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"DALLAS '63" (DECEMBER, 1995)

**THE PHOTOGRAPHIC AND BALLISTICS EVIDENCE:
FURTHER COMMENTS ON LITWIN'S, "A CONSPIRACY TOO BIG"**

by

Hal Verb*

First, I'd like to thank you for printing my article (on the first shot evidence) which appeared in the June, 1995 issue.

There was one slight error in my report, however, which I'd like to correct for the record. It in no way refutes my argument (that the first shot in the JFK assassination was not a missed shot) but on page 23 of your issue it is stated that "the Commission held that Oswald could not have fired a shot between frame 160 and 210...". That should have read "between frame 166 and 210" (my error - I incorrectly typed 160).

As long as we are on the matter of errors let me point out another minor one in the June, 1995 issue. Ian Griggs notes correctly (page 3) my visiting the Texas School Book Depository Building basement but incorrectly reports the name of the building's owner as "Mr. Burt". The correct spelling should be: D.H. Byrd. Byrd is a Dallas businessman who bought the building in 1939.

My central concern and the subject of this paper is to report on other errors contained principally in the Fred Litwin article which ran in the January, 1995 issue and comments by him and others in the June issue. These will be addressed by me utilizing photographic evidence and ballistics evidence totally ignored by Litwin.

In the exchange of letters between Ian Griggs, Jan Stevens and Litwin several questions were raised and discussed in three controversial areas: (1) The Mary Moorman photo; (2) Commission Exhibit or CE 399 (better known as "The Magic Bullet), and (3) The eye-witness accounts of the assassination.

On the first of these - the Moorman photo; Let us focus on and attempt to resolve the shadowy controversy surrounding the timing of when that photo was taken. Jan Stevens has stated that "as everyone knows" this photo was "taken at the moment of impact" and "corresponds approximately with Zapruder frame 312, before the President's head 'practically exploded'". Litwin, for his part, disputes Stevens' claim (of a 312 hit) but cites the HSCA photographic panel as having shown that the photo was taken ...corresponding with frame 313." Litwin blames his error on Groden's book, "The Killing of a President!", and this is understandable for, as Litwin correctly notes, Groden on two different pages published two conflicting and confusing estimates for the timing of the Moorman photo.

I would argue that both Litwin and Stevens are in error on this matter of timing and the correct equivalent for that photo would be a Zapruder frame 315.7. This can be mathematically demonstrated using simple arithmetic and by noting the speed of JFK's limo, the distance it travelled and points of reference in both the Moorman and Zapruder films. If anyone cares to, I would be glad to send this proof if they write me for it.

I should note here that Gerald Posner, of whom Litwin boasts and supports (he's "written a great book") also erroneously states that the Moorman photo was taken "before the fatal head shot". This is not the only instance in which Mr. Posner incorrectly cites the photo evidence. One might say that photography is certainly not his forte. However, Mr. Posner is not the subject of this article.

Now as to the significance of this Moorman photo and its timing there remains a great deal that must be further explored and settled, While I have no quarrel and might even agree with Mr. Litwin's observation and examination of both the Zapruder film and the Moorman photo wherein he concludes that "the back of President Kennedy's head remains intact", nevertheless, fundamental and disturbing questions remain and must be answered. To wit, *where* did the firing originate and was *more* than one shot involved in the fatal sequence? Certainly Mr. Litwin must have noticed that in the Zapruder film President Kennedy's head first moves forward and then *quickly* backward. Shots fired from two different directions explains better anything that can be "answered" by resorting to some bodily nervous reaction. How, for example, can Mr. Litwin explain a little noticed note in Seth Kantor's notebook in which he recorded that there were "two shots"! to JFK's "head" and that was recorded the very day of the assassination? And after explaining that one Mr. Litwin might find time to answer another notation appearing in that same notebook, to wit, that the *first* shot hit JFK!

As an aside here, it should be noted my minority position on the Moorman photo. I do maintain that the evidence *does* support the argument that part of JFK's head remains "intact" immediately after the fatal sequence. As I've noted that the Moorman photo was taken *after* this fatal sequence and in my view Kennedy's head appears "intact". Moreover, after having viewed the Zapruder film and carefully studying it that also demonstrates that Kennedy's head is "intact". This can be seen at about frame #336 for several frames. Thus, despite claims to the contrary, as far as the films are concerned the back of the head was *not* blown out!

As to the second matter raised earlier in this article: CE 399 or "The Magic Bullet", Litwin raises even more troubling questions as to that bullet's authenticity or lack of it. These are much more formidable for him to overcome. I think Mr. Litwin would agree with me that with the collapse of this theory - and it is *only* a theory, after all - the entire Warren Commission thesis of a lone assassin breaks down and falls apart.

