

testimony they have given our committee. You may amplify or expand upon it in any way that you so desire.

On behalf of the committee, I would at this time extend to you 5 minutes for that purpose.

Mrs. PORTER. I just want to thank you for listening. I don't have any comments to add.

Chairman STOKES. Does counsel desire any time to make any statement?

Mr. HAMILTON. Mr. Chairman, I do not, but I would like to thank the committee and the staff for the courtesies extended to Mrs. Porter. I would also like to thank the United States Marshal and the Capitol Police for their extremely professional handling of the circumstances surrounding her appearance here.

Chairman STOKES. We would like at this time also to thank Mr. Hamilton of the D.C. Bar Association for having provided counsel for Mrs. Porter while she was here. We thank both of you for appearing. At this time you are excused. All persons are requested to remain in their seats until Mrs. Porter has left the room.

The Chair recognizes Professor Blakey.

NARRATION BY G. ROBERT BLAKEY, CHIEF COUNSEL

Mr. BLAKEY. Thank you, Mr. Chairman. One of the most publicized issues to emerge in the investigation of the Kennedy assassination has to do with the authenticity of the photographs of Lee Harvey Oswald with a holstered pistol strapped to his waist, holding a rifle in one hand, and in the other copies of *The Militant* and *The Worker*, both Communist publications. These photographs collectively have come to be known as the backyard photographs.

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

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

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

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

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

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

Marina Oswald was subsequently questioned by the FBI about the photos. She said that they were taken at the Oswald home on Neeley Street in Dallas, in the backyard. But Marina gave two different versions of when the pictures were taken. She first told the FBI it was in late February or early March 1963. Her testimony to the Warren Commission reflected the same recollection.

Nevertheless in an FBI interview made after her initial appearance before the Warren Commission she said that the first time she ever saw the rifle was toward the end of March. She recalled taking the photos 7 to 10 days thereafter, in late March or early April.

Other evidence available to the Warren Commission supported her later version. A rifle and a revolver were shipped to Oswald from different mail order houses on March 20. The left-wing newspapers Oswald is holding in the picture were dated March 11 and March 24, and were mailed on March 7 and March 21, respectively, both by second class mail.

According to postal authorities, both newspapers would have arrived in Dallas by March 28. In addition, Marina claimed she remembered taking the photos on a Sunday about two weeks before Oswald allegedly took a shot at General Edwin Walker on April 10. The Commission therefore concluded from all its information that the photos were probably taken on March 31, 1963.

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

Shaneyfelt testified as to the results of his analysis to the Warren Commission:

One, the photos were taken by the Imperial Reflex camera. Each camera has unique irregularities that are reflected on the margins of negatives made by that camera. Shaneyfelt determined that the margin irregularities of the negative of 133-A were identical to those of a negative which he made by using the same Imperial Reflex camera.

Two, the photos were not composites. Shaneyfelt said he could find no indication that they had been tampered with.

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

The backyard photo appeared on the cover of the February 21, 1964 edition of *Life*, which had purchased the rights to publish it from a man named James Martin, who was at that time Marina's

business manager. Several other copies appeared in The New York Times, Detroit Free Press, and other news publications. Shaneyfelt told the Commission that any apparent variations, particularly with respect to the configuration of the rifle, were caused by retouching, a common practice in the printing of pictures at that time in the news media.

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

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

Mark Lane for instance, indicated in his "Rush to Judgment" that "an examination of the picture * * * tends to raise doubts as to its authenticity." He also argued that the Warren Commission relied on insufficient evidence to conclude that the rifle depicted in the backyard photographs was the rifle recovered from the Book Depository.

He states:

The Commission had only one expert on the question—Shaneyfelt—and he refused to make an identification. Yet the Commission concluded that "the rifle shown in these pictures is the same rifle which was found on the sixth floor of the Depository Building on November 22, 1963.

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

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

Marina Oswald, in addition to giving two different versions of when the backyard pictures were taken, gave different versions of the number of pictures taken. At first she testified that she took one picture. She later testified that she took two pictures.

In addition, Marguerite Oswald, Oswald's mother, testified that soon after the assassination she and Marina destroyed yet another picture, in which Oswald was holding the rifle over his head with both hands. No copy of such a photograph has ever been uncovered.

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

The committee obtained another first generation print of Commission exhibit 133-A on April 1, 1977 from the widow of George

DeMohrenschildt, Jeanne. In the manuscript of DeMohrenschildt's book, which he was writing at the time of his death in 1977, he stated that he and Jeanne found the photograph in February 1967 among personal belongings they had stored in Dallas before departing for Haiti in May, 1963.

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

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

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

Chairman STOKES. You may proceed.

Mr. BLAKEY. Could the lights be turned down please?

[The documentary was shown.]

Mr. BLAKEY. Mr. Chairman, the committee has also asked Mr. Jack D. White to appear as a witness today. Mr. White has studied the backyard photographs for over 10 years.

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

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

Mr. White has lectured in the United States, widely on the subject of the backyard photographs.

Mr. Chairman, I would note that Mr. White's testimony today will be split into two parts: The first dealing with the photographs, and the second in relation to the rifle.

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

Chairman STOKES. The committee calls Mr. White.

Sir, please stand and be sworn.

Do you solemnly swear the testimony you will give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF JACK D. WHITE

Mr. WHITE. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes counsel, Mr. Genzman.

Mr. GENZMAN. Thank you, Mr. Chairman.

Mr. White, will you state your full name and occupation for the record?