

JFK's assassination: two stories about fingerprints

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Mac Wallace: The FBI print examination

Further to my essay 'Mac Wallace and the finger of guilt' (*Lobster* 68), I submitted an FOI request to the US Department of Justice to obtain documents involved in the print examination that resulted in the FBI's 1999 finding of a non-match between the known prints of LBJ crony Malcolm 'Mac' Wallace and the prints listed as 'unidentified' obtained by the Bureau from the Texas School Book Depository in 1963.

Seven months after receiving my request, the FBI released to me a batch of documentation that is supposedly all they have on the examination. It includes a 17 March 1998 affidavit by J.F. Harrison (a former Dallas police officer who was at the scene of Kennedy's 1963 assassination), in which he set out the circumstances in which he and his research group procured the Wallace prints themselves and submitted the two sets of prints, known and unknown, to Nathan Darby for examination. Interestingly, Mr Darby's own affidavit (9 March 1998) states that he identified not one but two matches between Wallace and the TSBD prints, although there is no further information that clarifies this finding.

The file also contains, without any explanation, a clipping from the *Dallas Morning News* (dated 13 May 1984) concerning the disappearance of documents about Wallace from Defense Investigative Service files in Washington DC. The missing DIS documents comprised a standard background check performed on Wallace, who was applying for a job with a defence contractor, which two intelligence officers told *The News* had been present in his file in 1961 but were apparently removed

later.

The file also contains a letter to the FBI (dated 16 April 1998) from print examiner Harold Hoffmeister, renouncing his own confirmation of Mr Darby's findings, findings that he himself had made in a blind test and recorded in the form of an affidavit. His letter of retraction to the FBI includes the following remarks concerning his thoughts after the identity of the Wallace print's source had been revealed to him:

'[...] I continued to look at the prints and the more I looked the more questioned I became [sic]. Some points matched and then they didn't. Then ALL points matched, then NO points matched. I then realised that [Mr Darby] and I were having to make mental decisions due to the fact that we were dealing with COPIES of the latent [print] and not the original.'

But Mr Hoffmeister's retraction, while highly unsatisfactory, at least shows once more exactly how subjective fingerprint analysis really is.

The FBI's record of their own analysis consists of multiple blurry photocopies of all the prints to be compared, before concluding with a typed single-paragraph report (dated 15 March 1999) that states simply: 'The latent fingerprint [...] is not a fingerprint of Malcolm Everett Wallace.'

The actual analytical processes that went into forming this conclusion are unrecorded, as is typical with FBI print examinations, because they all took place in the perception of the analyst. Any external factors that might have influenced the examiner's work are therefore known only to those involved.

However, the Wallace analysis file contains a mystery all of its own. Ten unidentified documents are listed as being withheld under exemptions in the USA's Freedom of Information Act. The exemptions are on privacy grounds (*'personnel and medical files and similar files'*) and on grounds of source confidentiality (*'could reasonably be expected to disclose the identity of confidential source [...or] any private institution which furnished information on a confidential basis'*).

Since Wallace died in 1971, and since it is not obvious how any files relating to any confidential source(s), living or dead, could have contributed to a fingerprint examination, an appeal against these exemptions – asking for the ten withheld documents to be released in redacted form – has been lodged with the Department of Justice.

The FBI and Oswald's phantom fingerprints

In the chaos that the Kennedy assassination caused among officialdom, the immediate actions of the FBI and of Dallas police are intertwined and therefore confused by many researchers. One particularly puzzling aspect of these events is the appearance and disappearance (and re-appearance) of several sets of prints that were taken from Lee Oswald's hands after his arrest. These prints have inspired many to invoke unknown conspirators who interfered with Oswald's corpse in order to plant his incriminating prints on the alleged assassination weapon;¹ but as with so many seemingly intractable problems encountered in the examination of historical events, the key is to establish a coherent chronology. Once this is done, a genuine mystery relating to Oswald's prints is unexpectedly revealed.

Lee Harvey Oswald was first fingerprinted by Dallas Police Department (DPD) as he was booked into custody in Dallas on 22 November 1963. For whatever reason, Oswald refused to sign his freshly-inked 'ten print' card, thereby effectively attempting to deny ownership of his own fingerprints. This first set of post-arrest prints became the Warren Commission's exhibit CE 630.

At some stage in the next twelve hours, as Oswald's interrogation proceeded in fits and starts, prints were also taken from his left and right palms, catalogued as Commission exhibits CE 628 and CE 629 respectively.

During the evening of 22 November, DPD's Lt. John C.

¹ Notable examples of such suspicions are to be found in David Lifton's *Best Evidence* (pp. 354-356) and Sylvia Meagher's *Accessories After the Fact* (pp. 120-127). A brief 'cutaway' reflecting this sinister scenario also appears in Oliver Stone's 1991 movie *JFK*.

