

typed on "President's Commission (7-7-64)" which is only a month earlier!

After "Examinations requested" is typed "Photographic-Microscopic Firearms," the latter on the line below. It is encircled, reflecting that the copy is from that part of the lab. Above "Microscopic," "Spectrographic" is written in. The "date received" is 8-6-64. After "Examination by" only "Shaneyfelt" is typed in, and under his name "Frazier" is written in. Thus there is on this first page no identification of the spectrographer. That was Gallagher. Robert Frazier was a lab firearms examiner.

For those who may want to look further into this long-delayed but vital examination in my records, it is in the FBI headquarters "main" Oswald file, in the FBI's official file classifications list a "security-related" classification, it is "Foreign Counterintelligence" with "formerly Internal Security" of "Nationalistic Tendency" among the other critical descriptions of it.) The FBI's file number for this Oswald file is 105-82555. Within that large file, this part of that testing is Serial 4668X. The file drawers reflect the serials each holds and the file folders identify the serials within each section, each single section or volume being in individual folders.

This page also has space at the bottom for comments to be added. Under "Specimen submitted for examination" it is typed, "Request for location and examination of mark on curbing at assassination site." The copy disclosed to me was made less understandable by repeated xeroxing. The size of Frazier's writing diminishing as he neared the end of the space available to him. In some places it is not legible at all.

Where what Frazier, the firearms not the spectrographic expert, wrote is legible, he does say that the results of the test, seemingly the encircled "firearms" examination but actually the spectrographic examination, show what he refers to as a "minor disturbance" on the "curb" at its "edge," meaning the rounded curbed edge where the horizontal and vertical surfaces join, can have been caused by "the core portion of a metal-jacketed bullet" like those allegedly used in the crime. But immediately after that he also gives as the possible cause, "a (sic) automobile weight or some other source of lead."

This is a lie, and it is a lie of such a nature that Frazier had to be sure there would not be any questioning of it.

It is a lie because Frazier knew that spectrographic examination disclosed only two of the 11 components of the bullet, or of the nine of its core.

But just imagine! He says it could have been caused not by a bullet but by the flying-off of one of the wheel weights with which automobile tires are balanced! Or something of similar composition.

This is to say it could have been caused by anything in the world composed of lead and antimony rather than a bullet!

(The FBI did not disclose this particular record and the Gemberling synopsis to me in my lawsuit for them and/or all other such records reflecting its scientific testing. It was disclosed under the compulsion of the later field offices lawsuits filed two years after I published *Post Mortem*.)

On the Frazier worksheet quoted above, alongside his drawing of the curbstone section showing that the portion tested was on the bend, with a line to the right and to his writing begins, "Partly discernable smoothing off--no groove or visible" and then it is not legible. It may refer to another form of mechanical injury or marking.

That "smoothing off" is something! Imagine a "firearms expert" examining a section of concrete curbstone that was known to have had a ballistics impact on it and that ballistic impact merely smoothed the concrete out more than it was when manufactured!

There is no question at all of what happened and as I set forth throughout *Post Mortem* Part IV, without a peep from the FBI then, since then, now more than a dozen years later, or at any point for the many years that test-result lawsuits were in court, where I alleged it under oath: *that curbstone was patched!*

This is clearly visible in the pictures. I first published them in *Post Mortem* on pages 608 and 609. On the left-hand page are the Underwood and Dillard pictures as of the time of the assassination and on the right-hand page is a picture of that curbstone section as it is in the Archives, this picture taken for me there. There is also an enlargement of that "smoothed-off"

section. It is not only much smoother to sight and to touch, it is distinctly darker in shade.

This was more than merely visible to me—it was obvious. Is there any doubt that the FBI, meaning all the many involved in this charade in the FBI, including that ass-covering Gemberling in Dallas, had to know it even better than I? All those who made and filed reports, and who testified *under oath*?

