

CHAPTER SEVEN

THE MAGIC OF MORE THAN A BULLET

While this is far from the complete and existing public record on what Hall seems to be writing about it is, I think, enough to cause to wonder about how Hall could say what he did, including about me and about whether or not there had been any kind of conspiracy in the JFK assassination or in its investigation.

He is not at all informed about the assassination despite being asked to make so prestigious a speech and having it in article form in the Maryland Law Review. This does provoke wonder about how a man who knows as little as he does about any of this could accept such a speech invitation and agree to having it appear in a law review.

Hall supports the single-bullet fabrication of Arlen Specter, created to make it appear that only three shots had been fired during the assassination and that Oswald fired all three of them. As did others, Hall refers to this as a "theory." It is an impossibility, not a theory. For there to be a theory there must be a reasonable or factual basis. There is none. None is possible.

Here is how the lengthy section begins:

The so-called 'magic bullet' theory has been the subject of intense debate. See e.g., Edward Jay Epstein, Inquest: The

Warren Commission and the Establishment of Truth, 115-126 (1966) (criticizing the single bullet theory as based on a 'misrepresentation' of the wound ballistic test,' and the omission of conflicting testimony '

Hall has a long list of sources, some rather obscure and little known, but he does not mention the first source, his source for misuses of it, the first of the Whitewash series, and he does not mention the source that deals with it more extensively than any other and in a context not found in any other source, Post Mortem. I filed two FOIA lawsuits in which this figured. One contributed to the 1974 amending of that Act. They are reported in that book. I obtained records that had been withheld and published them in that book, official records that exist in no other public source. I deposed four FBI lab agents, including about the fabrication of that magic bullet, and this also is in no other public source, this and the information it yielded.

The point here is not complaint that those books were slighted. Rather it is to raise the question, how can a professional historian, how can a professor of law, knowing the existence of these works--his board has them and without that to do his job he should know of them and should know their content--make such a speech and write such an article not only when he knows so little about what he speaks and writes about when he knows he knows that little about the entire subject?

Could he avoid flunking a student who did what he did? Or for phonying up citations of which he was totally ignorant, knew nothing at all?

Scholar and historian that Hall is, expert on the law, too,

for he is a professor of law, he managed not to tell the Sobeloff audience and he did not include in his law review article just exactly what this "so-called magic bullet" or "single-bullet theory" is and what is required of that bullet.

Again, how would he evaluate a student who made such a speech or wrote a paper in which anything like this is a major part and then said not a word about it--other than in criticism of others?

In the Commission's exhibits that bullet is Exhibit 399. It is of 6.5 caliber and allegedly was fired from a war-surplus Mannlicher-Carcano rifle allegedly by Lee Harvey Oswald. That bullet allegedly was fired downward from more than sixty feet above the President's limousine and then said to have hit him at the base of the neck. From there it allegedly went through his neck, not downward but upward, with the President sitting upright, allegedly not striking bone it then exited the front of his neck after going through the knot of his tie and his shirt collar. From there it managed to hit Texas Governor John B. Connally who was sitting in front of the President in the jump seat. Having allegedly exiting the President's neck in about the center after entering it from the right of center, or on a leftward course, and with the President's neck being about in the center of his body, this bullet then allegedly entered Governor Connally's body, which was directly in front of the President, under the right armpit at the level of his fifth rib, of which it then demolished four inches. It then allegedly departed Connally's chest underneath his right nipple and demolished his right wrist. Then it allegedly entered his left

thigh where in the official account it lurked until it made its appearance spontaneously in the hospital. That required it to have made its way out of three inches of thigh because it left a fragment in his left thigh that far from the visible hole by which it allegedly entered.

There is much more but this seems to be enough. There is an element that is not included in any other history that is in Post Mortem, another excellent reason for Hall to ignore it, that may be worth mentioning because the matter is of still more magic. The hole allegedly made by the bullet entering the thigh was much too small for the bullet to have entered the thigh through it. That is the word of the doctor who was called to determine whether the fragment was a possible danger to any artery. The Commission did not ask him, Malcolm Perry, about this when he testified. Perry told me that no bullet entered that thigh, that it was a fragment only. (Others can do as I did, get the size of that fragment from the X-rays that are in evidence.)