Day successfully retrieved a few indistinct fingerprints and one distinct palmprint from the alleged assassination rifle found in the Texas School Book Depository. Working alone throughout, he performed a comparison between these lifted prints and Oswald's inked post-arrest prints. Lt. Day later stated that this comparison was suggestive of a match but not conclusive. The rifle subsequently became CE 139 and the palmprint lifted from it CE 637.²

While all this was unfolding, the FBI descended on Dallas and improperly seized control of the investigation and, at around 11.45pm, Lt. Day reluctantly handed the rifle (CE 139) to FBI agent Vince Drain, who departed with it for a flight to Washington DC and FBI headquarters. Drain left without Day's accompanying fingerprint materials.

Lt. Day declined to provide a written statement to the Warren Commission but a report of his recollections from that night is included in the documents comprising CE 3145. Lt. Day is surprisingly recorded as having said that it was his sole personal and private decision to disobey orders issued by DPD chief Jesse Curry to hand over all the evidence to the FBI. Day said he held back the print evidence for further study to see if it could definitely be matched to Oswald.³

In Washington, early on 23 November, the FBI's Sebastian Latona (supervisor of the fingerprint identification department) took possession of the rifle (CE 139). As he subsequently testified before the Warren Commission (2 April 1964), his examination found some vague smears produced by contact with human hands on the rifle's surfaces, but no fingerprints or palmprints complete enough for identification purposes. This near total lack of forensic evidence must have come as something of a surprise to the FBI, but the Bureau

² This is a fatal blow to the idea that the rifle prints were taken from the dead Oswald's hands, and it does not seem plausible that Oswald's arrest prints (consisting of dried ink on flat card) could have been somehow transformed into the life-sized three-dimensional casts that would be required to place incriminating prints (in grease) on a rifle that was being inspected elsewhere, all of this being unnoticed by anyone else.

³ <http://www.history-matters.com/archive/jfk/wc/wcvols/wh26/pdf/WH26_CE_3145.pdf>

conspicuously did not address any follow-up inquiries to DPD, instead relinquishing custody of the weapon just 36 hours later without offering any explanation to the DPD.

On the same day that the rifle was quietly returned to Dallas (24 November 1963), Oswald was shot while in DPD custody, rushed to Parkland Memorial Hospital where he died and his body was put in the hospital's morgue.

Thanks to some exemplary but little-noticed first-hand sleuthing by researcher Gary Savage, we now know that late in the evening of 24 November DPD officers Richard W. Livingston and John B Hicks visited the morgue and took Oswald's prints again.⁴ The Livingston/Hicks prints were then matched by DPD to prints from Oswald's arrest, such a posthumous identity-check apparently being normal DPD procedure after a death in custody. DPD's posthumously-acquired Oswald prints became CE 630.

A few days after the FBI's unprecedented seizure of DPD evidence, Oswald's death, and the subsequent return of the confiscated DPD evidence, the Bureau officially began investigating the president's assassination and performed the redundant procedural charade of formally asking DPD to send its evidence to Washington for examination.

On 27 November, DPD therefore duly re-sent the rifle (CE 139) to the Bureau, this time accompanied by Oswald's inked but unsigned ten-print from his arrest (CE 627), his left and right inked palmprints (CE 628 and CE 629) and the palmprint that Lt. Day had lifted from the rifle (CE 637). Also included were the prints taken from Oswald's corpse by officers Livingston and Hicks (CE 630).

On 29 November, after this strange back-and-forth between Dallas and Washington, the Bureau's Sebastian Latona positively identified CE 637 as matching CE 629 and both prints as matching CE 630. The FBI was therefore officially able to stitch-up the fingerprint issue in time for J. Edgar Hoover to report the Bureau's complete findings in the assassination case to the White House on 9 December, thereby exerting his enormous influence on the Warren

4 <<http://www.jfk-online.com/prints.html>>

Commission created by Kennedy's successor, president Lyndon Johnson, just ten days previously.⁵ The popular conspiratorial claim that Oswald's prints suspiciously appeared on the rifle between Mr Latona's first examination of CE 139 on 23 November and his second on 29 November is therefore based on a misunderstanding that has been perpetuated for several decades by no-doubt well-meaning researchers.⁶

By lifting and preserving the prints from the rifle on 22 November, DPD's Lt. Day had in fact virtually destroyed them, because (as Sebastian Latona later confirmed to the Commission) the prints themselves – which, like all handprints, were thin and superficial greasemarks – were completely transferred onto DPD evidence cards, and Mr Latona did not know that Lt. Day's lifts of the rifle prints even existed until they arrived during the FBI's official receipt of DPD's evidence on November 27.

