

WAS OSWALD'S PALM PRINT PLANTED ON THE ALLEGED MURDER WEAPON? SOME QUESTIONS ABOUT THE LATENT PALM PRINT



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Lieutenant J. C. Day, the man who claimed he discovered and lifted Oswald's palm print off the barrel of the Mannlicher-Carcano rifle that was found on the sixth floor of the Texas Book Depository Building, was not properly questioned by the Warren Commission (WC). Years after the WC disbanded, it came to light through an internal WC memo that the Commission was suspicious of the manner in which the palm print was obtained. When Day appeared before the Commission, the questioning to which he was subjected can politely be called unproductive and overly friendly. Later on in the investigation, when the Commission's doubts about the palm print began to come to a head, chief counsel J. Lee Rankin asked the FBI to secure more information from Lt. Day about the palm print. Day refused to make a sworn statement regarding his handling of the print, and there the matter has rested ever since. Basically, here are some of the questions that the Commission failed to ask, much less resolve:

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1. Lt. Day said he could still see the print on the barrel AFTER he lifted it. In fact, he said it was so visible that he thought it was the FBI's "best bet" in terms of fingerprint evidence on the rifle (4 H 261). Yet, when the rifle was examined just hours later by the FBI's Sebastian Latona, not only did Latona find no prints on the barrel, partial or otherwise, but he found no evidence that the barrel had even been processed for prints. So, what happened to the print that Day said remained visible on the rifle after lifting? And why did Latona find no evidence that the barrel had even been processed for prints?

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2. Lt. Day had the rifle from 1:25 till 11:45 P.M. on November 22 and took photos of the partial prints on the trigger guard. Why, then, did he not take a single photograph of the palm print before or after he supposedly lifted it? It was, as Day admitted, standard procedure to photograph a print before lifting it. At the very least, Day could have photographed the print after he lifted it, since he said it was still visible. Why didn't he take a single picture of the palm print on the barrel?

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3. Lt. Day said he didn't take any photographs of the print because just as he was about to do so he received a call from Chief Curry's office telling him to stop all work on the rifle so that FBI could finish what he had started. In his WC testimony, Day said this call came at around 8:00 or 8:30 P.M. However, Lt. Day, by his own admission, took another photograph of the rifle half an hour to an hour later, at 9:00 or 9:30 (4 H 273). Why, then, didn't he take a picture of the print on the barrel?

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Moreover, in an earlier statement, made to the FBI, Day said the call from the chief's office came just before midnight. If so, why didn't he photograph the palm print on the barrel? Why the marked conflict concerning when he received the call from Curry's office? (It's worth noting that in the three times that Chief Curry appeared before the WC he said nothing about making any such call, nor did he say anything about directing anyone from his office to make such a call. Curry, or someone from his office, probably did call Day shortly before midnight just to advise him that an FBI agent was about to come and pick up the rifle. That was probably all that was said--that was all that would have needed to be said, e.g., "Hey, an FBI guy's coming to get the rifle in a little while, so just make sure it's ready for him to pick up." Lt. Day would have been at perfect liberty to take a minute or two to take a few photos of the palm print on the barrel, and he certainly would have done so had there been such a print.)

4. Why did Lt. Day depart from routine procedure by not photographing the palm print before he supposedly lifted it?

5. Why didn't Lt. Day forward the lift along with the rifle? When asked about this by the FBI, Day, incredibly, said he didn't forward the lift because he wanted to analyze it further to compare it to Oswald's palm print. This seems to contradict Day's WC statement that he didn't photograph the print on the barrel because he was allegedly told to stop all work on the rifle at 8:00 or 8:30. How was the FBI supposed to finish what Day had started without the lift itself? If Lt. Day didn't photograph the print on the barrel because he felt he had to strictly comply with the alleged order from the chief's office, why would he have presumed to withhold the lift from the FBI so he could analyze it further?

6. Lt. Day pointed out the trigger-guard prints to the FBI agent who came to pick up the rifle at 11:45, Agent Vincent Drain. However, Drain reported that Day said nothing about any palm print on the barrel. If Day, as he later claimed, did in fact tell Agent Drain about the palm print, why would Drain have denied this? And, why did Agent Drain's superiors at the FBI likewise report that they knew nothing about any palm print on the barrel until the lift arrived seven days later? Prior to that, they said, they had heard nothing about the palm print from law enforcement officials in Dallas.

When Rankin asked the FBI to secure more information from Lt. Day about the palm print, the agent who approached the lieutenant about making a sworn signed statement on the matter was Agent Drain. Though Day would not sign a sworn statement for the FBI on his handling of the palm print, the FBI did interview him, and the Bureau sent the Commission a summary of that interview less than two weeks before the Commission completed its final report. The interviewer was none other than Agent Drain himself. One would think Lt. Day would have vehemently protested to Agent Drain during the interview that he had pointed out the palm print to him on the night of November 22. And why wouldn't Day make a signed sworn statement to the FBI about his handling of the palm print?

Because Day did not speak to Drain on 11/22 I would contend

7. Why didn't the lift of the palm print arrive to the Washington FBI until November 29, whereas the other prints--from cartons in the Book Depository--arrived and were examined on November 27? Why the delay?

