

Dear David,

9/14/90

During my pre-dawn walking therapy yesterday morning, when it was quiet and I did not have to think about my brief, I did think a bit more about the suit you plan. I believe I mentioned the importance proper use of the shirt-collar and curbstone evidence can have. This is what I thought of.

We deposed Frazier in my suit for the results of the scientific testing. We gave him a print of the shirt-collar picture and although he refused to give expert testimony he did admit that when he saw it he had the ^{same} questions we had. So, he asked for an examination by a hair and fibers expert, Paul Stombaugh. So, we asked for a copy of his report, which Frazier said had been made. We had not gotten in.

For a while this caused a tizzy but on the next deposition we were handed a short report that was not Stombaugh's and was probably a non-committal one Frazier had made earlier. We disputed that it was the Stombaugh report but we got nowhere because we were before an unfriendly judge to whom Jim had stood up twice when we were really threatened.

I have the transcript of Frazier's testimony and you can borrow it. You'll have to go through the case file a bit to get the charade of the meaningless report. But in his testimony, and I may well have marked it, Frazier said what I say he said above at least one other time. So, aside from the obvious that you can probably attest to from your education and training, you have the ridiculousness of the utterly ridiculous claim that what they gave me is Stombaugh's report.

On the curbstone, I spent a considerable amount of time helping Henry Hurt. The one thing I asked of him is that he get an expert examination of the curbstone at the archives to determine whether or not it had been patched before the FBI dug it up, flew it to the lab and made a spectrographic examination of it. It is, of course, obvious and one doesn't have to be an expert to know it was patched. But this expert said it was and I have a copy of his report.

I also have Gemberling's synopsis of the consolidated reports that mentions this. He said the scar or hole had disappeared before the curbstone was dug up.

I suggest that you go to the Archives and make your own examination of the curbstone. You'll find the place of darker color and smoother texture and not even a tiny scratch where a bullet or fragment of bullet impacted and sent a spray into Tague's face.

I referred to his affidavit. It is in the FOIA case file.

These things, along with Carrico's testimony that I cite in Post Mortem, are simple, comprehensible, and something the press may go for. Especially with pictures they've never seen. (Not that many people got Post Mortem!) and are precisely the kind of thing Judges Edgerton and Kaufman had in mind in what I said they said in that footnote in the first appeal of that case.

The potential can be enormous and if nothing else, which would disappoint and surprise me, proceeding in the case the way I suggested will serve history.

Best,