent behind the picket fence, but when put together they seem to present a more logical explanation than any that have yet been offered.

It would appear that both Johns and Wiegman left their respective vehicles at about the same time (between the second and third shots). Johns, by his own admission, tried to reach the Vice Presidents Car and failed. Meanwhile, Wiegman continued his run along Houston, and Smith was told of "shots from the bushes" by a near hysterical woman. The Policeman set off at a slightly slower rate than the other two, checking the trees and shrubs as he moved along the Elm Street extension. Johns had lost the motorcade. He did not jump straight into Camera Car 1 for a lift - it was not yet there! As Wiegman was still running, and subsequently met Johns at the top of the knoll, the Agent must have run to where he believed the shots had originated - towards the picket fence. A few seconds later Wiegman, having turned the corner and seeing Hargis start toward the Pergola, headed up the grass bank, still filming. As Johns is not visible in the Wiegman footage, one must ask the question: where is he? Seconds later Wiegman attests to seeing him there, implying, in his statement, that Johns was already somewhere close by "looking around" when Wiegman arrived. The obvious and logical assumption is that Johns, having reached the Pergola seconds before Wiegman and found nothing, simply ran round the side of the concrete structure and directly

into the parking lot. Hence he cannot be found in the Wiegman film.

Is there any support for this theory? Two other Cameramen, Atkins and Craven, left the car on Elm and proceeded to shoot film of the Newman family lying on the ground on the North side of the street.<sup>27</sup> These movie makers along with Altgens and Frank Cancellare can be seen in Photographs taken from within the passing Press Bus.<sup>28</sup> Although most of the knoll and Pergola is visible, Wiegman is not. Where is he? We know he had not returned to the car, parked along the South side of Elm, because he reappears in later photographs, together with his aforementioned colleagues and the Newmans,<sup>29</sup> after which they all make a run for the Camera Car. Where, we may ask, is Johns during this time? He is not visible in any of the aftermath pictures, although many of them show much of the knoll and the street.<sup>30</sup> He is not already in the car, Craven indicates that he was either the last or next-to-last to jump into the car as it was pulling away.<sup>31</sup> Was there a point when, momentarily, both Wiegman and Johns were behind the picket fence?

Jean Hill, an eyewitness to the assassination, was standing on the South side of Elm Street, almost level with the President's Car at the time of the fatal head shot. Hill has consistently maintained that immediately after the shots, whilst everyone else remained stunned and inactive, she saw a man, running hard, cross from East to West across the face of the Pergola and disappear behind the picket fence.<sup>32</sup> Hill has theorised that this individual was one of the conspirators. Is it not more likely that this was Lem Johns, racing to where he thought the shots had originated after he had lost the Vice President's car? If so this puts him in the very position, at the correct time, to meet Officer Joe M Smith who was entering the parking lot from behind the pergola.

If we make a leap of faith and accept the above scenario, why did Johns simply not attest to it and clear up the confusion? We must look closely at what the Secret Service expects from its agents. *"Secret Service procedure requires that each agent stays with the person being protected and not be diverted unless it is necessary to accomplish the protective assignment."*<sup>33</sup> These agents, assigned to protective duty, are not detectives whose task it is to solve crimes and apprehend criminals. In this instance Johns should have stayed with the Vice President, in case there was an attempt on his life. There is an indication that this apparent dereliction of duty was not entirely unintentional. There seems to be little doubt that Johns initial aim was to reach LBJ's car, but when this proved impossible it is alleged that he "waved-on" his own follow-up car, thus choosing to stay in the Plaza<sup>34</sup> (Johns could have flagged down various other motorcade vehicles which passed through Elm Street between the time he was left stranded and the time that Camera Car 1 departed through the scene). If this is so, Johns must have had a reason for this action. Was this perhaps to investigate the area from which he thought the shots emanated? It is hardly surprising then, in view of later events, that he omitted to mention this episode in his report to his superiors made only seven days after the event.<sup>35</sup> He was not to know that Smith, when giving evidence to the Warren Commission, eight months later, would testify to meeting an agent on the knoll. If Johns was this agent he could not now change his story. The Secret Service version of events had already been furnished to the Commission stating that all agents had accompanied the motorcade to Parkland, and that no agents remained in Dealey Plaza after the shooting.<sup>36</sup>

#### A Man of Action

Another question to be asked is whether it is likely that Johns would have taken action such as this in breach of regulations. Consider the following: whilst Johnson was being ushered aboard Airforce 1 at Love Field, Johns along with a Police driver whom he had commandeered, found himself on completely the opposite side of the airfield to the Aircraft he was trying to reach. His solution was as quick as it was dangerous. In complete contravention of all Airport safety regulations, with Air traffic controllers watching open-mouthed, he ordered the officer to drive straight across

the runways, regardless of other air traffic, to Johnson's Aircraft.<sup>37</sup> I think one would have to agree that Johns was a man who thought quickly and acted decisively.

I do not maintain that the above evidence proves beyond doubt that the person encountered by Smith was Agent Lem Johns, and I can offer no explanation for the sightings of other Secret Service Agents in the area. Nevertheless, in the absence of evidence to the contrary, I believe this explanation to be the most logical to date.

Before closing, I cannot ignore testimony which appears to contradict my conclusions. In 1978, Officer J. M. Smith was interviewed by author Anthony Summers. In that interview Smith stated that the man he met "had hands like a mechanic and wore a sports shirt".<sup>38</sup> I am of the opinion that the "auto mechanic's" hands are not too difficult to explain. It is entirely possible that between exiting the car and meeting Smith the agent could have dirtied his hands (on the fence, dusty cars etc...). The sports shirt is more difficult to discard. All I can offer, by way of explanation, is that this statement was made fifteen years after the event, by which time Smith was well aware of the controversy his original statement had caused. At no time in his original Warren Commission Testimony does he mention the agent's unusual dress or appearance. In fact, reading his testimony gives one the impression that he was entirely satisfied, at the time, that the man was who he said he was.

Unless other evidence is found in the future, I suggest that we accept what appears to be the most logical scenario as being what did, in fact, happen.

Let us reflect on comments made by the late and much respected Sylvia Meagher when discussing this incident:

*"Few mysteries in the case are as important as this one, and it is appalling that the Commission failed to recognise the grounds here for serious suspicion of a well-planned conspiracy at work"*<sup>39</sup>

I believe Sylvia Meagher was right. Had the Committee conducted a thorough investigation they may well have been forced to ask "Why was a trained Secret Service Agent searching the top of the Grassy Knoll if there was no gunfire from this position?"

#### Notes

1. 7WCH pp 532
2. 7WCH pp 533
3. 7WCH pp 534
4. 7WCH pp 536
5. 7WCH pp 535
6. 7WCH pp 537
7. Warren Commission Report pp 52
8. Todd Wayne Vaughn Presidential Motorcade Schematic Listing - November 22 1963 Dallas Texas Privately published 1993. pp 16
9. Richard B Trask Pictures of the Pain Yoeman Press 1994, pp 363.
10. Trask pp 372
11. Trask pp 372
12. Vaughn. pp 8/9.
13. Trask. pp 372. Wiegman's statement to Trask
14. Trask pp 373.
15. Trask pp 374.
16. Trask pp 375.
17. Rufus Youngblood Twenty Years in the Secret Service Simon & Schuster 1973 pp 189
18. 18WCH pp 773.
19. Vaughn. pp 13.
20. Trask. pp 38. Cecil Stoughton Photo.
21. Youngblood pp 111
22. 18 WCH pp 768
23. 18 WCH pp 774. Johns testimony
24. Trask pp 375. Craven statement to Trask.
25. Trask pp 376
26. William Manchester The Death of a President Micheal Joseph 1967, pp 278
27. Trask pp 374/375
28. Rickerby post assassination photographs of Dealey Plaza
29. Cancellare post assassination photographs
30. Letter to this author from Richard B Trask\* (author Pictures of

the Pain and acknowledged expert on assassination related photographs) 23 January 1995. \*n.b. Richard Trask makes it clear, in his correspondence, that he does not agree with the theory put forward here. He believes that the time frame for such a meeting was not long enough. As shown above, I would argue that this is not the case.

31. Trask pp 379

32. Jean Hill The Last Dissenting Witness Pelican 1992 pp 23

33. Warren Commission Report Government Printing Office pp 52

34. Manchester pp 198 (Manchester presumably got this info from Johns himself as Manchester interviewed him for Death of a President on 19.11.64.)

35. 18 WCH 773

36. WCR pp 52

37. Manchester pp 284

38. Anthony Summers Conspiracy Gollanz 1980 pp 81

39. Sylvia Meagher Accessories After the Fact Vintage Books 1976, pp 26

#### Aknowledgements

I would like to thank Richard Trask for the book, Pictures of the Pain, upon which this article relies so heavily. I may not agree with his conclusions but as a source of information Trask's work has no equal. My thanks are also due to Ian Griggs for access to the 26 Volumes and generously sharing his knowledge and information, and finally, for questions asked on my behalf, John Rudd.

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### DALLAS '63 - Information

The Group meets in Liverpool, at the Elizabethan Rooms, 593 West Derby Road (above FADS Wallpaper shop) on the second Monday of each month. Admission is £1.

Membership is £10 per year, which will include four copies of the DALLAS '63 Journal and regular newsletters detailing specific activities or talks at the group meetings.

Overseas subscription is £13 per year (in Sterling please).

Unemployed £5

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## FURTHER PROOF THAT BEVERLY OLIVER REALLY WAS THERE!

by

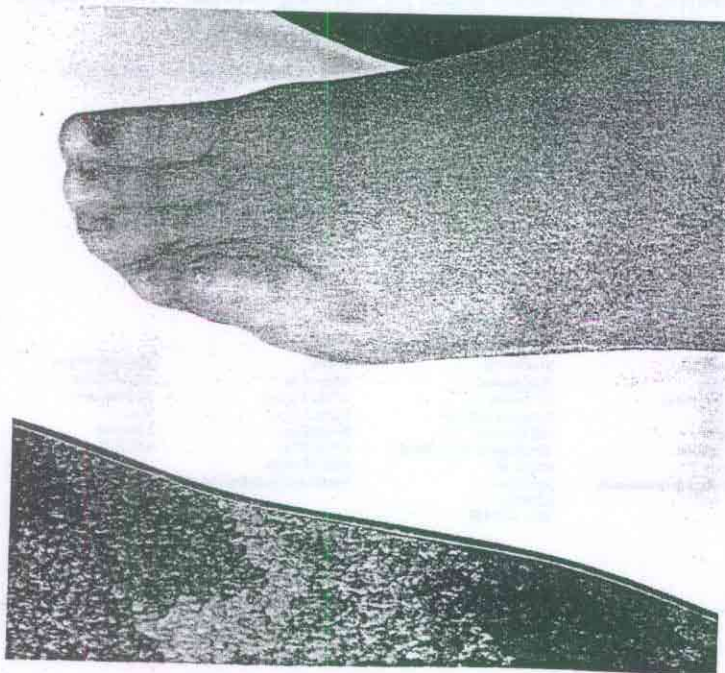
Ian Griggs\*

### The theory .....

I have long been a believer in the Beverly Oliver claim that she was the 'Babushka Lady' who both witnessed and filmed the assassination from a position on the south side of Elm Street.

In trying to justify my opinion to those who do not subscribe to it, I have often cited some of the movie films and still photographs taken that day which show the 'Babushka Lady.' To me they always seemed to show a woman with a rather odd, ungainly stance - particularly those films and photographs taken from behind the lady. Good examples of this can be seen on the Marie Muchmore film, on Cancellare 4 and on Willis 7. A front view of the 'Babushka Lady' is, of course, plain to see on the Zapruder film.

Whenever I saw or met Beverly over the past couple of years, it always seemed to me that she exhibited that same unusual way of standing. At the Student Symposium at Olathe, Kansas in October 1994, I plucked up the courage to ask her about it.