In Litwin's footnote #49 (Jan., 1995) he introduces various bullets as coming out virtually intact (after test firings) and claims these are similar to CE 399. He cites Dr. Kurtz's book as evidence for one instance and for the other two instances for "evidence" a "Compuserve" computer report in which a bullet fired through a (wrist) radius winds up with no damage whatever and thirdly calls our attention to the findings of a Dr. Di Maio (who also strongly supported the "JAMA" 1992 defense of the autopsy doctors upholding the Warren Commission). Di Maio reputedly recovered completely undeformed *unjacketed* lead .22 bullets "embedded in vertebral bodies. Supposedly all these citations by Mr. Litwin lay to rest all those "conspiracists" cries for "duplicating" the "magic bullet". This reminds me of the time when Warren Commission member Gerald Ford kept asking the critics that if they had any proof of *other* bullets or guns used in the assassination they ought to show the world the physical evidence for these entities. No one came forth case closed!

Lost sight of by both Litwin and his antagonists in this controversy is this: *None of the three points raised by Mr. Litwin took into consideration that it was a bullet that had to go through two bodies as is the case in JFK's assassination!* (My emphasis!). Moreover, beyond this simple recognition of fact, to merely state that bullets are found with "no damage" or "undeformed"

without allowing others *besides* the doctors or scientists performing the tests violates the standard professional and peer-driven ethics of unbiased testimony. Litwin's results *had* to be resubmitted to qualified experts and they simply weren't. So much for "scientific objectivity" and the search for truth. Mr. Litwin can study the "JAMA" effort to see how well they did on this score!

This is not to mention the extra and extremely heavy burden that bullet CE 399 imposes for *all* Warren Commission defenders. The damage done to CE 399 was *all* at the base. Can Mr. Litwin cite *one* example where damage was caused and only the base of that bullet caused as many as seven wounds, let alone one??!!

And finally on CE 399: As long as outside "experts" are being relied upon by Mr. Litwin to prop up his argument, why not call upon a *real* expert - one actually *hired* and used by the Warren Commission to investigate this very problem: Dr. Joseph Dolce.

Dr. Dolce could *not* duplicate that feat using the alleged Oswald ammo and he repeated the tests 100 times! Can Mr. Litwin find *any* reference to Dolce's name in the Warren Report and, if not, why not? "Intellectual honesty" bandied about in his article compels him to answer in a forthright manner and no obfuscation - however small - is appropriate in his reply.

But it is in the third point I raised earlier in my article, Mr. Litwin's use of eye-witness testimony, that he has really @E lowered the boom on his cause (the truth, we would hope!). He accurately renders the witnesses testimony where they claim they saw someone firing during the assassination but he fails to note what was actually being *seen* and *reported* by them. He could've cited photographic evidence (the Dillard and Powell photos) to buttress his case but he didn't. Perhaps he was unaware of the existence of these photos but this is doubtful based on his knowledge of the case.

It is probably, however, a good thing that he did not use them as points of reference for, if anything, they do not help his case except to provide possibly further evidence for conspiracy - something he would least expect.

Before discussing Litwin's "witnesses" let us begin with the case of Howard Brennan who was one even the Warren Commission had to admit reluctantly *wasn't* crucial to their case yet he allegedly saw and heard the assassination!

The Warren Report (page 62) shows a fifth floor window marked by the Commission and it records that is the window where Brennan "saw people watching the motorcade.". But that very window was *closed* during the assassination. Don't take my word for it -just look at *both* the Dillard and Powell photos to convince yourself of this.

So much for reliability and credibility. Brennan was supposed to be the Commission's "star" witness but even Warren Commission member Liebelier as late as 1992 could hardly restrain himself from disparaging this "star" witness. Liebelier told Alexander Cockburn the following in what appears to be an obvious reference to Brennan: "The problem is that people will testify to damn near anything. So the Commission had one eye-witness testifying that he saw Oswald sticking a rifle through the sixth-floor window...".

Readers, keep this in mind when we do discuss this very point!

It must be stated, however, that Brennan did note something that rings true of what the other witnesses recalled. Two news cameramen, Robert Jackson and Malcolm Couch, shared similar observations. Couch said that he saw someone *after the "last shot"* (my emphasis) and he did the following: "He drew the gun back from the window as though he was drawing it back to his side and maybe *paused for another second* (my emphasis) as though to assure himself (sic) that he hit his mark and then disappeared."

Although Brennan's recollections are faulty, nevertheless, they are in agreement with Jackson's statement (see below), Couch's a agreement with Jackson plus the *other* professional photographers who were with Jackson at the time. We shall allude to these statements shortly but what should be stressed here is that while all appear to be in agreement with what a "sniper" was *doing*, the real question is not *what* but *when* he was doing it. The point will be made that both the Dillard and Powell (still) photos would strongly indicate - if not wholly prove - that what was observed was *after* the fatal shot thus implying that the whole brief episode observed was a "staged event".

