

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,)	
)	
Plaintiff,)	
)	
v.)	Civil Action Number
)	75-1996
U.S. DEPARTMENT OF JUSTICE,)	
)	
Defendants.)	

AFFIDAVIT OF JOHN W. KILTY

I, John W. Kilty, being duly sworn, depose and say as follows:

(1) I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), Unit Chief, Elemental Analysis Unit, Laboratory Division, FBI Headquarters (FBIHQ), Washington, D.C.

Due to the nature of my official duties I am familiar with all of the duties and responsibilities of the Elemental Analysis Unit and, more specifically, am familiar with neutron activation and spectrographic analysis performed during the investigation into the assassination of Dr. Martin Luther King.

(2) The purpose of the affidavit is to describe the search in the FBI Laboratory for neutron activation and spectrographic materials and the results of that search. This affidavit is supplemented by the fifth affidavit of SA John N. Phillips, filed herewith.

(3) In accordance with the December 1, 1981, order of District Court Judge June L. Green, I repeated the search for neutron activation and spectrographic materials connected with the investigation of the assassination of Dr. King, and which may have been retained in the FBI Laboratory work

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space. This search conducted by me encompassed all logical and reasonable locations in the Laboratory where this type of material would be maintained. The places searched by me in the Laboratory Division, FBIHQ, were:

(a) three file cabinets located in Room 2B456. These cabinets contain old material generated through neutron activation analysis and spectrographic tests.

(b) two file cabinets located in Room 3342K, which contain among other things, material generated through neutron activation and spectrographic analyses.

(c) one file cabinet located in Room 3342L, which contains, among other things, materials generated through neutron activation and spectrographic analysis.

(d) The instrument room plate drawer located in Room 3971. This plate drawer is the location where spectrographic plates of current and open cases are kept. Spectrographic plates are stored in the location for approximately one year after their generation.

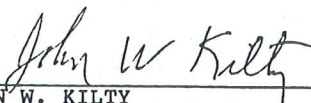
(e) The plate locker located in Room 3972J. The plate locker is the location where spectrographic plates connected with old cases and cases deemed to have some historical value are kept.

(3) As a result of this search in the FBI Laboratory by me, I was unable to locate any neutron activation or spectrographic analysis materials connected with the investigation of the assassination of Dr. King.

(4) The neutron activation materials generated during the investigation of the assassination of Dr. King were not located by me during this search of the FBI Laboratory since these materials were previously sent by me to the Records Management Division, FBIHQ, for retention in the appropriate MURKIN file(s) maintained by the FBI.

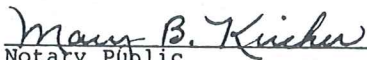
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(5) The spectrographic analysis materials, with the exception of spectrographic plates, generated during the investigation of the assassination of Dr. King are located in the appropriate MURKIN file(s) maintained by Records Management Division, FBIHQ. The only logical explanation for the fact that I did not locate any spectrographic plates in the FBI Laboratory, which were generated during the investigation of the assassination of Dr. King, is that these spectrographic plates were destroyed by the FBI in accordance with the provisions of the memorandum attached hereto as exhibit A.



JOHN W. KILTY
Special Agent
Federal Bureau of Investigation
Washington, D.C.

Subscribed and sworn to before me this 18th day of December, 1981.



Notary Public

My commission expires Sept 14, 1982.

TO : Mr. D. J. Parsons

DATE: 2/2/56

FROM : Mr. T. D. Beach

SUBJECT : SPECTROGRAPHIC PLATE FILE

Tolson _____
 Boardman _____
 Belmont _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Sizoo _____
 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

The Spectrographic Plate File consists of two separate and distinct collections of spectrographic plates, namely,

(1) Plates containing the arc and spark spectrum of seventy-five metallic elements. The plates are filed alphabetically in the Spectrographic Unit and are used by the examiners to identify the secondary spectral lines which may be present on a plate of an unknown spectrum.

(2) Spectrographic plates obtained from analyses of evidence on cases. These plates are maintained in the Spectrographic Unit for six months and then placed in the Laboratory Files where they are held for a period of five years. Five years is the normal period of the Statute of Limitations on most cases. The plates are normally taken to the trial of a case when testimony is required. After being retained for five years the spectrographic plates are destroyed.

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RECOMMENDATION:

It is recommended that this file be continued in its present form.

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