### .....and the proof

She was silent for a few seconds and then a wide grin spread across her features. "Do you know, Ian," she said, "you're the first person to notice that." She then bent down and removed her left shoe - to reveal a slightly deformed foot. The fourth and fifth toes have developed in a somewhat eccentric way with the fifth (little) toe curled slightly over the fourth. Beverly went on to tell me that her toes had been like that since birth.

The sight of

Beverly Oliver speaking with this British researcher and suddenly removing one of her shoes had attracted a small gathering around us. I asked her permission to photograph her foot and somebody even went to the trouble of fetching a table napkin to act as a suitable background.

With Beverly's permission, I am pleased to show this photograph. I hope that it will go some way to convincing the doubters that the 'Babushka Lady' and Beverly Oliver are one and the same person!

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## LETTERS

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Dear Editor,

Please allow me to set the record straight concerning a couple of Gary Mack's erroneous statements as contained in his letter to Andrew Antonouris (Dallas '63, January 1995, page 34).

First of all, I did not offer "strong encouragement" to Nigel Turner regarding any aspect of the "French hit team" portion of "The Men Who Killed Kennedy." Nor did I know of his relationship with Steve Rivelle. My first knowledge concerning this part of Mr. Turner's documentary came after the show's release. In fact, I first learned about it from Gary Mack.

Secondly, I have never attested to Christian David's credibility to anyone, including Mr. Turner.

These kinds of unfounded allegations (disinformation?) have no place in such a fine publication. Bud Fensterwald, unfortunately, is now dead—and cannot reply to Mack's charges. I'm not—and Dallas '63 should have checked out Mack's erroneous charges (with me and/or Nigel Turner) prior to publication.

Otherwise, you folks are doing a great job.

Keep up the good work

Sincerely,  
J. Gary Shaw

*Editors reply:*

*My apologies Gary, you are correct we should have checked with you first. In future, claims about other persons actions or statements will be checked or omitted.*

Dear Editor

On page 29 of the last issue, there appears a sidebar about Beverly Oliver's recently-published book. The sidebar appears without any attribution which suggests that it is the opinion of the editor or of the publication. In the sidebar there appears a quote that says "At seventeen years

of age, Beverly watched, and filmed the assassination of the President." I wonder why that sentence is so definitive? Does Dallas '63 have any additional evidence not available to other people? Has Dallas '63, in fact, certified Oliver's claim? Is this the official position of Dallas '63 or of the editor?

Fred Litwin

*Editors Reply:*

*The opinions in the side bar are those of the editor. The question of Beverly Oliver's presence in Dealey Plaza on the 22.11.63. has, I will agree, long been the subject of debate among the research community. While there is circumstantial evidence to suggest that she was in Dealey Plaza (see Ian Griggs article in this issue) , as far as I am aware there is none to suggest that she was not (i.e.. someone attesting her presence elsewhere at the time - most people remember very clearly who they were with at twelve thirty on 22.11.63..)*

*No-one has yet come forward claiming to be the "Babushka Lady" except Ms. Oliver. I understand that reference has been found recently, in the National Archives, to a reel of movie film bearing the legend McGann (Beverly's married name in the mid sixties). This is the subject of another researcher's current work so I will not discuss it further.*

*Your article in the last issue of Dallas '63 concerns what you describe as the impossibility of a large conspiracy being viable. I am, therefore, surprised that you cannot apply the same logic to Ms. Oliver's story. Surely by now there would be some hint of the real "Babushka lady" or at least some holes in Beverly's account. On the contrary, she has written a book restating her claim - hardly the action of one who could instantly be held up to ridicule as a fake should the real version show up.*

*As stated on the editorial page of the last issue, "the views contained therein are those of the author concerned". Where no by-line is present it is safe to assume that the opinions of the editor are being stated. DALLAS '63 as an organization has no official stance on this or any other aspect of the assassination.*

Dear Editor,

I must respond to Fred Litwin's mammoth article in the January 1995 issue of DALLAS '63. Perhaps I should also commend your own decision to publish this piece - which contains much which does not agree with the general opinions of many of our members. It will have provoked considerable interest and I am sure that mine will not be the only letter to comment upon it. With that in mind, I shall address just one major point of Fred's article.

Much of Fred's hypothesis is based on his claim that members of the critical community have a tendency to promote their own pet ideas and theories and in so doing, they conveniently ignore any factors which do not fit in with their predetermined conclusions. I note, however, that Fred himself has fallen into just that trap, thus leaving himself open to the same sort of criticism which he aims at people like Robert Groden, Jim Marrs and Dr. Cyril Wecht throughout his article.

I would direct the reader's attention to footnote 49 at the end of the article. Here, Fred attempts to supply proof that a bullet other than CE 399 has performed in a similar way to 'The Magic Bullet' and has emerged virtually unscathed after hitting and indeed smashing several bones inside a gunshot victim's body. He offers us a direct quote from page 81 of his book *The Crime of the Century* by Michael Kurtz. Unfortunately, however, he ends his quote a little early. Check it out for yourself. The next five sentences read as follows:

"The case, on the other hand, does not prove the commission's thesis. Although copper-jacketed, this .25-caliber bullet is not the same as a 6.5mm Carcano slug. It was fired from a pistol, whereas Bullet 399 came from a rifle. And the rifling grooves from the barrel of the pistol have been broken up on this bullet. The grooves on Bullet 399 are completely intact."

Like several fellow DALLAS '63 members in the UK, I have twice had the privilege of listening to Fred expounding his theories at group meetings. On one occasion, after he had quoted the Kurtz extract, he inferred that this would force Dr. Wecht to retract his long-held opinion that the alleged performance of CE 399 was not possible. As a result of this, I contacted Dr. Wecht. In his reply, he countered as follows:

"I should like to advise you that my position has not changed concerning the single bullet theory. It is sheer, utter nonsense. No such feat has ever been duplicated. I must reject the representation by your Canadian speaker in the most unequivocal fashion. This Canadian person appears to be one of the Posner crowd."

In conclusion, may I stress that I am proud to call Fred Litwin a good friend and a conscientious researcher - even though I think he's got it wrong on this occasion. Fred will still be welcome at my house when he returns to the UK.

IAN GRIGGS, Essex.

*Fred Litwin's reply to Ian Griggs:*  
*Nowhere do I infer that a paragraph from Michael's Kurtz's book would change Cyril Wecht's opinion on the single-bullet theory. I was simply trying to juxtapose Wecht's statement to the HSCA and the paragraph from Kurtz's book to expose some of Wecht's rhetoric. It is precisely that Wecht has not changed his opinion that my quote from Kurtz's book is*

relevant. Let me repeat the quote from Wecht to the HSCA:

*"for the past 12 or 13 years, I have repeatedly, limited to the context of the forensic pathologist, numerous times implored, beseeched, urged, in writing, orally, privately, collectively, my colleagues; to come up with one bullet, that has done this. (HSCA, Volume 1, pp. 337)"*

*Wecht did not offer any qualifications on his offer. He didn't say come up with a 6.5 mm. copper-jacketed bullet, he didn't say the rifling grooves have to be intact, he just said come up with one bullet. And somebody has. To show you how fixed Wecht's opinion is, look at what Wecht wrote in 1974 about neutron activation analysis:*

*"Thus, if it had been found [by the original FBI tests] that the composition of the lead in the fragment recovered from Governor Connally's wrist wound was indistinguishable from the composition of the lead in the nearly whole bullet found that Parkland Hospital, that fact alone would lend strong support to the single-bullet theory. (Modern Medicine, October 28, 1974)"*

*Neutron Activation Analysis tests were conducted by the HSCA and they showed that the fragments recovered from Connally's wrist wound did indeed match CE399. That did not force Wecht to change his opinion. I hardly think that a paragraph from Kurtz's book would either.*

Dear Editor:

Regarding Fred Litwin's "A Conspiracy too Big": As a researcher and writer on the JFK case, I could go point-by-point and refute many of his allegations against the work of the critics he mentioned, but for brevity's sake I shall address only a few. The research community spent a good deal of time refuting Posner's book this past year in quite specific detail - thus taking on virtually the same arguments again, as presented by Mr. Litwin, would be beating a dead horse.

Firstly, I am glad to agree with a few of his points, although Mr. Litwin is not the first to make them.

I believe, as do many others, that body alteration is an unfeasible scenario which has glaring inconsistencies and no precedent whatsoever. Nonetheless, Litwin did raise some very important questions about the wound dimensions, the two caskets, the body's wrappings and other items not yet satisfactorily answered.

Second, I'm willing to keep an open mind and lean toward the HSCA's conclusion that the backyard photos are probably authentic. Marina still says she indeed took them, although she states that her back was AGAINST the stairs, begging the question as to why the stairs appear in the photos. The issue is not yet resolved, but nevertheless does nothing to show that Oswald was an assassin that day in Dallas.

Third, I have long disagreed with my friend Robert Groden's assessment of a sniper as most clearly seen in Z413 through the pyracantha bush, as was discussed by Litwin. Someone's there, as the Committee acknowledged, but he can't be a gunman. This dovetails into the "black dog man" controversy: if you've ever been there at the retaining wall, you'd see how absurd it would be for a shooter to take position at this VERY visible spot.

There are two overriding and overwhelming errors in analysis made by Litwin and the other lone-nut theorists like Posner, Jim Moore, David Belin, et al. We last saw these erroneous assumptions surface ad nauseum during the media



frenzy generated by Oliver Stone's film, "JFK". They are as follows:

1) Those of us who sincerely believe that the evidence (however interpreted or validated), surely indicates conspiracy are always "lumped together" by those like Litwin, as if we ALL believe in some sort of MASSIVE conspiracy involving, possibly, hundreds. This is just not so. Not ALL researchers all believe the same things about the many complexities of this case, as should be obvious. To call us all by the generic "they" is preposterous and prejudicial. Many believe in a smaller conspiracy, subsequently covered up and protected by key governmental authorities; some of who were either involved or had first-hand knowledge, some who were not. There is not a common ground on this conspiracy as there is among lone-nut theorists. They only have to worry about trying to prove the guilt of one man, and that in itself hasn't worked yet.

2) Litwin asserts, as others have before him, that we practice "intellectual dishonesty". This phrase was used quite often in describing the "research" done by Gerald Posner in that the cataloguing of factual errors, misrepresentations, selective quoting of witnesses, omissions and distortions in Case Closed could fill another book even longer than his was. Both "sides" hurl the same accusation both ways and it is sometimes applicable, although never more so than with Posner. Litwin could be cited doing some of the same in his piece, although I think he comes about it far more sincerely, and at least he agrees that the case is still, of course, open.

He says we must discard some "sacred cows", and I surely agree and have said so in print in this journal and others. Since Litwin quoted from THE FOURTH DECADE, I am perplexed that he did NOT bother to notice material by Martin Shackelford, Gary Mack, Dave Perry, myself and others that HAS tried to debunk some rather stubborn "sacred cows".

Now, down to cases:

Litwin states that Moorman's photo #5 was "taken seconds after Kennedy was hit...", and he asks why we see no result of the head shot. As everyone knows, Moorman's photo was taken at the moment of impact, not "seconds after", and corresponds approximately with Zapruder frame 312, before the president's head "practically exploded", as Zapruder himself described it. (WFAA-TV, November 22, 1963) It is also patently unfair to say that if the Badge Man image is not colorized "you can't see nothing". Serious researchers and even several lone nut-biased televised documentaries have acknowledged the viability of the image. The work on it is continuing, and a number of photographic professionals have conceded that Badge Man is indeed viable, and that it certainly calls for further testing. It also corresponds with the statements of certain witnesses, who claim to have seen a man dressed as a police officer (but without a hat) at that location, a fact which Litwin conveniently leaves out. To quote Gurchich's observations of Ray Marcus' early primitive blow-ups during the Garrison investigation is missing the point entirely by ignoring all the more serious work which came after. Lifton and others were carrying blow-ups around at the time also, and this was all covered in RAMPARTS magazine in the late 60s.

