

Article by Bernard Fensterwald and O'Toole,  
 "The CIA and the Man Who Was Not Oswald,"  
 NY Review of Books, 3 Apr 75, filed  
 Misc - Study Groups (CTIA).

Penthouse presents the first scientific evidence from CBS tapes that  
 the alleged assassin of President Kennedy  
 was telling the truth when he said, "I didn't shoot anybody."

# LEE HARVEY OSWALD WAS INNOCENT

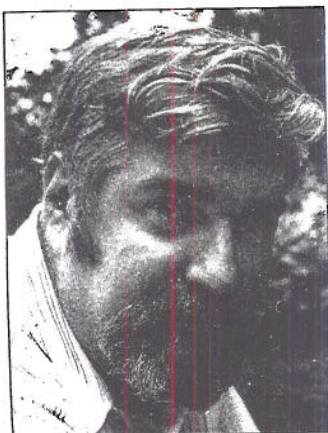
By George O'Toole

The assassination of Napoleon Bonaparte was a perfect crime: it went undiscovered for 140 years. There had been rumors and suspicions, of course. Napoleon himself wrote, just three weeks before his death, "My death is premature. I have been assassinated by the English oligarchy." But the official autopsy report stated that Napoleon died from natural causes, and there the matter rested for nearly a century and a half.

In 1961 two Swedish researchers decided to investigate the death of Napoleon through the use of one of the newest weapons in the arsenal of forensic science, a technique known as neutron activation analysis. They obtained some strands of hair taken from the head of the exiled emperor immediately after his death. With the help of a scientist at the University of Glasgow, the Swedes placed these hairs in a nuclear reactor at Britain's Harwell atomic-research laboratory and subjected them to a beam of neutrons. After twenty-four hours the specimens were sent to Glasgow for analysis.

The irradiated hairs yielded up their secret. They contained over ten times the normal amount of arsenic. Additional samples of Napoleon's hair were then obtained, and the experiment was repeated. This time the hair was cut into segments, each corresponding to two weeks' growth. The distribution of arsenic in the segments showed that the exile of St. Helena had received regular doses of the poison during the last year of his life. The Swedish and Scots researchers were convinced: Napoleon Bonaparte had been slowly poisoned to death by his jailers.

There is, of course, no doubt that the death of President John F. Kennedy in Dallas was an assassination; yet, like the death of Napoleon, the event has been obscured by questions and doubts. During the ten years since the assassination, the facts have been sifted again and again, first by the Warren Commission and then by a host of independent investigators. Few of the latter have been able to agree with the official conclusions of the commission, but none has offered a satisfactory account of what really happened on that November after-



GEORGE O'TOOLE



noon in Dallas. With the passage of time, the details of the controversy have dimmed in our minds, leaving a dull residue of doubt and a despair of ever learning the truth. And yet we may hope that, as with the assassination of Napoleon Bonaparte, new scientific discoveries will perhaps someday shed some light on the murder of John Kennedy. It was just this hope that I began to cherish when I first heard of a remarkable device called the Psychological Stress Evaluator.

There is no simple way of stating accurately in lay terms what the Psychological Stress Evaluator (or PSE) is or what it does. But if the precision of scientific language can be abandoned for a moment, it can be said that the PSE is a new type of lie detector that works through the medium of the voice.

I first heard of the Psychological Stress Evaluator in 1972, when I met two of its inventors, Allan D. Bell, Jr. and Charles R. McQuiston. Bell and McQuiston, both former lieutenant colonels, retired from army intelligence several years ago to form a company called Dektor Counterintelligence and Security, Inc. It was a logical second career for the two men. Both are experts in the technology of espionage and either one could pick the lock on your front door in less time than it takes you to find your key. Colonel Bell wears a Black Belt in karate, is an accomplished swordsman and small-arms expert, and has a dozen inventions to his credit, from antiebugging devices to a miniaturized microdot camera. McQuiston is one of the foremost polygraph experts in the U.S., a specialist in radio and audio surveillance, and a qualified locksmith.

The PSE grew from an effort to improve the polygraph. Standard polygraphs measure four variables: pulse, blood pressure, respiration, and perspiration. Some also measure additional physiological variables. The more variables measured, the more reliable the polygraph.

Bell and McQuiston discovered that the frequencies composing the human voice are not fixed; they shift very slightly from eight to fourteen times every second. But when the speaker is under stress, this normal frequency modulation disappears. What remains are the pure component frequencies of the voice. And a strong indication that the speaker is lying.

The two men developed a device to detect this phenomenon and planned to use it as an additional "channel" on the polygraph. Then they discovered that the new variable was so reliable and accurate a measure of psychological stress there was really no need to measure the other polygraph variables.

Freed from the necessity of strapping the subject into a chair, stretching a pneumographic tube across his chest, gluing electrodes to his palms, and clamping his arm with a blood-pressure cuff, Bell and McQuiston found the PSE to be much more versatile than the polygraph. Because it can work from a telephone or tape recorder, the PSE can be used without the knowledge or even the physical presence of the subject.

