

**THE TIPPIT MURDER  
AND LEE HARVEY OSWALD:  
A CASE OF WRONGFUL CONVICTION**

**An Investigative Essay**

*This essay argues that Lee Harvey Oswald was innocent of the Tippit murder and that a different named suspect more plausibly accounts for the available evidence.*

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draft edition June 2, 2026

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## The Murder of Officer J. D. Tippit

On the afternoon of November 22, 1963, approximately forty-five minutes after President John F. Kennedy was shot in Dealey Plaza, Dallas Police Officer J. D. Tippit was killed on a residential street in the Oak Cliff section of Dallas. Four shots struck him as he stood beside his patrol car on East Tenth Street. He died at the scene. Within the hour, Lee Harvey Oswald—soon identified as the prime suspect in the Kennedy assassination—was arrested in the nearby Texas Theatre after a struggle with police. The Dallas Police and subsequently the Warren Commission concluded that Oswald had killed Tippit while fleeing the presidential assassination.

At first glance the narrative appears straightforward. A police officer stops a pedestrian; the pedestrian shoots the officer and flees; the suspected assassin of the President is arrested nearby and is linked to the killing of the officer by witnesses and ballistic evidence. Oswald's perpetration of the Tippit murder has long been regarded as one of the least disputed elements of the Kennedy assassination record. Yet as this study brings out, when the evidentiary foundation of this account is examined closely—witness descriptions, forensic documentation, and the circumstances surrounding the investigation itself—that apparent simplicity begins to dissolve.

This study contends there is compelling reason to conclude that that supposedly settled fact was a mistake, and that the evidence points toward a different suspect who never was investigated due to the immediate closure of the case around Oswald.

The argument advanced is not that the Warren Commission acted in bad faith in its conclusion on Tippit, or that any conspiracy existed in advance to frame Oswald for the Tippit killing. This study does not believe either of the two factors just named were causal factors in that mistake. The argument advanced is simpler yet no less troubling: that in the heat of a manhunt for a live shooter, the police arrested the wrong man on Tippit. The investigation of Officer Tippit's murder was conducted under conditions of extreme pressure and institutional tunnel vision. Oswald *looked* to the police at the time like he was the right man, but he was not—the kind of thing that has happened in Innocence Project cases of convicted persons later found to have been innocent. This study will show cause to conclude Oswald did not kill Officer Tippit, and that the loaded revolver he was

carrying concealed when he was arrested was not the murder weapon and had not been fired that day.

Yet this study does not stop there, but will go on to show that the evidence points toward a different, overlooked suspect: one Curtis LaVerne Craford, then 22 years old, U.S. Army veteran, carnival worker, known at the time under the alternative name and spelling Larry Craford. He was a recently-hired live-in employee at Jack Ruby's Carousel Club, and his appearance and actions correspond closely with the available physical, forensic, and behavior evidence of Tippit's killer.

The implications, if the argument of this study holds, are profound. Following his arrest, Oswald was charged with the murder of Officer Tippit on Friday night, November 22, and then was killed on Sunday by Jack Ruby in the basement of the Dallas Police station, before any trial could establish or test his guilt. The Warren Commission's finding of Oswald's guilt on Tippit was made in a context in which all institutional incentives pointed toward confirmation of the Dallas Police's initial determination. In the six decades since, the Tippit finding has served as a supporting pillar of the broader Oswald narrative: the argument that because Oswald killed a police officer in flight, his guilt in the Kennedy assassination is correspondingly reinforced. If the Tippit finding was in error—the equivalent, in the language of the Innocence Project, of a wrongful conviction—the JFK assassination would require revisitation, to determine whether the remaining evidence is sufficient to justify the same confidence in the narrative of the JFK assassination, if that one pillar of the broader case was removed.

This study does not claim to resolve every question surrounding the Tippit murder and the events of November 22, 1963. The question of why Tippit was lured into a lethal ambush at a certain time and place in Oak Cliff by his killers is not resolved in this study. Knowledge of motive is not essential to determine that an individual has been wrongly identified as a killer of a police officer, nor necessary to a correct identification of a killer. However, this study considers it certain, whatever the reason Tippit was targeted for execution, it had to do with the JFK assassination which occurred less than an hour earlier, and was not the act of a jealous husband.

What this study claims is that the weight of available evidence, assessed by standards that eyewitness reliability research has developed since 1964, does not support the conclusion that Oswald killed Tippit, and that the evidence points in a different direction. These twin claims are developed analogous to the way the Innocence Project has brought cases: not as an attack on law enforcement or on honest investigators and jurors who attempted to do the right thing but in some cases got it wrong, but rather as a commitment to following the evidence where it leads.

The case to be developed is built on several interlocking categories of evidence.

First, physical and forensic evidence that conflicts with identification of Oswald as Tippit's killer, including fingerprints lifted from Tippit's patrol car left by the killer that were disclosed in 1998 not to have been left by Oswald; an hours-later attempted disposal, in the dead of night, of a revolver in a paper bag next to a downtown Dallas street curb of the same make and caliber used in the murder of Tippit that was never publicly tested against the crime scene evidence; and specifics of witness

descriptions of the gunman—near-black hair, a block cut rear hairline, and an opposite shirt color to the dark brown shirt Oswald was wearing at his arrest—that cannot be reconciled with Oswald’s physical appearance, but agree with the suspect of interest.

Second, serious failures in the chain of custody of the cartridge cases recovered at the crime scene that form the forensic backbone of the case against Oswald—or more precisely put in this case, the *only* forensic evidence incriminating Oswald on Tippit—failures so serious as to make the claimed ballistic match between the crime scene cartridge cases and Oswald’s revolver unverified by any standard of authentication considered reasonable today.

Third, an independent and surprisingly extensive (over a half dozen documented cases) pattern of sincere Dallas witnesses who—unrelated to the Tippit case—encountered Curtis Craford at various times in the weeks before the assassination, then, after the assassination of President Kennedy, *positively identified the man they had actually seen*—22-year old Craford—as *having been 24-year old Lee Harvey Oswald*. Accidents of partial physical resemblance combined with human witness error are all those cases were, but they are evidence of a phenomenon that accounts for the lineup identifications, in which five Tippit crime scene witnesses picked Oswald on Friday and a sixth on Saturday, with devastating impact in sealing a perception of guilt on Oswald, in lineups conducted under less than ideal conditions and without blind lineup procedures.

And fourth, behavioral and circumstantial evidence concerning the actual suspect that is consistent with his having been the Tippit gunman: his later self-identified background as a contract killer at this stage of his life (his confession to having been a hitman told in later years separately to a writer and to a family member, from all accounts was not joking and was believed by those he told); agreement in physical description with the Tippit killer; left-handedness in agreement with crime scene evidence indicating the killer was left-handed; similarity in color and style between the Tippit killer’s abandoned off-white light tan zippered light cloth jacket shed in flight from the killing (CE 162) and a jacket Curtis Craford was photographed wearing in an FBI photograph six days later; his precipitous decision to leave Dallas for the other end of the country the morning after the Tippit murder consistent in timing with participation in the murder and disposal of the murder weapon in the hours before his departure, and more.

There is no confession or physical evidence tying Craford to the murder of Tippit. The argument with respect to Craford is rather circumstantial and cumulative, a convergence of independently anomalous findings—difficult to explain under the conventional narrative, but consistent with the Craford hypothesis. That convergence, this study contends, meets the threshold that the Innocence Project and related scholarship have identified as warranting formal reexamination of cases: a threshold that in analogous cases has led to exoneration of wrongly convicted persons and belated identification of actual perpetrators.

Officer J. D. Tippit served the Dallas Police Department for eleven years. He was thirty-nine years old when he was killed, a husband and father of three children. He deserves an accurate accounting of who ended his life, and so does his family. By any measure of historical justice, the

same is true of the family of Lee Harvey Oswald, who for six decades has carried the public designation of cop-killer without the benefit of a trial. The historical record demands no less.<sup>1</sup>

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<sup>1</sup> The Innocence Project, founded in 1992 by attorneys Barry Scheck and Peter Neufeld at Cardozo School of Law, has to date exonerated more than 375 wrongfully convicted individuals in the United States through post-conviction DNA testing and related forensic review. Its published research on the causes of wrongful conviction — including mistaken eyewitness identification, inadequate forensic standards, and confirmation bias in investigation — provides the methodological framework within which this study’s reassessment of the Tippit evidence is conducted. See [www.innocenceproject.org](http://www.innocenceproject.org).

