

JL - Guinn's testimony, 226 appeal, missing materials EW 9/9/78

While I am sure that you will not miss the import of the last part of today's Lardner story I want to correlate it with what we already have in evidence about the disagreements in descriptions of the specimens, as I am sure we do through my affidavits and the information I was able to get by putting Earl Golz up to stories on this; with the essential dishonesty of Guinn's telling reporters in private what he did not testify to as an expert witness; with what Guinn did let drop, that Q15 has disappeared entirely and his failure to make any copper test, particularly with Q3; and with what may have seemed extreme in what I wrote in haste after yesterday's broadcast, the suggestion that the samples are not authentic and are rigged. I now believe that the likelihood of his "Connally" sample being a piece of what Frazier removed from Q1 must be considered, at least not discarded as a possibility.

What this makes without any doubt at all is that there is need to identify each specimen as well as the results relating to each. By this I mean Guinn and distinguished from Gallagher specimens. I think this is also powerful support for the need to take further depositions and under stipulated conditions in which the appeals court either directs certain things or at least authorizes them. I see in these newest developments an affirmation of the appeals court's language in its remand and of its wisdom. So let us crank up Wignore's engine, if I may use this relating to the appeals court.

I think it now is urgent that you do what you have been reluctant to do, add to legal arguments the strongest kind of political language and the strongest kind of castigations with real indignation. This is not a situation in which quiet and persuasive legal reasoning only is appropriate. It screams for protest, for eloquent anger, for expressions of genuine outrage ranging from what errant government and facile and complacent government counsel have done to your aging client to the most vigorous and most forceful condemnation that all these totally intolerable situations can exist when a President is assassinated and the Government investigates that most deeply subversive of crimes.

This is what Lincoln described as trying men's souls. It is simply incredible that any such evidence can disappear and the FBI be silent about it when it is in court in particular and use various devices and dodges to be able to continue to cover up all its earlier errors and transgressions/. (What a situation for giving Pratt justice! And all the Pratts for a long time into the future!)

You really must lay it on, with eloquence and passion.

Thinking of this inconceivable situation I am reminded of a small matter that may loom large. There was a loose piece of the base of 399. Howard learned that it reported just fell off at the Archives. Such a piece Frazier could have pulled off with his fingers. Instead he cut a piece out and kept this totally secret, even when he was a Commission witness, a fact that would not have been known if I had not perceived the first part, the cutting, when I was able to examine the bullet, and ^{proved} ~~toprove~~ it by printing Al Oser in New Orleans for his questioning of Frazier.

If by any remote chance any part of this is innocent I don't think that any impartial person will not so regard it.

What a record! What a situation to have to take as new material to an appeals court where the new is precluded with a case as old as this one, with all its history in all the courts in which it has been.

I think that if you do as I ask they'll all have their Prattfall.

In this connection remember also that we have always insisted that we have and assume the obligation for undertaking to protect the independence of the judiciary and cite this as an example of the need and what can happen to the judiciary if there is not the likes of us to undertake such obligations.