

Mr. BLAKEY. Thank you, Mr. Chairman. Another way the committee has tried to shed light on the so-called two-Oswald mystery is by comparing photographs taken over the years of the man identified as Lee Harvey Oswald, photographs taken when he was in the Marines, after his return from the Soviet Union, and during the period he was detailed at the Dallas police headquarters on November 22 to November 24, 1963.

To try to determine if the photographs in question show the same person, the committee asked a panel of anthropologists to study them, to see if the shape and structural features of the face match from photo to photo. Mr. Chairman, before proceeding with an analysis of the photographs, it is necessary that we note and take testimony on an issue that has been raised about one of them, the photograph of Oswald when he was in the Marines. In it, the head, appearing before a height chart, appears to be disproportionate in length, leading some critics to claim it had been doctored. Sergeant Cecil Kirk, director of the mobile crime lab of the Metropolitan Police Department in Washington, D.C., is here to discuss that aspect of the photo in question.

Sergeant Kirk will also address alleged differences in Oswald's height as he appeared in different photographs. The committee will recall that Sergeant Kirk has already testified in these hearings. It would be appropriate at this time, Mr. Chairman, to call Sergeant Kirk.

Chairman STOKES. The committee calls Sergeant Kirk.

Good morning, Sergeant Kirk. You have previously testified and you have been sworn—

Sergeant KIRK. That is right.

Chairman STOKES [continuing]. In these proceedings and you understand you are still under the same oath?

Sergeant KIRK. Yes, sir; I do.

Chairman STOKES. Thank you. The Chair recognizes counsel Michael Goldsmith.

Mr. GOLDSMITH. Thank you, Mr. Chairman.

**FURTHER TESTIMONY OF SGT. CECIL KIRK, DIRECTOR,  
MOBILE CRIME LABORATORY, METROPOLITAN POLICE DE-  
PARTMENT, WASHINGTON, D.C.**

Mr. GOLDSMITH. Sergeant Kirk, I would ask you to refer to what has been marked as JFK Exhibit F-166, which is the enlargement showing Lee Harvey Oswald on the left, and I would like to ask you, what issue did this photograph present to the photographic evidence panel?

Sergeant KIRK. Yes, sir. This is the photograph that was taken by the U.S. Marine Corps induction center at the time Lee Harvey Oswald was inducted into the Marine Corps. And the photographic panel was asked to examine the photograph to see if: (1) It could be determined whether it was a faked or composite photograph; and (2) to make a determination of whether the apparent disparity in the height chart and the head length, could be explained.

Mr. GOLDSMITH. I would ask you at this time. Sergeant Kirk, to refer to what has been marked as JFK F-564, which is the exhibit on the right, and I would ask you to explain how the photographic

evidence panel addressed the issue of Oswald's purported 13-inch head.

Sergeant KIRK. Well, the exhibit on the right is a demonstration conducted at Metropolitan Police Headquarters. It depicts a Metropolitan Police officer, W. W. Lee. The photograph on the extreme left of the three photos shows Officer Lee with his back against a height chart. It indicates that he is a little over 69 inches tall.

The second photograph shows Officer Lee, who has walked away from the wall, a mere 7 inches. The height scale to Officer Lee's right, your left as you look at it, shows that Officer Lee still stays 69 inches tall but the height scale in the background, which is 7 inches away from the gentleman, shows he is starting to grow in height. Indeed, in this photograph he has a 13-inch head, if you count the inches in the background, but when you count the inches that are next to his head, his head size stays the same.

The photograph on the right of the exhibit, Officer Lee has now moved out 14 inches away from the height scale, he has grown considerably taller, if you look at the height scale in the background, and his head has also increased in length, but as the height scale that has moved out with Officer Lee shows he remains at 69 inches tall and his head size has not changed.

Mr. GOLDSMITH. I realize you have indicated that the subject in the photographs has moved away from the height chart. Are you able to explain in more detail what factors account for the apparent 13-inch head in one of these photographs and also for the disparity in his indicated height?