This is but the beginning of a history that, as Hall neither says nor suggests, really is not equalled in either science or mythology.

The bullet, from the official evidence, has to have deposited core metal in the governor's chest, as it had in the President's, and to have deposited more core metal in the wrist area, aside from the fragment in the thigh which by its dimensions could not have come from the core of that bullet.

Although the Commission stated that the bullet did not strike

bone in the President, as we saw in the Department of Justice panel reports and in the later report of the autopsy prosecutors when they viewed the X-rays again, it did deposit metal in the President's body.

The doctor in charge of Governor Connally's care was George T. Shires. He was professor of surgery and chairman of that department at the University of Texas Southwestern Medical School at Parkland Hospital. He was deposed by Specter on March 23, 1964. Although he ranked most of the doctors who were called to Washington for testimony and was in charge of the governor's case, he was not called to Washington to appear before the Commission. The probable reason is that he added to the burden of the magic that one bullet had to carry. He testified to the existence of additional fragments of metal in the governor's chest (see 6H111).

(Still again, Hall did not have to read all those Commission volumes to learn this. If he had used the sources he cites for more than propaganda, if as most of us assume with the sources, he had at least read them, he would have known this from Whitewash. On page 174 these words of the Shires' deposition is reported). (see Exhibit 41).

This is how it happened that in the magical account of this unprecedented magic that extended to the metal missing from the bullet, allegedly that bullet, all is not accounted for, is not included in what for lack of a word appropriate for such magic we'll call the accounting of that missing metal.

All the doctors who treated Governor Connally's wrist or were

present then testified that there was more metal deposited in that wrist wound and washed out of it or recovered than was missing from Exhibit 399. They so testified with bullet 399 in their hands. Again, it is reported in Whitewash, which supposedly Hall read.

I mention size because, and this also did not give Hall any concern. The diameter of that bullet is a trifle more than a quarter of an inch. It has a copper-alloy jacket that is relatively thick for something of so small a diameter. When that bullet was found core material extruded from the base. It was in the FBI's lab that core material was cut out by Robert Frazier for testing. With core extruding from the jacket, the length of that fragment in the governor's thigh would have had to be tiny.

As it was not.

With core material extruding it was not necessary to cut any from inside the jacket, as Frazier did for the Gallagher spectrographic analysis. We deposed both lab agents in C.A. 75-226. Gallagher testified that for the test as little as a single millimeter of metal is adequate. Frazier testified that he did not weigh what he removed and he had no knowledge of what happened to the excess or where it was.

If Hall had not excluded Post Mortem from his sources, aside from all else about this he could have learned, he would have seen four enlarged pictures of this bullet on page 602. (see Exhibit 42).

The fact is that with a fingernail Frazier could have picked off all Gallagher needed and more. Some of the core material

actually fell off on its own in storage in a closed container at the Archives.

That is supposedly the only reason any metal was taken.

The FBI lab's estimate of the weight missing from the bullet when it reached the lab is 1.5 grains. In firing the bullet loses about half a grain. This left very little to account for all those fragments. A grain is the estimated weight of a single dried-grain of wheat. It takes 480 grains to make a single ounce. The weight supposedly missing from the bullet is very little, one-four hundred and eighth of an ounce.

The Army's top expert on wounds and the doctor who was called to testify when any VIP was wounded was Dr. Joseph Dolce. I do not repeat here what there is on and from him in NEVER AGAIN! which the board has and Hall does not mention. When Dolce was consulted by the Commission early on and he stated that the proofs going back to the time of the Civil War are that any bullet striking the thick wrist will be heavily damaged. Specter asked him to return to his Army base and fire and produce test bullets. Dolce did that. All the test bullets confirmed his statement. (see NEVER AGAIN! pages 231-232). He also testified that he was not called in to examine the VIP President's wounds.

This is part of that history of that bullet core. The story about the jacket is that it is without a visible scratch. Yet from the fuller history than was not included in the Report, it struck bone in the President's neck and shed some fragments there, it smashed the governor's fifth rib, four inches of it, and left

fragments there, it smashed his wrist, and left fragments there, and then there is that ignored fragment in the governor's thigh. Each of these deposits of core material represents a very hard impact on the jacket material. Yet there was no visible scratch on it.