This "staging" was to *insure* that someone was seen and someone with an object that may or may not have been a rifle. And seeing someone on that sixth floor at around the very time of the assassination could be proof that it was Oswald who was there!

Now let us more closely examine the eye-witness testimony relating to this. Litwin, in his reply to Jan Stevens (page 20) *correctly* cites Bob Jackson's testimony to the Commission, to wit (Warren Report, pages 64-65): "Then after the last shot, I guess all of us were just looking around and I just looked straight up ahead of me which would have been looking at the School B Depository and I noticed two Negro men in a window *straining to see directly above them* (MY emphasis) and my eyes followed right on up to the window above them and I saw the rifle or what looked like a rifle approximately half of the weapon, I guess I saw, and just as I looked at it, it was *drawn fairly slowly back into the building* (my emphasis) and I saw no one in the window with it.

I didn't even see a form in the window."

Couch, likewise, repeats this but, again, it is all *after* the fatal shot:" 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 a rifle being - the barrel; brought into the window.*"

It is true that Litwin, as he noted, did *not* say that Oswald was "in that window" but does Litwin recognize the implications of all these above statements when we look at the Dillard and Powell photos?

And what are those "implications"?

For those unfamiliar with some of the photo evidence the Dillard (still) photo (which appears in the Warren Report) was taken a *few seconds after the last shot* and it shows both the sixth floor window and the fifth floor windows below it. The Powell photo (which does *not* appear in the Warren Report) was taken 30 seconds *after* the last shot also showing the sixth and fifth floors.

With these photos it is evident that the murderous sequence of whatever shots were fired is already a *done deed!* There were no shots fired between these two photos *unless* one claims more than three shots were *fired and heard after* the fatal shooting!

With the possible exception of two researchers I know of there is no one seriously making the claim that shots were fired after the fatal shot. Even in the case of the two researchers I do believe their logic is faulty and the evidence nonexistent.

From what has been outlined above it can be seen that both the Dillard and the Powell photos do *not* show "two Negro men in a window *straining to see directly above them*" (my emphasis, again). If what they observed happened it was *after* the event and *not during it!*

Harold Norman was one of the three men on that fifth floor. He was there besides James Jarman, Jr. and Bonnie Ray Williams. There are some rather interesting sidelights to Norman

whom I once interviewed in Dallas several years ago. When I was interviewing a local researcher for my regular TV series ("Assassination Update") he revealed to me and my audience that although the Warren Commission had reported that a plywood floor was being laid out on the sixth floor at the time of the assassination by the Depository, Building's employees - this was *not* the case or so said Norman. Norman, he related, claimed an "outside party had been called in to do the job. There was no further elaboration as to precisely who this "outside" party was.

That mystery may never be solved. Norman died recently and left nothing to indicate anything of this for the record.

There is one other aspect to this Norman revelation which I'd like to add here. After I was told this claim by Norman I relayed this information to a researcher who was completing a book on Norman. That researcher informed me that as he was working on the book Norman indicated to him that there was something very "vital" he was holding back on. I asked this researcher could what Norman have said about the plywood floor and an "outside" party be that "vital" information? *No* WAS HIS REPLY it was his opinion that whatever Norman had to reveal it *had* TO BE *Something much bigger!!*

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MARY MOORMAN DIDN'T PHOTOGRAPH THE HEAD SHOT(S)

by

Russell Kent*

"The Polaroid was taken by Mary Ann Moorman seconds after the fatal shot to the President's head" The Killing of a President, Robert J Groden (1993) page 34.

"With a Polaroid camera she took a picture of President Kennedy a fraction of a second after he was struck by the last bullet to hit him" Cover Up, J Gary Shaw (1992) page 35.

"... a Polaroid taken at the moment of the fatal shot by bystander Mary Moorman . . ."
Conspiracy, Anthony Summers (1980) page 62.

"Mary Moorman took a now well-known Polaroid picture just as Kennedy was struck in the head" Crossfire, Jim Marrs p79

Well, when did Mary Ann Moorman take her famous Polaroid? "at the moment of the fatal shot " or "seconds after"? Considering the importance that has been attached to the Moorman Polaroid by researchers over the years, I was astounded when I found out that Moorman DIDN'T take her third Polaroid at the moment of the head shot or any fraction of a second after. She took her Polaroid almost a second before the head shot(s).

First Impressions

It all started when I ran the Muchmore film from the Medio CD frame-by-frame. The frame that captures the infliction of the head wound is badly mutilated. Even in this damaged frame, however, something caught my eye about the relative positions of JFK and the group of three men (including Emmett Hudson) on the steps when compared to the famous Moorman Polaroid. I