Sergeant KIRK. Yes, sir. It was determined that at the time these photographs were taken, an ID camera, much used in the military as well as other types of the Government, was a type of camera that was mounted on a dolly, with the lights and the camera and the numbering chart affixed where it could be pushed out of the way when not in use. So if Mr. Oswald was brought into the induction center to be photographed and told to stand next to the height chart, it didn't really make any difference to the photographer whether or not Mr. Oswald was standing next to the height chart or not, because he could move the camera up or away from Oswald to get the photograph that he wanted.

This chart on the right demonstrates the fact that unless Mr. Oswald was standing directly with his back against the wall and the camera was at the correct distance, it would not be an accurate recording of his true height.

Mr. GOLDSMITH. I am sorry, I did not catch your last sentence.

Sergeant KIRK. It is unreasonable to assume that this photograph is the actual recording of his true height. I should add if it is an actual recording of his true height, then it would be an inaccurate recording of his head size.

Mr. GOLDSMITH. How common is the use of height charts in pictures today, mug shots today?

Sergeant KIRK. It is very uncommon, mainly because law enforcement plus industrial security work, where they take these types of photographs, they have found very often the photographer, rather than the following the rules and making sure the subject is standing in the right place, that the camera is at the right height, the photographer either tilts the camera to compensate for the

person not standing in the right place or changes focus, and so forth.

Mr. GOLDSMITH. Did the photographic evidence panel find any evidence of composition with regard to the photograph of Oswald?

Sergeant KIRK. No; we did not.

Mr. GOLDSMITH. Sergeant Kirk, you work for the Metropolitan Police Department in its crime lab section; is that correct?

Sergeant KIRK. Yes.

Mr. GOLDSMITH. And as part of your work you are associated with the records identification division of the police department?

Sergeant KIRK. Yes, sir.

Mr. GOLDSMITH. Let me ask you this, then: Is it unusual for official records to report disparate heights for any particular individual?

Sergeant KIRK. No; it is not.

Mr. GOLDSMITH. Why not?

Sergeant KIRK. We have found—and the Air Force has conducted studies to bear out the same point—that people are almost an inch taller in the daytime, in the morning, than they are in the afternoon. Also, studies conducted both by the Air Force and by law enforcement people, when they would ask people to describe their height, roughly one-third of those interviewed said they were 2 inches taller than they actually are, and the other two-thirds said that they were at least 1 inch taller than they actually are. In other words, the American male sees himself as being from 1 to 2 inches taller than his actual height if he is asked.

Mr. GOLDSMITH. I have one final question, Sergeant. In a mug shot, is it possible for the length of the head to appear to be the same and yet for there to be a significant difference in the indicated height as reflected in the height chart? I am positing now a situation where you have a series of photographs.

Sergeant KIRK. Certainly. We don't know if the subject is bare-footed, wearing 1-inch or 2-inch heels, we don't know if he has some type of back condition that makes him stand in a slouchy position. Certainly this wouldn't change the head size itself. Certainly his stature, the skeleton, the way he is standing would make it appear he is shorter or taller than he actually is.

Mr. GOLDSMITH. Are you willing to provide this committee with an exhibit demonstrating that the head size can remain the same in the photograph while the length of the body is different?

Sergeant KIRK. Yes; I am.

Mr. GOLDSMITH. Thank you, Sergeant. I have no further questions.

Chairman STOKES. Thank you, counsel.

The Chair recognizes the gentleman from Indiana, Mr. Fithian, for such time as he may consume.

Mr. FITHIAN. Sergeant, I would like to just ask, reask, a similar question to that of counsel. Is it my understanding that you said that because of these variations in most cases in industry and law enforcement agencies and others have gotten away from the photo with the height chart?

Sergeant KIRK. Yes, sir.

Mr. FITHIAN. Mr. Chairman, I have no further questions of this witness.

Chairman STOKES. The time of the gentleman has expired. The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. I would only say that we have always heard that statistics don't always lie but they seldom voluntarily tell the truth, and I think we can add photographs to that now also.

Thank you, Sergeant, for your testimony.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Connecticut.

Mr. MCKINNEY. No questions.

Chairman STOKES. The gentleman from Pennsylvania.

Mr. EDGAR. No questions.

Chairman STOKES. Sergeant Kirk, I believe this now concludes your testimony before our committee. Under our rules, as a witness, we can now extend to you the 5 minutes if you so desire to make any comment upon your testimony before our committee. I extend to you that time if you so desire.

