

1/19/77

We had a long talk last night.

He had obtained and read and been turned on by Post Merten.

He does appear to be willing to be of whatever help he can.

Under any circumstances an oral history would be helpful, particularly because there was an immediate effort to pretend he never happened.

The value I see in 75-226, the one I omit from my letter for the reasons stated and no other, is his description of the damage. It was a mark and not a smear, the exact reverse of the FBI representation. In addition, he is clear on its dimensions. His recollection has a credible base, something I should have recognized and did not - the pen in the picture. It is the late Buddy Walther's and it is in the pix taken on the south side of Elm St. Even the poses are alike in both sets of pix.

The FBI claims to have measured a "smear"  $1 \frac{3}{4}$ " by 1", obviously what could not possibly have been caused by any bullet. Tague says it was about a quarter of an inch wide, more or less as wide as Walther's pen. I think he said an inch long. Now we have Shaneyfelt under oath on the one dimension and the character, smear and no mark, and Tague, who above all humans was there at the time swearing it was no such thing, and we subpoena the curbstone itself and let Tague examine it (alternative deposes in Archives), and there is a problem for the court to resolve plus the basis for a press conference after that hearing, what we have never done before. Or even before it.

What happened to the mark? What did the FBI do when the curbstone was not identical with the contemporaneous pix? Just beginning points. This can go far. It could go much farther if I could get to Dallas for a while and speak to others, some of whom I think would not be willing to come forward. And don't forget, now that PH is out I can testify. We have a situation comparable to the one Garrison blew at the outset of the case before Halleck. I can testify both as an expert and on compliance and as active with compliance the issue and truthfulness of the defendant an issue and particularly with the assistance of the appeals court.

Hastily,