Sound-recording technology is almost a

century old (Edison invented the phonograph in 1877), and an enormous amount of history is stored away in the sound archives of the world. There are scores of mysteries from the past hundred years that could be cleared up once and for all if the related interviews, public pronouncements, and press conferences could be retrieved from the archives and subjected to the scrutiny of the PSE. But none of these mysteries can compare in terms of sinister murkiness, frustrating paradox, or sheer historical impact to the question of what really happened in Dealey Plaza at 12:30 P.M., central standard time, November 22, 1963.

Throughout the long afternoon and evening of that November 22, the reporters poured into Dallas. Nearly every major newspaper, wire service, and television network was represented. In the homicide and robbery bureau on the third floor of Dallas police headquarters, a police captain and agents of the FBI and Secret Service were questioning Lee Harvey Oswald. Outside in the corridor, television cameramen were setting up their equipment and newsmen were beginning to assemble. As the evening wore on, more than one hundred reporters jammed into the narrow third-floor hallway.

Inside the homicide and robbery bureau—according to reports by the Dallas police, the FBI, and the Secret Service—Oswald was advised of his rights to legal representation and to remain silent, and that any statement he made could be used against him in a court of law. Sometime during that night, Oswald was asked about the shootings, and he emphatically denied killing either President Kennedy or Dallas police officer J. D. Tippit. He refused to discuss the assassination with the FBI agents until he was represented by an attorney. When he was asked to submit to a polygraph examination, he refused to do so until he had had an opportunity to consult a lawyer.

Several times during the evening, Oswald was taken under guard from the third-floor office to appear in lineups and to be arraigned for the murder of Officer Tippit. At midnight he was taken to the basement for a brief and confused "press conference." Whenever Oswald was brought out of the third-floor office, the reporters elbowed forward, vying with each other to get a statement from the prisoner. In answer to their shouted questions, Oswald expressed bewilderment at his situation and protested that he had not been allowed legal representation. When asked if he had killed the president, Oswald replied that he had not. Although nothing he said in the police interrogation room was recorded, the newsmen's microphones captured Oswald's statements in the corridor and at the press conference. At least two of his claims to innocence were recorded on tape.

He couldn't have known it at the time, but when Oswald spoke those words, he was taking a test. Seven years would pass before the lie detector would be invented that could actually test for the subtle and inaudible vocal clues that are evidence of truth or de-

ception. Another three years would elapse before anyone used the Psychological Stress Evaluator to test Oswald's denials that he killed President Kennedy. In 1973, I obtained copies of those recordings and processed them with the PSE.

The CBS tapes contained this brief exchange between Oswald and the newsmen, recorded at the midnight press conference in the basement of police headquarters:

Oswald: I positively know nothing about this situation here. I would like to have legal representation.

Reporter: [unintelligible]

Oswald: Well, I was questioned by a judge. However, I protested at that time that I was not allowed legal representation during that very short and sweet hearing. I really don't know what this situation is about. Nobody has told me anything, except that I'm accused of murdering a policeman. I know nothing more than that. I do request someone to come forward to give me legal assistance.

Reporter: Did you kill the president?

Oswald: No, I have not been charged with that. In fact, nobody has said that to me yet. The first thing I heard about it was when the newspaper reporters in the hall asked me that question.

The press conference was held under circumstances very unfavorable for stress-deception analysis. Oswald was shackled between two policemen. He had been brought into the basement lineup room to face a battery of television lights and cameras and a surging mob of newsmen. Each reporter was trying to shout his fellows in the competition for a statement. I expected to find a uniform level of hard stress in both relevant and irrelevant statements, but I discovered that this was not the case.

The first statement, "I positively know nothing about this situation here," showed good-to-hard stress. The stress was moderate-to-good in, "I would like to have legal representation." It remained at that level until he said, "I protested at that time," when it went back up to hard. The stress dropped back to good, then moderate-to-good in the phrase, "I really don't know what this situation is about." It continued good until he said, "I know nothing more than that," at which time it turned hard again. "I do request someone to come forward to give me legal assistance" was moderate-to-good, except for the word "someone," which was hard.

The statement, "No, I have not been charged with that" showed an unusual range of stress. It began with almost no stress, but there was hard stress on the word "that." On listening repeatedly to the recording, I noticed that Oswald ran the words "no" and "I" together, producing the same phonetic effect as "know why." Electronically, it was a single, two-syllable word, and it produced a single waveform on the PSE chart. The waveform began with almost no stress

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# OSWALD WAS INNOCENT

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but ended with good stress. Obviously, it was important to discover how much of the stress had been present during the "no" part of the utterance.

I played the tape several times at a reduced speed until I was able to identify the point at which the *o* vowel ended and the *i* sound began. I made a small visible mark on the tape at this point, then switched the recorder to the even slower speed required by the PSE. I backed up the tape, switched on the PSE, and played the statement again. When the mark on the tape reached the recorder's playback head, I switched off the machine. The PSE stylus dropped back to the zero line. I looked at the waveform.

The stress was none-to-moderate.

I asked Mike Kradz, Dektor's director of training, to look at the charts. I told him that the speaker was a young man accused of murdering a policeman and an executive, who had been interviewed by reporters under chaotic conditions in a police station. I showed Kradz the transcript of the tape, but I

had altered the question, "Did you kill the president?" to read, "Did you kill him?" As Kradz inspected the charts, he had no way of knowing that the speaker was Lee Harvey Oswald or that the murdered executive was John Kennedy.

