

XXIV

BARING ASSES

(alternative): "FUCKIN' UP" THE POWERFUL

From time to time, particularly when he is writing about test results, shooting, how bullets behave and what they can, he thinks, do, I wonder how much Posner understood of what he was told by others. For example, as he continued to argue a really stupid case about that missed shot, ignorant of the facts, as what he says discloses and this reflects that he never had any scholarly interest or even approach -- he says of the Commission and the FBI, that "the FBI did not even get a sample of the curbstone until...July 1964."

It was, as we have seen, ^{not in July, 1964 (m)} August 5. But what use did anyone have for "a sample of the curbstone?" (Page 325).

While with Posner there is always the alternative of his thorough and dedicated dishonesty and a flair for saying anything at all that seems to buttress his formula's case that has no real substance at all, he continues to pretend that lead and antimony recovery means a bullet core and nothing else when it does not mean a bullet core at all, [^] as we have just seen, "Only a bullet fragment hit the concrete near Tague, since when the FBI later performed a spectrographic analysis on the curb, it showed" and he does not even get the quote correct, "traces of lead with a trace of antimony." ^{[The FBI Lab report / printed in facsimile in Ritz, Morten and} For this he cites what I quoted above, v.

Shaneyfelt's Commission testimony. The first "traces" in this quote is Posner's unscientific addition.

Posner is ^{so} grossly ignorant of the simple and readily available fact, ^{and} as it is in those Commission volumes. He said his reading of them alone did not suffice, he had to index them too. John F. Gallagher was the FBI's spectrographer, not Shaneyfelt, who was the photographic expert. Or Frazier, who was the firearms expert. What Shaneyfelt did is give hearsay testimony for his Lab mate, who was quite available in the same office in Washington to be the witness. For all the attention Posner gives to this argument based on the FBI's spectrographic examination, he does not even mention Gallagher's name in all his six hundred pages. And when he had the only merest fragment of Gallagher's report that survives, if any more even existed, ~~and~~ ^{S/1/21} it was before him in Gallagher's own writing in *Post Mortem* ^{and} ^{0/1/21} where ~~Posner would have appeared a bit less an ignoramus, a fool or a liar~~ ^{if he had used that. Instead, he} ~~just making it up,~~ Posner makes it up as he thinks helps his argument. In fact, Gallagher having survived in the FBI and retired when I deposed him, his was a slightly better ass covering. His words, that Posner would have seen in *Post Mortem* on page 458 if he had not preferred himself as the spectrographic scientist, are carefully chosen not to say that the imagined bullet core consisted of those two elements only. What he, not Shaneyfelt or Posner said, (his first words cover the ass), are "Small foreign metal smears," (I emphasize the plural), meaning other metals were found -- were run spectrographically Jarrell-Ash and found to be essentially lead with a trace of antimony,

and that it was not just Posner's "trace" of lead with a trace of antimony. [Jannell-Ash refers to the kind of electrographic examination.]

Gallagher's "attached" chart for the alleged "location" of that "smear" in what had been the bullet hole, says the exact opposite of what Posner says about the direction of his imagined fragment, the FBI's imagined "smear" source: It was the opposite from that sniper window. It was from the right or from the west, not from the east.

Even if this were not the case, as Posner would have seen if instead of making it up when he lacked the knowledge or the competence, if he had looked at page 458 of the *Post Mortem* he has, Gallagher gave the downward angle of that "smear," as 433 degrees from the right, or west.

It does not take any knowledge of advanced mathematics to know that if you carry a thirty-three degree angle backwards for that ~~writing-course~~ ^[of the] beginning of Posner's treatment of this whole thing, (on page 324), "Five hundred and twenty feet from the Depository," from where he says the impact was, the shooter would have been well up in the sky, not that sixty feet up on the sixth floor, ~~and that in the wrong direction and he could not have been on that triple level floor, either. He would have had to have been in the air above it.~~ ^{standing}

In terms of Posner's new contribution to assassination mythology, that it was a tree branch or twig or even its trunk that his "missed" bullet hit first, when it was both persuaded to shed its jacket and then to turn sharply both horizontally and vertically -- my what a really magical tree, too, Posner has

invented to so direct his magic fragment of his magical bullet! A tree that in the word of the poem, looks at God all that much closer to heaven, growing that high in the air west of Dealey Plaza!