## The Central Anomaly: The Ross–Lamar Paper-Bag Revolver

*“On 11/23/63, Patrolman J. Raz brought into the Homicide and Robbery Bureau, Dallas PD, a brown paper sack which contained a snub-nosed .38 caliber Smith & Wesson, SN 893265. This gun had the word ‘England’ on the cylinder and had been found at approximately 7:30 AM in a brown paper sack, together with an apple and an orange, near the curb at the corner of Ross and Lamar Streets and was turned in by one Willie Flat, white male....”<sup>2</sup>*

– FBI memorandum, Dallas, November 25, 1963

On the morning of Saturday, November 23, 1963—less than twenty-four hours after President Kennedy was assassinated in Dealey Plaza and Dallas Police Officer J. D. Tippit was shot in Oak Cliff—a delivery man named Willis Flatt (misspelled in the FBI memorandum as “Willie Flat”) found a brown paper bag next to a street curb at the corner of Ross Avenue and Lamar Street in downtown Dallas. It was approximately 7:30 am. Inside the bag were an apple, an orange, and a snub-nosed .38 caliber Smith & Wesson revolver, modified to fire .38 Special, serial number 893265. Flatt turned it over to the Dallas Police, who routed it to the Homicide and Robbery Bureau.

The caliber matched that of the weapon which had been used to kill Tippit the previous afternoon. The manner of abandonment—a handgun concealed inside a paper bag left beside a street curb—has the unmistakable character of a weapon being intentionally discarded, not lost or forgotten. Downtown Dallas streets, including the Ross and Lamar intersection, were swept nightly by city vehicles, followed by city workers on foot during daylight hours removing whatever litter the nightly street sweeping had missed. This strongly suggests that paper bag, with the revolver inside, had been placed there within the preceding twenty-four hours, the same time window as the aftermath of the murder of Tippit. No other Dallas-area murder involving such a weapon has ever

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<sup>2</sup> FBI, memorandum, Dallas, November 25, 1963, re: recovery of a snub-nosed .38 caliber Smith & Wesson (SN 893265) at Ross and Lamar Streets, in file 89-43, serial 636.  
<https://www.maryferrell.org/showDoc.html?docId=9881#relPageId=187>.

been identified in contemporary newspaper records or is known. No innocent explanation for the Ross–Lamar revolver’s intended disposal at that particular time is evident from the record.

On its face, that revolver, given its circumstances, would receive forensic examination as a suspected murder weapon.

What happened instead is one of the most troubling episodes in the history of the Tippit investigation. The Dallas Police received the revolver and consulted with the FBI. Standard forensic procedure would have required that both the Ross–Lamar revolver and the revolver taken from Oswald at his arrest—both Smith & Wesson .38 revolvers modified to fire .38 Special—be tested against the Tippit crime scene evidence.

Yet no documentation of ballistic testing of the Ross–Lamar revolver against the Tippit evidence has been identified in any record—no FBI laboratory report; no reference in any Warren Commission document. The revolver itself subsequently disappeared from the record. *Even the Ross–Lamar revolver’s existence found on November 23*—its discovery, its receipt by the Dallas Police, its serial-number trace by the FBI—*astonishingly was never disclosed to the Warren Commission by the FBI which had its physical custody*. The Ross–Lamar revolver remained unknown to the public for nearly three decades. It came to light in the early 1990s through documents from declassification of FBI field office records and Freedom of Information Act requests.

The first report of that revolver in the source documents appears in a Dallas FBI field office file dated the Monday following the assassination weekend (DL 89-43), indicating that the discovery initially entered the investigation as a local lead. Five FBI teletype documents show what happened next. FBI headquarters in Washington, D.C. opened a trace investigation under the main Kennedy assassination case file (62-109060). Four FBI field offices were involved in a five-day tracing effort. These documents, listed below in Table 1 and reproduced in full in Appendix A, show that the weapon was treated initially as a significant lead. Within five days, the FBI had traced the weapon to its wartime manufacture and attempted to follow its subsequent distribution through Army records. After November 30, however, all reference to the Ross–Lamar revolver ceases entirely, with no information of what became of the weapon.

**Table 1: FBI documents concerning the Smith & Wesson revolver SN 893265 (Ross–Lamar paper-bag revolver)**

Doc.	Date	Origin	Document Type	FBI File Serial	Key Content
1	Nov. 25, 1963	FBI Dallas	Memorandum (SA Richard E. Harrison)	DL 89-43-636	Reports discovery of Smith & Wesson revolver SN 893265 in paper bag with fruit at Ross & Lamar.
2	Nov. 28, 1963	FBI HQ	Teletype	62-109060-857	Requests tracing of revolver found in paper bag in assassination vicinity.
3	Nov. 29, 1963	FBI Dallas	Teletype	62-109060-485	Requests Philadelphia and Boston offices to trace ownership of revolver.

Doc. Date	Origin	Document Type	FBI File Serial	Key Content
4	Nov. 29, 1963, FBI Boston	Teletype	(same file)	Smith & Wesson advises revolver shipped to U.S. government in 1942 for Lend-Lease distribution to England.
5	Nov. 29, 1963, FBI Philadelphia	Teletype	62-109060-638	Further tracing instructions via Letterkenny Ordnance records.
6	Nov. 30, 1963, FBI Springfield	Teletype	62-109060-858	Rock Island Arsenal reports no record of revolver SN 893265.

As can be seen in these documents, the FBI traced serial number 893265 through Smith & Wesson's Springfield, Massachusetts facility, which confirmed the revolver had been shipped on January 13, 1942 to the U.S. government at Hartford Ordnance, Connecticut, under the Lend-Lease agreement with Britain. The word "England" stamped on the cylinder is a British government mark certifying acceptance. After the war, the revolver was sold as surplus, rechambered to fire .38 Special ammunition, and reimported to the United States for commercial sale. The trace inquiry then went to Letterkenny Ordnance in Philadelphia and Rock Island Arsenal in Illinois where the trail ended, indicating the weapon had entered the civilian market in which no ownership records were kept. No owner of that revolver was identified.

### **Mistaken initial investigation association of the Ross–Lamar revolver with the JFK assassination instead of the Tippit murder**

The FBI documents consistently refer to the weapon as having been found "in the vicinity of the assassination area," a formulation pointing to Dealey Plaza, about a half mile southwest of the find spot of Ross and Lamar. Yet the only homicide in Dallas on November 22 involving a revolver and .38 Special bullets was the killing of officer Tippit in Oak Cliff. The record therefore raises an obvious question: why was the tracing effort framed only in relation to the presidential assassination and not Tippit, the only known event to which the weapon's description corresponded?

Part of the explanation may lie in the timing. The revolver was found less than twenty-four hours after the President's assassination with initial confusion. Investigators were reconstructing timelines; leads were rapidly arriving; numerous tips and objects were being processed. The FBI documents show that the Ross–Lamar revolver triggered a rapid, multi-office trace effort, suggesting it was regarded as potentially significant. Serial numbers of both the Ross–Lamar revolver and Oswald's revolver were included in the same ordnance inquiry noted in the final surviving teletype of November 30. This suggests the FBI was systematically checking relevant weapons, not necessarily assuming the two revolvers were suspected in the same event. Investigators may have wanted to determine whether either weapon originated from a government contract or military

shipment. In the November 30 teletype, however, the FBI's Springfield office reported that Rock Island Arsenal had no record of either revolver SN V510210 (Oswald's) or SN 893265 (Ross–Lamar).

Technically, the Ross–Lamar revolver was a Smith & Wesson Military & Police Model of 1905, Fourth Change; its serial number 893265 falls just below the threshold at which Smith & Wesson introduced the “V” prefix and renamed the line the Victory Model in April 1942. Oswald's revolver, taken from him at his arrest, serial number V510210, was a Victory Model, approximately two years later in production than the Ross–Lamar revolver. Both were K-frame Smith & Wesson revolvers; both shipped to Hartford Ordnance under Lend-Lease; both were later rechambered for .38 Special; and both were snub-nosed. They share the same manufacturer, basic design, wartime supply chain, and postwar modification.

*Two* weapons so similar—but *only one* of those at most can have been the Tippit murder weapon. *At least one of those two is what might be called a “false positive”*—something which can easily look like a correct identification but is not, and the illusory appearance of such is an accident. But in such cases it may not be obvious at the outset which of the two is the real deal (so to speak), and the other the “false positive”.

FBI firearms examiner Cortlandt Cunningham testified that the rechambering process on the Oswald revolver—boring out the Swiss & Wesson .38/200 cylinder to accept the longer .38 Special cartridge—produced an oversized chamber that caused inconsistent pressure on firing, generating irregular rifling impressions that varied from shot to shot and could not be reliably matched. The bullets recovered from Tippit's body displayed a pattern consistent with that description. The firearms panel of the House Select Committee on Assassinations (HSCA) of 1979 later confirmed the FBI's 1964 finding that none of the four bullets which struck officer Tippit and were taken from his body in the autopsy could be conclusively matched to or eliminated from any specific Smith & Wesson revolver, whether Oswald's revolver or any other.