Kradz studied the charts carefully and said it seemed the speaker was telling the truth when he denied the murder. While he was impressed with the low level of stress in the "no," which I had separated electronically from the rest of the statement, he felt that even considering the increased stress that appears later in the sentence there was a strong indication that the young man wasn't lying. Kradz pointed out that the stress, although considerable, was not equal to the consistently hard stress shown in the phrases, "I positively know nothing about this situation here," and "I know nothing more than that." The young man may have been lying when he made these statements, or there may have been some other reason for the stress. But whatever the case, Kradz pointed out, that subject seemed to mean a great deal more to the speaker than the matter of murdering the executive. The indication was that he didn't do it.

After he announced his conclusion, I told Kradz that the speaker was Lee Harvey Os-

wald and the murdered executive President Kennedy. The ex-cop stared at me for a moment, then picked up the charts again and examined them minutely. Finally he put them down and shook his head in disbelief. "I wonder who he thought he killed," he said.

Kradz's incredulity was only natural; the charge that Lee Harvey Oswald killed President Kennedy has gained widespread acceptance, even in the face of public doubts about the Warren Report. During the first few years after the assassination, Oswald was described in the press as "the alleged assassin," an implicit reference to the fact that he had not lived to be convicted of the crime in a court of law. But, as propagandists have often demonstrated, repetition of a charge gradually leads to its public acceptance. Ten years after the event, even most skeptics doubted no more than that "Oswald acted alone."

I was too familiar with the weaknesses in the case against Oswald and I had seen too many indications of deception in the recorded statements of the witnesses against him to be very surprised at this new discovery. I remembered the words of ex-FBI agent William Turner in his book, *Invisible Witness*: "While in police custody Oswald's demeanor was not that of a wanton assassin.

## PROFESSIONAL EVALUATIONS OF THE PSYCHOLOGICAL STRESS EVALUATOR

The PSE is an important new development in the area of truth verification—lie detection and stress evaluation. It has already demonstrated its usefulness, and in the hands of competent, trained, and ethical operators it should continue to develop an enormous potential as an effective instrument and . . . as a valuable aid in the administration of justice.

Gion B. Green  
*Security World*, October 1973

It will be a surprise if this unobtrusive lie detector [the PSE] does not become a part of our way of life.

"Stagefright and Stevens' Law: A Study"  
Malcolm Brenner  
Department of Psychology  
Ohio State University

Our department has two [PSE] instruments, twelve examiners. The PSE is a great investigative tool, used in all phases of law enforcement.

Sergeant William Carlisle  
St. Petersburg Police Department  
St. Petersburg, Florida

This study, in the authors' opinion, demonstrates above all that the PSE can now be taken seriously. It is neither an occult phenomenon nor a huckster's trick but a technological breakthrough which may provide a tool of enormous potential for a variety of fields, of which psychology merely is one. We do not yet know the limits of its scope. This study does sug-

gest that the PSE is an accurate, portable, and versatile instrument for assessing the presence and the degree of psychological stress and as such merits far more attention than it now is getting.

"An Early Validation Study with the Psychological Stress Evaluator (PSE)"  
James W. Worth and Bernard J. Lewis  
Washington and Lee University  
Lexington, Virginia

The PSE has proved an invaluable asset in our investigative activity. We have used it in cases involving murder, rape, robbery, burglary, kidnapping, and grand larceny. Some suspects who could not be examined with the conventional polygraph have been cleared through the use of this instrument and in one case, a murderer was identified. The PSE is a valuable aid in cases where there are several suspects to a single crime by providing a rapid, ethical, comfortable method of screening out the innocent suspects. This allows the investigators to concentrate their investigative efforts on fewer suspects, thereby increasing efficiency.

Vernon L. Jones, Chief  
Vienna, Virginia, Police Department

I feel that if the Psychological Stress Evaluation Test were used more often by attorneys, both the attorneys and their clients would benefit. Even where the test could not be admitted into evidence, it

could act as a guide to the defense attorney or to the State in their search for the truth.

Donald G. McIntosh, Attorney  
Baltimore, Maryland

Both my own research and that of others has shown that, under appropriate conditions, the PSE is effective for lie detection purposes.

Gordon Barland  
Department of Psychology  
University of Utah

It is the conclusion of this report that the Dektor PSE is a valid component worthy of inclusion in the lie-detection application system, either in tandem with the polygraph or used as a single instrumentation of stress.

"The Psychological Stress Evaluator: A Study"  
Lt. Michael P. Kradz  
Formerly Howard County  
(Maryland) Police Department

The [Psychological Stress Evaluator] instrument is used primarily as an investigative tool, to separate, quickly, truth from fiction, and give some direction to the detectives' efforts. We have found it valuable in reducing the amount of time usually expended in pursuing false leads. The PSE is very effective.

Detective Ray Tochtermann  
Major Crimes Unit  
Camden County Prosecutor's Office  
Camden, New Jersey

\*Unpublished study

He steadfastly denied the crime and some newsmen were struck by the appearance of genuine shock when he was told he was accused of the assassination."

