

Name: _____



Lee Harvey Oswald Questions

1. Who is Lee Harvey Oswald and why is he infamous?
2. What are latent prints? How are they different than the prints on the print card shown on page 4?
3. What are fingerprint ridges?
4. Where on the gun were prints found and what prints were they (hand/specific fingers)?
5. What event led investigators to believe the gun was Lee Harvey Oswald's?
6. What did the Lieutenant do before he tried lifting the prints?
7. What print did the Lieutenant think matched Oswald?
8. What is meant by "interrupted chain of evidence?"
9. What did the palm print lack that made it difficult to lift?
10. What kind of brush was used to lift the palm print?
11. How many points on the print were linked to Oswald?
12. Was the number of points identified as consistent with Oswald's prints enough?



The Prints

by Gary Savage

Excerpted from JFK: First Day Evidence

My uncle Rusty [former Dallas Police Crime Lab Detective R. W. (Rusty) Livingston] had worked for the Dallas police in 1963 when JFK was assassinated and kept a personal file on much of the evidence gathered in the Crime Lab investigation. I wondered if his old briefcase, stored away in a closet for 30 years, held any secrets. After almost 3 years of study, I've learned that Rusty's first generation photos are possibly the most important documentation to date which can now independently verify the authenticity of the first day evidence gathered by the Dallas Police Crime Lab.

Controversy has followed the Kennedy assassination investigation since day one. Many events seemed to work in concert to produce such a situation. However, when one examines the first day evidence as found by the Dallas police and notes when and by whom it was found or developed, a clear sequence of events will unfold. The evidence contained in Rusty's briefcase provides a tremendous amount of previously unpublished information. Many of the conspiratorial charges leveled toward the Dallas police over the last 28 years may now be laid to rest in a new viewing of the evidence collected first by the Dallas Crime Lab. Rusty has copies of five photographs taken by Lieutenant Day made directly from the original Dallas police negatives which show latent fingerprints found on the trigger housing of the Mannlicher-Carcano rifle from the sixth floor of the Depository. The fingerprints are visible to the naked eye even before enhancement. Each of the fingerprint photographs was taken with a light shining on the trigger housing from different directions in order to produce various contrasts of the fingerprints. This was an attempt by Lieutenant Day to bring out as much of the ridge detail as possible in order to do a (comparison for identification of whoever had previously handled the rifle (the shooter). Fingerprint ridges are the lines running around each finger from one side of the nail to the other. The raised ridges are unique to every person. The rifle was completely covered with black fingerprint powder by Lieutenant Day in order to check for prints after he had returned to the Crime Lab around dusk on the evening of the assassination. The fingerprint photographs which Rusty retained copies of should not be confused with the palm print that Lieutenant Day found underneath the barrel of the disassembled rifle. This evidence is in addition to that. Many studying the assassination have confused the issue of what prints were found on the rifle as well as where and who actually found them.

Two different areas of prints were found on the rifle taken from the sixth floor of the Texas School Book Depository by Lieutenant Day. The first area of fingerprints was located on the left side of the trigger housing of the rifle as it was held in a forward position. A second area containing a palm print was found on the underside of the disassembled rifle barrel later in the evening of the assassination after further examination by Lieutenant Day. The latent fingerprints appeared immediately while the rifle was being dusted on the sixth floor after it was located behind the stacks of boxes. This action was captured on film by a news photographer who had been allowed on the sixth floor by police. The fingerprints were then photographed by Lieutenant Day after bringing the rifle back to the Crime Lab Office and are the photographs which Rusty has copies of today.

Verification of ownership of the rifle was initially developed by Homicide Detective Gus Rose for Captain Fritz. On the afternoon of the assassination, Gus was the first officer to speak to Oswald's wife, Marina, about the rifle at the Paine home in Irving. He asked Marina if her husband owned a rifle, and through the translation of Ruth Paine into Russian, Marina responded, "Yes." Gus said Marina then led them to a door in the kitchen which opened into the garage and pointed out a blanket and told them in Russian that "there is the rifle." Gus picked up the blanket, which was tied with a piece of cord, but the blanket was empty.

