

4/28/69

Dear Dick,

Both your letters postmarked the 24th are here, one written 4/23. I read them when I got the mail then decided to work outside a little while and think. After coming back in I scanned Frazier's testimony, too hastily, but I did read it and the questioning. I find deficiencies to which I cannot with positiveness attribute certain significance, but at least I can read it in.

I wish I'd the time to go back over all of it and recall when the rifle was first test fired not for lab specimens. I am presuming that the two Frazier used (saying the others were similar, whereas I think he should have said they were identical), were fired before any others were. If they were not, then there had to be special reason for not using the cases they already had, and here it would begin to get conspiratorial.

Although there is a four-day difference in the time he got the third fired case, so called, from Dallas and the first two, I am confident he made his test before the 27th. Too much pressure to let it go that long. I'd guess he made his test 11/23 or 11/24, the day he got the copies or the following day. Assuming this, unless there are certain things immediately obvious to the trained eye guided by an inquisitive and suspicious mind, I'd also assume he had no reason for unloading the charge. On the other hand, from his testimony it seems clear that the markings left by rapid and slow fire can be very different. I would not assume his test shots were made firing as rapidly as the impossible time in Dallas, therefore I'd assume he was aware of this difference and should have gone to some his rapid-fire cases. That he did not is cause for separate suspicion. In my thinking I also consider the FBI prosecution-minded. That is, once a suspect is decided upon, they are not inclined to look for exculpatory evidence. And they may well have been influenced by the very public campaign against Oswald without special instructions at that early date.

With my untrained, inexperienced eye I think I detect certain uniform inconsistencies between the "real" and the test primer markings. They indicate to me consistently lighter pressure on the "real" cases, perhaps not enough to indicate they were fired with a primer explosion only. Maybe our own testing can resolve this.

In this connection, I also call to your attention the fact that identical areas of both are not shown in this series of exhibits. With this I note an inadequacy in the testimony, where Frazier testified there was little depth of field through the microscope. Here I remind you of my own suggestion that we take close-up shots and magnify them. He could have done this and he would not have had this liability. The camera eye would not be nearly so critical and would have permitted sufficient magnification. There has to be a reason he failed to do this, or that the photo experts did not suggest it, if they didn't. It cannot be because he wanted the most definitive, irrefutable evidence, or that he was confident of the outcome. I'd not be too surprised if they did that and were silent about it.

Frazier is an agent familiar with the requirements imposed on a technical expert by courts. Whether or not Eisenberg was sharp enough to catch it, I have little doubt that Frazier was aware of the inadequacies of his testimony and of the omissions, such as the other causes of some of the noted things, one of which interests us. Therefore, I repeat myself and say he was a conscious part of the coverup, at the time he testified.

You quote 3H415 for a limited purpose. Read the preceding paragraph again. Here he testified the test purpose "to pick up the microscopic marks... by the face of the bolt. Yet he restricted himself almost entirely to the tiny part, the primer and firing pin, especially in the pictures. Carelessness? Sloppiness? Or for a reason. Here, I imagine, because that alloy is harder than what is used in the primer, the difference between a primer-firing and a full-power firing might be greater. On 422 he acknowledges the results of differences in pressure but avoids that which can cause the greatest difference, the lack of propelling charge. It would seem that carefully as bullets are made, the slight differences in propellant would not be significant in terms of bolt-face or primer markings and that what would be expected is not what he testified to but that there would be exactly identical markings on both sets. Would not the "overall pattern" be similar for all bolts of approximately the same period of manufacture, with the same tools used in making the bolts?

Incidentally, none of my Westerns are sealed with red lacquer. I therefore wonder about reloaded ammo and the absence of spectro analysis on the test and "real" primer metal when the FBI knew (WHITWASH) of the ready availability in Dallas of reloaded ammo.