And as Frazier testified when he was asked on deposition what Specter did not ask him when he testified before the Commission, although the imputed history of that bullet was that it had been inside two bodies, he made no testing of any residue to determine if they showed blood or human tissue.

Moreover, the bullet is not mangled in any way. It was slightly flattened toward the base. There is no visible mark from all the bone it allegedly struck and allegedly demolished.

Hospital engineer Darrell Tomlinsion found that bullet when he pushed a stretcher to get it out of a passageway and it struck the wall. The bullet then came out from under the mattress on that stretcher!

Or, more magic to get the bullet under a mattress and lurk there until just the right moment to make its appearance.

Specter tried hard to get Tomlinson to identify that stretcher as the one on which the governor was. Tomlinson actually said, as Hall should have known if he read Whitewash for more than taking out of context what he could use as a slur: "I'm not going to tell you something I can't lay down and sleep at night with either." (Whitewash, page 162). (see Exhibit 43). On the next page it is clear that the lab did not test the bullet, which did have

remaining residues of some nature, to determine if there was tissue or blood on it or the type of blood.)

Given the nature of the history attributed to this bullet by the FBI and the Commission¹ there is a scarcity of relevant evidence in what the Commission published, including in its photographic evidence, and in the FBI's files, from the records it produced under court order in my FOIA lawsuit C.A. 75-226, and from what we learned on deposing those lab agents. All the lab work that was possible and indicated was not done on it and there is no accounting of what is missing from it, with no record relevant to that.

The pictures of the President's shirt the FBI gave the Commission are so professionally incompetent, the triple stripes that are part of its pattern appear as a single stripe. The Commission had no picture reflecting the passage of that bullet through the shirt collar. It could not avoid having some pictures of the tie on which the knot is required by the official "solution" to bear the alleged evidence. The FBI managed to make those pictures it gave the Commission so indistinct that the pattern was completely eliminated in them. I was able to compel the taking of pictures for me by the Archives but I was refused the prints. So I knew what the shirt (made for the President by Charles of New York) and the tie looked like. The official FBI evidence picture, the Commission's exhibit 395, identified as C 31 for FBI lab purposes shows no pattern. It appears to be a solid color. It is in NEVER AGAIN! on page 246. There is no hole in the knot of the tie.

I had that print enhanced so that some of the pattern can be seen. It was also enlarged a little. That the tie was cut off, which was Dr. Charles Carrico's testimony, is visible, as is the scalpel nick made in the upper left hand corner of the knot as the tie is worn. The only other material missing from the tie, and it is tiny, is what the FBI cut off for spectrographic analysis. The analysis proved that no bullet struck that tie.

The FBI had a clear picture of the President's shirt collar that, less than honestly, it did not give the Commission. I got it via FOIA. I first published it on page 598 of Post Mortem in 1975 (copy attached), and the board has that book. I published it again in NEVER AGAIN! along with other FBI pictures on pages 244-5. (see Exhibit 44).

There is no bullet hole in the shirt collar. They are the two obvious slits made by a scalpel.

Dr. Carrico was the only physician to see the President before any treatment began, and before any clothing was removed. It was removed at his instructions. he testified to the Commission, when asked by Dulles what Specter was careful not to ask, that the bullet hole in the front of the President's neck was above his collar. (see Exhibit 45).

So, all the actual evidence as distinguished from all the official and unofficial inventions is that no bullet exited the front of the President's neck through his collar and the knot of his tie.

There is also what is included below, the official White House

transcript of the press conference by the Dallas doctors as soon as they cleaned up to announce the President's death.

Three times the press asked if the shot in the President's neck was from the front, not the back, and three times, Dr. Malcolm Perry said it was a shot from the front. All three times he was confirmed by the chief of neurosurgery, Dr. Kemp Clark.

Bullets do leave detectable deposits when they strike cloth. The FBI tests detected bullet metal on the back of the President's jacket and shirt.

There was no deposit on his clothing on his front.

Hall makes no mention of the missed bullet, the one the FBI knew about, had absolute proof of and ignored. It cannot be assumed that Oswald was the assassin without proving that he could have fired that shot which missed.

That also required a bit of FBI magic.