By championing the HSCA medical panel's validation of the autopsy photos, Litwin ignores the crucial fact that virtually all the Dallas physicians and staff attending the

president agreed that there surely was a large exit wound in the back of the head. This is irrefutable, as is the fact that the House Select Committee didn't bother to show them the autopsy photos. Subsequently in filmed interviews, the majority of them said the photos were certainly NOT indicative of what they saw in Dallas. As Dr. Mantik and others have recently presented in depth, the X-rays don't correspond to the photos OR the doctors' reports. And Mr. Litwin wonders why the cries of "forgery"?

The single bullet theory has been done to death, so I won't rehash it here. But Mr. Litwin ought to go back and read just ONE THING: the transcript of the January 27, 1964 executive session of the Warren Commission. On page 193 of the transcript, General Counsel J. Lee Rankin states "...we have the picture of where the bullet entered in the back, that the bullet entered below the shoulder blade to the right of the backbone [emphasis mine]... and the bullet... didn't go through." So, this PROVES that the Commission KNEW the shot did not exit the president's neck. But this was all before it became imperative that Specter invent the magic bullet theory in order to nail Oswald as the sole assassin. Case closed!

Litwin says that Brennan, Euins and Jackson "saw shots being fired from the TSB". There are serious problems with Brennan's testimony, for one, as has been often written. As for Robert Jackson, he testified "I saw no one in the window with it. [the gun] I didn't even see a form in the window" (2H159). If these three witnesses saw "shots fired", it still doesn't mean that Oswald fired them. Even Chief Curry admitted in his 1969 book, "we were never able to put Oswald in that window with a gun in his hand!"

Litwin is right that researchers must clean up their acts and challenge the claims of earlier researchers when necessary. However, the "lone-nut" faction must do the same. They always drag out the "jet effect" to explain away Kennedy's backward motion in the Z-film, which has been effectively disputed. They treat HSCA's medical panel as if they walk on water. They don't acknowledge FBI agent Vince Drain's claim (to author Henry Hurt) that there never WAS a print on the rifle. And it goes on and on...

At least Mr. Litwin's mind is somewhat more open than his fellows'. In my opinion, he just needs to be more careful about the wrong answers and ask more of the right questions.

Jan R. Stevens

*Fred Litwin's reply to Jan Stevens:*

*I'm glad that Mr. Stevens does agree with at least few of my points. Though, I am not sure which. He says he "leans towards" the HSCA conclusion that the backyard photographs are authentic. Yet, he says that the "issue is not yet resolved". I wonder what it would take to convince Mr. Stevens that the photos are genuine?*

*Mr. Stevens' accuses me of two errors. First, I do not lump all critics in the same boat. In my first paragraph I stated that "If one were to believe the current literature, we are faced with not just "something" larger, but a monster conspiracy that consists of several assassins, several accomplices, and the destruction and forgery of vital evidence." Of course there is no common ground among critics. And, while I certainly applaud researchers like Paul Hoch, David Perry, and others, unfortunately, they shape little of the debate.*

Secondly, Stevens accuses me of intellectual dishonesty as well but says "the [Litwin] comes about it far more sincerely" than Gerald Posner. I happen to think that Posner has written a great book. Sure, it has errors (as does my paper), but it has nowhere near the amount of errors and misrepresentations found in books by Groden, Marrs, Livingstone, and most other conspiracy books. The reaction to Posner has been nothing short of rabid (how dare a heretic enter the temple?).

Stevens then gives some cases of intellectual dishonesty in my paper. I did make an error on the timing of the Moorman photo. I clearly took the erroneous timing from Groden's book (check out page 34 of the Killing of a President). Groden himself can't seem to determine when the photo was taken -- on page 204 he claims it was taken within half a second after the fatal head-shot. I apologize for my error. However, Stevens is also wrong! Moorman's photo was not taken at frame 312. The photographic panel of the HSCA said that "the Panel believes that the photograph was taken at the time of the fatal head shot, corresponding with frame 313 of the Zapruder film. So, the photo was not taken "before the President's head practically exploded".

It is indeed true that some experts would like additional testing on the Moorman photograph in the search for "badgeman". The HSCA also wanted additional tests (only because of the acoustics evidence) but said that "it is extremely unlikely that further enhancement of any kind would be successful."

Does Mr. Stevens really believe the autopsy x-rays and photographs are forged? Not one doctor who has seen the original photos and x-rays has claimed that! Not one! And, the original autopsists, the autopsy photographer and the autopsy radiologist all have said they are authentic. Let me quote from Donald Purdy's (former counsel to the HSCA responsible for organizing the medical evidence) remarks to the COPA conference in October

"the so-called evidence that the autopsy photographs and x-rays -- or the body itself -- might have been altered is far too weak at this time to have any credibility . . . I believe that reports that most witnesses at Parkland Hospital and at the autopsy saw a large, gaping wound in the back of the President's head are flat out wrong, and that the position of the body, the nature of the wounds, and the presence of great quantities of blood helped obscure the truth for most observers. (Conference abstracts)."

To be fair, I did excerpt Mantik's affidavit regarding his questioning of the authenticity of the x-rays in a footnote in my paper. I am not aware that Mantik has subsequently published any article claiming the x-rays are forged (besides a three paragraph abstract for the COPA conference which questions the photographs but not the x-rays). Does Mantik still believe the autopsy materials are forged?

I've read the transcript of the January 27th session of the Warren Commission many times, particularly when it was published by Harold Weisberg. I believe Rankin was referring to early FBI reports at that early date. No picture of Kennedy's back can prove that the bullet didn't go through. But, like Lifton has always said, we must go with the "Best Evidence". Every doctor who has viewed the autopsy x-rays and photographs have stated that a bullet entered and exited Kennedy's neck from behind. They are incredibly consistent on that point!

Stevens then goes on to question the eye-witnesses to shots being fired from the TSB. He challenges Brennan as having serious problems -- but are there really serious problems

that he saw a gunman firing from the sixth floor? I think not. And, that was my point -- no eyewitnesses to gunman firing from anywhere other than the sixth floor of the TSB.

Stevens also questions Robert Jackson's testimony; but please check out page 64-65 of the Warren Report. Malcolm Couch was sitting next to Jackson in the press car. He also saw a rifle in the window and testified that

And, after the third shot, Bob Jackson, who was, as I recall, on my right, yelled something like, "Look up in the window! There's the rifle!" And, I remember glancing up to a window on the far right, which at the time impressed me as the sixth or seventh floor, and seeing about a foot of rifle being -- the barrel brought into the window." (pp. 65) Nowhere did I mention in my article Oswald being in that window. I was merely trying to show that all the eyewitnesses to a gunman pointed to the sixth floor of the TSB. No eyewitness saw a gunman on the grassy knoll. Not one. Stevens complains that the "lone-nut" faction always drags out the "jet-effect" to explain the backward motion in the z-film. Well, Mr. Stevens, even Cyril Wecht has maintained that the head-shot came from behind -- the backward motion in the Zapruder film hardly concerned any of the doctors on the HSCA medical panel. Nor did it concern any of the forensic pathologists on the Clark Panel or on the Rockefeller Panel. Why should it concern you? The plain fact is that the backward motion is not inconsistent with Newtonian physics! Stevens concludes by saying I "need to be more careful about the wrong answers and ask more of the right questions." Does that mean that Stevens' mind is closed to non-conspiratorial answers? Does Stevens actually believe that the autopsy x-rays and photos could have been forged over 30 years ago and fool experts today looking for such forgery? Does he think he knows better than the many forensic pathologists who have examined the autopsy x-rays and photos? Does Stevens really believe in a "small, limited" conspiracy? It sounds like Stevens is yet another critic who believes in the big conspiracy.

Dear Editor,

Last year I co-authored, with Walter F. Graf, a paper which I hope will show that lone nut theories like those expounded by Gerald Posner and Fred Litwin ("A Conspiracy Too Big!" DALLAS '63, Vol. 1, No. 4, Jan. 1995, pp. 9-23) are unworthy of serious consideration by respected journals such as yours.

Our paper, titled "The Gun that Didn't Smoke", was first presented last October at the "Three Decades of Doubt Conference" of the Coalition on Political Assassination in Washington D.C., and I understand it will be published in an upcoming issue of your periodical. Inasmuch as Mr. Litwin's views preceded Mr. Graf's and mine in the pages of DALLAS '63, I would like to briefly point out three reasons why such apparent psychological denial of conspiracy should not have been published at all.

First, the answer to Mr. Litwin's question, posed in his title, is a resounding, "No." He follows that question with "Has there ever been such a conspiracy in history?" The answer to that is an obvious, "Yes." The examples are numerous, the most cogent being the World War II conspiracy known as D-Day.

Before Mr. Litwin tries to group the Allied invasion of France with Watergate and Iran-Contra, I will point out

that its size, which was much greater than the latter two, did not jeopardize its success. Watergate and Iran-Contra failed not because of their size, but because of errors and misfortune on the part of the conspirators. The same is true of the failed conspiracy to cover up the successful conspiracy to assassinate President Kennedy.

Which brings me to my second reason why Mr. Litwin's views transcend serious consideration. He admits that "the case is still very much open," because "one of the more plausible theories about the assassination" is that "so many people had things to cover up..." He even gives examples of "legitimate areas of inquiry" into this plausible cover-up conspiracy. Yet, by any assessment, the cover-up is as big, if not bigger, than the many proposed assassination conspiracies. It is intellectually dishonest to argue that large conspiracies are implausible while citing evidence of their plausibility. This is, to date, the best example of psychological denial of an assassination conspiracy I have seen.

My third reason for not propagating the views of conspiracy deniers, is that they are themselves guilty of their favorite charge of wrongdoing on the part of conspiracy investigators: rejecting many pieces of evidence. Mr. Litwin presents an excellent example of this. He states in his article that, there were no eyewitnesses to any other assassin in Dealey Plaza. There were ear-witnesses to shots from her locations, but no eyewitnesses." Mr. Litwin must have been most surprised, therefore, when he turned to page 27 of the same issue in which his article appears, and learned of the existence of Ed Hoffman. Not only did Mr. Hoffman see shots from another location, he was not distracted by echoes of gunfire because he is deaf.

Opinions like Mr. Litwin's do not constitute healthy argument and debate. They are, instead, like arguments by flat Earth proponents and Holocaust deniers. Such views are either mistaken due to ignorance of the facts, or they are deliberate attempts to express absurdity or political extremism. Healthy debate moves us closer to the truth. Unhealthy debate moves us farther from it. We no longer propagate the writings of, nor listen to the many, forgotten opponents of Galileo, and we should no longer listen to those who deny the conspiracy that killed John F. Kennedy.

