

PLAINTIFF'S EXHIBIT C

AFFIDAVIT OF HAROLD WEISBERG

1. I am an author. I presently reside at Route 8, Frederick, Maryland.

2. For the past eleven years I have devoted myself to an intensive study of political assassinations. I am author of five printed books on the investigation into President Kennedy's assassination: Whitewash: The Report on the Warren Report; Whitewash II: The FBI-Secret Service Coverup; Photographic Whitewash: Suppressed Kennedy Assassination Pictures; Oswald in New Orleans: Case for Conspiracy with the CIA; and Whitewash IV: Top Secret JFK Assassination Transcript. I have also written one book on the assassination of Dr. Martin Luther King, Jr.: Frame-Up: The Martin Luther King-James Earl Ray Case.

3. In the 1930's I was an investigator for and editor of record of a subcommittee of the Senate Labor Committee. After Pearl Harbor I served in the OSS, where my primary responsibilities were as an intelligence analyst. I have also worked with the FBI and several divisions of the Department of Justice in connection with my work for the Senate Labor Committee or through my writing.

4. The Federal Bureau of Investigation served as the Warren Commission's principal investigative arm. As part of the Commission's investigation into the assassination of President Kennedy, the FBI spectrographically analyzed certain crucial items of evidence.

5. Although all of the papers of the Warren Commission are supposed to be kept in the National Archives, these spectrographic analyses are not. When I learned that the spectrographic records are kept instead by the FBI, I wrote former FBI Director J. Edgar Hoover and requested that he make these documents public. [A retyped copy of my May 23, 1966 letter to Mr. Hoover is attached hereto]

6. Mr. Hoover never responded to my request. Subsequently, in 1970, I tried to obtain these analyses through a suit filed under the Freedom of Information Act. [Weisberg v. U. S. Department of Justice, Civil Action No. 2301-70, United States District Court for the District of Columbia] Ultimately I was denied these spectrographic analyses when the United States Court of Appeals, sitting en banc, reversed the decision of a Court of Appeals panel. [Weisberg v. Department of Justice, 489 F. 2d 1195 (1973)]

7. The official account of President Kennedy's assassination alleges that he was shot by Lee Harvey Oswald alone. According to this version, Oswald fired three nearly perfect shots in approximately 5.8 seconds, hitting the President twice and Governor Connally once but inflicting five wounds in three parts of Connally's body.

8. The evidence obtained as a result of the Warren Commission's investigation overwhelmingly contradicts the official conclusion that Oswald assassinated President Kennedy. These are some of the more salient reasons why:

a. The rifle allegedly used by Oswald was a cheap, worn-out Mannlicher-Carcano, a World War II surplus rifle so notoriously undependable that it is commonly known as "Mussolini's gift to humanitarian warfare."

b. Oswald's military service records show that he was not a proficient rifleman. On his last qualification test Oswald barely made Marksman, a score which the Marine Corps officially described as indicating "a rather poor shot." Moreover, Warren Commission witnesses testified that constant practice is necessary for a rifleman to maintain his skill but Oswald was unpracticed.

c. The official account of the assassination requires shooting which the Commission's own evidence proves impossible--

shooting which the world's best riflemen were unable to duplicate for the Commission.

d. The alleged murder weapon is a bolt-action rifle not designed for use with a telescopic sight or "scope." Yet a scope had been added. This required that the shooter take the rifle away from his eye in order not to put his eye out when operating the bolt. This hindered accurate sighting and firing, factors which added to the impossibility of Oswald's having fired three shots in the time required by the Commission.

e. Furthermore, the scope was not mounted properly and could not be adjusted and before the Warren Commission's experts could fire it at the Aberdeen Proving Grounds they also had to add shims.

f. No clip was found with the alleged murder weapon. Without such a clip, the rifle could not be fired except by inserting each individual bullet by hand, an awkward and time-consuming operation. Yet the rifle was found with a round in firing position. This indicates that the rifle had not been used in the assassination but was left there in haste so it could be discovered. In short, the evidence suggests that this was a planted rifle.

g. During police interrogations of him before he was killed, Oswald denied that he had shot anyone. In fact, Oswald told the police about the presence of other rifles in the Texas School Book Depository from which the President was allegedly shot.

