

FILED: JUNE 18, 1975

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF JUSTICE, et al.,

Defendants.

Civil Action No. 75-0226

AFFIDAVIT

BERTRAM H. SCHUR, being first duly sworn, hereby deposes and says:

1. I am Associate General Counsel of the United States Energy Research and Development Administration (ERDA), which on January 19, 1975, pursuant to the Energy Reorganization Act of 1974 (P.L. 93-438) and Executive Order 11834 (January 15, 1975), assumed the functions of the Atomic Energy Commission (AEC) other than licensing and related regulatory functions. Prior to January 19, 1975, and since June 27, 1962, I had been Associate General Counsel of the AEC.
2. I am familiar with Plaintiff's request to the AEC for copies of reports on the results of tests performed by or for the AEC on behalf of the Warren Commission.
3. I have caused to be made searches of the ERDA (AEC) files and inquiries of ERDA (AEC) personnel and ERDA (AEC) contractor personnel who should have been knowledgeable regarding the subject matter of Plaintiff's request.
4. The results of these searches and inquiries were reported to me as follows:
 - a. The AEC's Oak Ridge National Laboratory (ORNL; now known as the Holifield National Laboratory) did provide technical support to the Federal Bureau of Investigation (FBI) in the performance of neutron activation analyses on the paraffin casts from the right hand, the left hand, and the right cheek of Lee Harvey Oswald and on bullet fragments;

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- b. neither AEC nor ORNL prepared any report on the results of these analyses; and
- c. no other tests were performed by or for the AEC on behalf of the Warren Commission.

5. ORNL did retain copies of some photographs of the paraffin casts and Xerox copies of some of the raw data obtained by the FBI in the course of the neutron activation analyses, and these are being made available to Plaintiff although they were not understood to be covered by his request.

6. Some analytical work on simulated evidence was done by General Atomic at the John Jay Hopkins Laboratory for Pure and Applied Science in San Diego, California, using a 6.5 mm. Mannlicher-Carcano rifle of exactly the same type as the one involved in the assassination of President Kennedy. This work was funded under an AEC contract, and was done in furtherance of a continuing, independent research program that began in 1962. The work involved no evidence samples from the assassination and was not done on behalf of the Warren Commission. This work was reported in the following two publications:

- a. "Use of Neutron Activation Analysis in Scientific Crime Detection" (GA-6152, February 15, 1965).
- b. "Applications of Neutron Activation Analysis in Scientific Crime Investigation" (GA-9807, June 30, 1970).

These reports are not understood to be covered by Plaintiff's request. Copies may be purchased from the National Technical Information Service, U. S. Department of Commerce, Springfield, Virginia 22151.

7. I am not aware of any other information that would be responsive to Plaintiff's First Set of Interrogatories to Defendant U. S. Energy Research and Development Administration.

B. H. Schur
Bertram H. Schur

SUBSCRIBED and SWORN to before me
this 22nd day of May, 1975.

Helene B. Mullican
Notary Public

My commission expires: July 1, 1978

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