Sincerely

Richard Bartholomew

*Fred Litwin's reply to Richard Bartholomew*

*Richard Bartholomew's letter is quite scary since his mission is to censor. Rather than have Dallas '63 members read and analyse my article for themselves, he would rather that readers not even be exposed to my article. How condescending! Of course, censorship is a lot easier than addressing any of my concerns about intellectual dishonesty. And, guess what? Bartholomew did not address any of the issues in my article --except for offering supposed conspiracy witness Ed Hoffman as a rebuttal!*

*Bartholomew gives three reasons why my article should not have been published. Let's go over his objections one by one. First, Bartholomew claims that D-Day is a good example of a conspiracy that has successfully remained secret. But, in fact, D-Day was not a criminal conspiracy (like the alleged Kennedy conspiracy) and there was no supposed cover-up. D-Day was simply a well-executed plan. Despite Bartholomew's objections, Watergate and Iran-Contra have more similarities to the alleged Kennedy*

*conspiracy and cover-up than does D-Day. After all, they both consisted of conspiracy and coverup (which is what the critics allege in the Kennedy assassination).*

*Interestingly, Bartholomew admits that Watergate and Iran-Contra failed because of errors and misfortune on the part of the conspirators. And that is exactly my point -- when a conspiracy gets to be too big, it starts falling apart. Bartholomew's second point is incomprehensible. I do believe there were cover-ups. The most obvious cover-up was the CIA's. They had to protect their secret of conspiring with the Mafia to assassinate Castro. A serious and independent investigation could have jeopardized that secret -- a secret that could have had serious implications for the CIA. So, they had a vested interest in ensuring that no investigation would get close. I don't understand why Bartholomew can't see the logic in why the CIA would not fully cooperate in any investigation.*

*Lastly, Bartholomew claims I am guilty of rejecting many pieces of evidence. Actually, my article stated that I do not reject the autopsy x-rays and photos, I do not reject the photos of Oswald holding a rifle, I do not reject the Zapruder film, I do not reject the neutron activation analyses, I do not reject the HSCA trajectory analysis, and so on. All of the pieces of evidence above are now being rejected by the critics! Did Bartholomew not read my article?*

*Bartholomew does put forward the example of Ed Hoffman as an eyewitness to other assassins. Is this the best Bartholomew can do? There are many serious problems with Hoffman's testimony -- the fact that he did not contact the FBI until 1967; the fact that there is no corroboration from other witnesses; the fact that his family said that he "has in the past distorted facts of events observed by him", and the fact that it is doubtful he could have seen what he claimed from where he was standing. Of course, there is also no objective medical evidence that JFK was hit from the front -- so we have yet another so-called assassin missing the target. Hoffman simply does not have any credibility. I should also point out that Elvis has been sighted by many people -- does Bartholomew also think that Elvis is alive and kicking?*

*Bartholomew thinks that not believing in conspiracy is like denying the holocaust or believing the earth is flat. He is entitled to his opinion on that. The fact is that many Kennedy-assassination savvy people do not feel there was a conspiracy; you can't say the same about historians and the holocaust; nor could you find many scientists who feel the earth is flat. I used to believe there was a conspiracy to kill Kennedy; most of my concerns were answered by the HSCA. I strongly suggest that people read the 12 volumes of evidence compiled by the HSCA. It changed my opinion; it might change yours.*

Dear Editor,

**STRENGTH!** Fred Litwin's article has certainly stirred this possum into action, not to hurl sticks or stones but to agree with the majority of what he has to say. Let's face it - those sacred cows have to go, so whilst we are about it let's get rid of some sacred bulls as well!

Disguised as fearless investigators they write books containing the most sensational rubbish, even though they are aware that what they write as fact has been proved wrong or totally irrelevant. Like the charging bovine, they create a lot of dust but are oblivious to the havoc that they leave behind. Amazingly the more controversial the author the more authoritarian they become in the eyes of many

people.

Despite this Mr. Litwin please note : On reading the Church report you would think that CIA never assassinated any one. John Stockwell in his book "In Search Of Enemies" sums it up nicely. I quote:  
" as we are forced to rely on testimony of witnesses reluctant to give evidence and the documents the CIA selectively provides - we are unable to penetrate the gray areas of CIA ops where action is taken without leaving traces, written or otherwise. CIA cables and dispatches infer that contacts with plotters were undertaken strictly to obtain intelligence. Similarly, written records become mysteriously vague as for example the Lamumba, Trujillo and Schneider assassination plots. In each case there are documents which place CIA officers in supportive roles and

contact with the eventual assassins but the link seems to break before the final deed"

Familiar, don't you think, to what's been happening regarding the JFK papers.

My esteem for DALLAS '63 has risen quite a few notches since the printing of Litwin's article. To me, it is as important for an editor to retain objectivity as it is for a writer to retain his credibility.

Regards to you all

Enid Gray,  
New South Wales, Australia

*Editors reply:*  
*Thanks a bunch Enid!*

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## THE FIRST SHOT IN THE JOHN F. KENNEDY ASSASSINATION WAS NOT THE MISSED SHOT

by

Hal Verb\*

A crucial point in the assassination of President Kennedy, for both proponents of conspiracy and non-conspiracy advocates, is *when* was the *first* shot fired, the precise nature of its trajectory and the resultant of that shot.

This abstract offers the argument that the overwhelming evidence points to the *necessary* conclusion that the first shot fired was not a missed shot and that it did seriously injure the President although not fatally. For those claiming that the first shot did, indeed, hit the President from behind and inflicted wounds on Governor Connally (the Magic Bullet theory), the evidence provided herein demonstrates that this conclusion is also necessarily false. While this abstract does not concern itself with the exact number of shots nor the trajectories the unavoidable corollary leads us to the second conclusion: more than three shots were fired, ergo: conspiracy!

### First Day

Often overlooked by conspiracy and non-conspiracy theorists is the *first day* testimonies of witnesses closest to the scene. For example, Charles Brehm was quoted by prize winning journalist, Merriman Smith, as saying "He (JFK) was waving and the *first shot hit him* (my emphasis) and that awful look crossed his face." Brehm repeated his observations in an audio tape interview the same day declaring "The first shot rang out and I was positive when I saw the look on his face and saw him grab his chest and saw the reaction of his wife, that he had been shot. And just at that time, which was probably a few seconds later, the second shot rang out ..."

Brehm, like many other witnesses closest to the scene, was never called to appear before the

Warren Commission.

Phil Willis, who was in Dealey Plaza together with his wife and daughters, snapped more than two dozen photos that day, the most important of which is the one of the Presidential limousine (known as Willis 5). As author Harold Weisberg so brilliantly proves in "Whitewash" this photo was taken equivalent in time with Zapruder's film at frame number 202. Weisberg claims this photo alone invalidates the Warren Commission's conclusion of "lone assassin" because the Commission held that Oswald could not have fired a shot between frame 160 and 210 because a tree obstructed his view from the 6th floor of the Texas Schoolbook Depository. Willis testified before the Warren Commission that he took this photo in response to hearing the first shot which made him *snap* the shutter of his camera.

Ex-Wall Street lawyer and author, Gerald Posner, in his book, *Case Closed*, claims that the first shot occurred at (Zapruder) frame 160 - (by Oswald) and that it *missed*. Posner uses as "evidence" for his claim a nick made on a concrete curb which injured by-stander James Tague in a chip of that concrete. Tague's version of this event (described more fully later in this abstract) utterly destroys Posner's findings.

Willis told author Richard Trask in his book on the assassination photographs, *Pictures of the Pain*, that he "knew... that the bullet had hit."

Willis' daughter, standing near her father that day, observed virtually the same behaviour of Kennedy noted by both Brehm and Mr. Willis. Harold Weisberg, in *Case Open*, recalls for us her Warren Commission testimony 'When the first one hit well, the President turned from waving to the people, and he grabbed his throat... *I couldn't tell where the second shot went*' (my emphasis).

As Weisberg points out Linda was, in effect, stating that it was the *second* shot that missed! And she was, according to the Warren Commission's own estimate, only 20 feet away! She, again, *repeated* her recollection "I couldn't tell where the shot (after the first) came from."

Mary Moorman, who was even closer than any of the Willis family, took several Polaroid photos that day one of which is relevant in time to Zapruder frame 313 (the fatal head shot). She stated in an ABC interview on 11/22/63: "...It must have been the *first one that shot him* (my emphasis), 'cause that was the time I took the picture .." Moorman, like Brehm was never asked to appear before the Warren Commission.

Another close eye-witness, Marilyn Sitzman Zapruder's secretary, who held him while he took his famous footage recalled in a 1966 interview "nothing unusual until the *first sound* (my emphasis) which I thought was a firecracker, mainly because of the reaction of President Kennedy. "He put his hands up as to guard his face and *leaned towards to the left*" (my emphasis): (Note that this provides a strong indication of the first shot coming from *behind her*).

#### Zapruder

Not to be overlooked is Zapruder himself. Richard Trask in his "Pictures of the Pain" provides us with what are, perhaps, the two earliest interviews of Zapruder within less than hours of the event These are extremely significant because they are his most immediate, vivid and sharpest memories not yet tainted by powerful influences later forcing him to reinforce the government's lone assassin version

Trask cites an unknown Dallas Times Herald reporter who must have spoken with Zapruder just prior to the announcement of Kennedy's death His notes read: ... heard 3 shots - after first one Pres slumped over grabbed stomach (reporter's misspellings).... two more shots

Not long after this Zapruder told a live TV audience (WFAA) "I heard a shot. *and he slumped to the side like this*" (my emphasis): It is obvious here that Zapruder must have indicated the *direction*

of the slump) Then I heard another shot or two .... "

In his testimony before the Warren Commission Zapruder provided further evidence of the "slump". Under questioning by Liebler, while examining the separate frames of Zapruder's film, there is this comment by Zapruder as they are studying frame #249:

"Zapruder: No. 249 - I just wonder if it was the *moment that he went back with* (my emphasis) that I don't remember." Note here that #249 is well *before* #313 (the fatal head shot) so Zapruder is obviously not referring to the backward movement after #313. Clearly, Zapruder's memory is of Kennedy's movement back, even if Zapruder cannot point out the specific frame this event occurred. With no real help from Liebler it is perfectly understandable why Zapruder would seem confused. Interestingly enough, as Weisberg has noted, when Liebler was questioning Zapruder he (Liebler) very quickly jumped from discussing frame 185 and moved immediately to frame 207.

These are the very frames that are the most critical in determining when and where the shots came from! The basis for this abstract is to show why these frames were ignored.

#### Betzner

Additional evidence that the first shot had to have been fired after Zapruder frame number 186 and *before* frame 202 can be gleaned from statements elicited by amateur photographer Hugh Betzner, Jr., who took three pictures on 11/22/63 as he stood on Elm Street. The House Select Committee established that the third photo was taken at the equivalent of Zapruder frame 186. Although not called as a witness before the Warren Commission there is a report in the Warren Commission volumes (Vol. 19, p.467). Betzner (after taking his third and final photo): "I heard a loud noise. I thought that this noise was either a firecracker or a car had backfired."

Finally, there is confirmatory evidence for the first shot hitting Kennedy in James Tague's Warren Commission testimony which he has not altered despite crude attempts by writers such as Gerald Posner who completely misrepresent him

Weisberg interviewed Tague for his book, *Case Open*, and reminds us that Tague had said under oath that he believed it was the second shot that missed and caused his slight injury. As Tague told the Warren Commission: "I believe it was the second shot, so I heard the third shot afterward."

#### Conclusion

As this abstract demonstrates, from interviews and statements from 8 witnesses and from both motion picture and still photos, it can be stated that the *first* shot *definitely* hit the President did *not* fatally injure him and the evidence provided here is *compelling* proof that the first shot never *missed* and came from a direction *other* than from *behind* the Presidential limousine. Finally, the *first* shot was fired sometime between the *equivalent frames of Zapruder 186 and 202*

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#### Error

In Fred Litwin's original manuscript for *A CONSPIRACY TOO BIG* (last issue of *DALLAS '63*) some of the paragraphs were indented in order to indicate quotations from other works. These indents were omitted during printing and were not the fault of Mr Litwin.

## A CONVERSATION WITH RONALD C JONES, M.D.

by

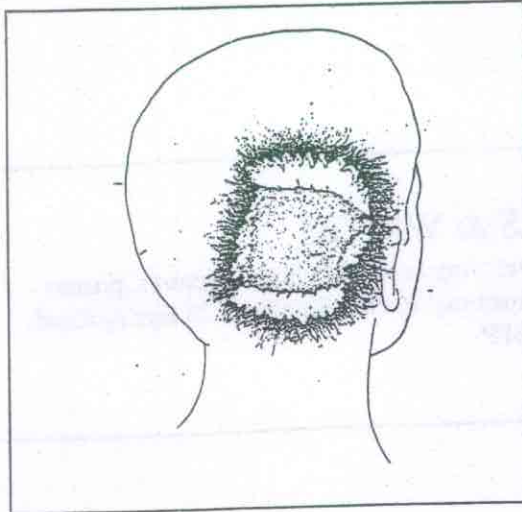
Brad J. Parker\*

With the publication of "JFK's Death Part II—Dallas MD's Recall Their Memories" in the May 27, 1992 issue of The Journal of the American Medical Association it appeared as though the Parkland trauma team had finally embraced the official autopsy report. However, subsequent interviews with several physicians who treated the President in Dallas indicate that this opinion is by no means unanimous. One of the most compelling accounts comes from Ronald C. Jones, MD., who rarely makes detailed statements on the wounds he observed.