9. Spectrographic analysis is a well-known and non-secret scientific procedure used to determine the exact chemical composition of substances. Accounts describing this technique may be found in books available in any public library.

10. Among the items of evidence spectrographically tested were:

a. A bullet, Commission Exhibit 399, which allegedly inflicted a total of seven wounds on President Kennedy and Governor Connally. [A xerox of two photographic views of this bullet is attached hereto. The notch on the nose of the bullet visible in one of these views was made when a sample was taken for spectrographic analysis.]

b. The President's clothing, including his tie;

c. The clothing of Governor Connally, first obtained by the FBI months after the assassination--and after it had been laundered, destroying some of its evidentiary values;

d. Bullet fragments removed from both victims--not all of which were preserved;

e. Bullet fragments recovered from the Presidential limousine after it was washed out in Dallas and flown back to Washington, some of which were not found on the first search of the car in Washington;

f. A curbstone struck by a bullet--the same curbstone which the FBI pretended it could not locate until July, 1964.

11. Spectrographic analysis is a highly refined scientific technique capable of showing whether tested substances could or could not have a common origin. Any significant difference in the spectrographic analysis of these items of evidence disproves the official solution to the assassination.

12. For example, the official theory of the assassination cannot be true unless President Kennedy and Governor Connally were both struck by the same bullet, Commission Exhibit 399. [See attached xerox of bullet 399] According to the Warren Commission,

this virtually pristine bullet struck President Kennedy in the back at a point 5-3/8 inches below the top of his coat collar and exited his throat at the necktie knot; struck Governor Connally in the back near his right armpit; tore through his chest fracturing his fifth rib; exited from below his right nipple; shattered his right wrist causing multiple fractures and leaving metal fragments; embedded in his left thigh, leaving yet another fragment when it later dislodged from his thigh unnoticed to be found more than an hour after the assassination when it purportedly rolled out from under the mattress of the stretcher on which he had lain.

13. If President Kennedy and Governor Connally were hit by separate bullets, then by the Warren Commission's own admission, the official explanation of the assassination is false. The spectrographic analyses I seek could prove that the same bullet did not in fact strike both men. These analyses are, therefore, crucial to the validity of the Warren Report.

14. The spectrographer who performed these tests, Francis X. Gallagher, was not called as a witness by the Warren Commission until September 15, 1964. The Commission's last witness, he was not deposed until long after the official report had been written.

15. Agent Gallagher was not asked to testify about the spectrographic analyses he had performed. Instead he was used to deprecate the standard nitrate testing which showed that Oswald had not fired a rifle.

16. The Warren Commission did question FBI ballistics expert Robert Frazier about the spectrographic analyses, but he testified that he was not the spectrographer and did not have the tests with him. He did not testify to the detail of the spectrographic analyses.

17. Only paraphrases of the spectrographic analyses were made available to members of the Warren Commission and used in the Commission's Report. These paraphrases and the testimony given by ballistics expert Frazier revealed only that the bullet and bullet fragments "were similar in metallic composition." Since spectrographic analysis is capable of determining that even bullets and bullet fragments which are "similar in metallic composition" are in fact different because they contain incompatible kinds or amounts of trace elements, the testimony and paraphrases are meaningless.

18. From evidence in my possession I believe that the release of the results of the spectrographic analyses would reveal that the FBI deceived the Warren Commission members as to what these analyses do in fact show. I believe the real reasons the Department of Justice continues to withhold these analyses is that they would prove the FBI engaged in deception of Warren Commission members and the American public.

Harold Weisberg

HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 18th day of February, 1975, deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires JULY, 1978.

Daniene J. Korbelle
 NOTARY PUBLIC IN AND FOR
 FREDERICK COUNTY, MARYLAND
 DANIENE J. KORBELLE