How his bullet got that far to the west of the scene of the crime to be redirected to Posner's curbstome to be able to smear the hell out of it from the west, Posner does not tell us. That is the way it is with world-class magicians, they do have and keep their little secrets.

Well, it cannot be exclusively Posner's secret. The FBI has to have been in on it.

Confronted by all this most powerful magic ^{Ed Posner's all we can} ~~I suppose it would be silly to note that at that angle and only twenty feet east of the triple underpass that supermagical fragment of Posner, in the actual words of that Gallagher FBI report in which Posner imparts such unbounded faith, that bullet fragment would also have had to make its somehow magical Posner-way through the massive steel and concrete structure, that now magical, too, triple underpass.~~

say ^{Ed} Move aside, Hans Christian Anderson. You too, Grimm brothers. Yes, you, too, Baron Munchausen and Mother Goose. Gerald Posner has arrived!

No mere magic bullet for him! No, indeed! He has a magic tree, with the very most magical of branches and twigs and trunk;

a magical bullet fragment (which so briefly in the air was nonetheless able to shed most of the elements that originally made it up, the most remarkable of magic powers), and a magical triple underpass. And should we also acknowledge the most magical of FBI laboratories?

Was there ever a Houdini like Gerald Posner to command such unheard of magic?

If Posner had been any more than a poseur, if he had looked at the records of the lawsuit in which I sought this evidence that should have existed and which was not given to the Commission by the FBI, he would have known that the few handwritten words above about that little chart is, supposedly, all there ever was. That, of course, is ridiculous. That test, as we have already seen, did identify those ^{seven} ~~ten~~ elements, not a ~~mere two~~ ^{in that bullet.} The FBI learned much more from its charade than it wanted known. But if there had been the slightest trace of scholar or scholar's interest in Posner and if he did not want to take the scholarly time to go over all that lawsuit file holds, he could have read in *Post Mortem*, page 459, the two paragraphs of the government's claims or admission, because it is both, to explain its inability to come up with anything that could be called the results of spectrographic testing. It actually stated under oath to that court that the few scraps of paper I was given "is the notes and results of this test." Emphasis the government's and it is a deliberate lie, an obvious one, too.

And all this of no interest to as dedicated a scholar as Posner and his eminent espousers represent him as being?

Spectrographic examination begins with the burning of a tiny specimen, as little as one millimeter of it, as Gallagher testified when we deposed him, or of "postage-stamp weight," with the flame being photographed. It is in the analysis of the flame that the substance tested is analyzed. In as little as a single part in a million this test picks up all components of the material tested. So Gallagher had, in addition to his notes that do not exist -- if he really made any -- notes that should identify each of the ^{eleven} ~~ten~~ elements of ^{the} ~~a~~ bullet and its percentage of the composition of that bullet, whether it was either a bullet or any tiny part of one. He also had the picture of his little fire.

When it came to explaining the absence of that thin film, in that case on a thin glass, the FBI, careful not to swear to it, said that it must have been discarded to save space! In the vastness of those FBI files that thin test result would have ^{[taken up negli-} ~~been~~ ^{the space, man,} ~~immeasurable less than one part per miss million!~~ Its destruction was precluded by both law and regulation, as without contradiction by the government I told the court in that case.

If as he obviously never did, Posner had had any genuine, any sincere interest in what can without shame be called an investigation, this was an obvious beginning point because it adds to the proof that the damage to the curbstone was patched to make it impossible to retrieve bullet traces to be analyzed. Why

in the world, any real scholar or investigator should have asked, would anyone patch that curbstone and the FBI cover that up, with the compliance of the Commission and its ^Wlayers and then of the Department of Justice and Federal District Court Judge John Pratt?

Posner's killer chapter kills his own book in any competent examination of it. His ignorance of the basic fact of the assassination, or his contempt for that fact, or his dishonesty, or his own invention of it -- whatever explains it -- an entire book could be written about Posner's infidelity to fact in just this long chapter of his. Instead of taking book-length to expose it, let us just touch lightly on only some of what remains in it.