On June 19, 1992, Dr. Jones, now Chief of Surgery at Baylor University Medical Center at Dallas, described the President's throat wound as being "compatible with an entrance wound." In his handwritten report of November 22, 1963, the injury was noted as "a small hole in (the) anterior midline of (the) neck thought to be a bullet entrance wound" (WCH 2 page 333). Twenty-nine years later, he stated that "I would stand by my original impression." Calling upon the Warren Commission's ballistics studies, as well as over their years of experience in treating gunshot wounds, he said the throat wound could have been an exit wound only "if [the missile] ... it didn't strike bone, didn't tumble, and didn't fragment. Now, we don't know that."

In testifying before the Warren Commission, Dr. Jones described a large wound to the "posterior portion of the skull" (WCH 6 page 56). In 1992, he continued his assertion that the wound was behind the right ear and, on external examination, did not appear to involve the temporal-parietal region of the head. Dr. Jones interrupted my incomplete question. I asked, "You saw the large wound in the back of the head and..." Jones interrupted to say, "Yeah. I didn't think that there was any wound - I didn't appreciate any wound, anyway, in the right temporal area or the right side

of the upper part of the head, you know, over the—in front of the ear say, or anything like that ". However, he cautioned that "there could have been a lot of skull destruction beneath the skin that you would not have seen externally." The visible wound was partially hidden as "a lot of that injury was on the down side with him at on the table."



In reviewing a 1966 drawing by Robert N. McClelland, M D., which depicts a large wound to the posterior skull (see figure), Dr. Jones wrote on March 4, 1994 that the drawing "only indicates the skin involvement but not the true destruction of the skull and brain." Nevertheless, he admitted that the drawing indicates the "general" location of the wound, "but certainly not with as defined

edges as shown in this depiction.””

Dr. Jones' 1964 testimony describes "what appeared to be an exit wound in the posterior portion of the skull" (WCH 6 page 56). In 1983, he reportedly told author David Lifton, "(i)f they brought him in here today, I'd still say he was shot from the front" (BEST EVIDENCE - page 705). On August 10, 1992, Dr. Jones was asked to comment on the accuracy of the quote, and stated only that "it may have been taken a little bit out of context." He added that "given the set of circumstances as we saw that day, if they brought him in today, I would tend seeing what I saw, I would say that he was shot from the front." He qualified this statement by cautioning, "you've got to reconsider what you would say based on what's been found out since. But circumstances as they were when you first saw him that day ... my assumption would be the same."

Unlike many of his colleagues of Trauma Room One, Dr. Jones' recollections of the President's wounds have not significantly changed with the passage of time. His recent descriptions of the wounds are remarkably consistent with his statements in 1964. However, he is understandably careful in his wording, using such words as "compatible" and "general." He is also quick to point out that information subsequently uncovered should be considered. When one considers his descriptions and comments on the possible origin of the missiles which inflicted these wounds, it becomes apparent that he does not agree with the statement of James Carrico, D., that "(n)othing we observed contradicts the autopsy finding that the bullets were fired from above and behind by a high velocity rifle" (JAMA 5/27/92-page 2805). For even if one accepts that the wounds Dr. Jones observed could have been inflicted from above and behind the President, his descriptions of the wounds significantly contradict those detailed in the autopsy report.

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\*This article has also been published in The Assassination Chronicles Vol 1. No.1. 30 March 1995

### SALES & WANTS

Wanted : Any pictures of JFK (alive). Any copies of photos, pictures, posters - black & white or colour. Please contact me! Rachel Stubbings 25 Byrley Road, Kimberworth Park, Rotheram S61 3PP



## A DISTANT ECHO

### AN ANALYSIS OF THE ACOUSTICAL EVIDENCE RELATED TO THE ASSASSINATION OF JOHN F. KENNEDY

by

Mitchell Maglio

No event in the twentieth century has spawned as much heated debate as the assassination of President John F. Kennedy. There have literally been hundreds of books, films, articles and computer products that have attempted to provide an authoritative accounting of the events in Dealey Plaza on November 22, 1963. Everyone from Lee Harvey Oswald to Lyndon B. Johnson and everyone in between has been accused of the assassination with no definitive answer.

In 1964 the Warren Commission, a blue ribbon panel under the direction of Chief Justice Earl Warren, delivered their finding that Lee Harvey Oswald was the lone gunman in the assassination. They found no evidence of a conspiracy. The final report of the Warren Commission can be purchased in any book store to this day. Yet the Warren Commissions findings have been almost universally denounced as woefully inadequate. President Johnson, J. Edgar Hoover, and even Chief Justice Warren all expressed their reservations about the Warren Commission report.

Somewhat lesser known to the general public are the findings of the House Select Committee on Assassinations in 1978. Unlike the Warren Report, the House Committee found that there was a very high probability that President Kennedy was assassinated as the result of a conspiracy. To support this conclusion, the HSCA cited scientific and eyewitness testimony of a second shooter on the grassy knoll. Upon releasing their findings the House Select Committee, using a lack of funds as an excuse, quietly went out of business. No action was ever taken by any agency of the United States Government to follow up on the findings of the House Select Committee. Their final report is not readily available to the public.

Acoustics, ballistics, forensics, photographic, neutron activation analysis, and handwriting identification were among the scientific evidence that the HSCA examined. This paper will center on their examination of the acoustical evidence and it's impact on the committee's ultimate findings. Various attempts to discredit this evidence will also be examined.

In 1964 the Warren Commission briefly looked at acoustical evidence of their own. The commission was given a tape, supposedly an on the scene recording of the assassination as it happened. This tape was made by Sam Pate of radio station KBOX. An examination of the tape by the F.B.I. ; "failed to indicate the presence of any sounds that could be interpreted as gunshots."<sup>1</sup> Pate also told the Bureau that most of the tape was made in the studio several days after the assassination, after he had been released by the station.

The Warren Commission, however decided to send the tape to Dr. Lawrence Kersta of the Bell Acoustics and Speech Research Laboratory. Dr. Kersta constructed representations of the

tonal qualities of the sounds of a specific eight second portion of the tape known as spectrograms. These spectrograms indicated the following:

1) Six Non-voiced noises

A) One Non-voiced spike (a graphic display of noise)

B) Three Non-voiced spikes of varying acoustical properties at .86, 1.035, and 1.385 seconds after the first sounds.

These sounds were followed by two additional events caused by sound and thought to be related to the previous Non-voiced noises.

In a letter to the Warren Commission, Dr. Kersta never stated whether or not he interpreted these acoustical events to be gunfire.<sup>2</sup> Based on Dr. Kersta's letter the Warren Commission never mentioned his findings in their report.

The HSCA searched for Dr. Kersta's spectrographs, without success, until late 1978. Apparently they had been misfiled by the National Archives. (a not uncommon occurrence when it comes to evidence relating to the assassination.) The committee did finally turn the Pate tape over to an acoustical consultant, Dr. James Barger, to be analysed. (May 30, 1978) It was found that, although a portion of the tape did appear to have been recorded in Dealey Plaza, it was not thought to be in sync with the gunshots as established by the timing of the Zapruder film.

Dr. Barger, in his report to the HSCA, went on to point out that even if the sounds had been recorded during the assassination, Dr. Kersta's spectrographs would not have detected them, since in order to identify a gunshot the analysis would have to show a waveform on an oscilloscope. (Spectrographic analysis is only appropriate for detecting tonal or harmonic events.) Consequently Dr. Barger's analysis discounted the Pate tape as a valid piece of acoustical evidence in the assassination of the president.

The House Select Committee did, however, have access to acoustical evidence that the Warren commission never saw. In 1963 a Dallas police lieutenant, Paul McCaghren<sup>3</sup> gave reports and items relating to the assassination to Police Chief Jesse Curry. Among these items were the original dictabelt and recordings of the November 22, 1963 Dallas Police Dispatch Transmissions. The recordings languished in a locked cabinet outside Curry's office until 1969 when the new police chief ordered the cabinet opened.

The recordings were returned to McCaghren, who by this time had been promoted to director of the intelligence branch of the Dallas P.D.. He kept the recordings until March of 1978 when he turned them over to the House Select Committee on Assassinations. The HSCA decided to have the tapes analysed in order to:

"Resolve questions concerning the number and origin of the shots fired in Dealey Plaza. The Committee asked its acoustical consultant to examine the recordings not analysed by the Warren Commission, specifically Dallas Police Department dispatch recordings for Nov 22, 1963."<sup>4</sup>

The recordings were made from the transmissions from police officers broadcast over their radios to a pair of recording systems at the Dallas Police Department. The systems in use in 1963 were a Dictabelt for channel 1 transmissions and a Gray Audiograph Disk Recorder for channel 2.<sup>5</sup> It should be noted here that the police dispatch recorder in use at this time did not have AGC (Automatic Gain Control) capacity, fact that will have an impact on later attempts to discredit the HSCA acoustical findings. The Committee had determined that the recordings over channel 1 were a continuous recording of events in at the scene of the assassination. The channel 2 transmissions were voice activated and thus intermittent. The non-continuous recordings were found to be, primarily, communications between Police Chief Curry and the Dispatcher at

headquarters.

The HSCA engaged Bolt, Beranek, and Newman (BBN) to analyse the Dallas Dispatch recordings. The study was supervised by Dr. James Barger, who did the work on the Pate recording. Among other factors, the identification of the nature and origin of sound impulses may include an analysis of the shape of the waveform and an exact timing of the impulses on the recording. BBN was uniquely qualified to do this type of analysis. It was BBN that had developed the technique of using sound to determine the timing and direction of gunfire. It was this work that led prosecutors to identify the guardsmen who first opened fire at the Kent State shootings. BBN was also appointed by John Sirica to sit on the panel that analysed the Watergate tapes.

The BBN analysis would attempt to answer the following questions:

- 1) Were the transmissions recorded on the dictabelt at Dallas Police Headquarters in fact recorded from a police motorcycle in Dealey Plaza with its microphone setting stuck on "1" ?
- 2) Were gunshots actually recorded ?
- 3) If so, how many shots were recorded ?
- 4) What were the location(s) of the weapon or weapons used in the shooting ?
- 5) What was the time interval between the shots ?
- 6) What type of weapon or weapons were used ?

The first step in BBN's analysis involved converting the sounds on the dictabelt into digitized waveforms and creating a visual representation of those waveforms. Next they "cleaned up" the tape by filtering out repetitive noise, such as the repeated sound of pistons firing in a police motorcycle. Finally they examined the tape for any significant impulses. Six impulses loud enough to be gunfire were found. The first part of BBN's analysis warranted further examination of the recordings.

The next series of tests were designed to determine if the impulses were, in fact, gunshots fired at the motorcade during the assassination. To determine this a new series of questions had to be answered:

- 1) Do the impulse patterns occur during the assassination ?
- 2) Are the impulse patterns unique to the assassination ?
- 3) Is there at least a 5.6 second interval between the first and last impulse ?
- 4) Are the shapes of the impulses similar to those produced by gunfire and recorded over a transmitter?
- 5) Are the amplitudes of the impulse patterns similar to those produced when the sound of gunfire is recorded through a transmission system comparable to the one used for the Dallas Police Department in 1963 ?

The answer to these questions was yes. All six impulses passed BBN's initial testing.