But Cunningham also testified that the rifling characteristics of the Tippit body bullets were consistent only with Smith & Wesson manufacture specifically—or conceivably a cheap “Spanish Smith” foreign knockoff—but no other make of handgun.<sup>3</sup> The Tippit body bullets therefore support the inference that the murder weapon was a rechambered Smith & Wesson specifically—exactly the category to which both the Ross–Lamar revolver and Oswald's revolver belong.

The available FBI documents show efforts to trace the origin of the Ross–Lamar revolver rather than forensic examination of it. No surviving record indicates that the Ross–Lamar weapon was submitted to the FBI laboratory for ballistic testing, as was Oswald's revolver. Given that the Bureau laboratory in Washington routinely conducted such examinations in major investigations, whether

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<sup>3</sup> From the Warren Commission testimony of Cortlandt Cunningham: “Mr. Eisenberg. Now, apart from specially handmade or equivalent weapons, how many other types of weapons have you encountered which have these rifling characteristics? Mr. Cunningham. Other than possibly a Spanish-made copy of the Smith—the Smith is the only one in .38 Special now that will have similar rifling characteristics.”

the Ross–Lamar revolver never *was* examined remains a distinct and unresolved question. The documentary record established only that no report of such testing has been found or survives.

### **November 30, 1963: the Ross-Lamar revolver disappears from the record**

The paper trail on the Ross-Lamar revolver ended, and all trace of its existence disappeared, after November 30, 1963. Why is not known. November 30, 1963 was also the date four cartridge cases were received from an unidentified submitter by the FBI laboratory at the Justice Department building in Washington, D.C. They were found by the lab to have been fired from Oswald’s revolver to the exclusion of any other weapon. The Warren Report—but not the FBI lab or anyone with knowledge of the delivery—stated those were the same four Tippit crime scene cartridge cases which had been signed for from the Dallas Police by FBI agent Vincent Drain in Dallas two days earlier on November 28. The Warren Report cited no document or record supporting the provenance claim. The FBI lab made no claim regarding the provenance of what it received and examined. There is an unexplained gap of ca. 36 hours between the time FBI agent Drain signed for the Tippit crime scene hulls in Dallas on November 28, and what the FBI laboratory received from the unidentified submitter on November 30. During that ca. 36 hours there is no record of possession or chain of custody, of where those cartridge cases were or who had them during that ca. 36 hours. Drain was not called to testify, nor is there any FBI interview report, nor any written report or statement or comment from Drain known on this matter.

### **The Ross–Lamar paper-bag revolver as a disposal of a murder weapon**

The manner of disposal of the Ross–Lamar revolver bears close attention. The purpose of disposal of a murder weapon is to eliminate the risk of the perpetrator being found in possession of an item that can be forensically linked to the crime. The Ross-Lamar curb placement of the revolver, concealed within a paper bag, is consistent with such an objective.

The FBI memorandum, based on Dallas Police reporting, states that the paper bag was found “near the curb.” This suggests it had been left openly at the edge of the street rather than concealed. The location is consistent with a quick disposal: a person in a vehicle could pause briefly next to a curb, open a door, and either the driver or a passenger could quickly and quietly drop or set down a paper bag alongside the car door to the street next to the curb without being seen or attracting attention, especially if it was done at night. The inclusion of ordinary food items—an apple and an orange—in the paper bag would help make the contents appear innocuous if anyone looked inside (the revolver within could have been wrapped with paper or aluminum foil).

Positioned next to the curb, that paper bag would be expected to be collected during routine street cleaning, carried away as refuse and taken to the city landfill. The sweeping of downtown Dallas streets was done nightly in combination with no-parking ordinances for certain hours of night

so that the mechanical sweeper could get access to the curbs. If there was an illegally parked car the sweeper would go around it and miss that area of the curb. City workers on foot followed up during the day, picking up litter on sidewalks and streets that the sweeping had missed. The 1963-era mechanical sweeper vehicles worked by having spinning rotating gutter brushes push debris inward toward a collection mechanism and conveyor. A paper bag placed in a street gutter next to a curb would be expected to be swept up in this process.

In this particular case, if the paper bag with is revolver within was placed there in the predawn hours of Saturday November 23 in expectation that the street sweeper would collect it, that expectation failed, because the paper bag was still there at 7:30 am when it was found, and the revolver inside was discovered and turned in to the police. For a weapon disposal, the paper bag with the revolver might be set next to the curb in advance of the expected time of arrival of the night sweeper, but a failure of the street sweeper to collect it is possible—whether due to the added weight and rigidity of the revolver inside the paper bag or the street sweeper’s brushes missed it. It was not *necessary*, from the murderer’s point of view, that the weapon never be found—only that it not be traceable to the person disposing of it. So long as the revolver could not be traced to the person, it was not in itself a major disaster, from a murderer’s point of view, that it would be found and turned in to the police Saturday morning.

For someone familiar with downtown Dallas street-cleaning habits and timing, a downtown curb placement would be a rational method of disposal of a murder weapon. The only risk would be if one was seen doing the disposing, and the revolver also was found and connected to the crime. But the risk of that happening would be minimal at night at a location where many vehicles naturally stopped, without attracting attention, such as the well-trafficked Ross-Lamar intersection.

The timing of the street sweepers would be known through familiarity by someone who knew downtown Dallas at night—an habitual “they usually/always come by around such-and-such time.” This becomes of interest in light of the identity of the suspect to be developed. Curtis Craford lived downtown at the Carousel Club, 1312-1/2 Commerce, in the three weeks of November preceding the Tippit killing in 1963. Ross and Lamar was about 0.4 to 0.5 miles northwest of the Carousel Club, distant enough to remove any obvious association, but still within the downtown perimeter to have the nightly street sweeping. Craford’s patron and employer, Jack Ruby—the killer of Oswald later that weekend—would also likely have familiarity with the downtown street sweeping at night.

As it happens, there was an unusual pre-dawn excursion that same Saturday morning, November 23. Carousel Club owner Jack Ruby, who lived in Oak Cliff, woke his apartment-mate, George Senator, and asked him to accompany him. Ruby then phoned Craford at the Carousel Club and drove there to pick up Craford sometime around 3:30 am. With Senator in the front passenger seat and Craford in the back seat, Ruby then drove northwest from the Carousel Club toward the freeway entrances. A natural route for Ruby to get from Point A (Carousel Club) to Point B (freeway entrances) would have taken him north on Lamar through the intersection of Ross and Lamar. Ruby’s stated purpose for the trip was he wanted Craford’s assistance in photographing a

billboard in another area of town, and had decided 3:00-4:00 am was a good time to wake up two other persons in the dead of night to do that. Later that morning Craford said he decided to leave for Michigan and by midday was hitchhiking en route interstate, the way he told it.

The nighttime billboard-photography expedition of the early hours of November 23 is told by Ruby, Senator, and Craford in their Warren Commission testimonies, by Craford additionally in his FBI interview, and is well known. Researchers have tended to accept Ruby's reason for the nocturnal excursion at face value, without consideration that while that reason may not have been entirely fictitious (a good alibi is real), it may have functioned as a decoy or alibi story for some other, undisclosed purpose—such as, perhaps, a disposal of the Ross–Lamar revolver/murder weapon before Craford left Dallas hours later.

It is not possible to prove directly that the Ross–Lamar revolver disposal was done from the car driven by Jack Ruby, but the sequence just described places a person separately to be developed as a suspect in the Tippit case—Craford—in a car passing through the area in which the Ross–Lamar revolver was dropped, in agreement with a narrow time frame for that disposal.

### **Investigative response after the Ross–Lamar revolver was found**

Although it may seem obvious in retrospect that the Ross–Lamar revolver should have been examined in connection with the Tippit murder, no ballistic comparison is known to have been carried out. The Dallas Police Crime Scene Search Section, under Captain George Doughty and Lieutenant Carl Day, had the capability to carry out at least a preliminary comparison. They had access to the Tippit crime scene cartridge cases, the ability to test-fire both revolvers (Oswald's, and the Ross–Lamar), and microscopes. Prior to any formal submission by the FBI Dallas office to the FBI lab in Washington, D.C., an informal “yes, no, or maybe” assessment could have been obtained in Dallas. It might even be even surprising if a preliminary assessment was not done (like the old rule that trial lawyers do not like asking questions of witnesses without knowing what the answer will be). If no formal examination of the Ross–Lamar revolver was reported done by the FBI lab in D.C., a possible explanation could be because a decision had been made not to develop formally for the record what had informally been learned, by officials who knew without knowing officially, so to speak. Captain Doughty of the Dallas Police crime lab was never called to testify. Lt. Day testified, but he was not asked about the Ross–Lamar revolver, which is not too surprising since the Warren Commission was not made aware of its existence and therefore would not know to ask about it.

When Willis Flatt turned in the Ross–Lamar revolver on Saturday morning to the Dallas Police, it was delivered to the Dallas Police Department's Homicide and Robbery Bureau, the division responsible for investigating major violent crimes. The Ross–Lamar weapon was therefore not processed as a “lost and found” item but was treated immediately as potential evidence in a crime investigation, not as lost property. However, from all surviving documentation, the investigation

during that one week in which there is some paper record of that revolver was understood to be that of the presidential assassination, not the Tippit homicide.