When I, a nonexpert, was certain this was the case from those pictures and on reading Shaneyfelt's evasions and impossible testimony relating to any kind of bullet or bullet-fragment impact, were not all those FBI hotshots even more aware of it, more positive in what their education, training, and experience—all of them—knew?

Ought not all those Warren Commission counsels, especially the former assistant district attorney of Philadelphia, Arlen Specter, whose area of the Commission's work this was, have had at the very least a suspicion?

Not one said a word and among those who parlayed their Commission careers into professional advancements, Specter advanced until he is and has been a senator from Pennsylvania.

All combined in that awful crime of silence, when men ought to cry out!

Unlike the Posners who cringe at the mere thought of admitting that anybody had done any prior work in the area of their writing, I encourage others to use mine and I cannot remember asking to be credited a single time. Thus when Henry Hurt, a *Readers Digest* roving editor, a fine writer, an authentic conservative, and a southern gentleman of the old school, wrote *Reasonable Doubt*, (New York, Holt Rinehart and Winston, 1985) I gave him a free peer review of the manuscript as he wrote it. I urged him to carry my work on this evidence forward with what his publisher could afford and I could not, an expert examination of that piece of curbing resting in the Archives.

When we deposed John Kilby, another lab agent in that FOIA lawsuit for the test results* and the questioning turned to

*When I retired that lawsuit under the amended FOIA as C.A.75-0226, the first case under the amended act, all the Lab agents involved, all relatively young, retired. Then the FBI claimed when I sought to depose them that

whether any test had been performed to determine whether there was a patch, he gave us some free advice in his answer.

"What you want to do is have a building-material scientist look at that. Different kinds of concrete that are used. They can tell the difference between a patching material and a permanent material. It's not a very difficult thing but you wouldn't use activation analysis to show it is different."

Remembering this I encouraged Henry and he took the FBI's professional advice, the advice of its famous laboratory. He did engage such a firm and under date of March 17, 1983, it reported to Henry's research assistant and fact-checker, Sissi Maleki. The "purpose" of his March 10 examination was "to look for external signs which might indicate that the concrete curbstone had been patched."

Naturally, Specter et al., including Posner, saw no such need. After all, it was merely the assassination of an American President they and the FBI were investigating and part of their responsibilities was to determine whether or not there had been a conspiracy. Oswald, long dead, had never had a free moment for patching that curbstone. Who had the motive to hide the evidence that "chip," also described as a "scar," held? The one and only thing accomplished by patching that innocent curbstone was to make it impossible to recover the metal deposits and analyze them scientifically. Doing that hid forever the traces of one of those bullets attributed to Oswald.

The only intent possible was to hide forever the composition of a bullet other than the one attributed to Oswald.

Here are excerpts from the report of the FBI-recommended professional examination:

because they had retired they could not be called to testify. The alleged reason was that they were no longer employed by the FBI. I had to litigate that before the court compelled them to appear and be deposed. Kilby replaced one of those who retired. He provided the FBI's affidavits. As soon as he started filing them, I proved he resorted to perjury. The response of that Judge John Pratt was to tell my lawyer, Jim Lesar and me first that we could catch more flies with honey than with vinegar and then that outside of court we could be sued for such statements. When Lesar offered to walk out of the courtroom and repeat the allegations, Pratt dropped the matter. And ignored Kilby's proven perjury.

At the center of the concrete curb section, on the vertical face just below the curbed transition between the horizontal and vertical surfaces, there was a dark gray spot. The dark spot had fairly well defined boundaries, so that it stood out visually from the surrounding concrete, approximately 1/2 in. by 3/4 in. in principal dimensions.

The surfaces of the curb which would normally have been exposed in service were visually examined with the aid of a 10X illuminated magnifier, with special attention given to the dark spot. It is significant to note that no other areas of any size were found anywhere on these surfaces with characteristics similar to those of the dark spot. These characteristics are described below.

