

The Evidence IS the Conspiracy:
The Rifle, The Backyard Photos & The Pistol
Part 2: The Backyard Photos *By David Josephs*

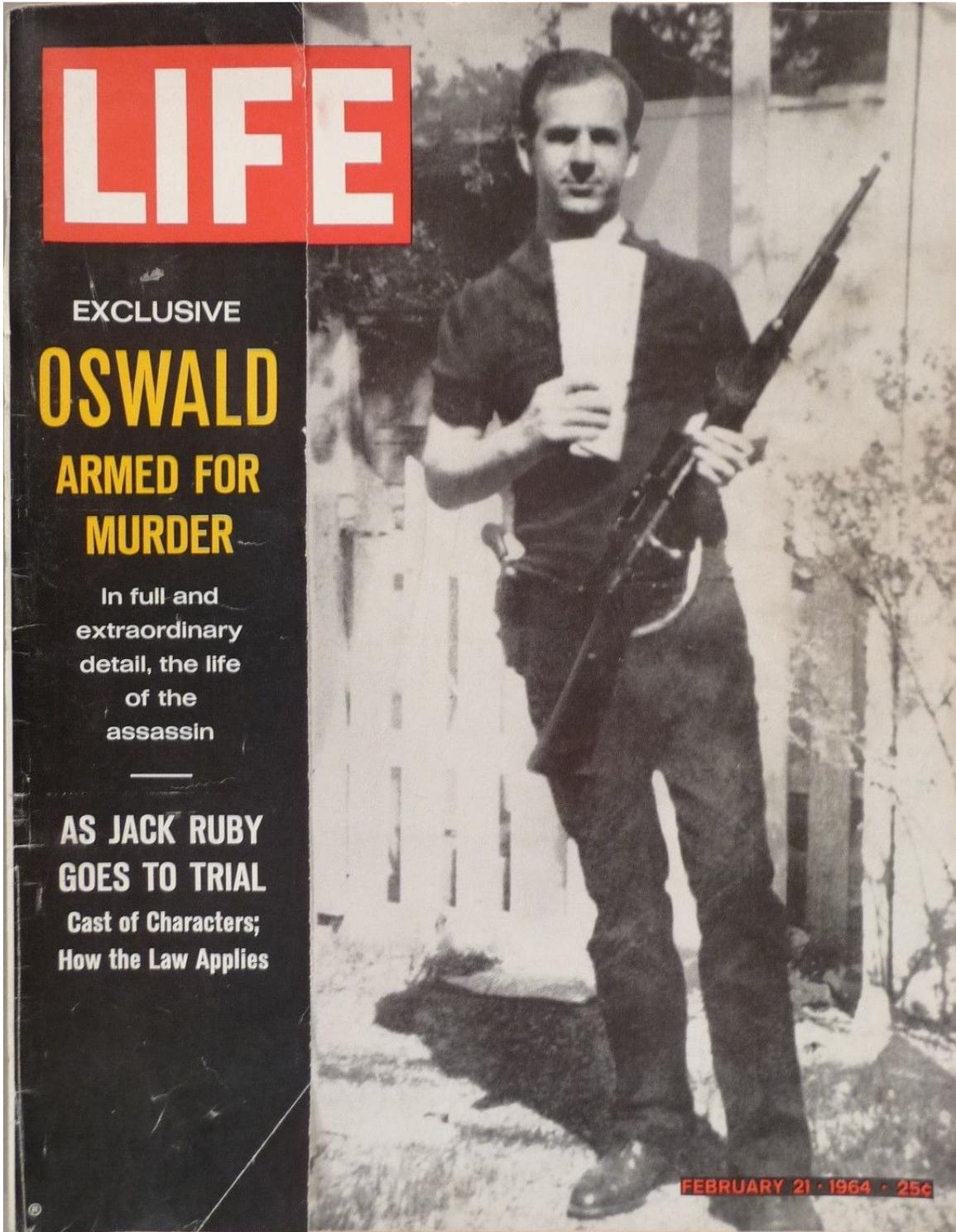


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Finding of the Backyard Photos

The story of "The Rifle" seems to always lead back to the Backyard photos discovered on Nov 23rd by the team of **DPD GUS ROSE, DPD JIM STOVALL, DPD JOHN ADAMCIK, DEPUTY SHERIFF BUDDY WALTHERS, DPD HENRY MOORE AND IRVING DETECTIVE JOHN McCABE**; this after the DPD searches the Paine residence and garage on the afternoon of 11/22.

The Garage is Searched with Warrant on Nov. 23rd



On November 23rd this group of men – sometimes as many as 4 or 5 of them standing together in this tiny garage - perform a follow-up search to acquire additional evidence related to the life and times of Lee and Marina Oswald.

Mr. MOORE. Rose found the picture of Oswald holding the rifle.

Mr. BELIN. Did Rose show it to you out there?

Mr. MOORE. Yes, he did; at the time he found it.

Mr. BELIN. Were you near him when he found it.

Mr. MOORE. Yes.

Mr. BELIN. How far away was he from you?

Mr. MOORE. This was a one-car garage, and it would have to be close. Four men searching in that garage. I would say a matter of 3 or 4 feet.

Mr. BELIN. What did Rose say to you when he found it?

Mr. MOORE. He said, "Look at this." Of course we all looked and commented on it.

The following is Dallas FBI Special Agent James HOSTY'S report from Jan 30, 1964 describing who found the photos. Moore does not mention McCabe and McCabe certainly does not mention Moore. (We will get to the leaving of the camera(s) when we discuss the camera itself later on). One wonders why it should take 2 months to getting around to writing this report given the importance of these photos.

As you read the following report take note of how Hosty mentions McCabe describing the finding of that grey camera. After he and Walthers search the bedroom, and before describing a box also containing a camera in the Paine living room which he somehow can conclude belongs to the Paine's, McCabe through Hosty tells us that he finds the Grey Imperial Reflex in the garage.

The finding of this camera in the garage by McCabe is supposedly done without any one of the other investigators seeing or being told of this camera. McCabe, knowing this is Lee Oswald's property still does not bring it to anyone's attention.

These investigators would later say if they had seen this camera or known about it, it would have been brought in with the rest of the materials. Whether we can conclude this is true or not is very difficult. Given what we will learn about this camera and these photos and negatives we are hard-pressed to discover what advantages keeping this camera "out of the loop" may have carried.

Honest mistakes happen for sure. Taking most every item not nailed down from the Paine house and being told specifically which items are the Oswald's should result in Stovall B being much more like the inventory we see offered in Warren Commission Document 75.

On November 23, 1963, at 2:45 PM, Detectives ROSE and STOVALL contacted Detective MC CABE of the Irving Police Department and requested that he accompany them to the PAINE residence at 2515 West 5th Street in Irving to execute a search warrant in an attempt to find any additional evidence in connection with the investigation of LEE HARVEY OSWALD.

At 3:20 PM, while searching the PAINE garage, Detective MC CABE advised that he found an envelope containing some pictures which he turned over to Detective ROSE. This envelope contained a photograph of LEE HARVEY OSWALD standing with a rifle in his hand and a pistol visible on OSWALD's right hip. Detective MC CABE further advised that while searching the bedroom where MARINA OSWALD had stayed, he noticed that there was some money in the top bureau drawer, exact amount unknown. Dallas County Sheriff's Office Deputy, E. W. WALTHERS, who accompanied the Dallas police officer and Detective MC CABE on this search counted the money and stated that there was \$150. MC CABE advised that he recalled finding one gray metal square shaped camera which was the property of LEE and MARINA OSWALD in the garage at the PAINE residence. He also noticed a box in the living room in the PAINE residence, which contained a camera and other photographic equipment, exact description unrecalled. MC CABE stated it was obvious to him that this was the property of MICHAEL and RUTH PAINE and he therefore left this camera equipment and did not take it.

1/28/64, Irving, Texas
DL 100-10481
JAMES P. ROSTY, JR. / on
Date dictated 1/30/64

And here, some of the testimony by the two key Dallas Detectives ROSE & STOVALL describing how it came to be that they found these infamous photos and related negatives:

Mr. ROSE. Yes; I found two negatives first that showed Lee Oswald holding a rifle in his hand, wearing a pistol at his hip, and right with those negatives I found a developed picture--I don't know what you call it, but anyway a picture that had been developed from the negative of him holding this rifle, and Detective McCabe was standing there and he found the other picture--of Oswald holding the rifle.

Mr. STOVALL. Yes, sir; Rose did, and when he looked at them, he said, "Look at this." At the time he said that--he showed us the snapshots and the negatives to me.

Mr. BALL. Did they show you what appeared to be Oswald in the snapshots?

Mr. STOVALL. Yes.

Mr. BALL. He had the negatives and snapshots?

Mr. STOVALL. Yes.

Mr. BALL. And he showed Oswald--what was significant about the photograph?

Mr. STOVALL. He was in a standing position just outside of the house holding a rifle in one hand and he was wearing a pistol in a holster on his right hip and he was holding two papers in the other hand.

Mr. BALL. Did you take the snapshots?

Mr. STOVALL. Yes, we took the snapshots.

Mr. BALL. And the negatives?

Mr. STOVALL. Yes.

Mr. BALL. Where are they listed on this exhibit--this Exhibit B?

Mr. STOVALL. I believe we listed them where we've got "**Miscellaneous photographs and maps.**" There were several other photographs that we took when we were there.