The next logical step in the testing process was to recreate the shooting in Dealey Plaza and to see if any of the impulse patterns made in 1978 matched those made in 1963. A recreation of the shooting would also allow BBN to determine the origin of the shots as being from the Texas School Book Depository or the Grassy Knoll. The recreation would entail firing from both the Texas School Book Depository (TSBD) and the Grassy Knoll at several target areas and recording those sounds through a number of microphones along the route, to see if any of the impulse sequences matched. (Note that the HSCA only tested the two shooting sites considered possible by the official investigations. It is possible that as many as six shots were recorded. Possible sites such as the Dal-Tex building were not tested.) If so it would be possible to determine the origin of

the shots. (TSBD or Knoll.) BBN used the following scientific method to make their determination on the impulse sequences:

"The sequences of impulses from a gunshot is caused by the noise of the shot followed by several echoes. Each combination of shooter location, target location and microphone location produces a sequence of uniquely spaced impulses. At a given microphone location, there would be a unique sequence of impulses, depending on the location of the noise source (gunfire) and target, and the urban environment of the surrounding area. (echo producing structures in and around Dealey Plaza.) The time of arrival of the echoes would be the significant aspect of the sequence of impulses that would be used to compare the 1963 dispatch tape with the sounds recorded during the 1978 reconstruction."<sup>5</sup>

The BBN study was referring to Acoustical fingerprints, patterns of sound impulses as unique as their human counterparts. Like the ridges in a human fingerprint that identify it as coming from one particular person, the acoustical fingerprint would use the unique spacing between the echoes as it's identifying characteristic. If any of the acoustical fingerprints from the 1963 dispatch tape matched those made in 1978, it would confirm that the sounds made in 1963 were in fact gunfire recorded by an open microphone in Dealey Plaza.

The Committee was highly aware of the significance of the preliminary testing done by BBN. Dr. Barger had identified acoustical impulses that could possibly account for more shots than could have been fired by Lee Oswald (or anyone else) acting alone. Before continuing their investigation, the HSCA felt that it would be prudent to verify the work that BBN had already done. To this end the Committee solicited the Acoustical Society of America for recommendations on who was qualified to verify BBN's work. Eventually the HSCA settled on Professor Mark Weiss and his associate Ernest Aschkenasy. Both men had a broad background in the field of acoustical research and the Committee felt that they were more than qualified to evaluate BBN's preliminary analysis.

After studying BBN's analysis, Weiss and Aschkenasy confirmed their findings and endorsed Dr. Barger's recommendation that the shooting be recreated in order to establish the location of the shots recorded in 1963. On August 20, 1978 the reconstruction was set up in Dealey Plaza to recreate the assassination of John F. Kennedy. This was accomplished by setting up target areas estimating the location of the presidential limousine corresponding with the firing times established by a study of the Zapruder film. The first shot was set between frames Z160 and Z170, the second between Z190 and Z200, and the third (the fatal head shot) at Z312. A target was also set up to correspond with the "curb shot" that resulted in the injury of assassination witness James Tague.

The two shooter locations were the sixth floor window of the Texas School Book Depository and the area behind the picket fence on the Grassy Knoll. The Committee chose the latter site because of the large amount of testimony suggesting that gunfire originated from the Grassy Knoll. (Josiah Thompson, in his acclaimed *Six Seconds In Dallas* established that thirty-three separate witnesses identified shots from the Grassy Knoll.)

A Mannlicher-Carcano was fired from both locations. In addition a pistol was also fired from the Grassy Knoll since it was not known what weapon a possible shooter might have used from that site. Microphones were placed every eighteen feet in thirty-six locations along the motorcade route. Each microphone was set in a spot where a motorcycle could have recorded the sounds of gunfire during the assassination.

There were a total of four hundred and thirty-two sounds received and recorded by the microphones in Dealey Plaza. (36 microphones X 12 shots) This yielded 432 acoustical fingerprints for analysis of various combinations of target and shooter. Each fingerprint was then compared to

the six impulse patterns from the 1963 Dictabelt. This exacting process required several weeks to complete ( 2592 comparisons had to be made. 432 recordings X 6 impulse patterns).

During this stage of the analysis the characteristic being studied and compared was the time of arrival of the echoes in each sequence of impulses. The shape and amplitude of the impulses was not considered at this time. If the time of arrival of an echo made in the 1978 reconstruction correlated to within  $\pm 6/1000$  sec. of the 1963 dispatch tape, it was considered a match. The  $\pm 6/1000$  sec. window allowed for the Heisenberg Uncertainty Principle. In the same way that the position of a subatomic particle can never really be known since it is always in motion, the exact position of the motorcycles could not be known because they were moving during the assassination. Since the odds were that no motorcycle in 1978 would be in the exact spot as it's counterpart in 1963, the  $\pm 6/1000$  sec. window would allow for the seventeen or so foot difference that could logically exist. (the microphones were eighteen feet apart)

After 2592 acoustical fingerprints were studied , impulses two, three, four, and five scored a sufficiently high correlation coefficient to be considered significant. Impulses one and six were eliminated as obviously invalid matches. (An invalid match could be from an impulse pointed away from the motorcade, or coming from an area where a shot was not possible.) The four remaining impulses were deemed worthy of further analysis to see if they did , in fact, represent gunfire from the Texas Schoolbook Depository or the Grassy Knoll.

When plotted on a graph the microphones that recorded matches were consistent with the approximate speed of the motorcade (11 mph.) as established by the Zapruder film :

" For example the 36 microphones placed along the motorcade route, the one that recorded the sequence of impulses that matched the third impulse on the 1963 dispatch tape was further along than the one that recorded the second impulse on the dispatch tape." <sup>6</sup>

Since the microphones clustered around a line on a graph representing the speed of the motorcade, Dr. Barger established a statistical probability of 99% that the Dallas Police Dispatch Tape contained impulses transmitted by a microphone in Dealey Plaza during the assassination. This was still another indication that the 1963 dispatch tape had recorded gunfire.

After eliminating matches that were clearly invalid, BBN came away with three matches for impulse pattern one, three for impulse pattern two, one for impulse pattern three (Grassy Knoll) , and two for impulse pattern four. Even with these matches, Dr. Barger was only able to establish a statistical probability of 50% that any one impulse represented a valid match. There was still a chance that random noise could have accounted for some of the impulse sequences. When he testified before the HSCA in September of 1978, Dr. Barger stated that there was a 50% chance of a shot from the Grassy Knoll given the single match for impulse number three. He was also stating that IF the match for impulse number three was valid, it was definitely a gunshot from the Knoll.

Clearly further analysis was warranted. In September 1978, the Committee asked Weiss and Aschkenasy if they could build on BBN's work to determine with greater certainty if there had been a shot from the Grassy Knoll.

Weiss and Aschkenasy devised a model using the unique echo patterns of individual structures in Dealey Plaza. By examining the results of the 1978 reconstruction they were able to refine the identification of echo producing structures and achieve a more accurate method of determining whether or not the 1978 impulse patterns matched their 1963 counterparts. (They also took the difference in temperature into account, since sound travels at different speeds depending on ambient temperature. Another indication of how detailed this work was.) Their findings were studied and verified by Dr. Barger of BBN.

Since they could now determine what the impulse patterns for specific combinations of shooter and target would be, Weiss and Aschkenasy decided to look for a correlation on the 1963 dispatch tape that would match the 1978 reconstruction to within  $+1/1000$  sec. ( a six times smaller window than the one established by Dr. Barger ). The initial problem with the analysis was that although the earlier impulses in pattern three matched on both recordings, the later impulses did not. They soon corrected this by taking into account the three tenths of a second the motorcycle was moving while receiving the impulses (about five feet). When this motion was taken into account, a perfect match for pattern three ( the Grassy Knoll ) was found.

Unknown to Weiss and Aschkenasy the spot the Grassy Knoll that they determined a shot had come from (eight feet west of the corner of the stockade fence) had been photographed at the time of the assassination. A woman named Mary Moorman took a photograph that shows a man in the precise spot that acoustical analysis independently found a gunshot.<sup>7</sup> Separately the acoustical evidence and the Moorman photograph are compelling. Taken together they tend to confirm the existence of a shot from a shooter on the Grassy Knoll.

Since it was highly unlikely that random noise could have accounted for the  $+1/1000$  sec. match, Weiss and Aschkenasy found for pattern three, they computed a statistical probability of 95% percent that a sound as loud as a gunshot originated at the Grassy Knoll during the assassination. Once again BBN confirmed the findings of Weiss and Aschkenasy. In addition Dr. Barger found that the first part of impulse pattern three contained an N-Wave. N-Waves are the shock waves that arrive before the noise of a projectile moving at supersonic speed. Since an N-Wave could not have been created by a random noise, this was yet another strong indication of a shot from the Grassy Knoll (had the sound of impulse three been headed anywhere except directly at the motorcade no N-Wave would have been present) In addition, since most hand gun bullets travel at subsonic speeds, it was concluded that the weapon used on the Grassy Knoll would have to have been a high powered rifle of some type. Dr. Barger estimated an 80% probability that, given the presence of an N-Wave, a shot had indeed come from the Grassy Knoll.

Based on the analysis of Weiss and Aschkenasy (confirmed by BBN) the HSCA concluded that since there was no indication of any other noise loud enough to produce an impulse wave similar to gunfire, impulse pattern number three was a representation of a shot from the Grassy Knoll. The Committee also took the photographic evidence, and eye and ear witness testimony into account in arriving at this conclusion.

There is one more factor to consider in this case. When the acoustical impulses from the 1963 dispatch tape are synchronized to the Zapruder so that impulse three occurs at the time of the fatal head shot the other impulse patterns match up to the other shots in the film exactly.<sup>8</sup> Thus, when taken in concert with the Zapruder film, and the Moorman photograph (as well as the testimony of eye and ear witnesses) the acoustical evidence studied by BBN and Weiss and Aschkenasy makes an overwhelming case for a shooter on the Grassy Knoll.

No sooner did the House Select Committee publish the results of the acoustical research than various attempts to discredit it were made. While the critics of the acoustical evidence raise some interesting questions, they do not refute or even directly challenge the hard scientific evidence of an echo match to within  $+1/1000$  sec. or the presence of an N-Wave that indicated a shot from the Grassy Knoll. The next part of this paper will examine the various criticisms of the acoustical findings published in the HSCA report.

One of the criticisms leveled at the findings of the HSCA was that Officer H.B. McLain was not in the correct spot to record the shots in Dealey Plaza. In fact photographic evidence confirms that McLain's motorcycle was in precisely the spot where a microphone had to be to record the

sounds of gunfire during the assassination.<sup>9</sup> When McLain testified to the Committee on December 29, 1978 that his was the first motorcycle to the rear of the motorcade, he verified the above mentioned photographic evidence.

In "Case Closed" by Gerald Posner, the author makes the point that the dictabelt recording does not contain any crowd noise. He quotes McLain : "The crowds were surging forward. They were screaming, hollering, hanging from the lampposts." The point that both Mr. Posner and Officer McLain fail to make is that police microphones of the type used that day in Dealey Plaza were designed to filter out just that sort of crowd noise so that the officer in the field could be heard by the dispatcher.<sup>10</sup>

Questions were raised about the fact that sirens were not picked up for nearly two minutes after the shooting. The HSCA addressed this question before the critics:

"Approximately two minutes after the impulse sequences that according to the acoustical analysis represent gunfire the dispatch tape contains the sound of sirens for approximately forty seconds. The sirens appear to rise then recede in intensity, suggesting that the position of the microphone might have been moving closer then farther away from the sirens, or that the sirens were approaching the microphone and then moving away from it...Subsequent to his hearing McLain stated that he believed he turned on his siren as soon as he heard Curry's order to proceed to Parkland Hospital. He stated that everyone near him had their sirens on immediately. Should his memory be reliable, the broadcast of the shots would not have been over his radio because the sound of sirens on the tape does not come until approximately two minutes later. The Committee believed that McLain was in error on the point of his use of his siren. Since those riding in the motorcade near Chief Curry had their sirens on, there may have been no particular need for McLain to turn his on too. The acoustical analysis pinpointing the location of the microphone, the confirmation of the location by photographs, his own testimony as to his location, and his slowing his motorcycle as it rounded the corner of Houston and Elm (as had been previously indicated by acoustical analysis) and the likelihood that McLain did not leave the Plaza immediately, but lagged momentarily after the assassination, lead the Committee to conclude that it was Officer McLain whose radio microphone switch was stuck open.