The Trigger-Housing Fingerprints

The fingerprint traces found on the side of the trigger housing of the rifle were first photographed and then covered with cellophane tape by Lieutenant Day to protect them for shipment to the FBI lab in Washington, DC. Lieutenant Day had determined that the fingerprints were too light to do a lift first and then photograph, so he photographed the fingerprints before covering them with the tape. He also scratched his name on the stock of the rifle. When testifying later in Washington to the Warren Commission, Lieutenant Day told Rusty and me that he had some trouble finding his

name because it was very faint. As Lieutenant Day worked on the rifle during the evening, Chief Curry came into the Crime Lab Office. Lieutenant Day told him at the time that he had located a trace of a print on the trigger housing, but he had not yet had a chance to do a comparison check with Oswald's print card. He told Rusty and me that the Chief then went back down to the third floor and told the newsmen that we had a print. He said that he had not told Chief Curry that it was Oswald's print at that time. Lieutenant Day had foreknowledge of the FBI wanting to get the rifle from the Dallas Police before the order came to release it from his own superiors. Earlier in the evening Forrest Sorrels, the local Secret Service Agent, told Lieutenant Day, "The FBI is trying to get that gun. I told him that was fine with me if somebody wanted to work on it." Lieutenant Day did not try to lift the fingerprints that he found on the trigger housing of the rifle on November 22nd, 1963. He photographed them only, and later did try to do a fingerprint comparison from a print card of Oswald to determine if he had held the rifle. Day stated to the Warren Commission that he could not exclude all possibility as to whose prints they were, but he did say that he thought that they were the right middle and right ring finger of Oswald. Lieutenant Day recalled that, as he was beginning to dust the rest of the rifle following the photographing of the trigger-housing prints, Captain Doughty came in and told him to stop working on the rifle. He said this was probably about 8:30 or 9:00 pm. A few minutes later, Captain Fritz came into the Crime Lab Office and told him that Marina Oswald was in his office and he needed some information about the gun. He needed to know if Lee Oswald's prints were on the rifle. So Lieutenant Day began to once again dust the Mannlicher Carcano and soon located a palm print.