The following items were recovered in Irving, Texas, at 2515 West 5th Street on November 23, 1963, by Moore, Rose, and Stovall:

Blue suitcase containing:

Sharp shooter medal
1 bag containing some old jewelr
2 watches
1 key
Dog tag
Envelope containing some 35mm negatives
Several miscellaneous Russian books and literature
1 grey metal box containing miscellaneous Russian literature and some slide negatives

Miscellaneous photographs and maps

Yellow envelope containing miscellaneous pictures and letters
Pamphlet on the Fair Play for Cuba Committee
1 candy box containing pictures, correspondence, and letters
1 notice of attempt to deliver mail, card dated November 20, 1963, to Mr. Lee Oswald, 251 West 5th, Irving, Texas - a parcel to be picked up.
1 Book on Modern Postage Stamps
Miscellaneous personal papers and work receipts
1 copy of The Worker paper, dated October 20, 1963
Book containing World Atlas
Marine Corp Recruiting Depot Annual, Second Batallion, 2060 Platoon, San Diego, California.
Brown envelope containing hand written manuscripts of Lee Oswald.

STOVALL EXHIBIT B

[WCD75 p700](#) is the November 25, 1963 report of FBI SA James HOSTY detailing the contents of the "BLUE SUITCASE" recovered by our team on Nov 23rd. [Stovall Exhibit B](#) (pictured above) provides the details related to what was in that suitcase.

"1 key", "2 watches", "1 book of stamps", are all listed individually yet the most incriminating items found that day, two negatives and two photos of their suspect-in-custody holding a rifle and wearing a pistol are listed as "**Miscellaneous photographs and maps**" – and we are all expected to just believe this when yet another line item is "Envelope containing some 35mm negatives".

Stranger still is how Hosty's report lists a fairly significant number of items which are both bulky and heavy that do not appear to have been taken in the Nov 23rd search.

WCD75 p700 as linked to above offers quite a different account of this special suitcase which does not include most of what is listed in Stovall B.

- 175 yellow circulars 4" x 6" "Hands off Cuba"
- 125 2" x 3" applications/cards "FPCC"
- 200 circulars for FPCC donations/memberships
- 3 Corliss Lamont Pamphlets
- Carbon of receipt from August arrest
- **The Worker from 10/20/63**
- 4 3" x 5" cards with names and info
 - Hall G Hon. 2 Jun 1, 1963
 - B. Davis Hon. 4 Jun 1, 1963
 - Lee, VT 1 Hon. Jun 1, 1963 N-D."
 - Hidell, A.J. 1 6-6-63
- Envelope & Letter with John Connally's return address sent to Oswald in Russia 2/23/62
- Dallas Birth Certificate for Audrey Marina Rachel Oswald
- Postcards and letters written in Russian

Obviously (or may we assume) they opened the suitcase on Nov 23rd to create the inventory which becomes Stovall B. [Stovall A](#) has an amazingly detailed list of materials taken from the Paine residence. One of the items that pops out and should be remembered when we analyze **why the Box Camera was not taken as evidence that day** is the "yellow box of Kodaslide single name of Ruth Hyde". We will come to explore the assertion that McCabe did not take a box of items in the living room as they were the property of Michael and Ruth Paine or the camera supposedly found in the garage (in a box with other items in one telling) was so beat up he claims he felt it couldn't take any photos anyway – yet he knew it was the property of Lee and Marina.

And what of the box in the living room also containing a camera which for some reason was known to be the Paine's and also not taken. The only thing taken from the home on the 23rd is that blue suitcase even though it is claimed that a search warrant was issued and the investigators saw and mentioned a number of other items known to be the property of Lee Harvey Oswald.

Mr. BALL. On Saturday morning you went out to Irving again?

Mr. ROSE. Yes, sir; I did.

Mr. BALL. At this time you had a search warrant?

Mr. ROSE. Yes, sir; I did.

Mr. BALL. What did you search on this day?

Mr. ROSE. We made a search of the garage, mainly, on this day since **quite a bit of Lee Oswald's property was in the garage.**

Mr. BALL. What did you find there?

Mr. ROSE. Well, I found two sea bags, three suitcases, and two cardboard boxes and all of them contained numerous items of property of Oswald.

Mr. BALL. Did you find some pictures?

Mr. ROSE. Yes; I found two negatives first that showed Lee Oswald holding a rifle in his hand, wearing a pistol at his hip, and right with those negatives I found a developed picture--I don't know what you call it, but anyway a picture that had been developed from the negative of him holding this rifle, and Detective McCabe was standing there and he found the other picture--of Oswald holding the rifle.

Mr. BALL. What color were the sea bags?

Mr. ROSE. I believe they were kind of an off white--I would call them--more of a greyish-white.

Mr. BALL. What about the suitcases?

Mr. ROSE. I don't remember the color of those suitcases. I know one of them was real worn.

Mr. BALL. But you brought that property back here into town, did you?

Mr. ROSE. Yes; we did.

Looking at Stovall B above – we seem to be missing two sea bags, 2 of the 3 suitcases and two cardboard boxes with his property. (One thing to please note on [Stovall A](#) is the large amount of photographic equipment listed. To return the next day and leave a camera behind seems both unbelievable and expected all at the same time – if that camera was even there in the first place – which from the evidence available is highly likely.)

Could the two boxes mentioned be the ones described in this FBI report from Hosty? One with a grey box camera (supposedly) and one in the Paine living room also with a camera yet belonging to the Paines?

These photos, and the connection of Oswald either to, or as, Hidell, with ID found in at least 2 wallets the day of his arrest, come in the afternoon after the FBI traces the purchase to Klein's Sporting Goods in Chicago late in the evening of Nov 22nd / early morning Nov 23rd.

On Friday the 22nd hundreds of items are taken from the Paine residence and Oswald's room on Beckley. During these "search and seizures" someone other than these officers remains in these homes. This situation, related to the discovery of these photos and negatives occurring on the 23rd, is not repeated:

Representative FORD - While you were shopping and after the officers had come with a warrant, they went in the house, no one was in the house?

Mrs. PAINE - For a portion of the time they were looking, no one was in the house.

Representative FORD - They were there alone?

Mrs. PAINE - That is right.

Mr. McCLOY - Did they indicate--were they still there when you got back?

Mrs. PAINE - No; they were not. Remember the door was locked.

Now, I am not saying that these men being alone at the Paine house on the 23rd and finding the one item of evidence which visually connects Oswald to the rifle and pistol supposedly used in the killings the day before is anything nefarious. 2 photos and 2 negatives becomes 1 negative

and 3 photos thanks to the widow of Roscoe White, Dick Stovall and the safekeeping of this evidence by the DPD.

Mr. BALL. You heard Ruth say to Rose that Marina had suggested he look in the garage?

Mr. STOVALL. Yes.

Mr. BALL. Did you hear Ruth Paine tell him why Marina had made that suggestion—what her reasons for it were?

Mr. STOVALL. No, sir; I didn't.

Mr. BALL. So, you think that Rose went to the garage?

Mr. STOVALL. Yes, sir.

Mr. STOVALL. We told her that we returned, we wanted to, to make a further search of the house and we showed her the search warrant at the time, and I believe she said we didn't need that, to come on in and that we could search the house anytime we wanted to.

Mr. BALL. And did you search the house?

Mr. STOVALL. Yes, we did. **We mainly concentrated our search of the garage this time, because the first search of the garage had been a rather quick one**, and not having been in the garage on the first search at all, and I know Rose hadn't spent much time out there because he didn't have time to on the length of time we spent at the house. **So, we searched the garage and concentrated our search there.** Ruth Paine came out into the garage and I told you Ruth Paine was the only one there a while ago—I remember Michael Paine was in the garage. I think he came up after we got there—I'm not sure it's possible that he got there after we got there, but I don't recall, but **both of them came out in this garage and showed us the stuff that belonged to Lee Oswald and Marina Oswald and showed us the stuff that belonged to them and they left.**

Mr. BALL. Do you mean they left you in the garage?

Mr. STOVALL. Yes, they got in the car and drove off. They left their house.

I am hard-pressed to understand how, if the Paines and Marina pointed out which items were Oswald's within the garage, and McCabe finds a camera and other items "that he knows are Lee and Marina Oswald's", there can be any excuse for that camera not being entered into evidence until February (but we'll get there).

The Two Negatives and no photos

IDENTIFICATION BUREAU
CRIME SCENE SEARCH SECTION
POLICE DEPARTMENT, DALLAS, TEXAS

CSS# _____

DATE SUBMITTED 11-23-63 TIME 4:30 PM

OFFICER Gus Rose OF H.I.R. SUBMITTED TO
THE CSS OF THE IDENTIFICATION BUREAU THE FOLLOWING:

2 negatives of Lee Harvey Oswald holding
rifle with scope -

EXAMINATION REQUESTED: _____

LOCATION WHERE COMMITTED _____

NATURE OF OFFENSE Murder - DATE _____ OFFENSE# _____

COMPLAINANT _____

SUSPECT _____ RACE _____ SEX _____ AGE _____ ID# _____

_____ RACE _____ SEX _____ AGE _____ ID# _____

SIGNATURE OF PERSON
SUBMITTING SPECIMEN G.F. Rose ID# -

SIGNATURE OF PERSON
RECEIVING SPECIMEN J. Hicks ID# 441

SPECIMEN RELEASED TO _____

DATE _____ TIME _____ BY _____

RESULTS:

12 - Photos printed and given to Det. Rose -

The form above is the only one referencing what was found after the DPD, Dallas Sheriffs and Irving PD send men to re-search the Paine residence. What is ultimately turned in and testified to as being found during that search are only these two negatives and "photos".

The Two Photos and no negatives

Yet 2 days later, when a DPD Supplemental Offense Report is filed, there is only mention of 2 photos and not the negatives. We wonder who "D-B-B" might be, since the investigating officers are as Rose, Stovell, Adamcik, McCabe and Walthers: R-S-Z-M-W... ??