Sergeant KIRK. Thank you. I would just like to acknowledge the input of the 19 other members of the photographic panel and to express the feelings of the photographic panel to thank you for your confidence that you expressed in us, and we hope we have served you well.

Chairman STOKES. You certainly have, and on behalf of the committee we certainly appreciate the time and energy and expertise provided this committee by both you and the other members of this distinguished panel of photographic experts with which you served. So we thank you very much for the help you have given us.

Sergeant KIRK. Thank you.

Chairman STOKES. The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

The anthropology panel was asked to address two additional issues that involved photo identification. Early in its existence the Warren Commission was presented with a problem by an Associated Press photograph taken head-on of the presidential limousine in Dealey Plaza at about the very instant of the first shot.

Standing in the doorway of the Texas School Book Depository was a man whose facial characteristics were markedly similar to those of Lee Harvey Oswald, so much so that at least one major metropolitan newspaper captioned the photo with a question: Is it Oswald?

Obviously if Oswald had been in the doorway at that moment, he could not have been the assassin. The Warren Commission determined that the man in the doorway was Billy Nolan Lovelady, another School Book Depository employee. Lovelady himself, the Commission reported, confirmed it. But many critics refused to accept the explanation. Mark Lane, in his *Rush to Judgment* said:

There was insufficient basis for the Commission's statement. Lovelady did not appear before the Commissioners and no evidence suggests that his picture was ever shown to them.

Sylvia Meagher, in her "Accessories After the Fact":

The Commission presents no supporting visual evidence by which one can appraise the resemblance between Lovelady and the man in the doorway, although nothing less hangs on the accurate identification of the doorway man than Oswald's innocence in the assassination.

The committee asked the anthropology panel to compare the AP photo with pictures of Lovelady and pictures of Oswald, and to try to come to a decision as to which one it is.

Now on the two other photographic issues that will be addressed by the anthropology panel. Shortly after the assassination, an arrest was made by Dallas police of three shabbily dressed men who had been discovered in a railroad car not far from the grassy knoll that was to become famous for the fact that many witnesses thought they had heard shots coming from its vicinity.

Press photos were taken of the tramps, as they came to be called, and publication of the photos caused considerable controversy, especially since the tramps had been released without being booked or otherwise identified. For years the "tramps" photos were little more than conversation pieces, but in 1975, in a book called "Coup d'Etat in America," Michael Cranfield and Alan J. Webermann proposed that two of these three tramps were none other than Howard Hunt and Frank Sturgis who had been involved in the Watergate prosecutions. An identification of the third tramp, one who has earned the nickname "Frenchy" due to the European look of the cut of his clothing, has also been suggested by critics connecting him to individuals whose names have come up in private investigations. Critics have dug up another AP photo taken on the date of the assassination and found an elderly white-haired man they alleged to be a well-known right-winger named Joseph Milteer. In a tape recording of a conversation with a police undercover agent in Miami on November 9, 1963, Milteer was heard explaining how an assassination of President Kennedy could be accomplished:

Milteer: From an office building with a high-powered rifle.

Informant: They are really going to try to kill him?

Milteer: Oh, yes, its in the working.

Milteer, who is now deceased, was questioned by the FBI but was never known to be an actual suspect in the Kennedy assassination. The implications of these questions is enormous, about a Watergate burglary and a former long-time CIA officer who directed the 1972 break-in might have been involved in the assassination or that a militant conservative who had talked of killing President Kennedy was standing along the motorcade route. These implications are, of course, of a conspiracy. The committee therefore asked its panel of anthropologists to compare the photos in question with known photos of the men they allege to show.

The members of the anthropology panel are Ellis Kerley, professor of anthropology, University of Maryland; Steven Rosen, associate professor of anthropology, University of Maryland; Clyde Collis Snow, Chief of Physical Anthropology Research, Civil Aero-medical Institute, Federal Aviation Administration Aeronautical Center, Oklahoma City, Okla.

Dr. Snow, who will be our witness this morning, received a B.S. degree in zoology from Eastern New Mexico University in 1950, an M.S. in zoology from Texas University in 1955, and a Ph. D. degree in physical anthropology from the University of Arizona in 1967.

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

Chairman STOKES. The committee calls Dr. Snow.