

only. hope you are well and know you are busy, as we are. Best, H.

JL - Testimony of NYC Medical Examiner Michael Baden to HSCA  
Uses in 226 Appeal

HW 9/8/78

Baden's testimony in both cases suggests revision of Shakespeare, "First Let Us Kill All the Expert Witnesses." It was cleverly false, misleading and deceptive, an effective disinformation operation. It proves the need for really independent experts as well as non-professional experts in sensational cases and political proceedings.

I do mean that he lied and I do mean that the lies were not accidental. There was other factual error that I attribute to his factual ignorance and this to his willing acceptance and understanding of the role for which he was engaged. Or, he has this long career of being a professional prosecution witness and he has no qualms.

Clearly the committee and its predeterminations and preconceptions were confronting my Post Mortem. The work remains intact and with perhaps the most unusual if entirely unintended endorsement and confirmation. It is where, without mentioning the book, he undertook to work his way around it that he lied.

He had no choice but to confirm the most basic evidence I produced, that the fatal head wound was four inches higher than the Commission and the autopsy placed it and that the back wound was lower and was on the back rather than in the neck. Here he said two inches and had a picture to confirm that. But with his picture he misrepresented because the corpse was prone and the living body was upright when shot. All other factors being normal, this means that the wound was lower than Baden placed it because the scapula, the floatingest bone in the body, moves upward when the body is prone and on the face.

His testimony will have the intended headline result, Warren Commission Confirmed," because he and the panel agreed that the shots all came from the rear. In this, if true, they will have avoided a serious and I think fatal question: if the trajectories lead to the so-called Oswald sniper's nest when worked backward from what is now established as the wrong points of entry, how can the same trajectories work to the same point from the correct points of entry? Can you imagine the differences with four and two inches projected backward 200 and 300 feet? (Of course this works out the same way with the fundamental "single bullet theory" because it is now clear, from "expert" evidence, that the bullet that did go downward at about 25° in Connally was actually going upward in JFK's body and there was only air to deflect it downward. In both counts, despite the press the new version will receive, the official account is again destroyed, officially with my work unmentioned. (This lack of mention of my work extended to Blakey's recitation of the critical books.)

Ironically, the one dissenting panel expert was so stupid he did not understand this evidence in 1968 when I sent it to him when he was to be an expert witnesses in Washington in the case of La. V. Shaw. I was so shocked when I had to explain it to him by phone that I taped that and taped the second time, when Bud and others were here and also on the phone.

In all of this Mr Baden and the committee, seeking to limit to three shots and an implied lone assassin, totally ignored the third man wounded, my friend Jim Tague. There was no mention of the "missed" shot, which is so important in 226. (Tague called me about midnight. He is happy that a new child is on the way, after about 10 years, and if it is a boy is to be named after me! He has become one of the top five auto salesmen in the country, No. 1 in Dallas, and just declined a job guaranteeing \$1,000 a month more than he makes. He also is disturbed that he has heard nothing from the committee. I told him to regard this as one of his blessings.)

Baden also lied when he made inadequate mention of the damage to the short collar and to the tie, as he did in saying he had no evidence that the damage was from cutting. He lied when he said the hole in the one side of the collar exactly coincides with the ~~front~~ front neck wound and he deceived in not testifying that there

holes in both sides of the neckband and they do NOT coincide, as from a bullet they must. More deception in not testifying to whether or not the nick to the knot of the tie coincides with these holes, as it does with NEITHER. And is there less deception in not informing the committee that the knot was undone after a court ordered a photo of the knot taken for me? (When I was pre se in C.A. 2569-70.)

I can go on and on with his dishonesties. I'm limiting myself to some of what you may find of use in arguing the appeal for the evidence he ~~was~~<sup>also</sup> totally ignored, the spectrographic proof that no bullet hit the shirt collar or tie.

I believe that these are of such a nature that they can be used against him and perhaps to a less degree in any sensational murder case in which he is the main prosecution witness. I can well imagine him contriving a phoney case to get a conviction. If I am correct that under such conditions it is fair game to impeach the expert, then a blow can be struck for integrity in the system of justice by exposing these whores and their virtually closed corporation, really a summit cartel. No poor person can survive them and the wealthiest afiosa would have real problems rebutting them. "Now, doctor, did you testify that....?" Then "I show you this picture and I ask you..." to his professional grave, repeated and repeated and repeated.

Dave phoned last night. In the course of our conversation he laughed and said "You are Merlin." I remembered. He was not saying I'M any kind of magician. He was referring to a crack I made some time ago about the utter incompetence and how it made me look more like Merlin, the man who could remember the future. It was Dave's reaction to the hearings and to my forecast about the committee on assassination.

This Merlin in me, which draws upon a number of years of the past, and this committee testimony impels the belief that I am correct in the belief that our best course in all FOIA cases is to attack the basic integrity of all the government's evidence, witnesses and on occasion counsel. Particularly with the FBI and CIA.

To this end I will have with me for the 1996 calendar call the originals of two FBI entire Sections relevant in the case and at this junction, volumes still not provided to me, but provided to a reporter friend I've been helping, a fellow from Miami who stopped off with them yesterday afternoon on his way home and seeking more help. This is Miltner/Somerset stuff, about which SA Beckwith continued withholding in his current affidavit, with the attachments that have obliterations. I appealed a year and half ago, providing proof that what was withheld was within the public domain and in fact was first brought to light in my books. While I have to return the originals to him, I think that waving them in front of the judge on Thursday may be effective, especially if you read the cover page, which shows that the records were processed for the House committee only long after we had this case in court - and even then were withheld under the spurious claim of inability to recover by subject from FBI files. (Relevant in 1997 too?)

I'm rushing to make the outgoing mail. If Lal gets up in time to copy this cover page I'll include it. If not I'll mail it tomorrow and will have both volumes, which by then I'll also have copied and perhaps examined, with me next week.

Hastily,