SUPPLEMENTARY OFFENSE REPORT

(1) LAST NAME OF COMPLAINANT (FIRM NAME)—FIRST NAME INITIAL <i>KENNEDY, JOHN F. W-M-47</i>	(2) OFFENSE AS REPORTED AND DATE <i>MURDER 11-22-63</i>	(3) THIS DATE <i>11-25-63</i>	(4) OFFENSE SERIAL NO. <i>F-85950</i>
(5) ADDITIONAL DETAILS, PROGRESS OF INVESTIGATION, ETC.			

We obtained a search warrant from Judge Jack B. Brown Jr. and went to 2515 W. 5th St, Irving, Texas on 11-23-63 accompanied by Det McCabe of Irving P.D. We searched the house and garage again. We found numerous papers and pictures in the garage including 2 photographs of Lee Harvey Oswald holding a rifle similar to the one found at the Texas Book Depository Bldg. and wearing a pistol on his hip similar to the one taken from Oswald at the time of his arrest. See list of property taken from 2515 W 5th St. Irving on 11-23-63.

(14) INVESTIGATING OFFICERS	I. D. NO.
<i>L-B-B ???</i>	

Rose - Mason - Stovell - Adamcik

Finally, on page 593 of the WCR we are treated to a paragraph called "The Negative" which describes how 133-B was either directly or indirectly printed from the only negative in evidence.

The 133-A Negative Disappears

On page 127 of the WCR we are once again treated to an amazing revelation:

"He (Shaneyfelt) could not test Exhibit No. 133-A in the same way because the negative was never recovered" Footnote 91 – which refers to Shaneyfelt's testimony below:

Mr. EISENBERG. Mr. Shaneyfelt, did you attempt to **determine whether 133A had been photographed through the camera**, Commission Exhibit 750?

Mr. SHANEYFELT. **No; I did not**, because in order to make an examination to determine whether a photograph is made with a particular camera, **you must have the negative or you must have a print of the negative** that shows that shadowgraph area, and Commission Exhibit 133A does not show that shadowgraph

Therefore, no comparison could be made. It is not possible.

Sometime between 11/23 at 4:30pm and the tests the FBI conducted, one of these two vital negatives goes missing. The DPD, Dallas Sheriff's, Irving Police or the FBI do not seem overly concerned with this loss.

The HSCA gets involved

Over a decade later, the HSCA's photographic panel was very aware of this problem yet could offer virtually nothing to reconcile the situation other than to say there simply is no record of what happened to the negative for 133-A. [HSCA photo Panel](#)

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by the Panel as first generation prints. CE 749, the original negative to CE 133-B, was the only negative recovered from the possession of the Dallas Police Department; consequently, it was the only original negative available to the Panel for analysis. **There is no official record explaining why the Dallas Police Department failed to give the Warren Commission the other original negative. (159)**

(159) See ref. 127.

(127) Testimony of Lyndal L. Shaneyfelt, September 1, 1963, 15 Warren Commission hearings, 693; but see also Rose testimony, ref. 126 (Dallas police found **two negatives that showed Oswald holding a rifle** in his hand, wearing a pistol at his hip); executive session testimony of R. L. Studebaker, October 5, 1978, House Select Committee on Assassinations (J.F.K. Document No. 014695); executive session testimony of John Grizzaffi, October 5, 1978, House Select Committee on Assassinations (J.F.K. Document No. 014699).

In what amounts to one of the most important pieces of incriminating evidence against Oswald we find severe problems in the authentication of these images and negatives. And it only gets worse. In what I believe is definitive evidence that the Backyard Photos were created at some later time than taken by Marina that last weekend in March 1963 – I offer the following explanation and composite.

The 133-C recreation and ghost “Pose” found in DPD archives

The pose we know as 133-C was first examined by the HSCA after its existence was discovered by Roscoe White's widow Geneva Dees in late 1976 and made public 12/31/76. In mid-1978 the man with Rose at the Paine house, Stovall, also finds what is supposedly a first generation print of 133-C – yet without the negative; we are at a loss as to how the HSCA panel could determine it had come from a never discovered and never listed as evidence *third* negative.

(362) The committee obtained an 8 x 10 print of an additional view of Oswald holding the rifle in a pose different from CE 133-A or B. This photograph, a first generation print, * was given to the committee on December 30, 1976 by Mrs. Geneva Dees of Paris, Tex. According to Mrs. Dees, it had been acquired by her former husband, Roscoe White, now deceased, while employed with the Dallas Police at the time of the assassination. (150) The panel designated this recently discovered photograph as 133-C (Dees).

(364) Two additional first generation prints, one of 133-A and one of 133-C, were obtained from former Dallas Police Detective Richard S. Stovall on April 14, 1978. (153) Stovall was among the police officers who discovered the backyard photographs during the search of the Paine premises. (154)

*A first generation print of one made directly from the negative.

Shaneyfelt admitted that he cannot be sure an inter-negative process was used to create the final images:

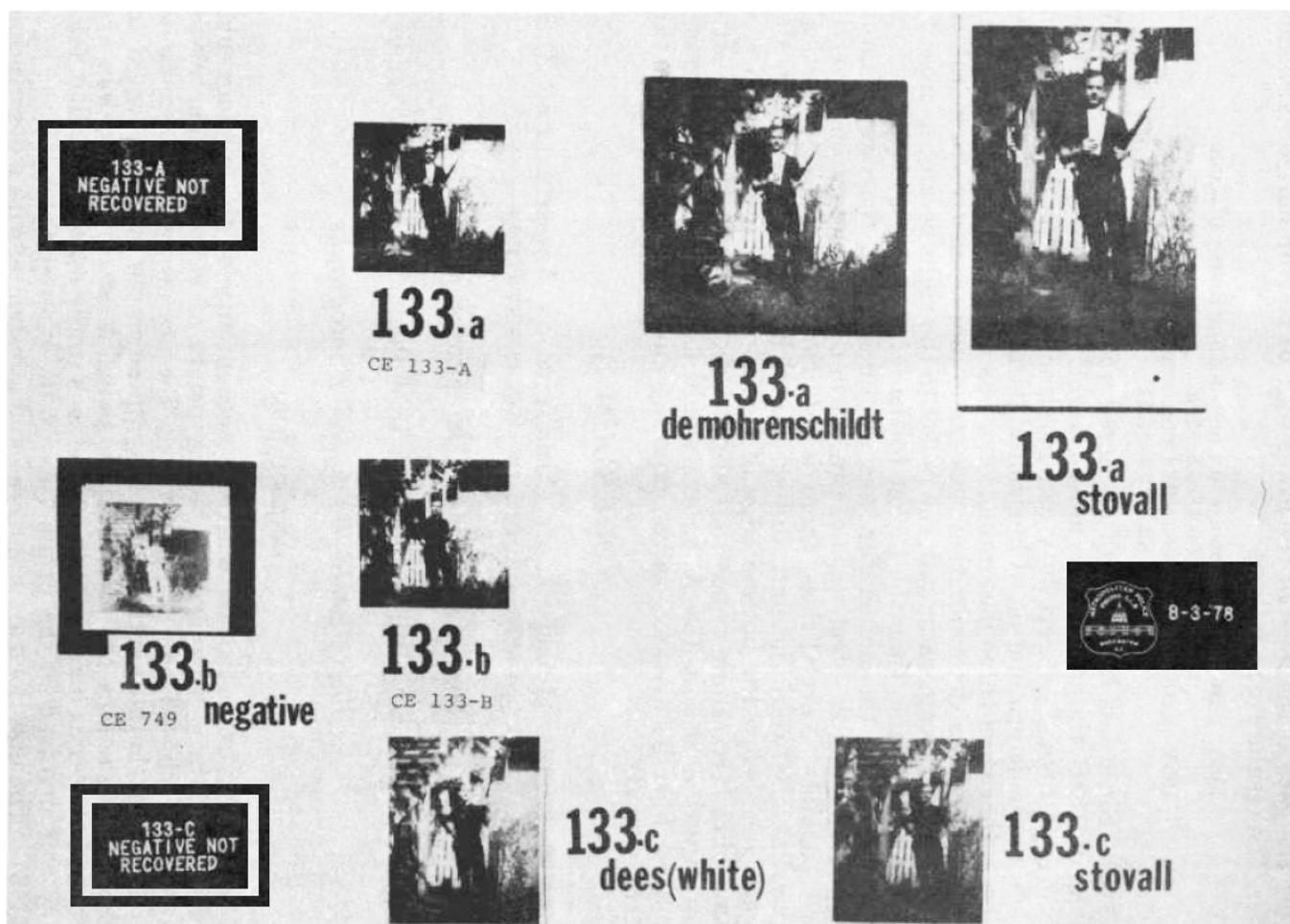
Mr. SHANEYFELT. It is my opinion that it was used directly to make the print. However, I cannot specifically eliminate the possibility of an internegative or the possibility of this photograph having been copied, a negative made by copying a photograph similar to this from which this print was.

I think this is highly unlikely, because if this were the result of a copied negative, there would normally be evidence that I could detect, such as a loss of detail and imperfections that show up due to this added process.

Although a very expertly done re-photographing and reprinting cannot positively be eliminated, I am reasonably sure it was made directly from the negative.

NOTE: Can we consider the resources of the CIA/FBI "experts" at photo manipulation?

The HSCA could only guess that 133-A and 133-C were taken with the same camera which took 133-B since the distinctive marks on these prints were identical. Not close mind you, but identical – which could mean that the negative for 133-B could have been used to create all the backyard photos printed.



Yet this realization does not account for what happens that next weekend.