But Mike Kradz's skepticism led him to think further about the chart and transcript I had shown him, and he finally raised a point which, I was forced to agree, made the PSE results less than 100 percent conclusive—this is that it's not completely clear what Oswald meant when he responded to the question, "Did you kill the president?" The Warren Report contains the following transcription of his reply: "No. I have not been charged with that." If the statement is read as two distinct sentences, Oswald seems to be denying his guilt and then adding that he has not been charged with the crime (which, at the time of the midnight press conference, was the case). But, as I knew from listening to the tape, Oswald sounded as though he were saying, "No, I have not been charged with that," in one sentence, not two. Was "no" a specific denial of guilt, or merely a rejection of the question, a way of saying, in effect, "Don't ask me that; even the police haven't accused me of that"?

Of course, if Oswald had been the man who killed the president only hours earlier, he might be expected to show hard stress while making any reference to the shooting, no matter how oblique; and it certainly should have been a more stressful subject than what he knew about the circumstances of his arrest. But Oswald's denial seemed ambiguous, and the PSE results, however interesting, could not be called absolutely conclusive. It seemed likely, however, that Oswald was asked the crucial question by newsmen again during the night of November 22, and his answer was probably recorded on tape somewhere. So I set out to find a recording of a categorical denial, and several weeks later I succeeded.

Ironically, my search ended in Dallas. I was visiting Al Chapman, one of the hundreds of private citizens who do not believe the Warren Report and continue to investigate the case. Chapman has compiled a small library of materials relating to the assassination, including some sound recordings. Among these I found a long-playing record called *Probe*, which was released several years ago by Columbia Records. *Probe* is an audio documentary on the assassination (and one of the bitterest attacks on the critics of the Warren Report), and it contains many excerpts from news recordings that were made during the weekend of the assassination.

Oswald speaks only once on the record, apparently while being led along the crowded third-floor corridor of the police station:

Oswald: These people have given me a hearing without legal representation or anything.

Reporter: Did you shoot the president?

Oswald: I didn't shoot anybody, no sir.

I transferred the segment to tape. Later, I processed the recording with the PSE.

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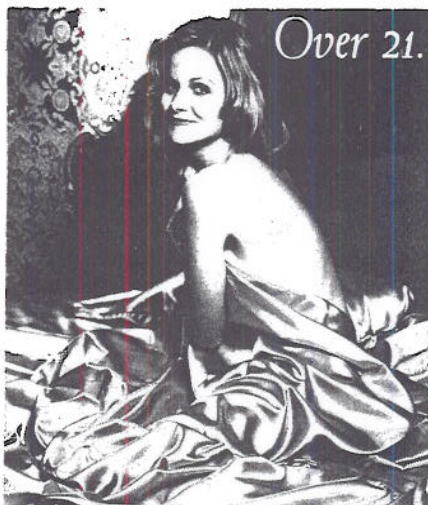
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Oswald's protest that he has been given a hearing without legal representation shows good-to-hard stress. His categorical denial that he shot anyone contains almost no stress at all. Stress is a necessary, but not sufficient, condition of lying; it must be interpreted, and therein lies the margin of error. But the absence of stress is a sufficient condition of truthfulness. If someone is talking about a matter of real importance to himself and shows absolutely no stress, then he must be telling the truth.

Oswald denied shooting anybody—the president, the policeman, anybody. The psychological stress evaluator said he was telling the truth.

But, despite the many other indications that Oswald was innocent, the almost complete absence of stress in his voice is still remarkable, in view of the circumstances of his conversation with the press. The recording sounded clear and was of excellent technical quality, and hard stress was apparent in Oswald's voice when he protested that he had been denied legal representation. Still, I wondered if some yet unknown recording phenomenon had managed to eradicate the stress in his statement of innocence. This didn't seem very likely, but I was uncomfortable with the fact that the tape had been made from a phonograph record, which, in turn, had been cut from another recording. None of my other results had come from phonograph records. Did something about this medium sometimes erase stress? I decided that I would have to obtain another tape of the statement, one that was not the result of a re-recording chain involving a phonograph record. Otherwise, I couldn't be certain.

The John F. Kennedy Library in Waltham, Massachusetts, has a stack of audio tapes that had been recorded from the television network coverage of the events of November 22–25, 1963. After two days of listening, I found what I was looking for. This copy sounded the same as the recording I had found in Dallas—with one exception. On the Dallas recording Oswald says, "I didn't shoot anybody, no sir." On the Waltham recording he can be heard to say, "No, I didn't shoot anybody, no sir." The two recordings were probably made from two different microphones, and indeed many photographs of Oswald in custody show several newsmen holding up microphones in front of him. The reporter who asked him, "Did you shoot the president?" was probably at Oswald's side, and Oswald may have been turning to face the man as he answered. Thus, some of the microphones would have been likely to miss the "no."

I ran the Waltham recording on the PSE. The initial "no" showed moderate stress. The PSE waveforms for the rest of Oswald's statements were virtually identical to the ones I made from the Dallas tape. There was good-to-hard stress on, "These people have given me a hearing without legal representation or anything," and almost no stress on, "I didn't shoot anybody, no sir." There was no longer any question of distortion from the phonograph record. The evidence that the

Waltham tape had been recorded from a different microphone from the Dallas tape established that the two tapes were the end points of two completely separate transmission and recording chains. And both tapes yielded identical PSE results. It was not some strange sound-recording fluke; quite clearly Lee Harvey Oswald was telling the truth.