Please note this carefully and check to see if I misinterpret. At the top of the next page, speaking of what I take to be C-8, one of the "real" cases, Eisenberg asked, "Were you able to find identifying marks on the brass as well as the primer of this cartridge case?" Frezier's astounding response, when you consider the above-quoted purpose of his "test", "to pick up the microscopic marks... by the face of the bolt", is, "No; ~~xxxx~~ I did not notice any marks on the brass portion outside of the primer". Now to me, blessed with no knowledge of ballistics but thoroughly impressed with the extraordinary pressure my gunshot told me is in that charge when set off, it is entirely inconceivable that he found no marks on any of the brass outside the primer if the "real" bullet had been fired with a full charge in it. And here, I suggest, is the reason his testimony is limited to the primer and firing pin. No accident, no sloppiness, conscious deception, the full meaning of which had to be known by Frezier, whether or not Eisenberg understood it. Here you see also why I want to take my own photographer and get my own pictures for us to examine the brass outside the primer with the great magnification photography should make possible.

Another digression: I will speak to the photographer in advance, but for our purposes I ~~xxxx~~ would like to have a jig of some kind so we can have exactly the same distance between the lens and the cases when photographing the end of the bullets I fire. I think it will be possible to overlay the negatives, the markings will be that identical.

Skip to 427 and you find, beginning about a third of the way up, that Frezier again acknowledges significant pressure differences between the "real" and the test case, consistent with large differences in pressure. He accounts for the difference by saying there was a difference in pressure. What difference could there be in the "construction" of mass-produced bullets? None not man-made, only the difference in charge, what we believe. And on the next page the gobbledegook about focus.

So, for two particular reasons among others, the nature of the evidence and logic, I conclude that Frezier did not test-fire unloaded shells, and that the "real" shells, as I indicated in WHITWASH, are the phonies. He had to have at least suspected this at the time of his testimony. I think this may be what threw you, if you have been thrown and I am right. I do not know. In addition, I think the hazard of getting caught and the consequences are too great. But this does not invalidate your beliefs one bit. It merely requires reorientation with a pattern that is consistent in all other cases. Here I note Whitney Joy's belief that the marks were added. I heard from him today and include a copy of his letter.

I cannot say this was done. But I also point out we do not know when the dents appeared on the test cases, for the testimony is about the end only. We may now find that they have been in the rifle more than once, another reason for getting our own pictures. I think this at least worth checking out.

is

Two cautions: the last thing I recommend is readiness to "scrap the whole thing". This is one of the first things to inter-est me, and I think you have carried it very far forward. I think we are on the verge of learning something significant. The second caution is over-optimism ("We can bust the whole mess from top to bottom"). I have already done this tooxx many times to expect any one to accomplish that. I have skilled and interested help here now. The problem is money. I cannot pay for any great number of archives pictures, certainly not in color, where they charge \$10 each for 8x10s. And a repetition of an old warning: beware of Thompson. At best he cannot be depended upon. He just makes things up, and I know, having checked some out. The rest is purloined. He has nothing new, only plagiarism and irresponsible conjecture based on it, to reach a formula.

London: I'll let that wait until we both have more time. If you could prepare a list of these things to be checked in the papers there, as in your 4/24, I could send them and have the English papers checked on the same points. Eventually it will be worthwhile. I'd like copies of both letters, to use if you see nothing wrong.

Agreed on avoiding reconstructions. Unnecessary and dangerous. But I suggest the final form of the work should not be determined until the work is done.

On Nicol, I think you said you sent me a copy of your letter to him. You sent one to Nichols instead, not say to Nicol. Any answer? Or do I still misunderstand? Maybe you did not write Nicol?

Bottom page 1: that is the key, in both cases. Top page 2: identical marks from the primer only will be on the full-charge shells, perhaps not as clear and perhaps not all those on full-charge? Why "different" rather than different in character and intensity? Agreed on test. With pictures. Do not depend on microscopes because of limited depth focus. I think it is necessary whether or not it goes into Frazier's motive. Bottom 2: you now know. I am taking a dual expert with me-photo and rifle. His two hobbies.