Referring to what Posner says was damage to the President's spine from the bullet he says "entered the base of his neck." Posner says it was his pal, a prejudicial and political bedmate, the urologist, Dr. John Lattimer, "who first discovered this," in 1972. (page 328). This is false, as anyone with a smidgeon of subject-matter knowledge would know from various sources. If the word "discovery" is appropriate, as I think it is not because inevitably, many in the government had to have known it, I "discovered it." That was between midnight and three a.m. the Friday early morning in January, 1969 of the week before the jury in Garrison's Clay Shaw trial was chosen. ~~As reported above,~~ Garrison had filed suit for certain specified evidence to be shown to that jury. In the opposite of Posner's reporting of it, Garrison had won and then abandoned his own case as a CIA plot

against him. Before that insanity I was the expert used by his lawyers. The government attached the until-then secret report of a panel of the most eminent in forensic pathology and radiology for their reading and reporting of the autopsy pictures and X-rays. I "discovered" that in their report and I later reproduced it in facsimile in *Post Mortem* -- which Posner has, (pages 574ff).

Repeating his puffing up of Lattimer on Page 328 with the same factual error, Posner adds that the autopsy prosecutors "did not use the X-rays in preparing their final report." But they did have their notes ~~made when they did examine those X-rays in the morgue.~~

On page 329 and on talk shows Posner made a big thing of computer enhancement allegedly proving that what he says about the injury to Connally is true because it shows the movement of the lapel of the jacket at that point. Even if that showed on enhancement, enhancements were not necessary to see it. What Posner does not do is print a picture of Connally's jacket to show a bullet hole in it at that point. ^[There is more.] What he here does not mention, he said there was a twenty-mile per hour wind in gusts that day and that was the outside lapel, the one exposed to the wind.

For some reason Posner has particular trouble getting to an important fact in his and the government's basic fiction, that theory of theirs of the magical single bullet, what, exactly, did it do? Without going into all that hokus pokus hokum, Posner has

great difficulty deciding and saying how and where it came to rest in Connally's left thigh. At rest, that is, until it decided at the hospital some time later that the time for its appearance had come and then just burst into history, or into official mythology.

Posner says (on page 334) that "The bullet continued through his right wrist and then into his thigh." (All emphasis here added.)

But only two pages later (336) he says that on leaving the wrist it "exited with just enough strength to break the skin on his thigh."

In his note on the next page Posner argues that, as usual, unnamed and unsourced, "Some critics originally charged that the bullet had entered deep into the Governor's thigh and stopped at the femur (thigh) bone."

One page more and he says of this same bullet and its same career, "When it left the wrist it was near 400 feet per second, just enough to break the skin and imbed itself into his thigh."

On the next page, referring to fragments of the bullet, he says that "one was imbedded in his thigh."

All of these different accounts in so few pages, six only.

The most obvious of these contradictions is between having only enough energy to break the skin and having the energy to "imbed" (page 339) itself at some place in the thigh Posner does not specify.

The truth again was in his hands in *Post Mortem* and what Dr. Perry told me that either Posner did not ask him in their interview or he just left out because it is still another destruction of that whole magical business with that fantastic bullet.

How pathetic it is, how pitiable, really, that a writer with an established reputation is so careless about truth and about his own reputation, so unconcerned about exposing himself as a fake and a fraud when in the book itself he proves that he is really ^{both,} ~~ignorant and not interested in fact or truth~~ is, ~~really, a fraud,~~

What kind of editing did Random House's vice president and executive editor, Posner's editor who shares the dedication with Trisha Posner, give this book? What was he looking for when he finds and leaves in it these contradictory versions on consecutive pages when Posner is making his case for his book? Loomis got to be the ^{Random House} ~~executive~~ editor when he misses such glaring, such conspicuous inconsistencies one immediately atop another? Bob

He, in Posner's dedication, "nurtured this project from its inception."

What was he "nurturing" with this as an illustration of his editing? He could hardly have gotten to his position in Random House by being this careless.

That nobody else picked it up suggests rather strongly that the Random House interest of which so many knew was not in having a book not so readily subject to criticism, not one so easily faulted ^[That interest was] but in what they could do with this new old formula for the book and what they planned to do that would entice those whose comments and observations they expected to keep ^[book reviewers] away from the nuts and bolts of the "project!"

Truth and accuracy were
That was not a major concern, as this carelessness reflects.

And what makes it all more pitiable for Posner, the writer with a reputation to protect and a book not to be ruined is that not one of his contradictory accounts of the same thing is true.