I returned from Waltham and visited Mike Kradz at Dektor. I showed him the second set of transcripts and charts. No prolonged examination was necessary: the utter lack of stress in Oswald's statement was immediately obvious. It was hard to accept, but Kradz had run too many criminal cases on the PSE to have any doubts about the meaning of the PSE charts I showed him. There was no other possible explanation than that Oswald was telling the truth.

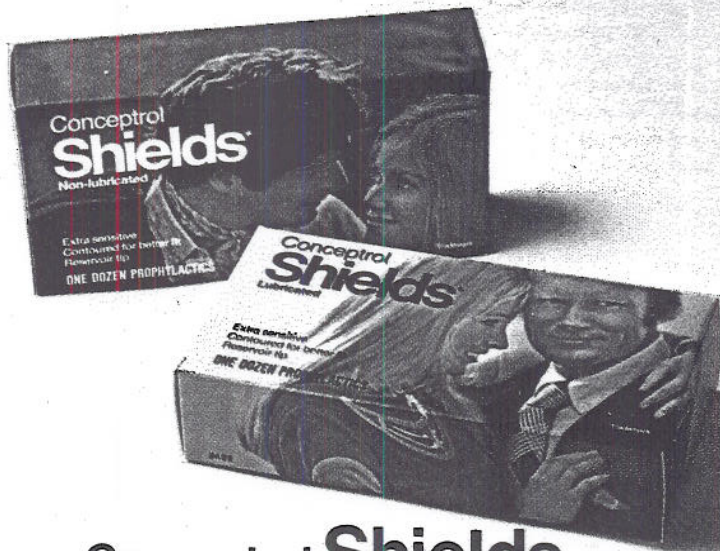
Kradz asked me if I would object to his showing the charts to someone else. I said that I wouldn't, and he stepped out of his office and returned in a few minutes with a wiry, middle-aged man whom he introduced as Rusty Hitchcock.

L. H. "Rusty" Hitchcock is a former army intelligence agent and one of the most experienced polygraph examiners in the country. Since he graduated from the army's polygraph school at Fort Gordon in 1954, lie detection has been his specialty. Besides conducting thousands of polygraph investigations, he has also carried out basic research in lie detection and is an expert on the phenomenon of the galvanic skin response and the effect of hypnosis on polygraph results. He is the author of many training manuals and procedural guides used by army polygraph examiners. Hitchcock is, of course, well-known in professional polygraph circles and, although he now embraces the heretical Psychological Stress Evaluator, he is still held in high regard by most of his fellow members of the American Polygraph Association. He is retired and spends most of his time raising cattle on his Georgia ranch, but he occasionally serves as a consultant to law-enforcement agencies and private security firms.

Rusty Hitchcock was incredulous when Kradz showed him the PSE charts I had run on Oswald. He questioned me closely to assure himself that I had not made some procedural mistake in operating the PSE equipment. Convinced that I had not, he speculated that there might be a defect in the equipment I was using, and he also pointed out that I had run Oswald in only one of the PSE modes and at only one tape speed (varying the speed of the tape recorder or chart drive mechanism can sometimes reveal low-level stress which would otherwise go unnoticed). This was true, but the combination of mode and tape speed I had used was the one most often used in criminal cases, since it is completely sensitive to the levels of stress likely to be produced in such matters. Oswald had shown hard stress on the irrelevant issue and almost none on his claim of innocence.

I was certain the PSE and recorder I had used were working properly, and I was con-

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ident I would get the same results no matter what equipment, PSE mode, or tape speed I used. I offered Hitchcock a copy of the recording and suggested he check my findings with his own instruments. He replied by inviting me to his ranch, suggesting that we review the tape together. Several weeks later, I accepted his invitation.

We spent most of a morning and a roll of chart paper on the test. I watched over his shoulder as Rusty tried each combination of PSE mode and recorder speed in turn. The answer was always the same. In the end he too was convinced. Rusty is no student of assassinations, but he is a specialist in the natural history of lying. Perhaps better than anyone, Rusty could read the message written over and over again that day by the stylus of his PSE. He had the courage of his convictions, and he gave me his findings in the form of a signed statement. It reads as follows:

Dear Mr. O'Toole:

As you requested, I have analyzed with the Psychological Stress Evaluator the tape recordings you provided of the voice of Lee Harvey Oswald. Oswald's comments regarding the circumstances of his arrest and his statements that he had been denied legal representation show considerable situation stress. When he is asked, "Did you kill the president?" his reply, "No, I have not been

charged with that," shows no harder stress than that found in his earlier comments. In replying to the question, "Did you shoot the president?" his reply, "No, I didn't shoot anybody, no sir," contains much less stress than I found in his earlier statement regarding legal representation, made only moments before this.

My PSE analysis of these recordings indicates very clearly that Oswald believed he was telling the truth when he denied killing the president. Assuming that he was not suffering from a psychopathological condition that made him ignorant of his own actions, I can state, beyond reasonable doubt, that Lee Harvey Oswald did not kill President Kennedy and did not shoot anyone else.

