UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, 107

FILED: JUNE 30, 1975

Plaintiff

v. Civil Action No. 75-226

UNITED STATES DEPARTMENT OF JUSTICE, et al.,

Defendants

AFFIDAVIT

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

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) assigned to the Laboratory Division of the FBI, Washington, D. C., in a supervisory capacity. This affidavit supplements my previous affidavit of May 13, 1975.

2. I have personal knowledge concerning the contents of Paragraphs 26-29, inclusive, of plaintiff's affidavit dated June 2, 1975, wherein plaintiff alleges numerous documents falling within his Freedom of Information Act (FOIA) request have not been furnished him.

3. Concerning plaintiff's allegation that he has not been given the "spectrographic testing" of "small foreign metal smears on a piece of curbing": the Laboratory work sheet which was previously furnished plaintiff and from which he quotes is the notes and results of this test. A thorough search has uncovered no other material concerning the spectrographic testing or the metal smear on the curbing.

4. Concerning plaintiff's allegation that he has not been given the "microscopic study" referred to at the bottom of page two of an August 12, 1964, letter from J. Edgar Hoover to J. Lee Rankin, which letter has also been furnished plaintiff: a thorough search has uncovered no additional documents concerning a study of this type.

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5. Concerning plaintiff's allegation that he has not been furnished "a Laboratory report apparently dated December 5, 1963": inasmuch as plaintiff has indicated he did not wish to receive our reports which are already available to the public, but rather the data compiled as input to these reports, this report was not furnished to him. This material is available to the public as Commission Document No. 205, pages 153-154.

6. Concerning plaintiff's allegation that, although the date of all the neutron activation analysis (NAA) documents furnished him is May 15, 1964, there is an indication that this technique was already being utilized as early as January 10, 1964: the earlier NAA, the quote from Mr. Rankin in Paragraph 27 of plaintiff's affidavit to the contrary notwithstanding, was conducted upon paraffin casts taken of Lee Harvey Oswald's hands and cheek. Plaintiff requested NAA material concerning metal fragments only. No neutron activation analysis of the metal fragments was made prior to May 15, 1964.

7. Concerning plaintiff's allegation that there may have been NAA testing subsequent to May 15, 1964: to prevent any further misunderstanding concerning NAA technique, it should be noted that the date written on the NAA documents furnished plaintiff refers to the date irradiation of the metal fragments was conducted. The compilation of other data appearing on these documents would have of necessity occurred after the date of irradiation.

8. Concerning plaintiff's allegation that, although NAA testing was conducted on the clothing of President Kennedy and Governor Connally, he has not been furnished the results of this testing: further examination reveals emission spectroscopy only