In even his omnipresent criticism of all others in the field, here not named and not sourced, his effort to bring others down apparently his only means of seeming to elevate himself, his "some critics" on page 337, he proclaims his ignorance of the established fact and his determination to remain ignorant. His complaint against these unnamed "some" of whose existence I am not aware from his complaint, is that "the bullet had entered deep into the Governor's thigh and stopped at the femur (thigh) bone."

Aside from the obvious question, which side of the femur was that fragment and was it really "deep," Posner's word, there is the fact Posner was not satisfied with the available information, he had to interview Perry, too. Here again it is obvious that his real reason for interviewing Perry, as it was with Tague, was to have that means of avoiding what the book still again cannot survive, the truth and the established fact.

The only reason Perry was involved at all in Connally's care, as Perry explained it to me and as I published, with Posner having that, is because of the very proximity of that fragment, as seen on X-rays, to the bone and to the femoral artery. Unlike the other Parkland doctors involved in Connally's care, Perry is a cardiovascular surgeon. The others wanted to be sure that removing that fragment would not on the one hand be dangerous because of its feared proximity to that artery and on the other hand, that if it were not removed, its presence could at some point become a danger to Connally.

One X-ray could be interpreted as placing that fragment at that bone.

So it was proper medical concern that had Perry involved to being with. He believed that the proper procedure was to leave the fragment where it was because there it presented no real danger to Connally. That Connally lived for almost thirty years thereafter without that fragment being a danger and without it having anything to do with Connally's death certainly confirms Perry's judgement.

There is nothing in this Perry would have had any reason not to tell Posner and it has been public for years without any complaint from anyone.

The difference between the bullet "with just enough strength to break the skin" (pages 336 and 338) and "imbedded" (page 338 and elsewhere) is obvious.

In every formulation Posner has the entire bullet ^{in the thigh} (as he misstates the design, in accord with the Geneva convention, ~~as we have seen~~, to make it "penetrate" more deeply, actually going into the thigh suggesting almost at right angles. The truth ^{is} ~~about that path through Connally's body, a matter Posner did not have to know anything at all about to be able to say that its~~ fabulous imagined ^{at} hispry was ^{not} possible ^{the path} was in fact parallel with the surface of the thigh! And not far under it!

And that far inside the moving limousine and not at all what one would expect for it to have just exited his right wrist ⁽²⁾ (2) there certainly was no magical twig or magical branch or magical full-grown tree trunk, ~~as Posner begins his version of the marvel of that imagined flight-path's beginning, to direct the bullet,~~ into and for three inches parallel with the surface of the left thigh, going from the body-side top toward the knee-side bottom of it! And coming from the right wrist!

In that interview, did Posner ask Perry how large the hole that ^{it} bullet ^{it} made was?

If he did, it is not in his book.

And yes, again it is in *Post Mortem*, which, still again, Posner had.

But of which, with all it has on the medical evidence, Posner makes no mention at all.

Perry volunteered to me that the hole was very, very small, so small it could not have been made by any bullet, not even a .22 caliber, the smallest of standard sizes.

More magic, too, a shrinking bullet to make so tiny a hole? The hole that Perry examined before any surgery or treatment there.

What Perry told me, and again he was specific in saying it, is that only a fragment of a bullet entered, and it remains in Connally's thigh.

Then there is the size of that fragment, visible and subject to measurement in the X-rays. Did Posner ask Perry or any other expert about that, as I did?

Naturally, and I could say instinctively, Posner will not accept anything I say. If he had begun doing that he could never have even written this fraud of a book he did. So, let us take Posner's own expert what in the very section, at its very beginning (on Page 335) see what he says about the base of that

bullet when it was recovered, before anything was taken for the FBI's lab analysis: it was at the base ~~fall~~ flattened "so that small amount of lead had been extruded from the bullet's base." This will soon interest us, but here limited to what his own authority says, there was nothing removed from that base at all and a little bit of the core had been compressed outside the jacket.



That is the truth and the Commission's files have pictures of it.

But even if this were not true, as it is in Posner's own representation of it, and in his representation there is nothing missing from that base to have left that fragment in Connally's thigh, what the X-rays show is that the sliver was too long to have come from that core unless it was from a piece that was parallel with the sides of and deeply into that bullet and that the pictures of the base of the bullet as found proves impossible.!

This sliver was longer than the width of the core by quite a bit.