Top 3: if cases presented evidence of having been fired and not having been, there is no confusion, only guilty officials...Why go into 393 in this if you do not go into all other ballistics?...Agreed on Hoover. He knew what he was told as others did what he, directly or indirectly, told them. ..What is Nichols going into?... Agreed on Epstein. Limp wrist: no real proof....If Sprague is not responsible for some of the mishandling of those pictures, I also am wrong. He was not far what Garrison did. He did not give them to G. G. lifted them from something I was working on, knowing it. It might be worthwhile for me to read that correspondence. His work is so irresponsible others have doubts. Wait before apologizing.

Patience!

23 April 69

Harold:

I tell you sincerely that I don't want to believe this. The only grounds that I have is that it is too good, far too good. I'm scared of it, though, because I do believe it. If Frazier fired those test cases empty, then everything is a cinch for us-- we can bust the whole mess from top to bottom. ~~xxxx~~ There will be no way of getting around it with rhetoric, except that they will say such a thing couldn't happen. But as I see things now (never mind what may cause me to change later), it did happen.

I thought at first that it was too stupid a thing for Frazier to do; he knows better than that. But I understand his motive now; I understand why he cannot have done anything else, why he cannot have used cartridges that fired bullets.

He had to produce exact duplicates of the evidence cases, things similar in every way. I think (I am not at all sure) that if he had fired fully loaded test cartridges, he would not have gotten ~~xxx~~ microscopic markings on the primers of the test cases that correspond with the marks on the primers of the evidence cases. The difference in pressure between cases that fire bullets and cases that do not is tremendous, and I think the difference would cause different kinds of microscopic marks on the primers. I can't be sure, for I don't know enough about microscopic examination.

Pull me back from this if you can, for I am ready to scrap the whole thing if I can find a flaw in any of it-- if anybody can show me the least flaw that might throw the whole machine out of whack. I have been so close to it, so eager to succeed, that I wonder whether I can trust my judgment.

Nichols might have facilities for checking about the difference in primer marks, or access to such facilities. If you can find out, then please do. The question is this: When empty cases are fired, ~~do they show the same type of marks as appear on the firing pin~~ do their primers show the same marks (or type of marks) as appear on primers that were fired in fully loaded cartridges? This refers to microscopic marks made by the firing pin and bolt face.

Enclosed is a page describing Frazier's two test Cartridge cases (CE 557). If you have seen them, please tell me whether the description is exact. If you have not seen them, then take this page with you the next time you go to the Archives and check my description carefully.

For the description I rely entirely on Thompson. He screwed up his whole explanation of ~~xxxx~~ these cases, and I may rap him hard for it.

If I can get to Washington and see the cases, I will, but I can't say when.

I should be overjoyed; I feel dreadful. I did not expect things to turn out this good, and I wonder whether I haven't been deceiving you, deceiving myself. ~~is~~ I'll continue writing on the basis of what I think is true. You must try to prove me wrong, for the least slip-up is disaster.

Duk

BERNABEI

cc. Nichols

i.e. the answer to the question, not whether Nichols has facilities, I am sending him a copy of this.

And two cartridge cases

In the course of his testimony before the Commission, Frazier introduced into evidence two cartridge cases that he had collected as tests for comparison with the three cases that were found near the window of the Depository. Here is his testimony regarding the collection of the two test cases (S H 418):

Question: I now hand you two cartridge cases, and ask you whether you can identify these cartridge cases?

Frazier: Yes, sir; these are the two cartridge cases we (sic) fired for test purposes in (the Mannlicher-Carcano rifle).

The two test cases were introduced into evidence as CE 557; both cases bear the same exhibit number. The interview continues:

Question: These were the only two cartridge cases fired as tests in (the Mannlicher-Carcano rifle)-- as tests for the purpose of identification of the cartridge cases which you examined before, 543, 544, and 545?

Frazier: Yes, sir; these two were used in those tests. There were many other cartridge cases fired, but not for that purpose.

One of the two cartridge cases in CE 557 bears a dent on the shoulder of the cartridge case. The dent on the shoulder of this test case corresponds in every essential respect with the dents on the shoulders of CEs 544 and 545.