Box 12, Folder 2 <http://jfk.ci.dallas.tx.us/box12.htm>

2. Photograph. Photograph of 214 W. Neely Street - back yard, negative number 91-001/**141**, 91-001/093, 91-001-**140**, and 91-001/089, (Photographic Image: Size 8" X 10"), **11/29/63**. 00004081 12 pages 12 02 002

Box 12, Folder 4 1. Photograph. Photograph of 214 W. Neely Street - **Detective B. G. Brown with rifle in back yard**, negative number 91-001/**144**, 91-001/094, and 91-001/**427**, (Photographic Image: Size 8" X 10"), **date unknown**. 00004085 6 pages 12 04 001 <http://jfk.ci.dallas.tx.us/40/4085-001.gif>

Detective B.G. Brown is placed in the Neely backyard for test shots on Nov 29th. Also found in the Dallas Archives are prints of what appears to be 133-C with Oswald's figure completely cut-out. The following composite puts this cut-out image with Brown's test image alongside 133-C's Oswald superimposed over the cutout print.

The existence of 133-C is not acknowledged until 1977 yet somehow the Dallas Police Dept with the help of Roscoe White has placed Det Brown in the exact pose of 133-C. They create a cut-out image of Oswald also in the exact same pose as 133-C. Yet 133-C, according to the evidence, is not something the DPD, FBI or WC is aware of until 14 years later. Finally, when Oswald's image from 133-C is pasted back into the 133-C Oswald pose, the image is terribly skewed and obviously not "original" or matching.

How can the DPD or FBI be aware of this pose, enough so as to place a man exactly in that pose for test photos, and how come the image and the cut-out are so badly aligned? Until these questions are answered, one must consider the possibility that these images and poses existed well before they were discovered and that the DPD or FBI made sure that only one of these negatives survives so they cannot be shown to be EXACT, as opposed to similar.



By showing that the BYP's have a dubious and inauthentic past it is not too hard to see how these images would have a difficult time passing an authenticity test to be admitted as incriminating evidence that Oswald had this rifle in his possession at any time. We are to remember that this image was supposedly from the end of March 1963. Between then and the 6th floor the Oswalds move to New Orleans and back with no evidence that this or any rifle was moved to or from these locations.

If a rifle was brought in Ruth's station wagon and unloaded while wrapped in a blanket, or in the too small duffel bags left in the garage, there does not appear to be any evidence of such:

Mr. JENNER - I 'don't wish to be persistent, but was there anything that you saw about the duffel bags that lead you at that time to even think for an instant that there was anything long, slim and hard like a pole?

Mrs. PAINE - No.

Mr. JENNER - Or a gun, a rifle?

Mrs. PAINE - No.

Mr. JENNER - No? Nothing?

Mrs. PAINE - Nothing. I did not move these bags.

Mr. JENNER - To the extent you saw them is all I am inquiring about. You did not touch them, you did not lift them, but you saw them.

Mrs. PAINE - I did.

Mr. JENNER - There appeared--the entire circumference of these bags which you could see was smooth?

Mrs. PAINE - Well, smooth, bumpy, but irregular.

Mr. JENNER - But no stick, no hard surface. Now, what about the diameter of these bags, these duffel bags, what would you say it was?

Mrs. PAINE - About like this, 15, 18, 20 inches across.

Mr. JENNER - Eighteen, twenty inches across?

Mrs. PAINE - Probably more than that.

Mr. JENNER - This is 15 inches.

Mrs. PAINE - About like this; a little more than 15, probably

Representative BOGGS - Did you see the rifle that he had in the room in your home?

Mrs. PAINE - In the garage, no.

Representative BOGGS - In the garage, you never saw one?

Mrs. PAINE - I never saw that rifle at all until the police showed it to me in the station on the 22d of November.

Mr. PAINE - I picked it up each time and I put it in a position and then I would recover it from that position, so each time I moved it with the same position with my hands in the same position. My right hand, the thumb and forefinger could go around the pipe, and my left hand grabbed something which was an inch and a half inside the blanket or something thick.

Mr. LIEBELER - Did it occur to you at that time that there was a rifle in the package?

Mr. PAINE - That did not occur to me.

In the following exchange it becomes evident that Michael saw and helped identify the Back Yard image on the night of the 22nd – well before they were found the following afternoon.

Mr. PAINE - They asked me at first, the first night of the assassination if I could locate, identify the place where Lee was standing when he was holding this rifle and some, the picture on the cover of Life.

Mr. LIEBELER - Were you able to?

Mr. PAINE - I identified the place by the fine clapboard structure of the house.

Mr. LIEBELER - By the what?

Mr. PAINE - By the small clapboard structure, the house has an unusually small clapboard.

Mr. LIEBELER - What did you identify the place as being?

Mr. PAINE - The Neely Street address. He didn't drive a car, so to have them over for dinner I had to go over and pick them up.

*Mr. LIEBELER - **Did you ever tell the FBI** that at first you felt if the object was a gun in*

the package it did not have a scope on it, but after seeing pictures of the gun and noting the small size of the scope on the weapon used to assassinate the President that the object you lifted could have been a rifle with the scope mounted on it?

*Mr. PAINE - **I don't remember saying that; no.***

Mr. LIEBELER - Do you remember being interviewed by FBI agents Odum and Peggs on November 24, 1963?

*Mr. PAINE - **Well, of course, I have seen Bob Odum frequently,***

Michael goes on to seemingly feign confusion when an attempt to corroborate which day he was at the police station is made:

That night I mostly went into the police station, spent much of it at the police station.

Mr. LIEBELER - On November 24?

*Mr. PAINE - **Is that a Sunday night or Monday?***

Mr. LIEBELER - Sunday, the 24th would be a Sunday.

*Mr. PAINE - **I am too confused. Maybe it was on the next night that I spent at the police station.***

Mr. LIEBELER - Well, let's go back and tell us about as best as you can recall how many times did the FBI interview you starting with the day of the assassination, the 22d of November. Did the FBI interview you on that day?

Yet luckily the following statement suggests that Michael, Ruth and Marina were at the station on the night of the 22nd – the first night of the assassination – and did indeed see an image that would not be officially discovered until the next afternoon.

Mr. PAINE - There was someone at the police station, first the police took us to the station and asked us questions and we filled out an affidavit right in there.

(Note: In Captain Fritz's notes of the interrogations we learn that he asks Oswald about the photos around noon on Sat the 23rd. Except like Michael's slip of the tongue, the images he supposedly shows Oswald later that day are not discovered and brought to the Dallas Station until 4pm – image on page 10.)

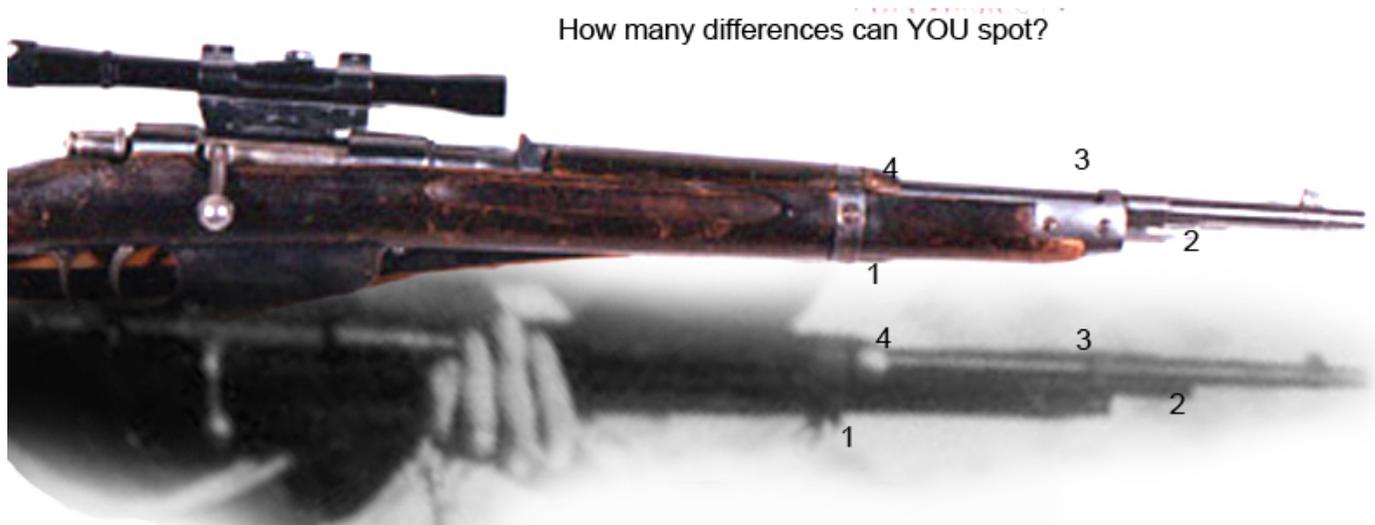
Detail anomalies within the photo itself

Are the Rifles really the same?

Another question to ask is whether or not the rifle depicted in these images is the rifle entered into evidence. I offer the following comparison which shows at least 4 distinct areas which conflict and do not support that the rifles are the same.

Although the BYP is blurry, it is not hard to see the first 4 of these anomalies:

- 1: Sling ring hangs under the rifle while the 6th floor rifle's ring is on the side
- 2: The Metal extension under the barrel is not on the BYP image
- 3: The Metal cap at the end of the stock is not in the BYP image
- 4: A Metal/shiny object is seen in the BYP but not on the 6th floor rifle



The FBI's photographic expert, Agent Shaneyfelt, was asked specifically about his opinion as to whether the 6th floor rifle and the BYP rifle were the same:

Mr. SHANEYFELT. Yes; I compared the actual rifle with the photograph, Exhibit 133A, and with the photographs that I prepared from Exhibit 133A, as well as the other simulated photograph and the photograph of the rifle, attempting to establish whether or not it could be determined whether it was or was not the

I found it to be the same general configuration. All appearances were the same. I found no differences. I **did not find** any really specific peculiarities on which I could base a positive identification to the exclusion of all other rifles of the same general configuration.