In regard to the above, Posner's pictures of the base of that magical bullet of his, too, shows this to have been impossible. We'll have interest in what he says about that and those great pictures of his later. They appear on his pages 473 and 482, neither having a number in his book.

Without any Posnerian gobbledegook, what I am saying is that in his killer chapter Posner is a suicide and he kills his book with it.

That entire bullet did not enter Connally's thigh at all!

It could not have!

The fragment that entered by that tiny hole is too long to have come from the base of that bullet.

On both counts, through his ignorance and intending the exact opposite, Posner draws attention to the existing evidence that proves this injury to Connally could not have come from that Posnerian supermagical bullet and that alone proves that there was a conspiracy!

Thank you, Gerald Posner! And company.

He gives the weight of this bullet, as received in the FBI lab as 158.6 grains, "meaning only 2.6 grains were lost" (page 339.) When he gets to those pictures referred to above we'll have more on this, but here I note that what he does not tell the reader, if he knew, as from that testimony he read and indexed he would have known, about a fifth of that is lost from the jacket when the bullet is fired. ~~This loss is of the jacket material, is visible in the picture he has on what is but is not marked as~~ Page 473. So in his and the official version, only about two grains was missing for the core.

J/
J/

And it takes 437.44 of those grains to make a single ounce, as any chart of weights discloses. Or, what is missing is about one-one^{hundredth} of an ounce. J
N

Having made several references to the fragments recovered from Connally's thigh as being much too small for them to account for all the missing metal, Posner gets around to the testimony of Dr. Vincent Guinn, an expert on neutron activation analysis to the House Assassins Committee. (Page 341). Here again Posner's dishonesty in referring to all critics as the same in their thought and writing helps make the purposes of this permeating dishonesty as apparent as it does his falseness in it. He writes that when the committee announced it would have Guinn as a witness "the critics were pleased." Not sourced, of course. U
J/

It was ~~not~~ because I knew what it would mean, overt dishonesty and once again an official body misleading and misinforming the people, ^{that} I took steps to make a record of that. He also says that we, of identical mind and thought in his fiction, "were shocked when Dr. Guinn reported his results." (Page 342). Not I. I prepared for them. J/
J/that

What the committee asked Guinn to do is to test the *stretcher bullet (CE 399), the three fragments removed from Connally's wrist (CE 842), two removed during the autopsy from the President's brain (CE 843), the large mashed fragment found on the front floor board of the limousine (CE 567), and several small ones found on the rear floor of the limo (CE 840)* (Page 341) J/S/

On the next page Posner writes of Guinn's testimony, "His most important finding was that CE 399, the stretcher bullet, was indistinguishable, both in antimony and silver, from the fragments recovered from the Governor's wrist. Guinn's finding ended the speculation that CE 399 had been planted on the stretcher, since there was no indisputable evidence that it had traveled through Connally's body, leaving behind fragments." ^u g

Saying this is
 That footnote, / no trouble at all for a man not troubled by an active conscience or with even the most rudimentary knowledge of the readily available facts already in his possession (in *Post Mortem*) ^{it} gives the lie to Posner's charge against the FBI, that it did not know its business because it was "new to the procedure," neutron activation analysis.

Even if new, and in those days neutron activation analysis itself was very new, in this area, the FBI did not do the testing. Gallagher, for whose name Posner did not find space for a single mention in those six hundred pages, confirmed when we deposed him in C.A. 75-226 what the records I obtained from the FBI already let us know, that he supervised those tests for the FBI but that the scientific work was done by Union Carbide at the massive and pioneering installation that was then known as The Atomic Energy Commission had at Oak Ridge, Tennessee. (Naturally, when he was here and they are clearly identified in the file drawer that also is clearly identified, Posner did not want to waste any time looking at the complete file on that work from the successor agency, the Energy Research and Development Administration.)

So, it may be news to this most "diligent" and "meticulous" of "researchers," but Union Carbide was anything but "new to the procedure."

With his customary research amnesia when that is necessary for his perpetration of his fraud, Posner, among other things, does not tell his readers that these were not by any means all the fragments deposited in Connally's wrist. The Dallas doctors testified to that, as I reported in the related chapters of *Whitewash*, "The Number of Shots" and "The Doctors and the Autopsy" (pages 155-167), and, as it is necessary to repeat, Posner had that book before he wrote anything, they all testified to the amount of metal they washed out of Connally's wrist that was not recovered and said that the metal deposited in the wrist was greater than they could see as missing from that bullet.