On why the Ross–Lamar revolver was treated as part of the presidential assassination investigation rather than the Tippit case during that first week, the simplest explanation may be a combination of geography and assumption. Geography: the find location was approximately three miles from Oak Cliff but only about a half mile northeast from Dealey Plaza. The assumption: investigators had concluded that Oswald had killed Tippit, because of the circumstances of his arrest in the theater in the midst of a police dragnet for Tippit’s killer followed by witness identifications of the arrested Oswald as Tippit’s killer by Friday evening, and because Oswald was believed to have assassinated the president. With Oswald’s guilt on Tippit believed assured on Friday, Oswald’s revolver was believed to be the murder weapon and it followed, from that reasoning, that the Ross–Lamar revolver on Saturday could not be the Tippit murder weapon.

The FBI’s characterization of the find location as “in the immediate vicinity of the assassination area” and “in the general area of where the assassination of President Kennedy took place” reinforced this framing. By the time the Ross–Lamar documents surfaced decades later, researchers had long treated the Tippit murder weapon question as settled, and researchers too therefore also speculated associations of the Ross–Lamar revolver with Dealey Plaza, not with Tippit.

Yet it is surprising that a possible connection of the Ross–Lamar revolver to the Tippit murder—only three miles away in Oak Cliff—would not have been immediately investigated in the Tippit case, to be tested and either confirmed or eliminated on evidentiary grounds. Yet no surviving record indicates that was done.

The documentary record shows a weapon that shared the same make, model lineage, rechambering modification, and Lend-Lease origin as Oswald’s revolver; that matched the independently inferred characteristics of the Tippit murder weapon; and that was deliberately discarded under circumstances almost uniquely identifiable as a disposal of a weapon used in a serious crime or killing to the exclusion of any other explanation, was found within hours of the Tippit killing. There is also a known pre-dawn excursion involving driving through the exact area of the weapon’s disposal at Ross and Lamar, by figures suspected on other grounds in the Tippit murder, in agreement with the timeline of that suspected murder weapon’s disposal, with unusual coherence. Yet no surviving record indicates that investigators examined or considered the possibility of a connection to the Tippit murder. The window of opportunity to test and resolve that question forensically was closed through inaction.

As a thought experiment, consider this scenario. Suppose a secret preliminary comparison between cartridge cases from bullets fired from the Ross–Lamar revolver, and the Tippit crime scene cartridge cases, was done by someone at the Dallas Police crime lab, with or without an FBI agent in attendance and/or participating. Suppose, for purposes of this thought experiment, someone in a position to understand the significance quietly checked such comparisons “off the books”, looked through the microscope, found apparent matches to the toolmarks on casings fired

from the Ross–Lamar revolver, and apprised some contact in the Dallas FBI confidentially of this unofficial, unconfirmed preliminary finding. It would now be known within the Dallas FBI office that if the Ross–Lamar revolver was submitted to the FBI laboratory in D.C. with the Tippit evidence, what the lab would find, with paperwork generated and an obligation to report through the proper channels. If the FBI did report such a finding, the implications would have been seismic. Oswald’s revolver would be seen decisively excluded as the murder weapon in the Tippit case—immediately. It would have been overwhelming evidence in favor of Oswald’s exoneration on Tippit, an explicit announcement of which likely would have followed within days.

Such a development—exoneration of Oswald on Tippit in the first days following the assassination weekend—would have had larger consequences. Federal authorities, including the FBI under J. Edgar Hoover, the Justice Department, and the White House, had already publicly committed to a rapidly hardening Oswald narrative, in which Lee Harvey Oswald acting alone was responsible for both the assassination of President Kennedy and the killing of Officer Tippit (the killing of Officer Tippit being the original charge laid upon Oswald). A contrary forensic finding exonerating Oswald on Tippit would have required opening a brand-new Tippit investigation with no certainty where that would go, and it would have thrown public acceptance of the broader case against Oswald on JFK into turmoil, perhaps fatally.

In this scenario, if an initial indication of a match between the Tippit crime scene cartridge cases and the Ross–Lamar revolver had been found in Dallas, is it conceivable that a decision might be made at some level not to pursue formal testing or examination of the Ross–Lamar revolver in the Tippit case, because of knowledge of an unwanted outcome if that was done?

That could be one way of accounting for the absence of forensic examination, the cessation of investigative references to the Ross–Lamar revolver after November 30, and the failure to disclose that revolver’s existence to the Warren Commission—the facts of what did happen which are so puzzling to otherwise understand in retrospect. And to the list of puzzling facts might be added the original FBI assignment of the Ross–Lamar revolver to the wrong file for investigation in the first place—JFK instead of Tippit.

The scenario just outlined is neither confirmed nor excluded from the record in terms of evidence. Alternative explanations could include bureaucratic error, misplaced records, or investigative decisions to close off inquiry to leads potentially going in different directions (without knowing they in fact would). However, the convergence of factors—the timing of the Ross–Lamar weapon’s discovery, the weapon’s characteristics, the absence of forensic disposition, and the lack of disclosure—calls for explanation.

At minimum, the record establishes that a potentially significant piece of physical evidence in the Tippit case entered official investigation by the FBI under a different file category and then disappeared from the investigative narrative. If the weapon was tested, no report survives. If it was not tested, that omission represents a departure from what would be expected in a homicide case.

### **After the 1990s when the Ross–Lamar revolver’s existence became known**

The lack of attention the Ross–Lamar revolver received with respect to the Tippit case *after* its existence came to light in the 1990s is also remarkable. Discussions from researchers continued the early mistaken association of it with Dealey Plaza—where there is no association—with virtually no consideration given to its potential implications for the Tippit case.

For example, Dale Myers’ *With Malice: Lee Harvey Oswald and the Murder of Officer J.D. Tippit*—the most comprehensive and authoritative study of the Tippit case in existence—702 pages in the first edition of 1998, then 863 pages in the revised second edition of 2013—contains not a single mention of the Ross–Lamar revolver in either edition—no mention of what ultimately may come to be recognized as the murder weapon used in the Tippit killing, despite that revolver’s existence having become known in the early 1990s.<sup>4</sup>

That is how invisible this elephant in the room of the Tippit case has been. The modern silence continues and compounds the original omission.

### **The Rosetta Stone of the Tippit case**

The revolver found in a paper bag next to a street curb at Ross and Lamar on the morning of November 23, 1963 stands as the single most arresting anomaly in the Tippit case. Its caliber, timing, location, manner of abandonment, and subsequent disappearance form a constellation of facts not easily accommodated within the conventional account.

The hypothesis of the different named suspect for the Tippit killing to be developed, by contrast, offers a framework that can account for these elements in a natural way: a professional contract killer discarding his weapon in the hours after carrying out a job before leaving Dallas later that morning, in a manner designed to ensure its removal through routine street cleaning, but by accident the revolver was not collected by the street cleaning vehicle due either to some mechanical reason or from the path the street sweeper took, and instead was recovered by chance.

The FBI had the means, in November and December of 1963, to test the Ross–Lamar revolver against the Tippit evidence forensically for the record and to have resolved the question at that time. That that was not done is a fact that any serious assessment of the Tippit evidence must place at the center of inquiry at the outset.

It has been said that the Tippit case is the Rosetta Stone of the Kennedy assassination.

The Ross–Lamar revolver may be the Rosetta Stone of the Tippit case.

It may have been the murder weapon.

It may come to be recognized: it was the murder weapon.

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<sup>4</sup> Dale Myers, *With Malice: Lee Harvey Oswald and the Murder of Officer J. D. Tippit* (Milford, Michigan: Oak Cliff Press, 1998; second edition 2013).

## 3

## The Fingerprints of Tippit's Killer on the Patrol Car

*"[A]nd the man went over to the car, put his hand on the window ... He put his arms on the door of the car for a few seconds."* – Helen Markham, witness<sup>5</sup>

*"The policeman pulled up and he rolled his window down. And the guy walked over ... And the guy walked up and put his hands on the window and bent down to where he could talk. (Put his hands on the car?) Yes he did. (And then down in the window so he could talk?) Right."* – Jimmy Burt, witness<sup>6</sup>

*"[He] was standing to the right side of the car ... on the right front fender ... right directly on the right front fender of the car."* – Domingo Benavides, witness<sup>7</sup>

*"We do know that his fingerprints were taken off the passenger side of Tippit's car"* – Detective Paul Bentley, Dallas Police Department<sup>8</sup>

Within twenty minutes of the shooting of Officer Tippit, Dallas Police Sergeant Pete Barnes of the Crime Scene Search Section of the Dallas Police Department's Identification Bureau arrived at the crime scene with Captain George Doughty, and dusted for fingerprints on the passenger side of Tippit's patrol car. A witness at the scene told the officers that the killer had approached the

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<sup>5</sup> 3H315.