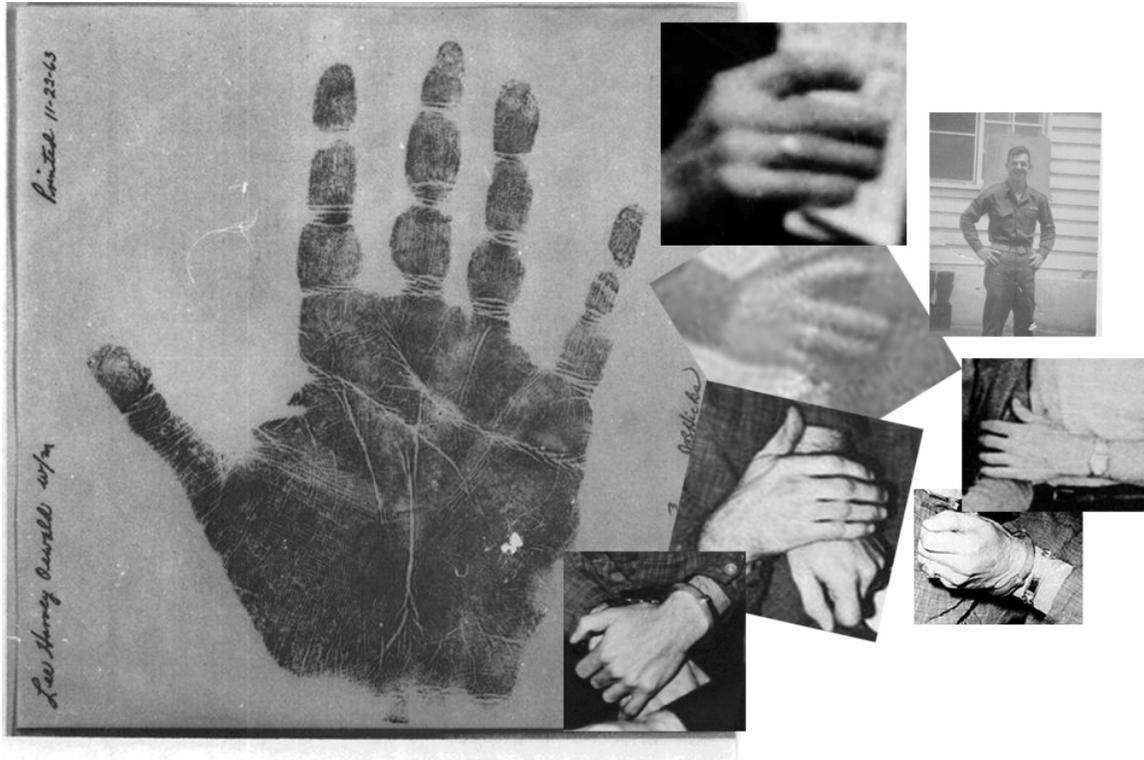
I did find one notch in the stock at this point that appears very faintly in the photograph, but it is **not sufficient to warrant positive identification**.

So while the rifles are similar they are simply not provably the same. We are to remember that there are numerous rifles which are similar – the 38 Fucile Corto is virtually identical, weighing only a few ounces more – and the rifle ordered was a 36" Carbine, to which many Carcano styles are similar. [Carcano Models & History](#)

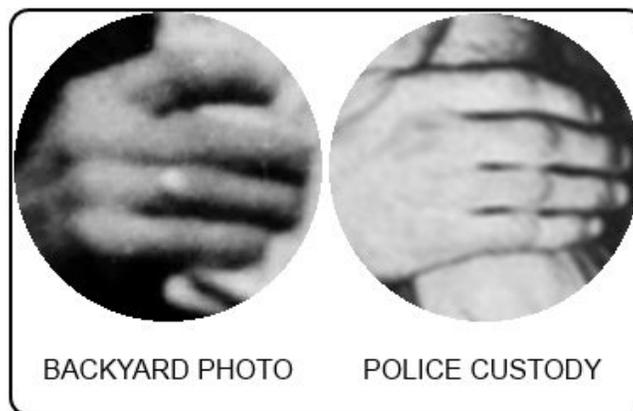
Short stubby fingers versus Long and boney

One other concern stemming from analysis of the image in the BYP is the shape of the right hand holding the newspaper. Repeatedly researchers have commented how stubby and short the fingers on the right hand in the photos appears while Oswald's entire frame was skinny and muscular. Below is another composite image showing the BYP right hand and the hands of the

man the DPD arrest on 11/22, and the hand of the marine described as Lee Oswald. Seems to me that the hand of the marine and the hand of the BYP are much closer to each other than are the BYP's and the arrest photos of Lee Harvey.



There are researchers who connect the wrist bump and stubby fingers to a photo of Roscoe White in the Marines. While an interesting lead worth pursuing, I get the feeling he was behind the camera, not in front of it.



Many have noticed that the wrist of Roscoe White in an image Marina called "Lee's Marine friends" has a prominent bump, whereas Oswald's is not nearly as noticeable – suggesting to many that Roscoe was the model for the body in the photos.

I don't subscribe to the notion that these in themselves prove one thing or another other than the obvious differences in the hands and other aspects of the photos. Roscoe White was

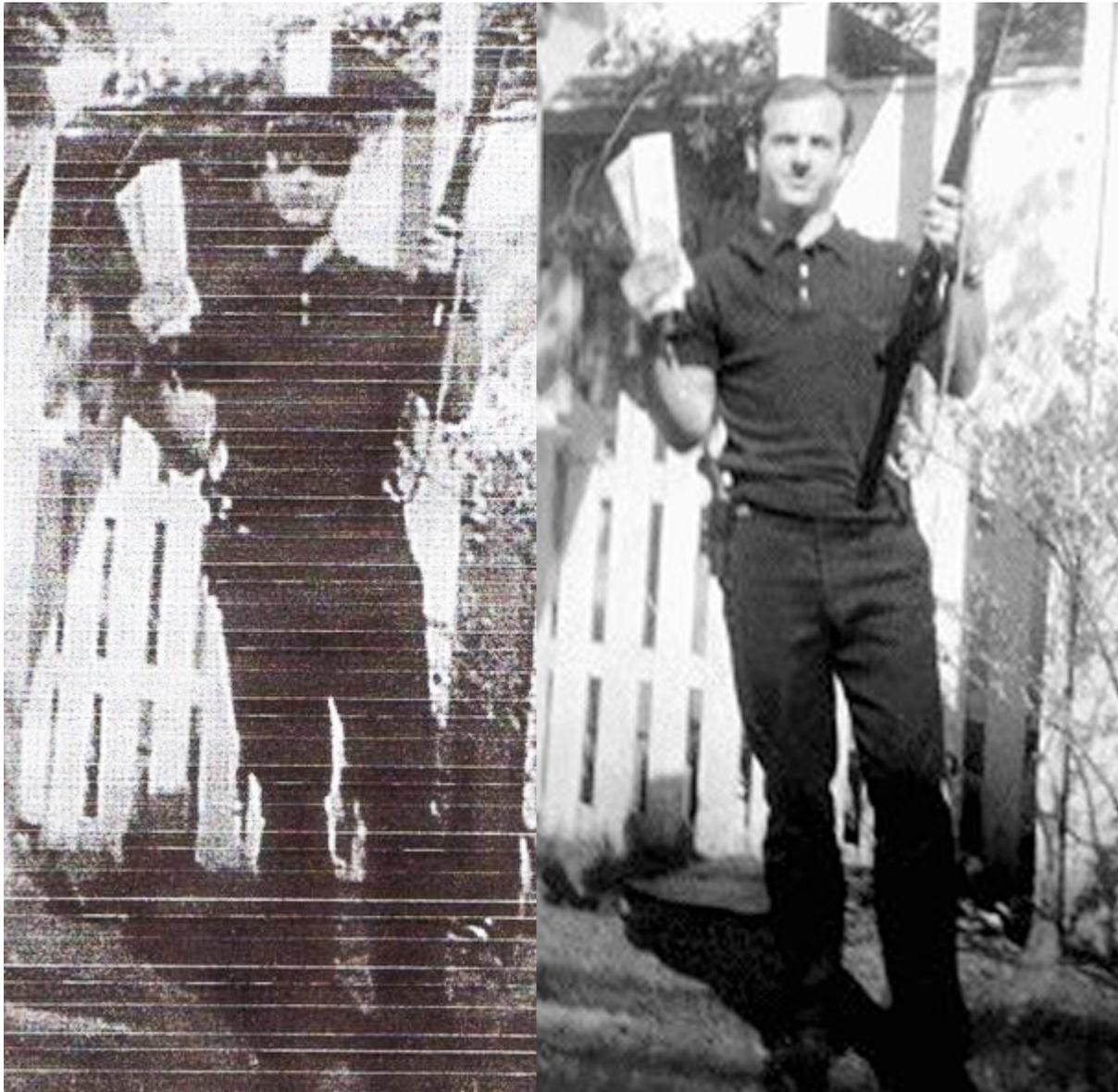
claimed to be ex-Military Intelligence recently acquired by the DPD for a draft pick and 2 players to be named later. It was a great trade. There is documentation which refers to him as "MANDARIN" found by his son in a foot locker 20 years after the fact. The text in the communication referring to MANDARIN is highly suggestive of his involvement in the assassination in one form or another, an involvement resulting in his working for the DPD starting in September 1963, only 2 months prior to November 22.