Like CEs 544 and 545, this test case was dented when it was thrust as a fully loaded cartridge from the clip in the rifle that Oswald ordered. Like CEs 544 and 545, the bullet was pulled and the powder was drained from this test case. Like CEs 544 and 545, the primer of the empty test case was fired in the rifle that Oswald ordered. If it had fired a bullet, it would not be dented.

The other of the two cases in CE 557 bears a mark in the same place, on the case shoulder. The mark on the shoulder of this test case is not as pronounced as the dents on the shoulders of the other cartridge cases, but it corresponds in every essential respect with the mark that occurs on the shoulder of CE 141, the unfired and fully loaded cartridge that was found chambered in the Mannlicher-Carcano rifle when it was found in the Depository building. The marks that appear on the shoulders of these two cases are not conspicuous dents, but are visible scrapes that verge on being dents.

Like CE 141, this test case was dented when it was thrust as a fully loaded cartridge from the clip in the rifle that Oswald ordered. Like CE 141, this test case never fired a bullet. The bullet was pulled from it, its powder was drained, and the primer of the empty test case was fired in the rifle that Oswald ordered.

24 April 69

Harold:

I have your letters of 18 and 21 April with comments on Epstein. I'll answer things in the order that you raise them.

I hope things go good with Lincoln. All I can do now is keep my fingers crossed for you.

Your "agent" in London might be useful for checking Dawnay's work, which needs checking badly. He now says that Mrs Thomas (Pax Hole~~i~~) saw Ray on TV after the non-trial and identified him as the Sneyd who stayed with her. That does not tie in with her description of him as having very short hair with tight curls. When she saw the picture of Ray that was taken in Memphis during the transfer from London, she said the hair of the ~~picture~~ man in the picture was too long to be her Sneyd. Also there are a couple of news stories (very early after the arrest) which conflict on this point (the length of hair):

NY Times (9 June 69): "When arrested, Ray was wearing a light raincoat, a sports jacket and grey trousers. His hair had been cropped short ~~but otherwise~~ and he was wearing glasses but otherwise he had not attempted to disguise his features.

NO Times-Pic. (11 June): (describing Ray at his first appearance in court) "Ray looked the picture of holiday health-- well tanned, his straight black hair combed back and tinged with grey at the temples.

Moreover, all of the initial reports say the Ray was arrested while in transit from Lisbon. The story did not change until Ian Colvin wrote about Sneyd being at the Pax. Even then, the story changed only in the press, i.e. was not based on official statements. As late as November (I think) Scotland Yard was still saying that Ray was arrested in transit from Lisbon. I have a copy of a letter from Scotland Yard to Dawnay saying that. I also have a letter BEA airlines saying he came in from Lisbon that morning.

Those are the most substantial things that make me believe there were two Sneyds. Until those anomalies are cleared, I shall continue to think that there were two.

As for two arrests, I am not convinced, but I think it possible.

I said Nicol for Joseph D. Nicol in connection with the unknown marks on the base of CE 543. I did not visualize this happening on 22 Nov., but I did make a fundamental error in assuming that the three sets of marks were made at the same time. I cannot know the lapse of time between each act that caused a set of marks, and for that reason shall not treat it in the body of my article. I may, however, include it as a clearly marked speculative appendix, for I do think that is how the marks were made. I would like to avoid any guess work, however, so I may omit it entirely and simply issue a private unpublished analysis to "buffs".

I am not going into details of reconstruction; there are too many pitfalls there. I'll stick to what can be positively known. That in itself is enough to blow the whole mess.

The key to everything now is to determine how the case should have been handled-- really, that is everything. I am sure that my account on p.8 is the right way, and we must find a rifle that does this or adjust some rifle that doesn't. The adjustment is slight, natural; not doctoring. When I get clip and cartridges I can do it myself and will.

The next most important thing is to compare the difference between the primers of cases that have fired bullets and cases that were fired empty. If I am right about Frazier, then that was his reason. The primers on fired bullet rounds will (I think) make different microscopic marks from the primers of cases that were fired empty.

I asked Nichols, and I'll ask you. When you can, fire six cases as follows and send them to me:

- 1) Fire three bullet cartridges. Mark the fired cases 1E, 2E, and 3E.
- 2) Pull the bullets from three cartridges, dump the powder, and fire the primers of the empty cases. Mark these 1E, 2E and 3E.