<sup>6</sup> Jimmy Earl Burt interview by Al Chapman, Feb 7, 1968, 2:01f, <https://www.youtube.com/watch?v=uiUUjibtFJg>

<sup>7</sup> 6H447-448.

<sup>8</sup> Paul Bentley, quoted in George O'Toole, *The Assassination Tapes* (New York: Penthouse Press, 1975). Compare Bentley in the oral history of Sneed: "Officer Barnes lifted prints from the passenger side of the patrol car which I understood were Oswald's palm and fingerprints" (Bentley, in Larry Sneed, *No More Silence: An Oral History of the Assassination of President Kennedy* [Denton, Texas: University of North Texas Press, 1998], 286). Bentley's lifelong belief that Oswald's prints had been lifted from the patrol car reflects the early belief of the police that the prints had been left by Tippit's killer (assumed to have been Oswald).

passenger side of the vehicle and made physical contact with the car. Prints corresponding to the witness's accounts were visible. Here is Barnes to the Warren Commission in April 1964:

Mr. BELIN. What did you do when you got to the scene?

Mr. BARNES. The first thing that I did was to check the right side of Tippit's car for fingerprints.

Mr. BELIN. Did you find any fingerprints on the right side of the car?

Mr. BARNES. There was several smear prints. None of value.

Mr. BELIN. Where were these smear prints located?

Mr. BARNES. Just below the top part of the door, and also on the right front fender.

Mr. BELIN. Why did you happen to check that particular portion of the vehicle for fingerprints?

Mr. BARNES. I was told that the suspect which shot Tippit had come up to the right side of the car, and there was a possibility that he might have placed his hands on there.<sup>9</sup>

The locations from which the prints were lifted correspond to the witnesses' accounts of the killer's movements. The killer approached the passenger side of the patrol car, leaned down, and pressed in close to speak to Tippit. Helen Markham, from a position standing on the northwest corner of 10<sup>th</sup> and Patton from which she saw with a direct view about 100 feet away, demonstrated to arriving officers the posture she observed of the killer. Her movements were partially filmed by a news camera. She described the killer's elbows resting on either side of the car door for support, talking to the officer inside the car, demeanor appearing low key and friendly.

Mrs. MARKHAM. He was driving real slow, almost up to this man, well, say this man, and he kept, this man kept walking, you know, and the police car going real slow now, real slow, and they just kept coming into the curb, and finally they got way up there a little ways up, well, it stopped.

Mr. BALL. The police car stopped?

Mrs. MARKHAM. Yes, sir.

Mr. BALL. What about the man? Was he still walking?

Mrs. MARKHAM. The man stopped.

Mr. BALL. Then what did you see the man do?

Mrs. MARKHAM. I saw the man come over to the car very slow, leaned and put his arms just like this, he leaned over in this window and looked in this window.

Mr. BALL. He put his arms on the window ledge?

Mrs. MARKHAM. The window was down.

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<sup>9</sup> 7H272.

Mr. BALL. It was?

Mrs. MARKHAM. Yes, sir.

Mr. BALL. Put his arms on the window ledge?

Mrs. MARKHAM. On the ledge of the window.

Mr. BALL. And the policeman was sitting where?

Mrs. MARKHAM. On the driver's side.

Mr. BALL. He was sitting behind the wheel?

Mrs. MARKHAM. Yes, sir.<sup>10</sup>

Another witness, Jimmy Burt, said he saw the driver—Tippit—reach over and lower the passenger window so the man could speak.<sup>11</sup> But the passenger window was found rolled up when police arrived, as photos confirm. Tippit may have rolled the window down partway to allow the person to speak, and then rolled it back up before getting out of the car. The alternative, that the killer spoke through the cracked vent only, face pressed in close to be heard and to hear above the background noise of the street and wind, seems difficult to imagine in practice.

According to Jimmy Burt, Tippit had “pulled up, and he rolled his window down, and the guy walked over ... and the guy walked up and put his hands on the window and bent down to where he could talk. (*Put his hands on the car?*) Yes he did. (*And then down in the window so he could talk?*) Right.”

After the gunman spoke with Tippit through the window, Helen Markham said the gunman stepped back a couple of steps, then moved to the right past the windshield. Tippit had just gotten

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<sup>10</sup> 3H307.

<sup>11</sup> This is from a 1968 interview of Jimmy Burt by Al Chapman (above n. 6). Burt gave conflicting stories of his whereabouts at the time of the Tippit killing. In a Dec 15, 1963 interview to the FBI Burt said he was at the corner of 9th and Denver when he heard the shots—from where he could not have seen Tippit’s patrol car or the killer—and drove his car to the crime scene (<https://www.maryferrell.org/showDoc.html?docId=10598#relPageId=30>). In the 1968 interview with Chapman Burt dramatically changed that, dropped mention of his car altogether, and said he was in the front yard where he lived at 505 E. 10<sup>th</sup> (next to where Frank Wright lived), with William Smith, and that it was from there, one block away, that he and Smith saw Tippit’s killer talk to Tippit in the patrol car; then, after the shooting Burt and Smith ran to the crime scene. Burt was not called to testify by the Warren Commission. William Smith in his Warren Commission testimony said he was at Burt’s 505 E. 10<sup>th</sup> St. address front yard and implied (though did not quite say so directly) that Burt was with him there at the time Tippit was killed, which became Burt’s version in the 1968 Al Chapman interview. That is the version Myers accepts for Burt (Myers, *With Malice*, 2013 edn, 111-12 and 711). However, neither that version nor Burt’s earlier to the FBI may have been the truth. In his FBI interview Burt said he drove his car—“a 1952 two-tone blue Ford”—to the crime scene and parked the wrong-facing way in front of Tippit’s patrol car. If Burt’s car is identified as the car Frank Wright described as “a gray, little old coupe ... about a 1950-1951, maybe a Plymouth”, parked the wrong-facing direction adjoining Tippit’s patrol car, both Frank Wright and the “blanket girl” witness (below n. 18) saw that car parked adjoining Tippit’s car at the time of the shooting, which would mean Jimmy Burt’s true location may have been in his parked car witnessing the interaction between Tippit and Tippit’s killer through Burt’s front windshield. Both of Burt’s conflicting accounts, not just one of them, might be interpreted as intentionally distancing from how close he actually was as a witness. Compare Myers, *With Malice*, 2013 edn, 711: “Many of the discrepancies in Burt’s account may be due to his fear of becoming involved. It is known [emphasis Myers] that both Burt and Smith withheld information from the Dallas Police for that reason.”

out of his patrol car on the driver's side when his killer without warning shot him to death in a fusillade fired over the front hood. Domingo Benavides, approaching in his pickup truck on 10<sup>th</sup> Street from the east and almost to the position of the Tippit patrol car, as soon as he heard the first shot pulled to the right into the curb and ducked down. Benavides said he had seen in the moments before the shooting Tippit's killer "standing to the right side of the car, right directly on the right front fender."

Mr. BENAVIDES - I then pulled on up and I seen this officer standing by the door. The door was open to the car, and I was pretty close to him, and I seen Oswald, or the man that shot him, standing on the other side of the car.

Mr. BELIN - All right. Did you see the officer as he was getting out of the car?

Mr. BENAVIDES - No; I seen as he was, well, he had his hand on the door and kind of in a hurry to get out, it seemed like.

Mr. BELIN - Had he already gotten out of the car?

Mr. BENAVIDES - He had already gotten around.

Mr. BELIN - Where did you see the other man?

Mr. BENAVIDES - The other man was standing to the right side of the car, rider's side of the car, and was standing right in front of the windshield on the right front fender. And then I heard the shot. Actually I wasn't looking for anything like that, so I heard the shot, and I just turned into the curb. Looked around to miss a car, I think. And then I pulled up to the curb, hitting the curb, and I ducked down, and then I heard two more shots.<sup>12</sup>

These witness accounts place the killer at both of the locations where prints were lifted from the patrol car. The prints below the passenger window vent are where a hand would be placed by someone leaning down to speak, whether that was only speaking through the cracked window vent or through the passenger window partly rolled down by Tippit inside the car (perhaps rolled down enough to allow a conversation but not enough to allow an arm to come inside the car, before Tippit rolled it back up prior to getting out of the car). The prints on the right front fender are in proximity to the killer seen standing next to the patrol car there.

What happened next to those prints constitutes a second troubling episode in the handling of the Tippit evidence.

### **The Warren Commission is told the Tippit patrol car fingerprints were worthless**

On April 7, 1964, the Warren Commission was informed by the Dallas Police, in the form of oral hearsay, that the fingerprints lifted from the Tippit patrol car had all been found to be so smeared as to be worthless.

Mr. BELIN. Did you find any fingerprints on the right side of the car?