Immediately after the HSCA issued their conclusion that President Kennedy's murder had most likely been the result of a conspiracy, the F.B.I. made a rather large show of publicly denouncing the acoustical evidence. They did this without doing any tests of their own on the dictabelt recording first, and later retracted their statement, admitting that the bureau did not have the know how to analyse the acoustical evidence.<sup>11</sup>

The National Academy of Sciences conducted a study in which they appear to have found a voice speaking just as the shooting ended, leading them to conclude that the acoustical evidence was invalid. However the HSCA addressed this point before the NAS study by acknowledging that the dictabelt needle used at this time had a tendency to jump backward and could have accounted for this sort of crosstalk discrepancy. The HSCA also concluded that as many as four microphones in the area between Stemmons Freeway and Dealey Plaza could have transmitted crosstalk at this time. In addition Dr. Barger found that the recording used by NAS in their analysis was a copy and therefore not valid in any tests. Barger found two 60 cycle hum tones, a signature of copying.<sup>12</sup> The tape that the NAS studied was, therefore at least a second generation copy. Further, the National Academy study failed to take into account that the dispatch recorders in use at this time did not have Automatic Gain Control (AGC). They based much of their study on the assumption that they did have AGC. Such a fundamental mistake taints any conclusions of their study.

Unknown to the HSCA they themselves addressed the National Academy of Sciences analysis

even before it was done: "To contend that the microphone was elsewhere carries the burden of explaining all that appears on the tape." To be sure the NAS never addressed the issue of the unique acoustical fingerprint matches or the N-Wave. These scientific proofs were completely ignored, at least in their public statements.

It has been said that the Committee found conclusive proof that the Knoll shot missed. So where is the bullet? Why was no one else hit?<sup>13</sup> In fact Dr. Michael Baden, chairman of the HSCA pathology department acknowledged that the knoll shot could have hit the president.<sup>14</sup> This possibility is confirmed by HSCA acoustical experts Weiss and Aschkenasy and photographic analyst Robert Groden. They found that when impulse pattern three (The Grassy Knoll shot) is synchronized with the Zapruder film at moment of the fatal head shot, the other impulses match up perfectly with the other shots in the film.<sup>15</sup>

Then there is the well known story of Steve Barber, a rock drummer, who got his copy of the recording from a plastic record he purchased in a copy of Gallery Magazine.<sup>16</sup> He appeared on a segment of Nova that examined (rather noncommittally) the Kennedy assassination. He did appear to find some unexplained crosstalk that had escaped prior notice. However, as discussed earlier, any analysis of a copy, especially one several generations removed from the original, cannot be considered valid.

The work of the HSCA acoustical team has been termed "rushed"<sup>17</sup> In fact nothing could be further from the truth. The analysis studied and refined their work over a period of five months and thousands of man hours. They created and compared thousands of acoustical fingerprints to the 1963 dispatch tape. No attempt to repudiate their work was ever given the effort, creativity, care, or scientific validity of the original acoustical analysis. Thus although the critics of the HSCA acoustical findings did manage to raise some interesting questions about crosstalk, clarion bells and other pips and pops on their copies of the tape, the facts remain. They did not have access to first generation tapes or the resources to recreate the HSCA's work.

Critics have avoided addressing the presence of unique acoustical fingerprint matches and the N-Wave signature present in the Knoll shot. They have avoided this because one cannot argue with scientific fact. It is like arguing with the wind. You may shout and shout, but the wind goes on being wind. The scientific fact of the matter is that there was a shooter on the Grassy Knoll and his shot probably killed President John F. Kennedy on a clear autumn day in Dallas.

This article was written for the following people: Harold Weisberg for carrying on a never ending search for the truth for over thirty years. Mark Lane, Robert Groden, Harrison Livingstone, Anthony Summers, and Dr. Cyril Wecht for all that they have done over the years to keep this issue alive. And to my daughter Alyx in the hopes that she will learn that our duty to the truth outweighs all others.

#### Sources

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 Case Closed by Gerald Posner - copyright Random House  
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 Six Seconds In Dallas by Josiah Thompson - copyright 1967 Bernard Geis assoc.  
 The Zapruder Film  
 Killing of A President by Robert Groden - copyright 1993 Viking Studio Books

#### Notes

- |                                      |                           |
|--------------------------------------|---------------------------|
| 1) HSCA Report section B             | 10) HSCA Report section B |
| 2) HSCA Report section B             | 11) High Treason p. 212   |
| 3) HSCA Report section B             | 12) High Treason p.212    |
| 4) HSCA Report section B             | 13) Case Closed p.238     |
| 5) HSCA Report section B             | 14) HSCA Report section B |
| 6) HSCA Report section B             | 15) High Treason p. 224   |
| 7) The Killing of A President p. 173 | 16) Conspiracy p. 474     |
| 8) High Treason p. 224-225           | 17) Case Closed p.240     |
| 9) The Killing of A President p.172  |                           |



**FAULTY EVIDENCE:  
Problems with the case  
against Lee Harvey Oswald**

Michael T. Griffith \*

In 1964 the Warren Commission (WC) concluded that President John F. Kennedy was assassinated by a lone gunman, Lee Harvey Oswald, and that there was no conspiracy involved in the killing. The Commission asserted that Oswald shot JFK from the sixth floor of the Texas School Book Depository (TSBD) Building in Dallas, Texas, with an Italian-made 6.5 Mannlicher-Carcano rifle at 12:30 p.m. on November 22, 1963.

WC defenders maintain that the case against Oswald is airtight, and that were he to stand trial today he would be found guilty of the assassination.

Critics of the WC, on the other hand, assert that Oswald was framed, that the case against him is flawed at almost every point, and that an impartial jury would acquit him in a trial where the normal legal standards of evidence were applied. In their view, not only is there far more than a reasonable doubt about Oswald's guilt but the available evidence shows he did not shoot the President. Most WC critics also believe that Kennedy was killed as the result of a conspiracy.

The purpose of this paper is to examine some of the problems with the case against Lee Harvey Oswald.

**Oswald and the Mannlicher-Carcano Rifle**

One of the first steps in building a case against Oswald would be to link him to the alleged murder weapon, the Mannlicher-Carcano rifle. But this is just one of the many areas where a prosecutor would encounter serious difficulties. Although at first glance there appears to be a strong connection between Oswald and the Italian-made rifle, the link becomes highly questionable upon further examination.

WC defenders note that the order form, money order, and envelope used to purchase the Mannlicher-Carcano were filled out in handwriting identified as Oswald's (see, for example, Moore 48). Furthermore, they point to Oswald's alleged use of the alias "Alek Hidell." The rifle was sent to Oswald's post office box, but it was ordered in the name of, and addressed to, "A. Hidell." According to the Dallas police, Oswald was carrying an "Alek J. Hidell" ID card when he was arrested. Here's where things get very interesting.

To begin with, Oswald was at work when he is said to have purchased the money order (Summers 213). So who bought the money order? If Oswald didn't buy it, why does the handwriting on it seem to be his? There are forgers who can copy a person's handwriting so well that it is difficult if not impossible to detect their fakery, especially if only a small quantity of writing is required. Also, the original order form and envelope were destroyed, so the FBI had to rely on microfilm copies of this evidence.

Another problem with the connection between Oswald and the Carcano is that nobody at Oswald's post office recalled giving him a hefty package such as the kind in which a rifle would be shipped (Summers 59; Meagher 50). Furthermore, postal regulations required that only those persons named on the post office box's registration form could receive items of mail from the box, and there is no evidence that Oswald listed the name of Hidell on the form (Smith 290-291). In fact, in a report dated 3 June 1964, the FBI stated, "Our investigation has revealed that Oswald did

NOT indicate on his application that others, including an 'A. Hidell,' would receive mail through the box in question. . . ." (Meagher 49, emphasis added).

There is a discrepancy in size between the weapon ordered by "A. Hidell" and the rifle that Oswald allegedly left behind on the sixth floor of the TSBD. "A. Hidell" ordered item C20-T750 from an advertisement placed by Klein's Sporting Goods in the February 1963 issue of AMERICAN RIFLEMAN. The rifle that was listed as item C20-T750 is 36 inches long. However, the Mannlicher-Carcano that Oswald supposedly abandoned on the sixth floor of the Book Depository Building is 40.2 inches long (Lifton 20).

Most conspiracy theorists see the mail-order murder weapon and the "Hidell" ID card as evidence of a frame-up. They note the sheer stupidity of it all. In the Texas of 1963 Oswald could have bought a rifle across the counter with few if any questions asked. He could have done so and risked only a future debatable identification by some gun shop worker. Instead, we are told, Oswald ordered the murder weapon by using the alias "A. Hidell," gave his own post office box number, committed his handwriting to paper, and then went out to assassinate the President of the United States with this same "Hidell"-purchased rifle and while carrying a "Hidell" ID card in his wallet!

Many WC critics doubt that Oswald was carrying the "Hidell" ID card at the time of his arrest. They point to the fact that the Dallas police said nothing about the fake ID card until the FBI later announced that the alleged murder weapon had been ordered by an "A. Hidell." Critics also note that neither the phony identification nor the use of an alias is mentioned in the transcripts of the radio traffic between the arresting officers and the police station (Grodan and Livingstone 183-184; Lane 133-136). One of the officers who brought Oswald to the police station, Paul Bentley, said he established Oswald's identity by going through his belongings, and there was no suggestion that Bentley had to decide whether his suspect was named Oswald or Hidell. Said Bentley, "On the way to City Hall I removed the suspect's wallet and obtained his name" (Grodan and Livingstone 184). Additionally, not one of the arresting officers mentioned finding or seeing the Hidell ID card in their reports to the police chief two weeks after the assassination (Meagher 186).

Lone-gunman theorists assert that the Dallas police found Oswald's palm print on the barrel of the alleged murder weapon. However, the palm print had no chain of evidence, and the Dallas police did not tell the FBI about the print until AFTER Oswald was dead (he was shot by Jack Ruby on November 24). Until the evening of the 24th, journalists assigned to the Dallas police station were reporting that, according to their police sources, Oswald's prints had NOT been found on the rifle (Lifton 356 n). When the FBI examined the Carcano on November 23, it did not find Oswald's prints on the weapon. There is evidence that suggests the palm print was obtained from Oswald's dead body at the morgue (Marrs 443-445). So suspicious was the palm print that even the WC privately had doubts about the manner in which it was obtained (Garrison 113; Marrs 445; cf. Lane 153-158).

The WC claimed that a paper bag that was supposedly found at the sniper's nest and a blanket from Ruth Paine's garage also linked Oswald to the alleged murder weapon. According to the Commission, Oswald used the bag to carry the weapon into the TSBD on the day of the murder, and he used the blanket to store the rifle in the preceding months. Yet, a prosecutor would encounter serious difficulties in trying to use this evidence to tie Oswald to the Carcano. Sylvia Meagher discusses some of the problems with the paper bag and the blank

*The Commission . . . offered no firm physical evidence of a link between the paper bag and the rifle. The [Warren] Report does not mention the negative examination made by FBI expert James Cadigan. Cadigan said explicitly that he had been unable to find any marks, scratches,*

abrasions, or other indications that would tie the bag to the rifle. Those negative findings assume greater significance in the light of an FBI report (CE 2974) which states that the rifle found on the sixth floor of the Book Depository was in a well-oiled condition. It is difficult to understand why a well-oiled rifle carried in separate parts [as the WC claimed] would not have left distinct traces of oil on the paper bag, easily detected in laboratory tests if not with the naked eye. The expert testimony includes no mention of oil traces, a fact which in itself is cogent evidence against the Commission's conclusions.