And as we shall see, as Posner did not want to see, most by far of the metal missing when they saw that bullet had been cut off by the FBI, which was careful not to either tell the Commission about it or to record the weight of what it removed.

But as indicated above all the critics did not react or believe and say the same as Posner, knowing better, always, says. I anticipated pretty much what happened, knew it would not be true, and primed George Lardner, the *Washington Post's* ~~Assassinations~~ Expert and far and away the best informed reporter on the subject, of what I knew from my own work and from those depositions of the FBI agents Posner shunned like the plague. I

knew that Guinn had to have tested specimens that did not meet their official description.

Lardner covered that committee hearing. He sought to question Guinn more about this when Guinn held a press conference outside the committee room, David Lifton, who recorded it, so dominated it and so interrupted the reporters, which Lifton is not and was not, that the legitimate reporters could hardly get a word in while Lifton tried the impossible, to get Guinn to support the utter impossibility of his coming book based on the also impossible theory, that the corpse had been snatched and toyed with before the autopsy began. Lardner asked his question but could not follow it up, as Lifton's own tape of his own improper intrusion makes clear.

The respected Guinn, an authentic expert gave a virtuoso performance of the truism that experts testify to what they are paid to testify to. He knew what that committee wanted and he gave it to them.

But as Lardner reported it in the next morning's paper, that of Saturday, September 9, 1978:

not taken ↓

indent sample of... Guinn's tests also created a new mystery, however. The fragments the FBI tested in 1964, [Committee member Floyd J.] he told (Fifthian, have all disappeared. Guinn said he carefully weighed the bits and pieces of metal brought out to him by officials of the National Archives last year and not one of them matched the fragments recorded in the FBI data.

not initials
incident
sample
fake

"The pieces brought out by Archives did not include any of the specific pieces the FBI analyzed," he testified. "Where they are, I have no idea."


Elaborating to reporters later, Guinn said, for example, that he was presented a small container ostensibly carrying all the bullet fragments from Kennedy's brain. It contained two bits of metal, one weighing 41.9 milligrams and the other 5.4 milligrams. Yet, Guinn said, the FBI records showed four other samples from Kennedy's brain all with different weights.

In the same fashion, the FBI data indicated that it had tested three bits of metal from Connally's wrist at Oak Ridge National Laboratories in 1964, two weighing 2.3 milligrams each and another weighing 1.52 milligrams. The container Guinn got, which he said came with assurances from Archives that this was all the metal from Connally's wrist in its possession, had two other pieces, one weighing 16.4 milligrams and the other 1.3 milligrams.


Exactly as I knew was inevitable, Guinn, knowing that the specimens he tested he did not and could not validate, proceeded with his test for all the world as though he knew that what he tested is what the official description of the official records states!

All his testimony does, contrary to Posner's exaltation of it, is describe that committee's work and its honcho, ^[Robert] Blakey went through a charade, a knowing fraud, and the expert did as experts do for pay, testified to what he knew was wanted. He cannot

respond with fact. Is there any wonder Blakey speaks of me as Posner relished?

As we shall see again, Guinn did others' favors for those who he thought were his friends but who, in secret disliked him and froze him out of the official investigation. 

If Posner had had any interest at all in knowing the meaning, this truth, about Guinn's testimony when he spent those three days here, he would not have found it difficult to locate, if he could spell Guinn's name. I have a "Guinn, Vincent P." file and behind it is a separate file on his committee testimony, in which, among other things, he would have found Lardner's story.

Yet how diligent Posner could be when he wanted what he wanted to quote, as we saw with ten-year-old Marilyn Willis. One of his citations for what he attributes to that little girl is her "interview with Marcia Smith-Durk" (page 553). He was careful not to say where that 1979 interview was published. Or a word about Smith-Durk that from the word going around, he had good reason, as he reluctantly admitted in a talk show confrontation with David Scheim, for not wanting her reputation for credibility looked into. 

But *The Washington Post*, major paper where all this was going on? Too much trouble -- he could not bother to consult it.