The Commission was all set to ignore it, as the FBI never stopped doing, but that was made impossible for the Commission when the Dallas Morning News chief photographer Tom Dillard read one of the systematic leaks by means of which the FBI was conditioning the public and the media to accept what was coming. Then Dillard went to cover an event at which he saw the United States Attorney for Dallas, Harold Barefoot Sanders. Sanders also worked for the Commission. The leak that forecast the coming conclusions of the coming Warren Report made no mention of this missed shot. Dillard told Sanders he had photographed the impact on the curb and that the paper had published that picture.

Sanders had his assistant, Martha Jo Stroud, communicate this to the Commission. Rankin asked the FBI to investigate it. (I got into this in detail where Hall et al should have seen it in Whitewash on pages 158ff and then in greater detail throughout Post Mortem and NEVER AGAIN!). The Dallas FBI replied that it could find no impact of any kind on that curbstone. It explained that either the street-cleaning equipment or the weather could have washed it away.

If street-cleaning equipment and rain wash concrete away would any paved roads remain?

So, Rankin took it up with the FBI again and it sent lab photographic expert Lyndal L. Shaneyfelt down to do the job. He got Dillard and WFAA-TV photographer James Underwood, who also photographed that impact, and with them and with their pictures Shaneyfelt found the precise location.

Only there was no longer any hole there.

There was what first he and then the FBI and its lab referred to as a "smear."

The FBI's first law is "cover the Bureau's ass." The second law is "cover your own ass." The Dallas FBI case agent, Robert P. Gemberling, covered for his office and for himself in the synopsis he wrote to go to headquarters with a series of FD302 investigative reports. (see Exhibit 45A). The FBI calls the records "serials." They are also put together in volumes, sections, or investigative reports. Here several volumes were included in one synopsis. It is worth noting that as late as that synopsis, August

5, 1964, the FBI was still classifying the assassination as what it was not and the FBI knew it was not but did suit the FBI's political beliefs and prejudices, "INTERNAL SECURITY --RUSSIA --CUBA." After more than a half year the FBI knew very well that there was no "Russia" (rather than Soviet) or Cuban involvement in the assassination.

This synopsis also assumed what had before then been proven not to be true, that Oswald was the assassin and that all the shots came from that one window. But that was the FBI's official line and it was adhered to.

The Gemberling synopsis states that there had been a "mark" or a "nick" on the curb that was no longer "visible." It says that "Photographs taken of location were mark once appeared." This confirms that there had been that "mark" there as the contemporaneous news pictures show. Other photos were taken "reflecting the angle. . . in relation to the sixth floor window [from] which assassination shots were fired." The FBI was not about to consider anything else and Gemberling knew very well that he had to do and say what he did. By then he may well have believed it.

(Attached are pictures of the hole in the concrete as published in the Morning News and printed from his best remaining negative for me by Dillard and a picture of the curbstone from NEVER AGAIN! and an enlargement of part of that curbstone with the patch on it from Post Mortem. (See Exhibit 46).

Shaneyfelt had the city dig that section of curbstone up. He flew it back to Washington with him. It was subjected to spectrographic analysis at the lab. The analysis consists of 157

burning a minute sample, and then photographing and analyzing the flame. The spectrographer was John F. Gallagher. He did not file any formal report on his examination. What I finally got after having to sue the FBI to get it was a few notes on a few FBI forms. Ballistics expert Robert Frazier had more to say than did the spectrographer, Gallagher. I reproduced the essence of what Gallagher did and said in Post Mortem, on attached page 458. (see Exhibit 47).

His analysis is, in full, " Small metal smears (see attached for location) were run spectrographically (Jarrell-Ash) & found to be essentially lead with a trace of antimony. Could be bullet metal, No copper observed."

With all due respect to Gallagher's long years in the FBI and the lab--so long that when I notified the FBI I wanted to depose him in C.A.75-226 he had been there long enough to retire--as did Frazier and another lab agent, to avoid being deposed--that is not the report of any spectrographic examination and it is not true that it "Could be bullet metal."