(signed)

Lloyd H. Hitchcock

Was Oswald a madman? The Warren Commission reported that it could reach no definite conclusion regarding Oswald's sanity in the legal sense of the word. The commission included in its report a lengthy and detailed biography of Oswald, and the report of a psychiatrist who examined Oswald when he was arrested for truancy as a thirteen-year-old. The psychiatrist found Oswald to be withdrawn and insecure, but not psychotic. Nothing in the commission's detailed record of Oswald's childhood and

adult life suggests that he was, in any sense, insane.

Rusty Hitchcock explained that he was not concerned about the possibility that Oswald was a pathological liar; the hard stress evident in some of his statements shows that he was responding normally to the situation in which he found himself. Rusty was allowing for the possibility that, for some reason such as temporary amnesia, Oswald was unaware of his recent actions. However, there is absolutely nothing in the official accounts of Oswald's statements while in custody that suggests he ever said that he couldn't remember what he had been doing on the afternoon of November 22. There is no other plausible interpretation of the Oswald PSE charts than the explanation that Oswald was simply telling the truth.

But after ten years of repetition in books, magazines, newspapers, and the broadcast media, it is difficult to abandon the official doctrine that Lee Harvey Oswald was an assassin. Even the serious student of the Warren Report who is completely familiar with the defects in the commission's case against Oswald may be unable to resist the cumulative effect of a "well-known fact." The problems raised by skeptics with the testimony and evidence against Oswald tend to focus on the negative, to argue that the commission failed to prove its case. In debating the ballistic, photographic, and medical evidence, one has a tendency to ignore

the substantial positive arguments in favor of Oswald's innocence.

One of the strongest of these arguments is the fact, established by the Warren Commission, that no more than ninety seconds after the president was shot, Lee Harvey Oswald was calmly standing in the lunchroom on the second floor of the book depository. Dallas motorcycle policeman M. L. Baker was riding in the presidential motorcade when the shots were fired. He got off his motorcycle and rushed into the lobby of the book depository, where he encountered Roy Truly, the depository manager. Baker and Truly ran up the stairs. On the second floor Baker saw someone going into the lunchroom. With his revolver in his hand, Baker followed. As he reached the lunchroom entrance, he saw that the room was empty except for one man, who was walking away from him. Baker called to the man, who turned around and walked over to the policeman. At this point, Truly entered the lunchroom and identified the man as Oswald. The Warren Report describes the encounter:

Baker stated later that the man did not seem to be out of breath; he seemed calm. "He never did say a word or nothing. In fact, he didn't change his expression one bit." Truly said of Oswald: "He didn't seem to be excited or overly afraid or anything. He might have been a bit startled, like I might have been if somebody confronted me. But I cannot recall any change in expression of any kind on his face." Truly thought that the officer's gun at that time appeared to be almost touching the middle portion of Oswald's body.

The commission had Baker reenact his movements—getting off the motorcycle, meeting Truly in the lobby, and climbing the stairs to the second floor. Baker ran through the whole sequence twice and was timed by stopwatch. The first time he did it in one minute and thirty seconds, the second time in one minute and fifteen seconds.

A Secret Service agent (and later several other people, including Chief Justice Warren) reenacted Oswald's supposed movements after firing the final shot—carrying a rifle from the southeast window to the northwest corner of the sixth floor, placing the weapon on the floor where it was allegedly discovered, descending the stairs to the second floor, and entering the lunchroom. Two trials were timed: the first, at a "normal walking pace," required one minute and eighteen seconds; the second, at a "fast walk," took one minute and fourteen seconds, only slightly less.

There is no indication that the agent, in reenacting Oswald's supposed actions, stopped to wipe the rifle completely clear of fingerprints. (The FBI laboratory reported that there were no fingerprints on the rifle; the Dallas police claim to have found a palmprint, but on a portion of the rifle which could only be touched when the weapon was disassembled.) This might have added

a few seconds to the test, although it is conceivable that the assassin could have wiped off the rifle as he walked across the sixth floor to the place where he secreted it.

Thus, the Warren Commission was able to establish that it was just barely possible for Oswald to have gotten from the southeast corner of the sixth floor to the lunchroom on the second floor between the time the final shot was fired and the moment at which Patrolman Baker and Roy Truly saw Oswald in the lunchroom. But while the commission was able to prove the physical possibility of its theory, it didn't even attempt to explain away the psychological problems of this version.

The absence of fingerprints on the rifle does not necessarily mean that someone wiped them off: contrary to popular opinion, weapons often do not "take" fingerprints, perhaps not even from the sweaty hands of a man waiting to murder the president of the United States. In fact, there would have been little point in Oswald's wiping his prints from the rifle, since the weapon could easily be traced to him through the post-office box he had rented in his own name. But the question that the commission failed to answer, or even to ask, is *why* Oswald bothered to hide the rifle at all. He must have known that even if he had taken more pains

There is no plausible interpretation of Oswald's PSE charts except that he was telling the truth.

than merely concealing the gun behind some cartons of books, a thorough police search of the book depository would have found it. Short of removing the rifle from the building, there was really no way that Oswald could have hoped to keep the weapon out of the hands of the police.