The most obvious characteristic of the dark spot was the difference in color. The boundaries of the darker area were as well defined under the 10X magnifier as they were to the unaided eye. It is considered probably that the difference in color is due to the cement paste; however, the possibility of a surface-induced stain cannot be ruled out.

Because the examination was limited to that curbstone as examined that day, this is a proper professional caution. But with there having been a visible damage, a "scar" or a "nick" or a "chip" that only a patch can explain it is obvious.

Another difference was noted in the color of the sand grains. The sand grains in the surrounding concrete surface were predominantly semi-translucent light gray in color, but there was also a significant amount of light brown sand grains. The dark spot contained only semi-translucent light grays and grains. It is possible that the difference in sand color may be due to a different kind of concrete; i.e., a patch, existing in the dark spot area. However, given the ratio of light gray sand grains to light brown sand grains in the surrounding concrete surface, and the relatively small size of the dark spot area, it is also possible that the difference in color of sand grains

may be explained in terms of the statistical variations in the distribution of sand grains throughout the concrete mass.

The upper edge of the dark spot appeared to show marks of some sand grains having been dislodged along the boundary between the dark spot and the surrounding concrete area. This is consistent with the relatively weaker zones that normally occur in the thin, or "feathered," edges of a surface patch. Again, however, the dislodgement of sand grains could be due to other causes.

In summary, the dark spot shows visual characteristics which are significantly different from those of the surrounding concrete surface. While any one of the differences, by itself, could be easily explained in terms other than a patch, the simultaneous occurrence of those differences would amount to a rather curious coincidence of characteristics. But the existence of a surface patch would also be consistent with and explain all of the observed differences.

Because there had been the very visible mechanical damage at precisely that point there was no question remaining after the examination by a professional engineer from a respected firm of engineers. Not having the evidence of the damage before him, to eliminate any possible doubt he recommended . . . "that a more detailed visual examination, using techniques of microscopic petrograph, be conducted to gain more conclusive information regarding the cement paste, the sand grains and the surface coloration."

"Cement paste" is not what curbstones are cast of. They are of cast concrete.

What the FBI could tell me to do professionally and scientifically to determine the obvious it did not do for itself or the country. Naturally, its founding director already having had his vision from above and known before any investigation at all that Oswald was the assassin and the lone assassin. This in some detail in *Never Again!* that is being prepared for publication as I write this.

With what impaired vision and with the unaided eye—not even with a magnifying glass—it is that obvious—I could and did see was not visible to those upwardly mobile Commission legal eagles, Specter and all the others? Or to the FBI? Impossible!

This is the way that crime was investigated.

This is what left a fortune to be whored, what so disquieted and disenchanting so many, so many of whom were not then yet born.

This is what made it possible for the President to be consigned to history with the dubious epithet of a dishonest non-Oswald died, as is documented in *Never Again!*

The engineering report, too, was in the "Cutstone" file Posner either did not look at or looked in and ignored a full month after his two days with Tague.

And this is, too, only one of the many reasons Posner and his ilk should be consigned to history's refuse heaps.

IX The Model of Historical Scholarship

The last words in Posner's book are like those of a prosecutor closing his case:

"Lee Harvey Oswald, driven by his own twisted and impenetrable furies, was the only assassin at Dealey Plaza on November 22, 1963. To say otherwise, in light of the overwhelming evidence, is to absolve a man with blood on his hands, and to mock the President he killed."
(Page 472.)

Had this been in a court of law rather than of public opinion; had Oswald ever had a defense counsel prepared to give him a vigorous defense, what Posner says in *closing* and what he says throughout would have been subjected to a much more rigorous examination than is possible for an unswirl and partly hand-capped octogenarian who has to depend on his memory and lacks meaningful access to his own materials.

But with no more than memory retrieval, Posner's prosecution-type case would not have survived before a real jury. None of it stacks, not a single solitary bit of evidence of the crime itself. His Hartsogian shrinkery, meaning what Posner said it meant