Mr. BARNES. There was several smear prints. None of value.

Mr. BELIN. Where were these smear prints located?

Mr. BARNES. Just below the top part of the door, and also on the right front fender.

Barnes states a finding had been made, but does not identify who was responsible for it. There is no record of this finding in written form in any known document. To this day it is not known who made that determination. The Warren Commission accepted that answer in the form given without further curiosity. The Commission did not ask why, in contrast to all the other Tippit crime scene evidence, those prints had not been given to the FBI for further review.

In this way these fingerprints were removed from the investigation. No one took a second look for another thirty years.

### **An initiative of Dale Myers in 1994 produced a shocking development: the Tippit patrol car fingerprints *were not from Oswald***

In 1994, researcher and author Dale Myers obtained a new examination of the Tippit patrol car fingerprints by Herbert Lutz, an experienced latent print examiner. This was the first reexamination of the Tippit patrol car prints since the Warren Commission accepted the definitive information from the Dallas Police Department that all the prints were worthless.

Lutz found a detail that seemed to have escape the notice of the unidentified earlier examiners of the Dallas Police: Oswald's prints were positively excluded as a match. Myers reported:

“Herbert Lutz, senior crime scene technician for Wayne Country, Michigan, examined the prints taken from Tippit's patrol car and was of the opinion that one person was probably responsible for all of them. The smears obtained from the top of the right-side passenger door were of less value, although Lutz felt that the ridges and furrows were consistent with fingerprints found on the right front fender. There was sufficient detail in the fingerprints taken from the right front fender to make a reasonable comparison with the fingerprint cards of Lee Harvey Oswald. A fingerprint from Tippit's patrol car, identified as the right-middle index finger, was compared with the right-middle index finger from one of Oswald's fingerprint cards. Lutz immediately noted a difference in the spacing between ridges. The

prints take from Tippit's car showed furrows that were wide, while Oswald's fingerprint furrows were much narrower. In addition, the number of ridges and location of the bifurcations—or 'forks- in the patterns—were different. In short, the fingerprints taken from Tippit's patrol car were not Oswald's."<sup>13</sup>

Myers later reported that it had taken Lutz about one minute to find that exclusion of Oswald. Myers in 2022:

“In 1994, retired Crime Scene Technician, Wayne County Sheriff's Department, Wayne Co., MI., Herbert W. Lutz, arrived at my home on the appointed day and I showed him photographic prints obtained from the Dallas Municipal Archives and Records Center (DMARC). I asked Mr. Lutz if the photographs were sufficient to draw a reliable conclusion? He looked at the photographic prints and said that normally he would look at the originals, but he stated that the photographs were of good quality and felt that he could make a determination based on the photographs. He had brought a crime scene kit with him and removed a loupe magnifier and began looking at the photographs. Just as he started looking at the photos, I told him that I would be willing to loan him the photographic prints so that he could take his time examining them, but he said, 'That won't be necessary.' He picked up the photograph of Oswald's fingerprints and added, 'I don't believe that the fingerprints taken from Tippit's car are Oswald's prints.' Within a minute he confirmed his previous pronouncement, saying, 'No, these don't match.' Lutz used the photographic image of the fingerprints taken from the right-front fender of Tippit's squad car (DMARC 91-001/326) to demonstrate to me how the prints were those of a right hand that had been placed on the car and then dragged away, causing a smear ... Lutz looked at the other fingerprints lifted from Tippit's squad car ... Lutz was of the opinion that one person was probably responsible for all of them."<sup>14</sup>

Myers published the new information of Oswald's exclusion in 1998 in the first edition of *With Malice*. A new question was now introduced in the Tippit case: what person *did* leave those fingerprints in those two locations? It had been learned one person *did not*: Oswald *did not*. But there was one single person who left those prints in both locations. Who *was* it?

The ease and speed with which Lutz was able in one minute to find the exclusion of Oswald raises the question: is it possible that exclusion was known thirty years earlier to the examiners

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<sup>13</sup> The Lutz reexamination is reported in Dale Myers, *With Malice: Lee Harvey Oswald and the Murder of Officer J. D. Tippit*, first edition (Milford, Michigan: Oak Cliff Press, 1998), and in the 2<sup>nd</sup> edition (2013), 336-40.

<sup>14</sup> Dale Myers' blog, July 19, 2022: <https://jfkfiles.blogspot.com/2022/07/lies-and-deception-in-tippit-murder.html>.

responsible for the information told to the Warren Commission under oath, that all of the fingerprints had been found to be “smear prints ... none of value”, full stop?

Is it possible that answer could have reflected (dare it be suggested) less than the full truth of what the examiners then knew?

That question cannot be answered on present evidence. If Oswald’s exclusion *had* been disclosed then, the Warren Commission might have asked the FBI to attempt to identify the prints. If that had been done, the FBI, with the best examiners, facilities, and databases for fingerprint identification perhaps in the world, might have been able to do so. Identification of such a name could have had dramatic consequences on the Tippit case, conceivably changing everything. Such an identification could involve a real risk of an exoneration of Oswald. That did not happen. The Warren Commission’s acceptance of the 1964 answer that the prints were all too smeared to be of any value served the same purpose as a suppression: it removed the Tippit patrol car fingerprint evidence from consideration by the Commission and later investigations, and no second opinion was sought for another thirty years until Myers’ initiative.

### **Reaction to the Lutz finding**

Myers—to whom credit is due for the initiative in obtaining the Lutz fingerprint examination and publishing it—responded to the information in a surprising and unsatisfactory way. Myers showed no hint of considering that a possible explanation of the finding could be the prints were from a killer of Tippit who was not Oswald. Myers’ only response was to suggest a non-killer could have left the prints. Myers:

“It should be noted that police removed the prints on the ‘possibility’ that the suspect had put his hands on the car when he came over to talk with Tippit. That might not have happened. Jimmy Burt, who was a block away from Tippit’s car, said the assailant ‘put his hands on the right side of the car as he leaned down and talked in the window.’ However, eyewitness Jack Tatum specifically recalls that as he drove past, the man speaking to Tippit was leaning over and ‘had both hands in his zipper jacket.’ So, whose fingerprints were they? At least four minutes elapsed before the first officer arrived at the murder scene, and nearly eight minutes before police arrived in force. By then, a large crowd had gathered. Several witnesses are known to have handled Tippit’s revolver, sat in his car, and used the police radio. There were plenty of opportunities for a number of people to have touched the police car before it was secured.”<sup>15</sup>

<sup>15</sup> Myers, *With Malice*, 2013 edn, 340. It may be a pedantic point, but in the portion of Myers’ 1983 interview of Tatum which Myers quotes relevant to this, Tatum is not actually reported as using the words “leaning over” for the gunman’s posture when he had his hands in his jacket’s pockets. Rather, the wording is, when Tatum was driving by he saw the man “looking into the window, and the officer, either attempting to roll down the window, or was going to talk to him through the window ... the officer was facing toward the window and the man was

Myers' entire body of research published in *With Malice* is interpreted in terms of what Myers considers a certain conclusion that Tippit's killer was Oswald. Could that possibly have played a role in Myers' lack of consideration of possibility that the non-match of Oswald to the prints could be because a killer had left those prints who was not Oswald? No, said Myers in 2022, taking offense at the very suggestion. The fingerprint evidence not matching to Oswald, Myers concluded, "doesn't add anything to the case" and "goes nowhere"—on totally objective grounds, claimed Myers, having nothing to do with his belief that Oswald was the killer. Myers attempted to explain that, not too logically:

“[T]he crime scene was not secured for a good fifteen minutes ... there were plenty of opportunities for a number of people to have touched the police car before it was secured ... the fingerprint evidence doesn't add anything to the case ... the fingerprint evidence goes nowhere. It doesn't prove whether [anyone] was the killer of Tippit or not. Even if the fingerprints did match [the killer]'s, it would only put him at the car. That would be strong circumstantial evidence, yes? But it wouldn't prove he fired a gun and killed Tippit, would it? ... the fingerprint evidence doesn't add anything to the case.”<sup>16</sup>

The only way reasonable doubt of Oswald's guilt is not raised by the Lutz finding is if one invokes what Myers overtly denied he was doing—a prior belief that Oswald is known with certainty on independent grounds to have been the killer.

The fact is both of the specific locations of the prints lifted from the Tippit patrol car are unusual—*highly* unusual—in terms of where persons casually leaning against the Tippit patrol car at an unsecured crime scene might randomly put their hands. Those fingerprints can only with the greatest difficulty be accounted for, as Myers suggests, as left by an hypothesized random single person who had nothing to do with the killing of Tippit. The following will explain why.