If Oswald had been the assassin, then his supposed rush from the sixth-floor window to the second-floor lunchroom would have to have been for the purposes of establishing an alibi and facilitating his escape from the book depository. Time, then, would have been critical, and stopping to hide the rifle would have taken time. To carry a weapon across the sixth floor was to prolong the risk of being observed with it by anyone who chanced to come upon the scene. If Oswald's plan was to avoid discovery and establish himself in the lunchroom as soon as possible, then the rifle should have been found near the southeast window, not hidden behind cartons in the northwest corner of the sixth floor.

Truly and Baker reported that when they saw Oswald in the lunchroom he seemed calm, although a bit startled at being confronted by a policeman holding a gun. He was not, according to their account, out of breath, frightened, or excited. This would have been an extraordinary feat of self-control for a man who, ninety seconds before,

pumped two bullets into the president, concealed his rifle, and hurried down four flights of stairs. If Oswald had been the assassin, if he had fled to the lunchroom to avoid detection, then confrontation by a uniformed policeman with a drawn gun should have at least suggested to him that the game might be over. But Oswald was not pale and shaken, merely startled. When his salvation arrived in the form of Roy Truly, who identified him to Baker as a depository employee, did he breathe a sigh of relief? None was reported. When Baker and Truly turned away to continue their search elsewhere, did Oswald hurry down that last flight of stairs and flee the building? He did not. According to the commission's reconstruction of events, Oswald walked over to the soft-drink machine in the lunchroom and bought a Coca-Cola.

Sylvia Meagher, who conducted one of the most exhaustive analyses of the Warren Commission, cites some evidence that Oswald had, in fact, been drinking the Coke even before the confrontation with Baker—evidence which would support Oswald's claim that he was having lunch at the time of the shooting. There is no question, however, that Oswald was drinking the Coke when he was seen, a few moments after meeting Baker, strolling through one of the offices or the second floor. Mrs. Robert Reid, a clerical supervisor at the book depository, saw him enter the office and told the commission, "I had no thoughts . . . of him having any connection with it all because he was very calm. He had gotten a Coke and was holding it in his hands and I guess the reason it impressed me seeing him in there, I thought it was a little strange that one of the warehouse boys would be up in the office at that time, not that he had done anything wrong." Oswald's casual presence in the second-floor office may have seemed strange to Mrs. Reid, but in view of the Warren Commission's charge that he was the assassin fleeing the scene of the crime, his pause for some leisurely refreshment seems downright incredible.

Yet another problem with the commission's reconstruction of Oswald's alleged dash from the sixth to the second floor is the testimony of an eyewitness who, during the critical seconds immediately after the shooting, happened to be on the same staircase Oswald was supposed to have used. Victoria Adams, who worked on the fourth floor of the book depository, told the commission that, within a minute of the last shot, she ran down the stairs from the fourth floor to the first floor. She said she neither saw nor heard anyone else on the stairs. The commission concluded that she must have been wrong, that she really used the stairs several minutes after Oswald had already descended them.

Shortly after he was seen by Mrs. Reid, Oswald left the book depository. Instead of continuing down the stairs in the northwest corner of the building adjacent to the area where he met Baker, Truly, and Reid and departing through the secluded back exit, Oswald strolled across the second floor and



walked down the front staircase to the main entrance on Dealey Plaza. He left the building not as a murderer on the run, but like someone who had missed the excitement and was going outside to see what was happening.

Oswald never returned to the book depository; he went to his furnished room in the Oak Cliff section of Dallas, and from there to a nearby movie theater. According to the reports of his interrogation, he claimed he felt that, under the circumstances, the book depository would close for the rest of the day; so, without waiting to be notified, he took the afternoon off, went home, and then went on to the movies. This story seems implausible, but there is nothing in the commission's reconstruction of Oswald's trip from Dealey Plaza to his room that suggests flight. Traffic in the vicinity of the book depository had come to a standstill, and Oswald walked several blocks from the tie-up and boarded a bus. The bus traveled for several blocks and then became stuck in the preading traffic jam. Oswald got out and walked to the Greyhound Bus Station, where he got in a taxicab. The driver's account of what happened next gives us a dramatic insight into Oswald's state of mind only minutes after the shooting:

And about that time an old lady, I think she was an old lady, I don't remember nothing but her sticking her head down past him in the door and said, "Driver, will you call me a cab down here?"

She had seen him [Oswald] get this cab and she wanted one, too, and he opened the door a little bit like he was going to get out and he said, "I will let you have this one," and she says, "No, the driver will call me one."

If Oswald was an assassin fleeing the scene of his crime, then he was certainly an assassin of remarkable chivalry.

Oswald took the taxi to Oak Cliff, went to his furnished room, changed his clothes, and then went out again. Oswald's landlady, Mrs. Earlene Roberts, testified that Oswald spent only a few minutes in his room. After he left, Mrs. Roberts looked out the window and saw Oswald waiting at a bus stop in front of the rooming house. Once again, Oswald is seen less than an hour after the assassination under circumstances suggesting neither furtiveness nor haste. There is, in fact, nothing in the commission's reconstruction of Oswald's movements during the ninety minutes between the assassination and Oswald's arrest in the Texas Theatre—apart from some very shaky evidence that he killed Officer Tippit—to suggest that Lee Harvey Oswald had just committed the crime of the century.