Try to set up each case in the chamber so that the "6.5" that is printed on the base is in the bottom of the chamber when you fire. This will give me a reference point from which to start a comparison.

Eject the cases onto a blanket or something else soft, so that the primers will not be damaged. Don't ease the case out, though. Eject it naturally.

I can set up microscopes for comparison, and perhaps can even get pictures of the magnified primers. Our biology or physics labs have the equipment.

Fire these tests consecutively-- no other firing in between. ~~xxxxxxx~~ Also send me the serial number of your rifle.

If I can find the equipment, I'll try this on a rifle of comparable quality and age-- not M-C since I don't have loaded rounds. I'll be going to Ithaca, N.Y. in a few weeks and know a gunsmith there who may be able to get ammo for me.

Come to think of it, I did not ask Nichols for this type of test. I shall later.

All this is necessary to determine Frazier's motive for firing empty cases for comparison. I don't think that cases which fired bullets would have compared microscopically. The pressure difference is too great.

I will not come to Washington unless I can be sure of seeing the three cases and two test cases. Nichols is getting photos from the Archives, and that may do. I doubt whether I would issue this article until I have seen the cases myself. The whole issue scares hell out of me, and I can't afford to be wrong; it is far too serious considering the charges that I am laying at Frazier's feet. I am going to try to get the best people in the country to scrutinize this with all the skepticism their integrity allows them to muster. I said in the introduction that the issue was completely settled, foolproof. It has to be just that; it has to stand the most severe test. If it is false, even a pin prick will deflate it. If true, you couldn't break it with an axe.

Don't go for Archive pictures yet. Let's see what Nichols gets first. My finances are down to nothing, so I can't help at all in that regard.

If you go to Washington, by all means go and see the cases and the test cases. Get other people to see them too, if you can. If they are phonies, the best way to protect them from damage is to have people look at them and remember what they see. Even snapshot photos of them are useful for that purpose. The cases cannot be switched, but they can be made to look as

though they had been fired, in spite of the dents. What could we say, for example, if the cases displayed three positive indications that they had not been fired, and three positive indications that they had been fired. Confusion would take over, and that is as useful to them as suppression-- more useful, perhaps.

I think too that I will treat in summary fashion CE 399 and the fragment from the car. Both show evidence of firing from the M-C rifle. Both surely are plants. CE 399 is a cream puff; I'll handle it with summary treatment and reference to others who smashed it (Weisberg, Marcus, Salandria, Meagher, et. al.)

The fragment too is just a feather in the breeze. I need only mention at the end of the article that it was Frazier who "found" it. I have not yet reviewed material on that fragment. By the time I have finished with Frazier, anything he touched will be suspect.

I think I'll leave Hoover in the background; like the breeze that blows the feather, you see the feather but never the breeze.
for comparison

Photographing the inside of cases will be no problem. Just get a metalworker to cut the cases lengthwise and lay them open. You will see everything then.

I took a chance and wrote to Josiah Thompson for any other photos that he may have taken of the cases. I did not tell him what for. If he comes through with them, it could be a great windfall.

LOOK magazine in Nichols' own. We can't be in on that, for they want only a short piece. Nichols will give all help in preparing tests and photos, but LOOK is all his. Apparently they had already settled what he would write.

Epstein is a soulless crumb. You need not persuade me of anything about him, for he is the worst type of scum that there is-- all covered over with sugar. If this thing of mine works out, we'll smash him along with the rest of the assholes that he licks. What a tongue!

Does his wrist really hang loose? I thought so on my own, but I know nothing substantial.

I offended Sprague badly with my criticism of his handling of the Murray photos (with fragment of skull on the grass). He rapped me very hard, and it may be that I deserved it for jumping to the conclusion that it was his doing. I have not yet had time to apologize, but I will.

Anyway, I still think that he is doing bad work. Schoener puts him on the other side-- working for them.

I think Fensterwald's business will do us no good either.

Still,

Duk

Bernabei