

5 June 1969

Dear Tink,

You are on very weak ground and you must know it. Bernabei has posed a legitimate and serious question which goes to the reliability of your research. There is no way to raise such a question without being "offensive" and there is no way to escape the obligation to satisfy him.

To concede that the dent was present when you examined the CE 577 cartridge case puts you in a very vulnerable spot. It is almost as difficult to defend overlooking it as to defend observing but concealing it. You built a major argument on the claim that the dent in CE 543 was unique and if you did so in good faith it is still very difficult to understand how you could do so on the basis of a hasty examination of the relevant evidence.

You make your position even more dubious when you do not address yourself to Bernabei's statement that a photo of the cases was requested by a Philadelphia resident. I think you should have denied that it was you who ordered the photo and denied that you had access to it if it was ordered by someone else.

On the question of the identity of the cartridge case that was withheld by the Dallas Police until 11/27/63, you did not answer Bernabei's argument on the correlation between the last case received by the FBI and the highest number (C38) assigned to the cartridge case. It has inescapable logic. I find no way to explain why the FBI should number a case received on 11/22/63 "C38" and one received five days later "C6." What is worse, you discuss Day's recantation in your letter to Bernabei but in Six Seconds you refer solely to his testimony in 4H 255 and do not mention the complete revision of his testimony in the June 1964 affidavit (7H 402).

I am not dealing here with the merits of Day's several versions of how many and which shells he marked with his name, or Doughty marked, or which was actually withheld. You have an indisputable right to argue that his original testimony in 4H 255 is the correct story but only if you set forth the later statements (affidavit of May 1964 and affidavit of June 1964 in 7H 401-402 and interview by the FBI in June 1964 in CE 2011) and show why they are suspect. This was exactly the point that came up in your correspondence with Alvarez with respect to his failure to report the fourth jiggle and his reasons for rejecting it.

It is not fair to equate Bernabei with Ray Marcus nor has he suggested any complicated plot to undermine his research if and when he makes it public. He has merely said, and quite reasonably, that your discussion of a unique dent which is not in fact unique may be utilized by others in an attempt to discredit any related findings which may be published in future and that this would be unfortunate.

I am heartsick about this. The whole thing gets more bitter and mutilating with every passing week. I would give a great deal not to send a letter that will seem brutal, now especially or at any other time, but I have no choice. I had received all the correspondence already from Bernabei.

*Lepia*