Furthermore, DPD's supposedly 'suspicious' public silence about the fingerprint evidence during the 48 hours between the assassination and Oswald's murder is easily explained as being caused by the precedence given by Texas state law enforcement to the Federal Bureau of Investigation (a situation that, by coincidence, ended when DPD regained possession of its own evidence from the FBI on the day that Oswald was killed).⁷

However, even once this post-assassination to and fro is

⁵ It seems perfectly reasonable to conclude that the rifle's sequestration by the Bureau was intended to allow J. Edgar Hoover to be seen to crack the assassination case on day one, thereby astonishing the public by pulling off yet another of his investigative *coups de theatre*. If such personal attention-seeking were the case, the lack of print evidence relating to the rifle obviously thwarted this scheme.

⁶ If the FBI had really been trying to frame Oswald as the assassin by using phoney forensics then it had a good opportunity that weekend to cook up some evidence, but did not do so.

⁷ It could also be true that the FBI's sudden swoop on Dallas was regarded with suspicion by DPD chief Jesse Curry and that he therefore withheld the print evidence temporarily to see what the Bureau would announce (a move which would itself be an intriguing form of cover-up in the case). This would explain his apparent failure to discipline Lt. Day after Day supposedly declined to obey Curry's order to hand over all his prints to the FBI at the same time as the rifle.

resolved, there remains a genuine mystery attached to the many prints of Lee Harvey Oswald, and the mystery does indeed arise after his death.

In 1963 Paul Groody was employed at the Miller Funeral Home in Fort Worth, where Oswald's corpse was received from Parkland Hospital in nearby Dallas at around 11 pm on 24 November, to be embalmed and prepared immediately for a hasty viewing and burial the next day. In the early hours of 25 November Mr Groody's work on Oswald's corpse was interrupted by the arrival of two 'agents'. Mr Groody is now dead but he did record statements to the effect that he didn't know whether the 'agents' were from the FBI or the Secret Service.⁸ We can therefore infer with confidence that the two men were formally attired rather than in any kind of uniform.

We can go further than this thanks to Sebastian Latona's Warren Commission testimony, which included the information that the Secret Service only occasionally dealt with forensic evidence. Since the Secret Service had no investigative role after the assassination (and no access to any of the fingerprint or ballistic evidence anyway), we may conclude with considerable certainty that Mr Groody's visitors were indeed FBI agents.

The two men asked Mr Groody to be left alone with Oswald's body for a while, and Mr Groody obligingly withdrew. When the two agents departed some time later, Mr Groody recalled, Oswald's hands needed to be thoroughly cleaned again due to a fresh coating of black ink where his visitors had obviously taken prints from the corpse.

This incident at the funeral home was therefore Oswald's fifth and final post-assassination fingerprinting, the preceding four having been entered sequentially into evidence by the Warren Commission as CE 627 (his arrest prints), CE 628 and CE 629 (his two palmprints, taken in custody) and CE 630 (his post-mortem DPD palmprints and fingerprints taken at the Parkland morgue).

However, the final set of Oswald prints taken at the Fort Worth funeral home cannot have been required for the

⁸ <https://www.youtube.com/watch?v=P2W_-ID8RMI>

Bureau's examination of the rifle, for the same reason that the Bureau did not immediately chase up DPD when it was discovered that DPD had not supplied any print evidence along with the rifle: *that is, the FBI already had two sets of Oswald's fingerprints on file and readily to hand at its Washington headquarters.*⁹

In June 1960 Hoover himself had written an intriguing memo to the State Department concerning the then-unknown Oswald's activities at the time of his defection from the US (specifically, an attempt to enrol at the Albert Schweitzer school in Switzerland). This memo, which does not appear in the Warren Commission's evidence,¹⁰ contained Hoover's statement that 'there is a possibility that an imposter is using Oswald's birth certificate'. It therefore appears highly likely that someone in the FBI, perhaps Hoover himself, wanted to personally satisfy themselves that 'Lee Harvey Oswald', whose fingerprints the FBI already possessed, was the same Lee Harvey Oswald then lying in a Fort Worth funeral parlour.¹¹

9 The FBI's custody of two sets of pre-assassination prints was only discovered during the investigation carried out by the House Select Committee on Assassinations in the late 1970s. See <http://www.history-matters.com/archive/jfk/hasca/reportvols/vol8/pdf/HSCA_Vol8_HF_1_Introduction.pdf>.

10 The memo is reproduced at <http://harveyandlee.net/Comrade/Comrade_boy.htm>

11 The first pre-assassination Oswald prints in the FBI's files came from his 1959 Marine Corps induction (CE 635) and the second from his August 1963 arrest in New Orleans. This last set of prints was apparently not entered into evidence by the Warren Commission for some reason, and the prints obtained during the FBI's 25 November visit to the funeral parlour have disappeared.