

10 June 1969

Dear Tink,

I have mailed back your notes and the photo, as you requested, under separate cover. I hope there is no longer any misunderstanding about my letter, which was addressed solely to what I considered an ill-advised and unnecessarily defaulting reply to Bernabei. If you had only ignored his tone and categorically denied seeing or concealing a dent in CE 557-A and denied the possibility that you could have overlooked it had it been present, the onus would now be on him to reconstruct the possibilities and to take the initiative in contemplating the possibility of substitution or alteration. With a clear denial that you had requested the photograph or that the "Philadelphia resident" had done so on your behalf or with your knowledge, you would have been in a quite strong position. But that is now spilled milk.

On the issue of Day's recantation, I have to take some responsibility for not being sufficiently alert when I reviewed the ms. of SSD. I wish I had caught it and insisted on a distinct discussion of his later versions of how many cartridge cases he had marked with his name and which of the three cases had been withheld for five days in Dallas. I think that we have a genuine difference of opinion on this point and that I must be bound by the position I took in Accessories in setting forth the manner in which the Warren Report treated the March 1964 testimony of Drs. Shaw and Gregory on the issue of a single bullet, and specifically CE 399, while suppressing entirely their change of opinion in April 1964 after viewing CE 399 and other physical evidence that they had not seen previously. This is discussed in AAF pages 167-170.

This is not to suggest that you had the same motivation as the Commission: I feel certain you did not, and as I said above I do take some blame at least for not being sufficiently alert to the fact that Day had recanted or to the need to discriminate among the three cartridge cases.

Next year at this time, I hope we will be laughing at this whole tempest---if any of us retains the ability to laugh without jaundice. If nothing else, we have at least learned the danger of impulsive replies which defeat their own purpose.

As always and the same,