Roscoe White's connection to the JFK Assassination and to Oswald himself can fill volumes on its own. The following photo of Roscoe with his hand on his hip was found in Oswald's possession and is described by Marina as "Friends of Lee".



The “Other” Backyard photo on the internet

While Roscoe White’s involvement is an acceptable theory there are also other images of the BYP circulating the internet which suggest something else entirely. Sources which desire to remain nameless have suggested that there is another provenance for the BYPs ... I was provided the following (on the left) and was also able to find it in an internet search. The images are identical except from the chin up. Many feel this too may be a False Flag trail keeping the true nature of the photo out of reach. Truth really is stranger than Fiction. (For a critical view of the entire Roscoe White episode, see the essay “I Was Mandarin” (<http://www.texasmonthly.com/story/i-was-mandarin>) at Texas Monthly.)



The Shadow on the ground and on the nose

And to finally put the BYP aspect of the rifle and pistol evidence to bed, I was able to find an image of an Oswald with the same exact shadow direction as we see in the BYPs. The only clear difference is that the shadow falling on Oswald's nose in the non-BYP is skewed to the left like the body shadow, whereas the BYP's nose shadows all fall straight down.

Even if we are to make allowances for the slight rightward turn of the other Oswald image's head, we have to doubt highly that a turn to that person's left would change the falling of the shadow to straight down.

With the Backyard photos being as conflicting as they are to both the real shadows and the rifle in evidence, coupled by the conflicts with the evidence related to their acquisition (2 negatives no photos, 2 photos 1 negative, 3 photos 1 negative 1 negative lost), we cannot proceed under the assumption that these images authenticate the accusation that Oswald=Hidell=Rifle.



I have seen other recreations designed to suggest that the nose shadow and body shadow can be consistent with each other in the image. The dark shadow on the left side of his face in the BYP above – the source of light is from his left – is consistent with the nose shadow yet contradicts the direction of the light. **For a shadow to appear below and to the right of the chin and cheek, we must beg the question – “Why then is there no shadow to the right and below any other part of Oswald?”**

On a final note related to this photo which appeared on the cover of Life. Life magazine itself took the image and retouched it for the cover. In fact they state that every magazine who had

the image did something to "improve" it as they all state the image they got was extremely poor.

[Shaneyfelt Ex.12](#) is a letter from Life editor Edward Thompson explaining the touch-ups performed on the Oswald BYP after some back and forth with Rankin as seen in the Shaneyfelt Exhibits surrounding #12. What becomes difficult is deciding what an "ORIGINAL 133-A" actually looks like. Virtually every copy of the image seems to be derived from the LIFE altered cover.



Here now is a side by side with Life's touching up explanation:

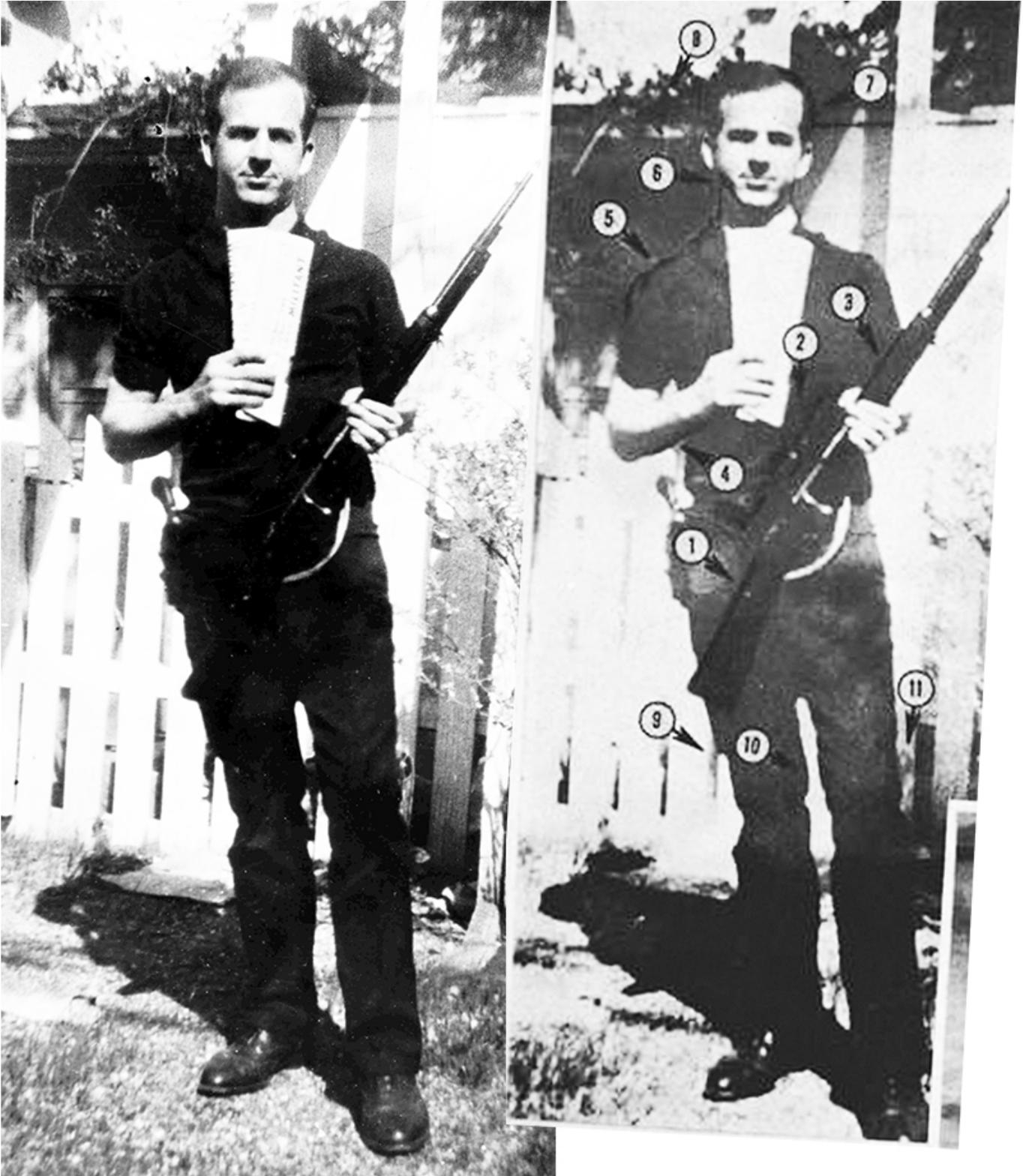
Dear Mr. Rankin:

As promised, here are the prints of the Oswald picture. As you can see, it was originally on an almost square negative but in order to fit it to our cover size, we cropped it at the left. This was from the original copy negative we made in Dallas. The retouching, as you can tell from comparing with the cover as published, was simply to bring the figure out a little more clearly. I repeat that no significant part of the picture was changed.

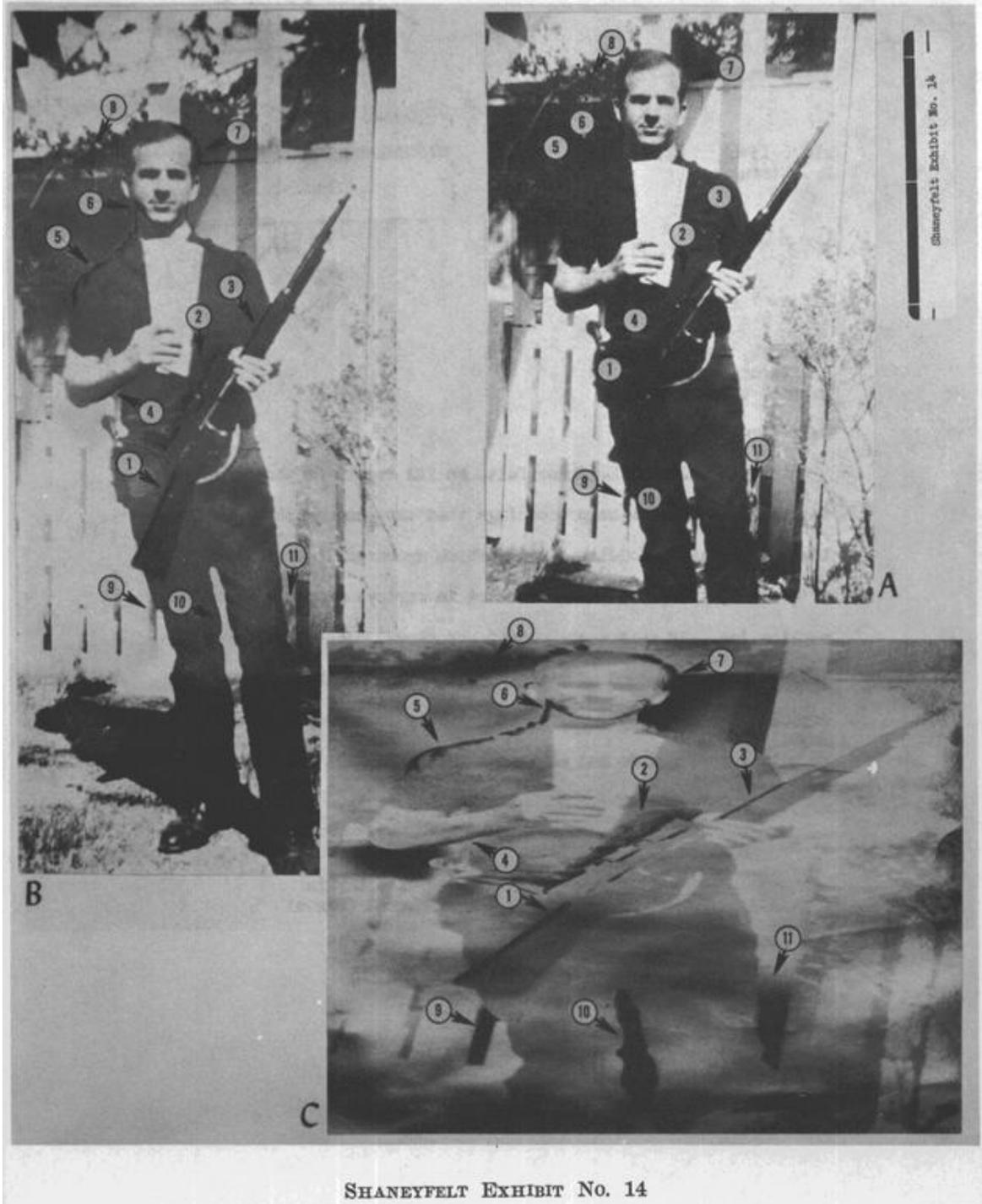
I hope this clears up your question.