The PSE evidence that Oswald was telling the truth, that he was not the assassin, is not my personal property. Anyone sufficiently interested is free to obtain the same recordings and subject them to the same electronic analysis. As the Psychological Stress Evaluator becomes more familiar, not only

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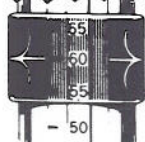
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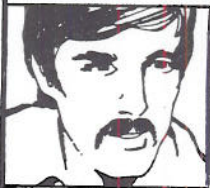
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as an investigative aid but as an instrument of historical research, I expect others to do so, and they will obtain the same results. Indeed, one noted researcher in the field of lie detection, Dr. Gordon Barland, has already done it.

Dr. Barland, who conducts lie-detection research in the department of psychology of the University of Utah, is well known and respected among professional polygraph examiners. His work appears often in the *Journal of the American Polygraph Association* and related journals. Barland has conducted validation studies of both the polygraph and the PSE, and his work with the PSE was the first objective, scientific study to establish the effectiveness of that instrument. Barland's experience in lie detection is not limited to academic studies, however; he was a polygraph examiner in army intelligence and served with the Department of Defense Joint Working Group on Lie Detection. He is a licensed polygraph examiner in the state of Utah and is frequently called upon to aid in the investigation of criminal cases. Barland is nationally recognized as a lie-detection expert, is often asked to give expert testimony on polygraph evidence in court, and serves as a consultant to the federal government in the field of polygraph research.

Dr. Barland heard of my work on the Kennedy assassination through his interest in the PSE, and he generously offered to review my results. I shipped a set of tapes to him in Utah and asked him to pay special attention to the Oswald denials. Then, after spending a considerable amount of time analyzing the tapes with his own tape and PSE equipment, he called to report his own results.

He confirmed my findings of a complete lack of stress in Oswald's statement that he had not shot anyone and the presence of hard stress in the "irrelevant" statements regarding legal representation. He said that, based on the PSE charts he ran, Oswald appeared to be telling the truth when he proclaimed his innocence. Because Barland's experience with the PSE has been largely confined to controlled, polygraph-like examinations, he does not feel that he can make an absolutely conclusive judgment about any such uncontrolled interview as the exchange between Oswald and the reporter. Barland said that he thought it probably was impossible for someone to lie about such a matter, even in an uncontrolled situation, and show no stress. But, he added, he had not studied stress in uncontrolled interviews sufficiently to be categorical about it. In the interest of scientific accuracy, he felt that he must use the word "probably." I asked him if he would be willing to make a numerical estimate of the probability, as he saw it, that Oswald was telling the truth. He promptly replied that he would certainly be willing to put the figure at 75 percent at the very least.

Except for my initial request of Mike Kradz that he look at the Oswald charts, I have not actively sought expert endorsement of my findings on Oswald. The Psychological

Stress Evaluator remains a controversial subject among polygraph professionals, and only a few have had the courage to admit that the new instrument works and thus incur the wrath of their colleagues. I have not asked these few to go even further out on the limb and publicly support the thesis that Lee Harvey Oswald was not the assassin of President Kennedy. However, some of them have confidentially inquired about my work and, in every case, I have offered them my charts and tapes. Some have run the tapes on their own equipment. All who have seen the Oswald charts agree that—either certainly or very probably—Oswald was innocent. None has offered a contradictory interpretation, but only Mike Kradz, Rusty Hitchcock, and Gordon Barland have volunteered to be quoted. Yet in a court of law, any one of those three would be (and often is) accepted as an expert witness in the field of lie detection.

On Monday, November 25, 1963, John F. Kennedy was buried in Arlington National Cemetery. Presidents and kings escorted the flag-draped coffin to the grave. A squadron of jet fighters roared overhead, and a military guard fired a final salute. The bugler played taps.

And in another cemetery near Fort Worth, Texas, there was another funeral. Lee Harvey Oswald's wife and mother, his brother, and his two small daughters were there, as well as a number of newsmen and Secret Service agents. All of the clergymen Marguerite Oswald had approached refused to permit her son's body to be brought into their churches. None would even agree to conduct a graveside ceremony. A brief service was held by an official from a local church group. When he arrived, he left his Bible in his car. Reporters and Secret Service agents served as pallbearers. Later the grave was desecrated and the tombstone stolen.

Oswald is one of the most hated figures in American history, and his guilt has been largely unquestioned. While critics of the Warren Commission sometimes find receptive and sympathetic audiences to hear their arguments, one proclaims Oswald innocent at his own peril. To offer a professional opinion in support of this thesis takes great courage. Those who have done so have earned my gratitude and admiration.

But there is more than a professional reputation to be risked in considering the PSE evidence of Oswald's innocence. There is one's peace of mind, and all who have dared to look over my shoulder have lost it. I remember vividly the emotions I felt during the afternoon and evening of November 22, as the reports came in from Dallas. During those tragic hours there was some small consolation in knowing that the murderer had been captured. But whatever comfort there was in that belief, it is now gone. The president was killed by a person or persons unknown. Until the murderers are found, until the truth is known, until justice is done, there can be no rest and no peace. None for John Kennedy, none for Lee Oswald, and none for the rest of us. ○—