### **The fingerprints from under the right front window vent**

Consider first the prints below the right front passenger window vent. This vent was a narrow panel, hinged separately from the main window, positioned forward of the larger passenger window. The prints came from below that narrow vent, not below the larger window immediately behind it, if the

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looking in and had both hands in his zipper jacket.” Tatum's description corresponds well to the man standing erect, hands in jacket pockets, as Tippit rolled down the window a little, just before the man leaned down closer to the window to talk. That is when his hands would come out of his pockets and his arms to the top of the patrol car's passenger door for support, as described by Markham and Burt, unseen by Tatum who had continued driving past by that point.

<sup>16</sup> Myers, 2022, above n. 15.

photo of Barnes dusting below that vent is indication of the location of the lift.<sup>17</sup> If the killer talked through the vent only, that would be a location where a person would place their hands and press their face close for one reason only: to speak through that cracked vent to the driver of the car.

However Tippit could have rolled the window down a little, then rolled the window back up before getting out of the patrol car, which would better agree with what the witnesses said they saw and more plausible, since it would be difficult to be heard speaking through a cracked window vent unless the air was still, which was not the case most of that day. (Friday November 22, 1963 was breezy and gusty in Dallas with ca 15-20 mph windspeed according to weather history.) Communication through a cracked vent would not be possible without pressing one's mouth and ears very close to it. Even with the main passenger window partly rolled down on a breezy day communication would require the outside person to have their face right at the window to speak into it and hear in turn the driver's response. There is practically no conceivable way communication with the driver inside could be done without using the arms and hands for support against the car as one's face leaned down and in to make eye contact and hear what was being said back and forth. This, then, is the fundamental logic for reconstructing that the individual's fingerprints found in that location came from the one individual known to have done exactly that—Tippit's killer. It requires special pleading to insist the prints at the passenger vent came from some hypothesized random person other than Tippit's killer.

### **The right front fender fingerprints**

The right front fender of a car is not a surface upon which any person would intentionally place a right hand under ordinary circumstances. It sits low to the ground. There is no natural reason to lean down and place a right hand there. Therefore this is a problem to explain, not simply how the gunman could have left a right hand's fingerprints there, but how any human would have done so—and yet we know one human did, so we there must be a mechanism for how. One possibility could be if someone next to the car reached down to pick something up from the ground with the left hand, and placed the right hand on that fender for support. Another possibility would be from a stumble near the car, with the right hand placed on the fender either to break the fall or push back upright during recovery. That the prints were from a right hand gives direction of movement and position if it was a stumble: a person moving south or west past the right front fender, with their right side toward the car and a right hand not carrying or holding anything.

That direction of movement for the person of the fender fingerprints corresponds to the movement of the Tippit killer according to an eyewitness, Frank Wright. Wright was a resident of 501 E. 10th Street, approximately one block east of the crime scene. It was Wright's wife Mary who made the first telephone call of anyone to report the shooting of Tippit. Frank Wright, seated near

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<sup>17</sup> As seen in a WFAA-TV news film of Sgt. Barnes dusting the Tippit patrol car for the prints; still photo at Myers, *With Malice*, 2013 edn, 210.

his front door, heard the shots and went outside within seconds. From his eastward vantage point he saw Tippit's patrol car and observed a man standing in front of it, looking at the fallen officer. Wright then watched as the man moved from the front of the patrol car in a southward direction, north to south then west, past the right front fender and around it, in the direction and position that placed that man's right hand—the right hand of the Tippit killer—close to and only inches from the position of the prints on the right front fender. Wright:

“I was sitting watching television with my wife. I was sitting in a chair next to the door. I wasn't but two steps from the door. I heard shots. I knew it wasn't backfire. I knew it was shots. As soon as I heard them, I went out the door I could see a police car in the next block. It was toward the end of the next block. I could see it clearly. The police car was headed toward me. It was parked on the south side of the street. In other words, it was parked across the street from our apartment house. I saw a person right by the car. He had fallen down. It seems as if he had just fallen down. Maybe I saw hi as he had just finished falling. He was on the ground, and then he turned over face down. Part of him was under the left front fender of the car. It seems to me that I saw him just as he hit the ground. I saw him turn over and he didn't move any more. I looked around to see what had happened. I knew there had been a shooting. I saw a man standing right in front of the car. He was looking toward the man on the ground. He stood there for a while and looked at the man. I couldn't tell who the man was on the ground. The man who was standing in front of him was about medium height. He had on a long [sic] coat. It ended just above his hands. I didn't see any gun. He ran around on the passenger side of the police car.”<sup>18</sup>

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<sup>18</sup> The account of Frank Wright is in George and Patricia Nash, “The Other Witnesses, *The New Leader*, Oct 12, 1964, pp. 6-9, <https://www.maryferrell.org/showDoc.html?docId=62236#relPageId=139>. Wright's account was not taken by either the Dallas Police or the FBI, and he was not called to testify before the Warren Commission. In the internally contradictory reference to, “He had on a long coat. It ended just above his hands,” one suspects mishearing or transcription error. Since the person Wright saw in front of the Tippit patrol car can only have been the killer due to the timing, and since it is known from other witnesses that the killer was wearing a zippered light jacket which ended just above the hands in length—exactly as Wright himself directly says is that jacket's length—the “long coat” appears to be an error. Also, Wright went on to say he saw the killer drive off rapidly in an old-model gray coupe. Since the evidence is clear the gunman went west on 10th and then south on Patton on foot, the gray car Wright saw immediately drive away heading west (making Wright mistakenly think the gunman had become that car's driver) will have been driven by someone else, not the killer who disappeared from Wright's view at the same time as he saw the gray car speed away. Wright erroneously interpreted the gray car as driven by the killer from the juxtaposition in timing. Wright later corrected that to reporter Earl Golz, saying he did not believe the man he had seen in front of the patrol car (Tippit's killer) and the driver of the gray car were the same person. Wright told Golz that the man did not get into the gray coupe, “but ran alongside yelling back and forth at the driver as he drove off. The two eventually went in separate directions” (Myers, *With Malice*, 2013 edn, 128). This study believes that although Wright saw the gray car drive away and saw a man running west on 10<sup>th</sup> St. in the same direction at the same time, the man running in the street in the same direction also was not the gunman either, but was Acquilla Clemons' second man running west on 10th before turning north on Patton. There is an additional witness for the gray car Frank Wright saw. Jack White in 2008 reported: “In a recent email to me researcher Roy Schaeffer wrote in part ... ‘In 1988 I was at the Tippit murder scene that summer. A woman

The key point is Wright saw the killer at the front of the car following the shots, which means the killer had moved a few steps around to the front of the Tippit patrol car, either while in the process of shooting the fusillade or in the moments immediately following. When Wright said he “looked around to see what had happened” before seeing the killer, that suggests the killer was not immediately next to or standing over the fallen Tippit, but only somewhere in front of the car, facing the fallen Tippit on the street.

Wright said the man look at the fallen Tippit for some moments before the killer turned and moved the other direction past the right front fender. Since Wright saw the killer looking at the fallen Tippit—the killer facing north as Wright looked—Wright from his position east on 10<sup>th</sup> would see the right side, right arm, and right hand of the killer, not necessarily the left arm and hand. When Wright said he “didn’t see any gun” that could mean an empty right hand of the gunman, the hand visible to Wright. Since it is known from other witnesses that the killer *was* holding a gun, and since the man Wright saw must be the killer, the gun will have been in the killer’s left hand, on the other side of his body from Wright’s point of view, unseen by Wright.

That right hand of the killer without a gun is then free to be the empty right hand that left the prints on the right front fender from a stumble, after the killer turned to leave.

### **What Domingo Benavides saw**

Domingo Benavides while driving west on 10<sup>th</sup>, was about to go by Tippit’s stopped patrol car. He described seeing a man standing at the right front fender area on the passenger side of the patrol car, and seeing Tippit getting out of his car on the other side with the driver’s door left open, then hearing a shot. Benavides turned his vehicle to the curb and ducked down as he heard the rest of the shots. When he looked up again he saw the killer turning to his left and heading in the direction of the curb and the sidewalk (north to south direction). Although Wright did not report seeing a stumble, Wright did see the killer in front of the patrol car with an empty right hand return to the passenger side of the patrol car, at which point Wright evidently lost direct sight of him.

