

4/18/77

Mr. Henry Wade
District Attorney
Dallas County Government Center
Dallas, Tx. 75202

Dear Henry,

Thanks for your note of the 8th. I'm sorry I had to change my plans and not go to Dallas. My purposes were to obtain evidence to use in one of my current Freedom of Information cases. The judge, who is virtually an adjunct of the Department of Justice, is trying to cut us off ~~deprive~~ ^{deny} a clear mandate from the appeals court that I do what he is trying to prevent. If we can turn him around perhaps I'll make the trip yet. But to now it has taken the appeals court to turn him.

This relates to your belief and mine, that there was a conspiracy. We differ in that you believe Oswald was a shooter. I do not. This evidence could bear on that. I think you would want to know the truth, as I do.

I hope you will agree that it is, on the face, unusual that the Warren Commission avoided such basic evidence as the scientific tests on the ballistics and ballistics-related evidence. It never asked for and never had the spectroscopic analyses offered to it. It in fact avoided taking any testimony from the agent who did these tests, John F. Gallagher until a week before its Report went to press, after all its work was over. It then deposed him on the paraffin tests only and if you read that testimony I think you will see in a way that reflects unnecessarily if not unfairly on Dallas. There is no reference in the Commission's 26 volumes or Report to the performing of neutron-activation analyses, also under and limited by the same Gallagher. I have been seeking the results of these tests for a month less than 11 years now. Aside from countless appearances in federal district courts I have been before the appeals court three times and to the Supreme Court on this. The Department misused this case to rewrite the Act in court. The Congress was outraged. This thus is the first of four cases it cited as requiring the 1974 amendments to the Act. In its present form, C.A.75-226, it is the first case under the amended Act.

It seems obvious to me that if the results of these tests support what the Report says they would not be withheld. Rather would the government have them on every first page. Instead the government now claims there are no such things as results recorded after all these tests. Earlier they made entirely different and also spurious claims.

The remand I won, No. 75-2021, is rather exceptional in a number of ways. One of immediate relevance is that I establish the existence or non-existence of these records. This was in the context of my doing it serving the national interest, the words of the decision.

With the running time this has become literally true. I am past the point in my writing where I can or will use whatever else I obtain in my writing. I will do as I have with the little material I have obtained, some hand-written notes of obvious incompleteness. I will hold a press conference and give it all away. If you should want it first you'd be welcome. I really have no personal end to serve in this.

In establishing the existence or non-existence of records when faced with total stonewalling we are trying to establish what tests were performed. A number of agents retired at an age earlier than mine to avoid being questioned. The appeals court ordered them to testify. With regard to one of the most essential items of evidence, what hit that curbstone and made Jim Tagus bleed, we have not fewer than three different sworn versions. The scanty records we have obtained are opposite the official story. I'll give you details if you want them.

The photographer-agent the FBI sent to Dallas for the belated locating of this bullet impact is Lyndal Shaneyfelt. His skill at obscuring is considerable. The Archives photographer has been pretty explicit on the trouble the FBI went to to make clear pictures unclear. It even eliminated the color in color photographs of JFK's clothing. If it could not go this far with the curbstone, Tom Dillard and Jim Underwood having photographed it at the time of the crime, it did manage to make those pictures unclear, too.

I wrote Dillard years ago. He did not respond. Tague phoned him for me not long ago. When last I heard he had not returned that call. I don't know if Underwood is still with the TV station but I'm sure it still has his film, as I am that the paper still has Dillard's shots.

One of my reasons for wanting to go to Dallas was to obtain clear copies of these pictures so I can put them in the court record. I have already published the FBI's versions of them. If you have them or can obtain them it would help and I would make copies and return the copies.

Recently Tague gave me details on the finding of the spot the day of the crime that are not in the Commission's records. I don't know if Buddy Walther's filed a report on this. Tague appears to me to be a solid type, one who would not lie. But ~~Walther's~~ Walther is dead and the only one in the sheriff's office I knew, Sweatt, also is dead. (Alan was quite helpful to me.) I would, of course, have asked the sheriff's department if it had any reports.

Today this curbstone is in the Archives. I've examined it, handled it and photographed it. The place the bullet is said to have struck is the smoothest bit by far. It is the only part of the concrete that is not rough to the touch. It is a different shade. Yet a spray from it is said to have caused Tague's minor wound.

Comparing it with the Dillard and Underwood pictures, even unclear ones, gives a choice between the curbstone having been patched or the FBI having dug up the wrong section. If the latter is true the real piece is still there. If there is any meaning in the FBI's lab work the latter is true. It shows the angle to be 33 degrees from the wrong direction. And the spectroscopy is said to have disclosed only lead with a trace of antimony. The FBI eliminated the possibility of a ricochet from the limousine, the tests show no jacket material, and the size of this mark is given as 3/4" by 1", which does not seem likely from so small a bullet core.

We do have repeated false swearing on whether or not there was a neutron activation analysis of this point on that curbstone. I was able to spot a single page of the work on it at Oak Ridge in what I obtained from ERDA, then AEC. Gallagher has now admitted to making the test but we have no results. As you know judges will do nothing about FBI perjury. I proved it in this case prior to appeal and in return was threatened by the judge. He now will have a chance to threaten me again. I will prove it again.

This is an encapsulation of the present situation and my needs for court. I do not know when we will be before the judge again. He said he would stop the depositions and our response was to note that of the agent who perjured on this.

By the way, I am not letting it be known because of all the nuttiness and irresponsibility but I do have the NAAs on the paraffin casts and good pictures of them if you ever want them. I believe the work was incomplete and can still be made complete and relevant. What was done is not definitive but I believe it is possible to interpret them as indicating no powder traces on the cheek, exactly what your police said. There were eight comparisons on this.

If in this suit I cannot establish who conspired I believe that the tests results will establish the use of other than that rifle, whether or not it was used at all. The absence of certain tests does not persuade the rifle was used. Without obtaining the results it may still be possible to establish that more than one weapon was used.

For whatever my belief is worth to you it is that among the irresponsibles today is the House committee - members and staff alike. They are wrong-headed, ignorant, careless and the cheapest publicity seekers. When I found them to be liars and un-ethical I broke off. It began with them in Mark Lane's pocket, Sprague and Members of the committee alike. Everything they have leaked, everything in their two flimsy reports is second-hand, none of it having established relevance and all pretended to be the committee's original work. As of my last information after more than seven months they had not begun to establish the corpus delicti.

One of those whose writing the committee took and represented as its own work may have been in touch with you before you receive this. He is Dan Christensen of Miami Magazine. I think he is a good fellow. He is not a nut or an irresponsible. I believe what he is checking will check out negatively but I believe it should be checked.

Penn Jones is about to ^{assail} ~~assail~~ me for having checked out a false charge against the FBI. It appears that honesty and truth have become offenses.

Whether or not you will be able to help with the evidence I seek to present to the court be assured that you will always be welcome to all this evidence. If you ever have a little time when I am there and want to determine whether or not unpunished offenses were committed I believe that with the work I have done since I was last there and a few simple interviews you will be without doubt. This does not mean that you will be able to charge co-conspirators, however.

To simplify this I believe there now is no doubt that the President was also shot from the front.

Best wishes,