Spectrographic analysis is a relatively fine test. It shows and it is often finer than parts per million. Only a millimeter of material, of than postage stamp weight, as Gallagher did testify when we did depose him, is needed for that test. Compare these two elements only that Gallagher said that test detected with his own tabulation of them when he tested a whole bullet, here reproduced from Post Mortem, page 449. (see Exhibit 48). It shows that eleven different elements are present in the bullet. Of them four are in

the jacket. Of the remaining seven, perhaps eight, Gallagher identified only two from that curbstone "smear."

That is not the result of the test of a bullet's residue and Gallagher and all the others in the lab knew it.

In fact, Frazier wrote out a longer commentary I also got in that lawsuit. He wrote that it could have been what he did not tell the Commission when he testified to this before it, "an automobile weight."

If we now turn to Gallagher's sketch of the location in Post Mortem, page 458, he has that "smear" coming from the direction exactly opposite the sixth floor window and at an angle of 33 degrees downward. That angle--from the opposite direction--not only precludes that sixth-floor window as the point of origin--it precludes anything other than something suspended in the air.

The spot was about twenty feet east of the triple underpass. Going backward twenty feet at that angle made the path higher than the underpass.

Faced with this record of impossibilities if what was tested related to any shooting, we asked for what was within the request but had not been provided, the spectrographic plates the picture of the flame that was analyzed. In that particular kind of spectrographic examination there is a thin glass plate that records the picture.

As a professor Hall knows, and the law requires that testimony be first-hand by those with personal knowledge. With regard to that plate, that meant someone in the lab who had that knowledge. But

all we could get is what the courts do not accept, hearsay, and it was very, very remote hearsay.

That thin plate was said to have been destroyed, allegedly to save space.

In the vastness of the FBI files there is no saving of space with the thickness of a small piece of glass that is only a little thicker than a piece of paper.

The FBI did not say who knew this or how. Instead it said that a retired agent who had moved to Florida had said that he had heard of that one destruction, of the FBI's thousands and thousands of spectrographic pictures, to save space.

As the FBI knows very well, the destruction of any record of any historical value or importance is strictly prohibited. Before that can be done the record must be offered to the Archivist of the United States, who has the right to take possession of it and preserve it. In that lawsuit, C.A. 75-226, I obtained from the FBI and still have a full file drawer of laws and regulations on this.

It is strictly prohibited.

But Judge John Pratt of the federal district court in Washington accepted the hearsay and the violation of the law and regulations--when a President of the United States was assassinated and that coup d'etat was supposedly being investigated.

If there was any spectrographic analysis, the picture was destroyed.

The FBI knew very well that what it was testing was a patch. It said that to make the test it scraped that "smear" to remove all

the surface. It knew it was perpetrating a fraud.

The FBI knew from the moment of those shots that Jim Tague was wounded by the spray of concrete from the impact of that shot. It was seen by the police and sheriffs, it was on the police radio, and the FBI transcribed what was recorded on the police radio for the Commission.

It knew because it was on TV and in the papers, with the Dillard picture on it. He made me a print of the best negative "the federals" left him when Sanders sent over for pictures to send to Washington. It had that paper and it covered that Underwood TV broadcast.

Moreover, a little later Jim Lehrer, then on the Dallas Times-Herald and later with public TV, beginning with Robert MacNeil, wrote a story about it. Tague asked for anonymity, wanting no publicity, and Lehrer did not mention his name. But he did refer to the unnamed Tague as seeking publicity. That would have been a new kind of personal publicity, with complete anonymity.

I printed the Dillard and Underwood pictures in Post Mortem along with a picture of that curbstone as it is in the National Archives, on pages 608-9. They appear in Never Again! on pages 332-3 and 336. On page 332 the reproduction is of the picture along with the caption as it appeared in the papers, as it was filed in the paper's morgue.

That the hole or mark or nick was patched is clearly visible in the pictures taken of it at the Archives.

The patch is obvious to the naked eye. It is of a different

color and of a smoother or finer texture. I was able to arrange for a professional engineer's examination of it. I published part of his report on pages 164-5 in what the board has, Case Open--which Hall also does not mention although he does include Gerald Posner's exploitation and commercialization, his mistitled Case Closed. (see Exhibit 49).

Jim Tague was a witness for me in that lawsuit. He attested that when he was about to go to Indiana, where his parents lived, in May of 1964, he went to the spot in Dealey Plaza to take pictures of where he became, involuntarily, part of our history.