Frank Wright is evidence the gunman moved around the front of the patrol car either after or during the shooting. Then Wright saw him reverse, turn the other way, and go back. Benavides in his Warren Commission testimony also said he witnessed the gunman moving *away* from Benavides

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and her son who lived across the street from where Tippit was shot struck up a conversation with me. I learned from her that she was the woman who put a blanket over Tippit. When talking to me she said she noticed a grey coupe blocked the driveway in front of where Tippit pulled up behind the car. She noticed a policeman get out and go toward the coupe. The next thing she noticed was hearing shots. She ran back in the house and got a blanket off the couch and placed it on Tippit” (<https://educationforum.ipbhost.com/topic/12363-new-info-on-tippit/>). Compare a Nov 22, 1963 FBI interview report of Alan MacDonell who reported to the FBI seeing a car of similar description going west on 10<sup>th</sup> at high speed, <https://www.maryferrell.org/showDoc.html?docId=237212#relPageId=2>, and the FBI interview of Jimmy Burt of Dec 15, 1963, with attention to his description of where and how he said he parked his car (link above n. 11).

going *toward the curb*. But for Benavides to see that, as worded, from his position, *puts the gunman, when Benavides next looked, in the street in front of the patrol car, exactly where Wright saw him*, for Benavides to describe seeing it that way. Benavides to the Warren Commission:

Mr. BENAVIDES - I heard the shot, and I just turned into the curb ... and I ducked down, and then I heard two more shots ... I looked up and the policeman was in—he seemed like he kind of stumbled and fell ... yes, sir [saw the policeman as he fell] ... Then I seen the man **turn and walk back to the sidewalk** and go on the sidewalk ...

Mr. BENAVIDES - As I saw him, I really—I mean really got a good view of the man after the bullets were fired, he had just turned. He was just turning away. In other words, he was pointing toward the officer, and he had just turned away to his left, and then he started. There was a big tree, **and it seemed like he started back going to the curb of the street and into the sidewalk**, and then he turned and went down the sidewalk to, well, until he got in front of the corner house, and then he turned to the left there and went on down Patton Street.

Benavides sees Tippit falling and he sees the gunman at the same position as, but just before, Wright saw him, which is somewhere in front of the patrol car. Benavides sees the gunman “pointing toward the officer”. If this refers to the gun, this would be the left hand and could be witness indication that the gunman may still have been shooting as he moved around to the front of the patrol car. However if so this “pointing” would be before Wright first looked, because Wright saw no gun. By the time Wright saw, the killer’s left hand with the gun will have dropped to the killer’s left side, with Wright seeing only the empty right hand of the killer and the killer’s right side, and the killer standing still and looking.

Benavides then sees the movement of the gunman corresponding to Wright seeing the man turn south: “and he had just turned away to his left, *and then he started ...*”

“he had just turned away to his left, and then he started—there was a big tree, and *it seemed like he started back going to the curb of the street* and into the sidewalk ...”

This is odd language, “started back going *to the curb...*” (the curb was his first destination?). In a close reading, this could be where the killer stumbles, in that initial “going to the curb” which was on the passenger side of the patrol car. What Benavides notices is the gunman “*going to the curb*”. This indicates the gunman is out front of the car and has to take steps to get *back to the curb*.

Benavides has the gunman in a standing position facing the fallen Tippit, turning and taking steps back *toward* the curb (meaning the gunman is several steps removed from the curb, in front of the patrol car). Benavides says the gunman *started* to make a movement “*back going to the curb*”. A

close reading could see a possible hint here of the effects of a stumble. The stumble occurs as the gunman starts to go around the right front side of the patrol car on the opposite side of Benavides' point of view, "going to the curb" before "into [*sic*, 'to'] the sidewalk". Benavides may not have been able to see, from where he was in the cab of his pickup truck, the right hand of the gunman go to the patrol car's right front fender because it may not have been in his line of sight (if the fender prints were a little on the passenger side of the corner of the patrol car). Or, if his attention were directed elsewhere, such as on the fallen Tippit, Benavides might have missed a momentary movement of the killer at the right front fender area even if it could have been in his line of sight. Either way, what he said he saw is the gunman making a movement having something to do with "*going to the curb*", followed by "into the sidewalk". Benavides may have seen a sequence in which the gunman started in what seemed like one direction (to the "curb" on the other side of the car), then a slightly different direction (the "sidewalk"), or two phases of movement that ended up on the sidewalk. In light of the *existence* of the right front fender fingerprints—from the identical individual who was at the passenger window talking to Tippit inside the car—the gunman slightly stumbled and put his free right hand on the fender, and Benavides may have seen the continuation of that movement, perhaps recovery from a stumble, to the sidewalk. The stumble will have occurred in some relationship to "starting back going to the curb", the curb itself being the likely cause of the stumble.

As worded, Benavides saw the gunman standing in the street—in front of the patrol car—then saw the gunman "started back going to the curb". The curb is the cause of the stumble, in which the gunman moves without paying attention to the curb and partly stumbles, though still remaining on his feet. The stumble causes the gunman to place his empty right hand on the fender either as he went down or came back up.

The key point is Wright said he saw the man in front of the patrol car looking at the fallen Tippit some moments before the man turned to move away, and the man was holding no visible gun. That is consistent with a left-handed gunman whose right hand was empty and available to go on the fender moments later in a slight stumble going around the car at the curb. The evidence there was a stumble is the presence of the fingerprints on the fender from a right hand, which requires a stumble to account for their being there, whether from a gunman or non-gunman. However in this case, according to the 1994 Lutz finding the stumble at the right front fender area was from the same individual who leaned in to the passenger window to speak to Tippit in the driver's seat.

### **Importance of the Lutz 1994 finding**

The conjunction of two sets of fingerprints left by a single individual in two unusual locations, unlikely to have been put there by random chance in either case, each narrowly consistent with the Tippit killer, is not a coincidence that can easily be explained by invoking a crime scene unsecured from random bystanders for a few minutes.

Myers' suggestion requires assuming that some never-identified single person, unrelated to the killing of Tippit, left prints in those two locations corresponding exactly to the killer's behavior as described by witnesses, the prints at *both* locations left by the postulated random single person other than the killer. Neither of the two prints' locations are of a nature which would easily occur at random. If by freak accident one did, it stretches credulity to the breaking point to assume that both did from the same random person who was not the killer. It is the incongruity of that juxtaposition which is the force of the argument that the exclusion of Oswald as the source of those fingerprints is *de facto* exoneration of Oswald on Tippit, calling into question the received interpretations of the other categories of evidence perceived otherwise.

### **The failure to transmit the Tippit patrol car fingerprints to the FBI**

The FBI obtained from the Dallas Police nearly all physical evidence associated with the Kennedy and Tippit investigations, but not the fingerprints lifted from the Tippit patrol car. The FBI never asked for nor did the Dallas Police offer that fingerprint evidence. The Warren Commission never asked the FBI to examine those prints because the Dallas Police had advised the Commission the prints were worthless. Unfortunately, the later House Select Committee on Assassinations (HSCA) investigation, with its panels of forensic experts, also did not review the Tippit patrol car fingerprints finding which the Dallas Police had reported in the form of oral hearsay to the Warren Commission, even though the HSCA expert panels did review most earlier forensic findings of the Warren Commission.

The FBI laboratory in Washington, D.C., in 1963 and 1964, had probably the best fingerprint expertise and access to the most comprehensive identification databases in the nation. Had those patrol car fingerprints been transmitted to the FBI in the first weeks of the investigation, and a serious effort undertaken at positive identification of those prints as an explicit investigative priority, there is a reasonable likelihood—on the basis of what was learned from Lutz 1994 when a first-ever limited review from expertise was done—that a positive identification of the source of the fender fingerprints, and by that means linked identification to the source of the smeared fingerprints at the passenger vent window, could have been made at that time.

Followup investigation or analysis would be necessary to determine whether the named individual could be proven or shown possibly innocent on Tippit, with either a proven or possibly innocent reasonable explanation for their fingerprints' presence in those two locations on the patrol car. The named person could have been asked, see what they said, check what they said. If no innocent explanation was found, that person would become the leading suspect for having been the gunman who carried out the murder of Office Tippit.

The chain of events following a positive identification of the source of the Tippit patrol car fingerprints could have resulted in public exoneration of Oswald on Tippit and the opening of new lines of investigation in the Tippit case. If a positive identification of those prints had happened at

that early stage, it could have been consequential beyond measure in the history of scholarship on the JFK assassination.

Instead, the FBI was not involved, the prints were not transmitted, and the opportunity to positively identify Tippit's killer from forensic evidence from Tippit's own patrol car was not pursued for over six decades, to the present day. Even after the Lutz findings of 1994, the institutional *ethos* seems to have been: we know Oswald did it, therefore there is no point in finding the name of the non-Oswald source of those fingerprints.

It is sobering to consider that the right front fender prints of the Tippit patrol car could have produced the name of Tippit's killer at any point in the past six decades if a proper examination with expertise and use of databases had been done, and that to the present day there is no record any attempt has ever been made to run the Tippit patrol car fender fingerprints for identification using computers and databases, even after the 1998 publication of the Lutz 1994 finding that the prints were not from Oswald.

It is the equivalent of having unidentified DNA from a crime scene in a criminal case and refusing to check it, on the grounds that it is already "known" that a certain convicted criminal did the crime, so there is no need to check.

In this case, in terms of the crime scene fingerprints in the two suspicious locations on the patrol car in the Tippit case, a check has been done and a finding which is not in dispute is on the record and published since 1998: Oswald is not a match to those fingerprints.

But it has made no known difference in institutional perception of the case.

*[to be continued]*