Cordially,

Edward K. Thompson
Edward K. Thompson
EDITOR



I did add contrast to these images to bring out the dark lines that Life added and [Shaneyfelt #14](#) which allows us to see these changes a bit more clearly



The NY Times claims to have gotten their copy of the photo from API which stated they got it from either the Detroit Free Press or the Dallas Morning News. ([Shaneyfelt #17](#))

Care to venture a guess?

The Camera itself

Marina Oswald taking the photos

November 25, 1963

Marina tells her interviewers that she had no knowledge of Lee's impending Mexico Trip which she reversed herself on during her WC testimony, yet for our purposes the final comment is most interesting. When finally asked, below, she recants thinking she had taken only one and agrees that she took two photos in direct conflict to her telling us she had NEVER had an opportunity to use a camera. Never. [CE1792 p6](#)

She was asked whether she had **any knowledge of Lee's trips to Mexico** or Washington, D. C. **She replied in the negative.** She was asked whether she or Lee had any cameras and she replied that Lee bought one camera in Russia and a second one in the United States. She said one was a small camera and the other was a box camera. **She added that she was not proficient with operating any cameras as she never had an opportunity to do so.**

See <https://www.maryferrell.org/showDoc.html?docId=10406#relPageId=107&tab=page>

Warren Commission Testimony - February 3, 1964

*Mrs. OSWALD. I think that that was **towards the end of February, possibly the beginning of March.** I can't say exactly. Because I didn't attach any significance to it at the time. **That was the only time I took any pictures. I don't know how to take pictures.** He gave me a camera and asked me someone should ask me how to photograph, I don't know.*

Mr. RANKIN. Was it on a day off that you took the picture?

Mrs. OSWALD. It was on a Sunday.

Mr. RANKIN. How did it occur? Did he come to you and ask you to take the picture?

Mrs. OSWALD. I was hanging up diapers, and he came up to me with the rifle and I was even a little scared, and he gave me the camera and asked me to press a certain button.

Mr. RANKIN. And he was dressed up with a pistol at the same time, was he?

Mrs. OSWALD. Yes.

Mr. RANKIN. You have examined that picture since, and noticed that the telescopic lens was on at the time the picture was taken, have you not?

*Mrs. OSWALD. Now I paid attention to it. A specialist would see it immediately, of course. But at that time I did not pay any attention at all. I saw just Lee. These details are of great significance for everybody, but for me at that time it didn't mean anything. **At the time' that I was questioned, I had even forgotten that I had taken two photographs. I thought there was only one. I thought that there were two identical pictures, but they turned out to be two different poses***

HSCA testimony – Sept 20, 1977

Q. This camera, do you recall whether **to take pictures** with this camera, **you would look down into the viewfinder** or whether you would **hold the camera up to your eye and look straight** ahead?

A. I just recall I think it is **straight**.

Q. **You would put the camera up by your eye?**

A. **Yes.**

Q. Do you remember **what color the camera was?**

A. **I think it was black.**

Q. **How many pictures did you take?**

A. **I think I took two.**

Q. **When you took the first picture you held it up to your eye?**

A. **Yes; that is what I recall.**

Q. What did you do next?

A. I believe he did something with it and told me to push it again.

Q. The first time you pushed it down to take the picture?

A. Yes.

Q. And the first time, what happened before you took the second picture?

A. He changed his pose.

Q. What I am getting at is, did you give the camera to him so he would move the film forward or did you do that?

A. He did that.

Q. **So you took the picture and handed the camera to him?**

A. **Yes.**



http://www.copweb.be/Imperial_Camera.htm is a link to a detailed description of the Imperial Reflex Camera pictured

One of the most important things to remember is the uniqueness of the photographing process one must employ to take a photo. This box-type camera has a viewfinder on the TOP of the camera which pops open to reveal an INVERTED image of the subject. Imagine if you will the experience of someone taking photographs for the first time in their lives. That Marina can state in 1977 that she held this camera to her eyes and snapped a photo shows a level of disregard for the evidence which is simply amazing.

At any point in the 13+ years leading to this statement, one might think that someone would explain to Marina the camera's workings and SHOW her one. To me, Marina's changing story and finally her inability to relate what should have been a new and different experience to one she ever had is proof she was never involved with the Backyard photos until after the assassination.

This is what Marina would see as she held the camera at her chest or so, and tried to take what wound up being an incredibly clear set of images:



Is it even possible to imagine that she would forget the difficulty of this experience – TWICE – let alone to produce 3 different images?

Finding the Camera yet leaving it none the less

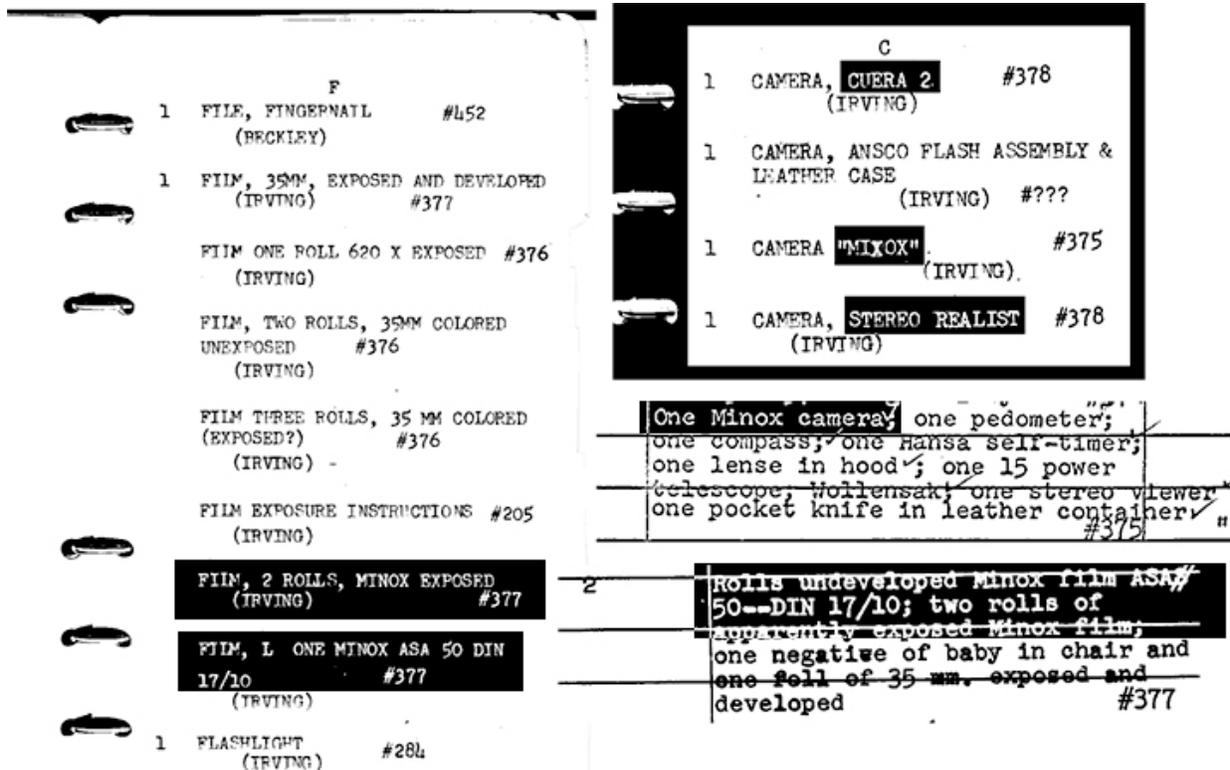
So what do you think – you suppose there will be anything askew with the records related to finding this Camera?

[CE2557](#) is an effective fabrication of details which starts out by claiming that Marina described a Box-type camera, extending bellows not recalled, **yet looking down into the viewfinder, according to this FBI report, was recalled.** This is the one and only place this declaration is offered.

The second conflict one comes across the FBI hides by using SOP – put conflicting evidence as far apart from each other as possible, bury it if necessary.

According to p2 3rd paragraph starting on that page, McCabe of the Irving police, while going through a box **IN THE GARAGE**, finds books, pictures and “a camera”. **This camera, provided the WC on Feb 24, 1964 by Robert Oswald is identified by McCabe as the same camera.** So far, so good, as we remember that Rose, Stovall, Walthers and Adamcik were in and out of the garage looking for new evidence for most that Saturday afternoon. We are to remember that Ruth, Michael & Marina had pointed out the Oswalds’ possessions in the garage before leaving.

The following is one of a number of notebooks created to organize and alphabetize the evidence related to the assassination gathered by the Dallas Police Department.