The Palm Print

The lift of the palm print from the rifle by Lieutenant Day has sparked controversy over the years due to what has been labeled an "interrupted chain of evidence." This misunderstanding developed from the FBI's intrusion into the Dallas police investigation on the night of the assassination. The rifle was taken away from Lieutenant Day by the FBI before he had completed his analysis of it. At that time, the FBI did not receive the palm print just developed by Lieutenant Day. The print evidence stayed in the Crime Lab Office, and only the rifle was taken by FBI Agent Drain. Lieutenant Day told us that, after he had photographed the trigger-housing prints and been stopped by Captain Doughty, he continued work on the rifle under the order of Captain Fritz. It was at that time that he noticed a print sticking out from the barrel. He said it was obvious that part of it was under the wooden stock, so he took the stock off and finished dusting the barrel. He said he could tell it was part of a palm print, and so he proceeded with a lift. He told Rusty and me that he could tell it wasn't put on there recently by the way it took the fingerprint powder. He said what makes a print of this sort is a lack of moisture, and this print had dried out. He said he took a small camel hair brush and dipped it in fingerprint powder and lightly brushed it. He then placed a strip of 2" scotch tape over the developed print and rubbed it down before finally lifting the tape containing the print off and placed it on a card. He said he then compared the lift to Oswald's palm print card and was certain that it was Oswald's. He also said that after the lift, he could still see an impression of the palm print left on the barrel. Next, Lieutenant Day had intended to photograph the area of the rifle barrel from which the palm print lift had been made, but was again interrupted by Captain Doughty at about 10:00 PM. He was told once again to stop working on the gun and release it to FBI Agent Drain, who would arrive about 11:30 PM. Lieutenant Day did not have time to write any reports about what he had found, but did have time to reassemble the rifle before Drain arrived. Drain took the rifle from the Dallas police at midnight on the day of the assassination and flew it to the FBI laboratory in Washington, DC. The palm print lift done earlier by Lieutenant Day had left too little powder residue on the rifle barrel to be readily identified a second time when the FBI received it in Washington. The FBI was not aware that the palm print had been lifted at the time of their initial examination of the rifle. When the FBI received the rifle Saturday in Washington, a comparison of the faint latent fingerprints found by Lieutenant Day on the trigger housing of the rifle was attempted by Sebastian Latona, the Supervisor of the Latent Fingerprint Section of the FBI's Identification Division. In Washington, Latona also photographed the fingerprints on the trigger housing which had already been photographed by Lieutenant Day in Dallas prior to his placing cellophane tape over them. Latona could not make a positive identification since the fingerprints were extremely faint following the removal of the protective tape. Lieutenant Day's trigger-housing photographs (which Rusty has first generation copies of), made in the Dallas Crime Lab Office, were the best quality photographs made of the fingerprints found on the side of the trigger housing. The Dallas Crime Lab received the rifle back from the FBI in a pasteboard box. It remained unopened in the evidence room along with other physical evidence in the case. After a few days passed, orders came to release all of the physical evidence to the FBI. That is when the palm print was released for the first time to the FBI. Lieutenant Day said that a few days after all of the evidence was turned over, an FBI Agent came to his house. He wanted to know when Lieutenant Day had lifted the palm print

included in the evidence they had received because they had positively identified it themselves as Oswald's palm print. Lieutenant Day got the impression from the Agent that they thought they had missed it and he could "envision J. Edgar Hoover going into orbit." He then informed the Agent that he had lifted the palm print before releasing the gun on the night of the assassination. The FBI requested and received the remaining physical evidence from the Dallas police on the Tuesday following the assassination, not aware of the palm print's existence. To say the least, they were surprised upon discovering the palm print included with the evidence. By matching irregularities found on the rifle barrel to it, the FBI later verified that the palm print lift that was delivered was, in fact, genuine. Lieutenant Day believed at the time that he had not completely obliterated the palm print on the barrel after his lift and later stated that he had pointed out the area of the palm print to FBI Agent Drain when turning the rifle over to him. Drain, on the other hand, did not recall being shown the palm print. Rusty was standing, by as Lieutenant Day gave the rifle to Drain. Rusty told me that Drain was in a hurry to leave and was distracted by another FBI agent who was hurrying him to leave. According to Rusty, "Drain was half listening to Lieutenant Day and half to the other FBI man and evidently didn't get the word about the palm print at that time."

Examination revealed that the right middle finger (#3 finger) of Lee Harvey Oswald and partial latents seen in one of the black and white photographs have the following similarities:

- 1) Both were ulnar loops (type of fingerprint pattern).
- 2) Both have a ridge count of 15 to 16 (friction ridge count from delta to core).
- 3) Three (3) points of identity in the photographs matched three (3) points in the known inked cards.
- 4) Three (3) other points of identity in the photographed latent had very similar characteristics as in the known inked cards, but positive points of identity could not be made.

Three points matched and three other points possibly matched. Most states require seven to ten points of comparison for a conviction. Captain Powdrill further stated, 'To make positive identification through fingerprint comparison, a certain number of points of identity' must be made. The number of points of identity used for positive identification vary in the law enforcement community, wherein some agencies may require a minimum amount of six points and others may require as many as twelve. Upon looking at the above-mentioned photographs and inked cards for countless hours, I can say that sufficient evidence does not exist to conclude that the latent print (in the photograph) is in fact that of Lee Harvey Oswald; however, there are enough similarities to suggest that it is possible they are one in the same.

