

5/24/69

Dear John,

Dick has sent me copies of his 5/19 letter to you and his 5/21 memo. To say that I concur is to say nothing, for his perception and knowledge in these matters so greatly exceed mine. I would, however, like to add some emphasis for other reasons and to suggest a context, especially because I agree with Dick's (also non-legal) opinion on what can help your case.

Frazier testified that there should have been markings on the head of the cartridges. He knew they had to be there. He covered himself in two ways: he told the Commission this and he equivocated in the rest of what he said, not saying that absolutely there were no such markings, but that he did not note any. This is culpable, given his competence, his function, his experience as an expert and a witness and the nature of the inquiry.

In anything you do with him, I strongly recommend reference to his New Orleans testimony (or was it Whaneyfelt's?), where the testimony is that he/the FBI did not seek any solutions, any answers to any problems, did not inquire into what had to be inquired into, for he/they restricted himself/himself to responding to instructions, nothing else. This testimony was in response to a cross-examination question on had he looked for other possible sources of the shooting.

Frazier's evidence cannot be trusted, I think you should claim, because of this and because he consistently failed to present the required ballistics and related evidence, as with the presence of residues on 399 and the fragments and the failure to test those residues to discover their nature and origin (WHITERWASH). His evidence also should not be trusted because he was willing to give what he had to know was incompetent hence deceptive testimony, as with the spectrographic analysis of the same bullet and fragments (same source), where he testified merely that they were lead, which was not less than a wilful deception, given his same background and position.

I think you should go after Frazier/the FBI directly and as hard as possible, with heavy use of the available N.O. testimony. It is appropriate in any request for any of the evidence on the shots, I think necessary, and a direct attack on the integrity of the evidence and those presenting and interpreting it is needed to destroy the material presented against you by the government. Without it there is too good a chance the judge will assume the FBI is to be trusted, hence you need not have the evidence because you have their word, I think it is also vital to make it impossible for the judge to have an out if he is disposed to rule against you or is friendly and well-disposed to the government. Federal judges have much to do with the FBI.

I do plan to deal with this and similar things in handling the frameup in AGENT OSWALD, which need not influence you at all. However, this will make me even more interested in anything you may do with it. I hope you do, and with success.

Sincerely,

Harold Weisberg