As the court record we established in C.A. 75-0226 is explicit on, the AEC's then head of that kind of development, the late Paul Aebersold (right), wrote the head of the Justice Department Criminal Division soon after the assassination to urge that neutron activation be done on the ballistics evidence and for this he recommended Guinn. The FBI was careful to avoid involving Guinn at all. Gallagher took the lead in this, reflected in several unflattering letters about Guinn. Guinn would not believe it when I told him, he had that opinion of Gallagher as his friend. When we asked Gallagher about this when we deposed him, his explanation was that Guinn was too much of a publicity seeker. But then, obviously, if that test ^{w/}as made by Guinn/ and all the information was not turned over to the Commission, they could not depend on Guinn to be silent. The FBI never did give the Commission what I got from ERDA co-defendant in that lawsuit. Had it, the Commission would have had problems. It could not have concluded that Oswald was the assassin if it had those test results.

w/s/

Yes, this, too, is in *Post Mortem*.

Keeping Guinn out kept the FBI in control and it was so tight a control the Commission never got a blessed thing from the FBI about it.



One thing those tests did prove is that the paraffin test of Oswald's cheek to determine whether there were the deposits made by firing a rifle proved that his cheek had no such deposits. The records I got from the ERDA even include photographs of the

casts are on rather thick and expensive, reinforced photographic paper. There were comparison tests, that rifle fired by others of whose cheeks paraffin casts were also made. In all those tests deposits were left and identified in the NAAs.

Paraffin tests are not conclusive in incriminating, the word "incriminating" carefully omitted by Gallagher when he was called as the Commission's last witness, when its Report was set in type and it was only nine days before the presses rolled. He testified September 15, 1964. It was so much of an afterthought that his testimony (15H746-52) in that volume follows the affidavits that also were afterthoughts.

He was not asked about NAAs, was not asked if any tests were made to determine the dependability of the paraffin tests made of Oswald's cheek, and he did not testify that the NAAs confirmed that the rifle left deposits, it did not do on Oswald's face, but as it did on the faces of all used in these NAA tests.

This, too, exculpated Oswald and the FBI knew it very early on. And kept it secret.

On deposition we asked Gallagher why he did not remove the slight sample needed for comparison purposes from the unfired bullet found in that rifle.

That and that alone was of all the bullets the one the FBI held to be "historical" and thus took no specimens from it. How ludicrous that explanation was!

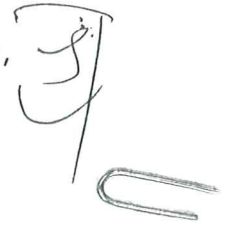
In my FOIA lawsuit for the results of all the FBI's testing there was nothing the FBI did or said that bothered it in any way. Even when I proved that this was as cockamamie an untruth as the FBI could have uttered. It could be alleged that as a professional in the field and as an expert Gallagher knew better than, and that, because it was material, it could be perjury. (That was ^{the} judge who threatened Lesar and me when I proved earlier that a different FBI lab agent had sworn perjuroiously.) So, I went to my friendly local gunshop where I had bought a supply of those identical bullets and had them "pull" several. This means no more than that with care not to damage the bullet, they separated it from the shell, discarded the powder in the shell, and gave me both parts.

The federal court clerks in my FOIA litigation thought they were used to just about anything but Jim Lesar told me that when he filed that specimen of a "pulled" bullet, the bullet and the shell taped with transparent tape to a sheet of paper, the reaction was of considerable surprise. That was a new one to them.

If my friendly local gunshop could do this, a not abnormal and rather simple thing, the vaunted FBI could not?

When the National Archives delivered that unfired bullet and the alleged specimen to Guinn at his University of California at Davis lab, it made no "historical importance" claim to prevent Guinn's "pulling" that bullet and today, anyone looking at that

bullet sees a "pristine" bullet with the two parts together, looking as it did the day it was manufactured.



Not even Oliver Stone could cast and direct anyone Gallagher's equal in projecting the most soul-shattering agony, when he testified to all that he suffered so from not being able to remember. Which was always what could have embarrassed the FBI.

As Sanford Ungar wrote in his FBI-assisted book, *FBI* (Boston, Atlantic-Little Brown Books, 1975), those lab agents are trained to frustrate and intimidate cross-examiners.

They do not all employ the same techniques. Frazier and Shaneyfelt, for example, were openly antagonistic and demanded "expert witness" fees over and above those stipulated by the courts, which, as required, were paid in advance. They were not deposed as "expert witnesses." Shaneyfelt actually sent me a bill for "expert witness" fees over and above those I had paid him in advance in accord with the court's requirements.