<http://jfk.ci.dallas.tx.us/18/1825-013.gif> & <http://jfk.ci.dallas.tx.us/18/1825-020.gif>

These pages are really quite amazing in that it is once again the FIRST STORY of the evidence gathered prior to the FBI deciding what it was or wasn't and acting accordingly.

1 "MINOX" Camera with exposed and unexposed film becomes a "light meter" as the FBI claims this item was never sent to them despite the checking, rechecking and photographing of these items.

Side note: This taken camera is as interesting as the non-taken Relfex if not more so, given the rarity and exclusivity of this particular camera along with the film. Rather than deal with that problem the camera was adopted by Michael as his and the one the DPD provided the FBI by mistake. (***We should notice that MANY items which were not Oswald's – owned by the Paine's – were taken and virtually everything known to be Oswald's was also taken. For McCabe to later claim that this camera in the garage with Oswald's possessions was not worth taking stretches the bounds of believability once again.***)

<http://jfk.ci.dallas.tx.us/15/1588-001.gif> is the DPD Property Page which states that Ruth Paine and Mrs. Oswald provided these to the DPD. The sheer volume of evidence taken on the 22nd is staggering yet for some reason a group of men needed to come back on the 23rd, with a warrant, to acquire additional evidence specifically from the garage. Not so on the 22nd.

Mr. ROSE. There was me, and Detective Adamcik and Detective Stovall, and on the way, we radioed and asked for a county unit to meet us, and we were met by Detectives Harry Weatherford, E.W. Walthers,

and J.L. Oxford, detectives for the county CID--we waited about 40 minutes and they came and met us.

Mr. BALL. Did you have a search warrant?

Mr. ROSE. No; we didn't.

Mr. BALL. How did you get in the house?

Mr. ROSE. We walked up to the house, me and Stovall and one of the county officers, and I could hear the TV was playing, and I could see the door was standing open--the front door was--and I could see two people sitting inside the living room on the couch, and just as soon as we walked up on the porch, **Ruth Paine came to the door. She apparently recognized us--she said, "I've been expecting you all," and we identified ourselves, and she said, "Well, I've been expecting you to come out. Come right on in."**

Mr. BALL. Did she say why she had been expecting you?

Mr. ROSE. She said, "Just as soon as I heard where the shooting happened. I knew there would be someone out."

I know we've all heard that before, yet when shown in black and white that Ruth claims to have immediately thought of OSWALD when the news came over the air is simply staggering. She then tells the garage light story and the rest is science fiction.

Robert Oswald has the Camera

Pages 202-204 of Sylvia Meager's masterpiece, *Accessories After the Fact*, addresses the holes in the WCR story of the little box camera between Nov 23rd, when Irving Detective McCabe sees it in the garage, knows it is Oswald's, and feels it isn't of any evidentiary value, to December 8th, when Robert supposedly obtained the camera from the Paine residence [WCD897 p468](#), through Feb 24th, when Robert provides the camera to the commission. He claims that it was his impression too that this camera was of no evidentiary value, so he neglected to send it along.

Yet page one of [CE2557](#) states that Robert is shown two cameras on Feb 16th – neither of which is the camera he supposedly took in a box of items from the garage. On Feb 19th Robert OSWALD, James MARTIN and John THORNE come to the Paine residence and ask for any remaining property belonging to Lee Harvey or Marina – this well after the police had taken everything THEY believed was Oswald's on the 23rd since Ruth, Michael and Marina left the house during the search and returned to an empty, locked house.

Five days later on Feb 24th, Robert OSWALD now provides the FBI(?) with the Imperial Reflex who in turn shows it to Marina who, it is claimed in a FBI report, now remembers it being Silver-ish instead of Black and a top viewfinder. Something she conveniently forgets when asked every other time.

Even Sylvia is aghast at the statement of McCabe's and counter-balances this comment by stating that not only did McCabe not testify, but the other officers searching the garage together claimed that if a camera was found, they would have brought it in.

The list of items on page 469 of the Robert Oswald report – items which have their counterparts listed on inventories taken from the Paines and from Beckley – are basically the same list of junk these same men gathered up and took after Friday & Saturday's searches. Since Robert does

not pick these up until December 9th, I for one find it unreasonable to conclude that the DPD would leave such a large box/group of Oswald's possessions, including this camera, behind while taking virtually every other item not nailed down. They even took some of the Paine's possessions, knowing they were the Paine's and knowing they were leaving items that were definitely Oswald's behind.

Then again, the Evidence IS the Conspiracy. We know for a fact that Marina could not have used this camera and not remembered the unique experience. (Note: how she was not coached to tell the correct story about the camera's uniqueness is hard to reconcile.) In her testimony from April 23 – AFTER the camera had been given to the WC by Robert – she is asked about CE136, the Cuera-2 and she ID's it. When asked about CE137, a camera in a leather case, she had never seen it before. CE138 is identified as the ANSCO flash attachment, yet both 137 and 138 are not pictured in the Report. CE137 was most likely the MINOX camera which disappears in the FBI's possession – but that's another topic for another time.

Robert, by the way, was not asked a single question about the camera he had in a box somewhere from December to February.

To recap:

- The backyard photo evidence mentions all of the following, but never on the same item of evidence:
 - Nov 23-25, 1963**
 - Some photos in an envelope (FBI Report, McCabe)
 - 2 Negatives (DPD-CSSS form, Rose)
 - 2 photographs (Supplemental Offense Report, "we": Rose, Moore, Stovall, Adamcik)
 - Dec 2-9, 1963**
 - Marina cannot recall which camera (the one with the upside image at the top looking down) she used to take the Backyard images
 - Robert comes by and takes a box of Lee Harvey's possession supposedly including the Imperial Reflex
 - Dec 30, 1976**
 - 3rd image – no negative (Mrs. Geneva Dees – Ex-wife of Roscoe White)
 - Feb 16-24, 1964**
 - Robert is shown cameras which have been associated with Lee Harvey and fails to mention the Reflex
 - Marina, now having seen the camera at Robert's, once and only once describes it correctly
 - Robert and "others" come to the Paines and take yet more boxes of items which are completely un-inventoried and un-accounted for
 - Robert finally provides the FBI with the Imperial Reflex ... it needs repair before it can be used and tested

HSCA

- Only 133-B Negative – 133-A missing (Vol 6 p143 footnote 127)

April 14, 1978

- 2 photographs 133-C & 133-A (Richard Stovall, obtained from him personally)
 - A print of 133-A was also found and provided by George De Mohrenschildt's family
- On **November 29, 1963** the DPD has Detective Brown pose for a camera test in the Neely backyard. The problem that immediately jumps out is that he is posed in the yet-to-be-discovered 133-C: Mrs. Roscoe White's discovered photo. If this photo without a negative does not surface until 1977, how can the DPD know to pose a man in the exact same position unless there was foreknowledge of the image?
 - Also found in the DPD archives is an image of pose **133-C** where Oswald is cut-out yet when his 133-C image is pasted back into this photo cut-out, the image is skewed so the body does not match the background – and it is once again in the shape of a stance which supposedly had not yet been discovered
 - In at least 4 areas that I've found, the image of the **backyard rifle and C2766** in evidence do not match.
 - The **right hand in the backyard images** is difficult to reconcile with the longer, bonier fingers of Oswald while matching more closely to an image of Roscoe White all the way down to a bump on the wrist which Oswald did not have.
 - The **shadows on the backyard images** are in conflict with each other. While arguments have been made to show how the nose shadow is "possible", the comparison to another image of Oswald where the body shadow falls in the same exact spot proves the shadow on the face in the backyard photos is not consistent with the rest of the image's shadows.
 - The camera as described by Marina is simply not the camera which the WCR says took these images. Her memory of such a completely foreign manner of taking photos, twice, and the upside down image would be very difficult to forget, or at least confuse with what most would say is the "normal" means of taking photos.

Conclusion

Given the dubious history of every single item related to the backyard photos, we are hard-pressed to accept that this Evidence is anything but part of the Conspiracy.

Something Shanelyfelt, the FBI's photographic expert, says will forever stick in my mind:

*Mr. SHANEYFELT. Yes; it is my opinion that they are not composites. Again with very, very minor reservation, because **I cannot entirely eliminate an extremely expert composite**. I have examined many composite photographs, and there is always an inconsistency, either in lighting of the portion that is*

added, or the configuration indicating a different lens used for the part that was added to the original photograph, things many times that you can't point to and say this is a characteristic, or that is a characteristic, but they have definite variations that are not consistent throughout the picture. I found no such characteristics in this

In addition, with a composite it is always necessary to make a print that you then make a paste-up of. In this instance paste the face in, and re-photograph it and then retouch out the area where the head was cut out, which would leave a characteristic that would be retouched out on the negative and then that would be printed.

Normally, this retouching can be seen under magnification in the resulting composite--points can be seen where the edge of the head had been added and it hadn't been entirely retouched

This can nearly always be detected under magnification. I found no such characteristics in these pictures.

HSCA Vol 6: (398) The 133-B negative (CE 749) was **digitally processed at the Aerospace Corp.** and the University of California Image Processing Institute using several different image-processing techniques. This process confirmed that the grain distribution was uniform. (173) (See g. IV-31, JFK exhibit 197.) **Under very carefully adjusted display conditions, the scanned image of the Oswald backyard negative did exhibit irregular, very fine lines in the chin area.** The lines appeared, however, only with the Aerospace gradient-enhancement process, where the technique was applied at a much higher resolution.

Why this technique and the results need an apology when the FBI expert himself says that under magnification these composites can "nearly always be detected" and then IS detected leads me to believe that the FBI expert was erring on the side of caution against the anger of one J. Edgar.

Now who do we know who may have been involved in this Conspiracy that had at their disposal expert photographic manipulators?