The following questions should be asked of the FBI with regard to the palm print:

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1. A few weeks before the Commission published its report, J. Edgar Hoover claimed in a letter to the WC that the lift had been positively identified as having come from the alleged murder weapon on the basis of a comparison of irregularities on the barrel's surface with the impressions of irregularities seen in the lift. Why wasn't this alleged authentication given in sworn testimony? Why was no effort made to determine if the alleged matching irregularities could have been imposed or superimposed on the lift?

Of course, even if this authentication is valid, it still does not prove that Oswald fired shots from the sixth-floor window, since his palm print could have been placed on the rifle's barrel while his body lay at the morgue or at the funeral home. Another possibility is that Oswald was manipulated into handling the barrel earlier that morning, or perhaps the night before. In this regard, it's interesting to note that, according to ballistics expert Dr. Roger McCarthy, the palm print would not have been made during the course of normal reassembly of the rifle (Harrison Livingstone, *Killing the Truth*, New York: Carroll & Graf Publishers, 1993, p. 242). However, if the Dallas police had had Oswald's palm print on the rifle by Friday night, they would have rushed to announce this crucial piece of evidence to the world. Sylvia Meagher was not persuaded by Hoover's letter:

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On September 1, 1964 . . . the Commission wrote to the FBI requesting certain additional information about the lifted print (the actual letter does not appear in the Exhibits).

On September 4, 1964, J. Edgar Hoover replied, stating that the palmprint lift had been compared with the assassination rifle in the FBI Laboratory, and that the laboratory

examiners had positively identified the lift as having come from the assassination rifle on the basis of a comparison of irregularities on the surface of the metal of the barrel with the impressions of those irregularities as shown in the lift. (CE 2637) The authentication was obtained not in sworn testimony, but in a letter, and no inquiries were made to determine whether those "irregularities" could have been imposed or superimposed on the lift.

Obviously, the authenticity of the lift cannot be taken as proved unless the possibility of the imposition of the rifle markings can be ruled out. The possibility of fabrication still exists--and becomes all the more apparent on returning to Latona's testimony and his 12 points of identity between the lift and the inked palmprint.

An arrested person having his fingerprints and palmprints taken holds his inked hand flat, on a police record form. A person who handles a rifle curls his hand around the barrel. The curving of the hand would almost certainly, it seems to me, distort the lines and loops [of the impression] so that the resulting print would differ markedly from a print made by the flat of the hand.

Nothing in Latona's testimony suggests the lifted palmprint had any characteristics indicating that the print was made by a curved hand. On the contrary, Latona found 12 points of identity between the lift and a palmprint made by a hand in flat position. (*Accessories After the Fact*, Vintage Books Edition, New York: Vintage Books, 1992, reprint, p. 127)

2. On the evening of November 24, a team of FBI agents with a crime kit visited the morgue where Oswald's body was being kept. The visit was recorded by a local newspaper, and was later discussed by the funeral director, Paul Groody, who was there when the agents arrived. The agents, said Groody, took several fingerprints from Oswald's hands. Agent Drain himself later stated in a private interview that he had no idea why the FBI agents took more prints when the authorities already had plenty of Oswald's prints from when Oswald was in custody. Why did the FBI agents who visited the morgue that night take more of Oswald's prints? (Agent Drain went on to say that he did not believe Oswald's palm print was on the rifle on Friday night, but that it was placed there later by the Dallas Police Department.)

source
Agent
by
Hunt
Plains
Reasonable
Doubt

3. Why has no record surfaced of this late-night, post-mortem FBI fingerprinting of Oswald at the morgue?

There are many other questions surrounding the latent palm print. These questions have been discussed in such highly acclaimed works as Sylvia Meagher's *Accessories After the Fact* Vintage Books Edition, New York: Vintage Books, 1992, reprint, pp. 120-127) and Henry Hurt's *Reasonable Doubt* (New York: Holt, Rinehart, and Winston, 1985, pp. 106-109). For example, newsmen with sources inside the Dallas Police Department widely reported that as of the time the rifle was handed over to the FBI on Friday night, Oswald's prints had *not* been found on the weapon, and that this was "a big disappointment" to the authorities. Yet, Lt. Day told the WC that on Friday night, well before he handed over the rifle, he recognized the palm print as probably belonging to Oswald, and that he told Captain Fritz and Chief Curry about this. However, when Fritz was asked the next day if Oswald's prints had been found on the rifle, he replied, "No, Sir." The first time any Dallas law official said anything about the palm print was early Monday morning, several hours after Oswald had died and at right around the same time the FBI team was fingerprinting Oswald's body at the morgue. It bears remembering, too, that nobody outside the Dallas Police Department--and, according to the official record, nobody but Lt. Day--saw the palm print until November 29, seven days after it was supposedly lifted and four days after its alleged discovery was belatedly announced. (The odd, inexplicable delay in announcing the print's alleged discovery is all the more suspicious in light of how the Dallas police and the DA's office rushed to tell

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the press about any and all evidence, tentative or otherwise, that tied, or appeared to tie, Oswald to the shooting. It turned out that a number of the initial DPD statements and claims were erroneous. Given the police's rush to hurriedly release even speculative and/or unconfirmed information damaging to Oswald, it is hard to believe they would not have immediately announced the "probable" or "possible" finding of Oswald's palm print on the barrel of the alleged murder weapon if in fact they had made such a discovery.)

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