The hole had been patched by then.

It is certain that Oswald could not have done the patching because he was first under arrest and then murdered.

The only purpose served by covering the hole made by the bullet fired during the assassination was to make it impossible to recover any traces from the impact and examine them. If that impact had been by a bullet fired from that rifle said to have been Oswald's, there was no motive for making it impossible to obtain and test the residue of that impact.

The only purpose served was to hide the fact that it was a different bullet and to make it impossible to identify that bullet.

It could not have been Oswald's.

If it had not been for FBI corruption in the first FOIA lawsuit I filed for the entirely nonsecret results of the scientific testing in the assassination I would have gotten this and more withheld information. That corruption, which was glaringly

obvious and astoundingly brazen, did prevail in the courts just about all of which fear the FBI, and not without reason. The judge in that case was later famous in the Watergate. John Sirica had the nickname "Maximum John" but it did not apply to the agents who filed false affidavits and otherwise deceived and misled him. If the FBI said it he agreed with it as he apparently would have if the attestation had been to water running uphill in the midst of a January deep freeze.

Contrary to what Holland said and Hall took from him the information sought was not secret in any way. It involved no secret processes, no confidential "sources and methods," no "national security," and if Oswald had not been killed all of it would have been in that trial court record where it would have been examined and cross-examined as I could not have.

As an example of the dirty works the FBI pulled. It delayed filing that affidavit so we would not have time to respond to it. It gave us an unexecuted affidavit at almost the last minute and "Maximum John" accepted a non-affidavit, one SA Marion Williams had not executed and to which he had not sworn. (see Exhibit 50).

Later we did get the real affidavit that could and should have been given to us much earlier.

I incorporated his entire affidavit in facsimile as I published it in Whitewash IV, a book not mentioned in all those to which Hall does refer.

Particular attention should be paid to Williams' paragraph numbered 5. It is false, knowingly false, absolutely impossible and

its sole purpose was to intimidate the judges. Which it did all the way to and including the Supreme Court.

There is absolutely no way in which disclosing the nonsecret results of a nonsecret test such as the FBI discloses in courts and has for years could cause the FBI to crumble into utter ruins, which is what Williams swears to.

When there was consideration of revising the Act in 1974 someone, I do not know who, possibly the Nader people or some other public-interest groups, called the FBI chicanery to the attention of the Senate. During the debates, on May 30, 1974, it was the sole surviving Kennedy brother who saw to it that what is known as the "legislative history" would be clear on the Senate's reasons for revising the Act's investigatory files exemption back into what the Congress originally enacted before the agencies like the FBI began shopping around with the judges, as they can and easily do, and then rewrote the law in court, which is not the way the Constitution says it is done.

There are a number of issues and amendments one of which was the investigatory files exemption. The form of my case when it went up on appeal is the case Senator Edward Kennedy cited on page S9336, to override the deliberate corruption of the Act and restore its original intent to it. (see Exhibit 51).

That did, when passed over the veto of the former Warren Commissioner and then President Gerald Ford, make the FBI, CIA and similar agency files accessible under the Act.

To the FBI the fact that until the Act was amended it was

immune must have been more important than having the Act effective again--or it feared very much the impact of the information sought if forced to disclosure--because it was no less corrupt with the suit refiled as it was as the first suit under the amended Act.

But it could not withhold entirely as it had in the past, although it did resort to endless dishonesties. Also, we had joined the successor to the Atomic Energy Commission in the suit. It did not want to be sued, did not want to seem to be in a position that did not bother the FBI, of withholding nonsecret information relating to the assassination of a President. We did get some useful NAA records from it and we then dropped it as a defendant.

It would be possible to continue with this kind of misbehavior by the FBI and its intent to keep the people from knowing what really did happen when their President was killed and the FBI moved in and took the investigation over, doing this so completely it terrified the Presidential Commission that was, supposedly, in charge. However, for immediate purposes that is not necessary and there is a considerable amount of the information that, undenied and unrefuted, is in the books knowledge of which Hall kept from his speech and article. We have seen a small sample of the rather large number of reasons Hall in particular, had to do that to avoid being exposed by those disclosed all of which come from official evidence that to him is like holy water to a vampire.

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