Equally significant, there were no oil stains or traces on the blanket in which a well-oiled rifle ostensibly had been stored—not for hours but for months. This serves further to weaken, if not destroy, the Commission's arbitrary finding that the Carcano rifle had been wrapped in that blanket until the night before the assassination. (62)

#### What About the Famous Backyard Rifle Photographs?

"Surely," a good prosecutor would say, "Oswald is linked to the murder weapon by the three famous backyard photographs which show him holding the Mannlicher-Carcano rifle in one hand and radical newspapers in the other?" Furthermore, lone-assassin theorists point out that the backyard pictures were authenticated by the panel of photographic experts retained by the House Select Committee on Assassinations (HSCA, 1976-1979). Again, the evidence looks impressive at first glance, but let's take a closer look.

The Dallas police said they found two backyard photographs. These are labelled CE 133-A and B. Each shows the Oswald figure in a different pose. Although the Dallas police said they found two negatives, one for A and one for B, only the B negative is known to exist. A new, and different, backyard photo of Oswald turned up in the possession of the widow of a former Dallas policeman in 1976. This is 133-C. Then, in 1977, a much clearer version of 133-A was found among the possessions of George DeMohrenschildt, a wealthy member of the Dallas Russian community who had intelligence connections and who was a friend of Oswald's. The DeMohrenschildt family has stated they believe the photo was planted in their father's belongings to further incriminate Oswald in the public mind. According to the WC and the HSCA, all of the backyard snapshots were taken with a cheap, hand-held camera, known as the Imperial Reflex camera.

When the backyard photos were examined by Major John Pickard, a former commander of the photographic department of the Canadian Defense Department, he declared them to be fakes. Retired Detective Superintendent Malcolm Thompson, a past president of the Institute of Incorporated Photographers in England, analysed the pictures and came to the same conclusion. (When the HSCA's photographic panel concluded that the backyard photos were authentic, Thompson deferred to the panel on most of the issues concerning the genuineness of the pictures. However, Thompson said he remained troubled by the chin on Oswald in the photos, which is different from his chin in other pictures.)

There are indications of fraud in the backyard photos that are obvious even to the layman. For example, the shadow of Oswald's nose falls in one direction while the shadow of his body falls in another direction. And, the shadow under Oswald's nose remains the same in all three photos even when his head is tilted. The HSCA's photographic panel could offer only an unrealistic re-enactment based on highly improbable assumptions to explain the problematic nose shadow. In the end, the panel ended up appealing to a vanishing point analysis to explain all of the variant shadows in the backyard photos. I discussed this matter with a number of photographers, and none of them took the position that a vanishing point analysis would explain the kinds of conflicting shadows seen in the backyard pictures.

Another indication of fakery in the photos is the fact that the HSCA's photographic panel

could find only minute ("very small") differences in the distances between objects in the backgrounds. This virtual sameness of backgrounds is practically an impossibility given the manner in which the pictures were supposedly taken. In order to achieve this effect, Marina would have had to hold the camera in almost the exact same position for each of the three photos, an extremely unlikely scenario, particularly in light of the fact that Oswald allegedly took the camera from her in between pictures to advance the film.

Furthermore, graphics expert Jack White has shown that the backgrounds in the photos are actually identical, and that the small differences in distance were artificially produced by a technique known as keystoneing. I would encourage those interested in more information on this subject to obtain Mr. White's video **FAKE: THE FORGED PHOTO THAT FRAMED OSWALD**.

White has also noted, as have other researchers, that in 133-B the Oswald figure is wearing a ring on a finger of his left hand, but in 133-A the ring is not visible. This is "a curious difference," says Anthony Summers, "if, as Marina testified, she took one picture after another in the space of a few moments" (552 n 65).

A telling indication of fraud in the backyard pictures is the fact that printed edge markings of roll film do not appear on the DeMohrenschildt photo, which was printed full negative, nor on the 133-B negative. This indicates that they were made from sheet film, but the Imperial Reflex camera did not use sheet film; it used only roll film.

Further doubt is cast on the backyard pictures by the ominous fact that a Dallas commercial photographer who examined and processed assassination-related photographs for the Dallas police and the FBI said he saw an FBI agent with a color transparency of one of the backyard pictures on November 22, which was the day BEFORE the police said they FOUND the photographs. The photographer further stated that one of the backyard photos he processed SHOWED NO FIGURE IN THE PICTURE (Marrs 451-452). His account was corroborated by his wife, who also helped process film on November 22.

Oswald's wife, Marina Oswald, is the one who supposedly took the backyard pictures. However, in a recently recorded interview, she said of the backyard photos, "THESE AREN'T THE PICTURES I TOOK" (Livingstone 454, emphasis added).

An important development in this matter occurred in 1992 when Dallas authorities released previously suppressed files on the JFK assassination. Among these files were several photos of Lee Harvey Oswald, two of which are backyard pictures that show clear signs of tampering. On February 9, 1992, the HOUSTON POST reported, "One photo of Oswald's backyard in the Oak Cliff section of Dallas shows clear evidence of darkroom manipulation" (Lane xxii). The POST further stated that the manipulation involved "attempts to frame Oswald by 'inserting' him into the background" of the picture (Lane xxii). The POST provided a description of the print:

In the manipulated print in police files Oswald does not appear. Instead, there is a white silhouette of a human figure holding an apparent rifle and newspapers. The silhouette appears to be an example of matting, a darkroom technique that can serve as an intermediate step in the combining of photographic images. (Lane xxii) The silhouettes in the pictures appear to be right around Oswald's height, and they are in poses into which it appears the Oswald figure would fit almost perfectly.

The big question is, When were the manipulated prints made? If they were made after the assassination, then they might represent attempts by the Dallas police to see if the backyard photos could have been faked. But, if they were made prior to the shooting, they would constitute undeniable evidence of a conspiracy to frame Oswald.

The POST article went on to report that Hershel Womack, a photographic expert at Texas Tech University, has noted "a variety of alleged inconsistencies with the backyard pictures."

### Oswald's Alleged Marksmanship

The WC said Oswald fired at Kennedy three times, hitting him twice. But could any lone assassin have shot JFK in the manner described by the WC? Could Oswald have done so? I think the answer to both of these questions is no.

Oswald was at best only an average marksman. President Kennedy was a moving target as his limousine travelled on Elm Street in Dealey Plaza. From the southeast corner window on the sixth floor of the Book Depository, Oswald would have been firing at the President from sixty feet up and from over two hundred feet away on average. Based on the Zapruder film and on eyewitness testimony, the WC concluded that all three shots were fired in less than six seconds. There are doubts about the capabilities of the alleged murder weapon itself. In re-enactment of the assassination, the expert marksmen hired by the WC were unable to duplicate Oswald's alleged shooting performance.

Nevertheless, a noted lone-gunman theorist, Professor Jacob Cohen of Brandeis University, maintains that Oswald's alleged marksmanship was entirely possible. However, Cohen finds it necessary to attempt to stretch the assassin's firing time from six seconds to over eight seconds: ...nothing in [the] Zapruder [film] indicates that a possible third shot, which missed, had to have come BETWEEN the two hits. The Warren Commission concluded only that there were probably three shots and that THE TWO HITS, not the three shots, came within 5.6 seconds of each other. The miss could have come first, or last, though it probably came first. That means the gunman had more than eight seconds to shoot, and more than five seconds—ample time—between the two hits. Even if the miss had come between the two hits, there would still have been 2.8 seconds for fire and re-fire—enough time even for an amateur used to handling guns, like Oswald. (32-33, emphasis in original) There are a number of problems with Cohen's scenario. To begin with, it is based on an acceptance of the magic- or single-bullet theory. Essentially, this theory says that a bullet struck Kennedy in the back of the neck, exited his throat, entered Governor John Connally (who was seated in front of the President) and caused all of the Governor's extensive wounds. This hypothesis has long been seriously questioned. In fact, even two members of the WC rejected the theory outright, and a third member was highly skeptical of it (Grodin and Livingstone 67-68). So, from the outset, Cohen's scenario is based on strongly disputed speculation. However, for the sake of argument, I will assume the correctness of the magic-bullet hypothesis.

Cohen's suggestion that the miss could have come last was ruled out by the WC itself. The Zapruder film indicates that the fatal head wound was the final hit. Furthermore, as the Commission pointed out, it is just not possible to ignore the substantial eyewitness testimony that the head shot was "the concluding event in the assassination sequence" (Moore 195).

It is true that the WC did not provide a final, definite opinion on which two of the three shots were hits. However, Jim Moore, a vocal advocate of the lone-gunman theory, acknowledges that the Commission's report "clearly indicated a leaning by its authors toward a second-shot miss" (195).

What about Cohen's claim that the lone assassin actually had more than eight seconds to fire? The majority of the assassination witnesses agreed that all of the shots (whether three, four, or more in number) were fired within a time span of not more than five to six seconds. The WC confirmed this testimony by observing that in the Zapruder film the time span between the first hit on Kennedy and the fatal shot to his head was between 4.8 and 5.6 seconds. FBI technicians analysed the film and came to the same conclusion, stating that "the best estimate of the elapsed time" between the first and final shots "lies between approximately five and six seconds" (Lane 70).

A gunman firing from a building closer to Main St. would have had a reasonably good shot

at the limousine prior to Z-frame 210, but this would not have been the case for someone shooting from the alleged sniper's nest. Some lone-assassin theorists now suggest that Oswald fired before the President's limousine disappeared behind the intervening oak tree, or that he fired through a split-second break in the tree's foliage.

Shooting at the limousine before it went underneath the tree would have required a rather awkward firing position, since, for one thing, the window was no more than half-way open.

As for the proposed shot through the foliage, since this would have had very little chance of success, it is doubtful that any would-be assassin would have wasted a shot that probably would have only served to alert the President's guards that he was under attack. Any half-way sensible assassin in the alleged sniper's nest would have waited until frame 210 before firing. The WC's lone gunman had already passed up a perfect shot at the President as the limousine drove on Houston Street. Are we also supposed to believe that he compounded his error by taking a high-risk shot that had little chance of hitting its target? No, if the sixth-floor shooter was half the marksman that WC defenders say he was, he certainly would have known enough to hold his fire until frame 210.

Therefore, we are left with the lone gunman scoring hits on his first and third shots, having less than six seconds to get off three rounds, with a maximum of only 2.8 seconds to fire and refire. The Carcano's rifle bolt and trigger normally cannot be operated in less than 2.3 seconds, WITH-OUT allowing time to aim carefully at the target.

The lone gunman would have faced other problems as well. The re-enactment sharpshooters also reported that as newcomers to the Italian rifle they found the bolt so difficult to operate that it skewed their aim (Summers 46).

The assumption that the gunman's first shot was a hit also presents a problem. The WC determined that for this shot the gunman had less than eight-tenths of a second to aim and fire because until then the sixth-floor window's view of the limousine was blocked by an oak tree. Moreover, the limousine was going faster for the first shot than it was for the third shot. And, in that eight-tenths of a second the limousine (which was then slightly less than two hundred feet away) had just cleared the oak tree. This would have made it somewhat harder for the assassin's eye to zero in on the target. Yet, according to the WC's scenario, the lone assassin's first bullet had to be a hit because in the Zapruder film Kennedy is already reacting to a wound as the limousine emerges from behind the Stemmons Freeway sign. The fatal head shot didn't come until at least three to five seconds later.

Thus, the WC's lone assassin supposedly scored two hits out of three shots in less than six seconds on a moving target from sixty feet up and from over two hundred feet away on average. He allegedly accomplished this feat even though he had to (1) aim and fire his first shot in only eight-tenths of a second, and (2) deal with his weapon's difficult bolt. The lone gunman would have encountered other problems as well. We shall consider some of these in a moment.

*to be continued in the next edition*

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