It was Frazier who testified to the weights before the Commission so we asked him about them when we deposed him. Relating to what was missing from the base of that bullet, from its core, which he had not testified to before the Commission. Visible as it is that some was cut out, ever diligent Arlen Specter asked him not a question about it. Frazier testified under oath that he had weighted that magical bullet only one time, on receipt of it. That is true of all the fragments, too.

After that weighing he never recorded any weight of any specimen removed for testing -- not of a single piece of evidence.

Why? He said it was not necessary.

So, as of today, what seems probably ^{is} that this bullet had not been used in the shooting at all. This cannot be proven or disproven from the bullet itself. It does seem probable from the pictures I have of it, taken at the Archives, that the only metal missing from that core at the base was cut out for this testing by the FBI. Which did not have to do that to begin with! Enough of the core metal needed for the spectrographic analysis, as little as only a millimeter in length, could have been flaked off with a fingernail. That actually happened spontaneously later, when the bullet was stored in the Archives. Howard Roffman determined that when it was in a plastic container and not touched a much larger piece than is needed for this test just fell off and is in that container.

And visible as the marks of the knife are and the cut-out appearance of the hole left in that core ^{is} are, that most diligent of Commission counsel, Arlen Specter, never once asked a question about the removal of any specimen for testing from the base. He never once referred to this in any way, never told any of the many doctors about it even when they testified that after the FBI removed that much metal they had still seen more missing from that bullet than they could account for in examining it.

In the Commission's Report, in its twenty-six published volumes of those ten million words and in all its files I examined at the Archives, there was no mention at all of the FBI's cutting ^{out} a relatively large piece of that core for spectrographic testing.

This means that there is no way anyone could now know whether, as from Guinn's statement at the HSCA seems to be the possibility if not the actuality, whether all those specimens he tested came from that great excess cut from the base of that bullet in the FBI lab virtually the moment it reached there the night of the assassination.

As Guinn said, "The fragments the FBI tested in 1964" when asked by a Committee member, "have all disappeared." He also said that, as I was certain he would, of the present "official specimens" delivered to him by the Archives, "not one of them matched the fragments recorded in the FBI data." More, "they do not include any of the specific pieces the FBI analyzed." He added, "Where they are, I have no idea."

If as seems apparent, he is really saying those bits of evidence have been replaced by other pieces of core material, is there any possible source other than the great excess removed by the FBI when it did not have to cut even the tiniest piece off?

Since then the FBI has not seen fit to attempt to eliminate this "mystery".

This is the actuality of the "results" of Guinn's testing about which Posner revels in ignorance, in dishonesty or both, (as on page 342).

Guinn referred to the FBI's "1964" tests. Those were the NAAs, Posner indicated that this test consumes what is tested. That is true of the spectrographic tests, which do burn the substance tested. But it is not true if NAAs. In NAAs the decay rate of the radioactivity is what is measured. The specimen is not consumed. When all the added radioactivity has decayed, the specimen is identical to what it was before that testing.

What this means is that those specimens the FBI tested at Oak Ridge in 1964 were exactly the same after those tests as they were before being subjected to radiation for those tests.

The tests did not and could not make any changes in their weight or appearance or in any other way.

Guinn was living by the FBI's first law for covering asses.

He was covering his own. And only it. More or less.

He bared the FBI's, the Commission's, that committee's and especially Blakey's and, as Posner was apparently so grossly ignorant about all the actualities he writes about, to know anything other than his beginning formula, his ass, too.

Does it not also prove, as I believe, that this is still another destruction of the integrity of all official investigations and those pretendedly made by the Faust-like unofficial pretended investigators like Posner? He concludes as the Commission did, with the Blakey-invested nonsense that although the Commission was wrong in what it did, it nonetheless, Major Blimp-like, wound up with the right answer.

In summary of what we have seen in Posner's killer chapter, it killed all official investigations and his own book when examined with some knowledge of what was available to him and he shunned, even pretending it does not exist when he had it, the irrefutable facts of official origin. Where not from the official records, it was from the official witnesses. They are unrecognizable in Posner's representation of them and what they said and did and believed and knew.

(There is ever so much more on this in *Never Again!*)

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When "fuckin' up" the powerful, as came to me with Mo Waldron's bear hugs in Memphis, "there is no such thing as overkill."

Always?