

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

DEC 18 1978
CLERK OF THE UNITED STATES COURT OF APPEALS

.....
HAROLD WEISBERG,
Appellant
v.
U.S. DEPARTMENT OF JUSTICE,
Appellee
.....

No. 78-1107

MOTION FOR LEAVE TO FILE
REPLY BRIEF WITH ADDENDUM

On December 14, 1978, appellant lodged copies of his reply brief with the Clerk of the Court. The following day appellant's counsel was advised by the Clerk's Office that he would have to file a motion for leave to file the brief with an addendum.

Accordingly, for the reasons set forth below, appellant moves the Court for leave to file his reply brief with the addendum which is presently affixed to the copies lodged with the Court and served on opposing counsel.

This case is a Freedom of Information Act suit by author-critic Harold Weisberg for disclosure of records of the scientific testing of items of evidence in the assassination of President John

470

J. Kennedy. When this case was last before this Court, the Court stated that [t]he data which [Weisberg] seeks to have produced, if it exists, are matters of interest not only to him but to the nation," and held that "their existence or nonexistence should be determined speedily on the basis of the best available evidence, i. e., the witnesses who had personal knowledge of events at the time the investigation was made." Weisberg v. U.S. Dept. of Justice, 543 F. 2d 308, 311 (D.C. Cir. 1976).

On remand, Weisberg took the depositions of three former FBI agents and one who was still active. These depositions established that tests which FBI Agent John W. Kilty had sworn in an affidavit were not done, in fact had been performed. In addition, Weisberg's discovery also unearthed FBI records which stated that records on a vitally important test, the spectrographic analysis of a piece of curbstone allegedly struck by bullet, were "missing."

Weisberg then noted Agent Kilty's deposition in an effort to ascertain the nature of any search that was made for records he had not received but which he believed were still in existence. However, on the basis of the government's ex parte representations the district court quashed the Kilty deposition and cut off all further discovery by Weisberg.

On appeal appellees assert that records sought by Weisberg which did exist were either "destroyed as duplicative" or "discarded in periodic housecleanings." (Emphasis added) [Appellees' Brief at 11-12, 14, 20-22] There is, however, no first-hand testi-

mony that these records were in fact destroyed. The May 13, 1975 Kilty affidavit, upon which appellees rely for their allegation that there has been an adequate file search, makes no such claim. Nor does Kilty's subsequent affidavit, executed June 23, 1975. Instead, both conceal the fact that vitally important records sought by Weisberg did exist but were "missing" and had not been found by the FBI during whatever search, if any, that was made for them.

Thus, the claim that these records are not now extant rests entirely upon the "testimony" of appellees' counsel and other hearsay.

The "testimony" of appellees' counsel is immediately suspect because among these "missing" records are the spectrographic plate on the testing of a piece of curbstone allegedly struck by bullet and the notes made therefrom. It is inherently incredible that this spectrographic plate, one of a number of such plates made during the spectrographic analysis of various items of evidence, should be the only one said to have been discarded "in periodic housecleanings," particularly when newly obtained FBI documents seem to confirm the evidence adduced by Weisberg which shows that the curbstone was altered or "patched" before it was tested, and that the FBI knew this. In addition, it is obvious that no space would be saved by discarding one spectrographic plate.

Very recently Weisberg obtained documentary evidence which bears directly on the existence of records he has not received and the alleged destruction of some such records. These FBI documents would seem to make claims of the destruction or discarding of records on the testing of Kennedy assassination evidence highly implausible. Accordingly, at pages 23-24 of his reply brief, Weisberg made an offer of proof that:

1. As noted in a July 19, 1965 FBI memorandum, the FBI Laboratory made a review of "various Laboratory reports and other documents" and "carefully scrutinized the 202-page listing of documents submitted for our review." [Exhibit 2]

2. That on August 1, 1979, in accordance with the October 31, 1966 order of Attorney General Ramsey Clark that the national interest required that the entire body of evidence considered by the Warren Commission and then in the possession of the United States be preserved intact (31 Federal Register No. 212, Nov. 1, 1966), the Special Agent in Charge of the Dallas Field Office was instructed that "all bulky exhibits and evidence" in specified files on the assassin of President Kennedy "should be indefinitely retained." [Exhibit 2]

3. That a January 31, 1973 memorandum reflects that the Dallas Field Office was again advised to retain its bulky exhibits on the Kennedy assassination and reference was made to "the semi-annual inventory of Bulky Exhibits." [Exhibit 4]

4. That a January 7, 1977 teletype from the Dallas Field Office provided an inventory of its files on the Kennedy assassination and stated: "No known materials relative to . . . the above listed files related to the John F. Kennedy assassination have been destroyed under the destruction of files and records program."

[Exhibit 5]

Do not destroy when trying to find

5. That a February 15, 1969 memorandum to the Dallas SAC reports on the finding of a bullet in the vicinity of Commerce Street and the Stemmons Freeway which the finder said "appeared to have ricocheted off of something" and which he suggested might be the third bullet in the assassination of President Kennedy; but that Weisberg has not been provided with any records regarding the testing of this bullet. [Exhibit 6]

These recently obtained FBI documents obviously have a direct bearing on whether claims by appellees' counsel, or anyone else, that records sought by Weisberg have been destroyed, can be believed. Because Weisberg was not permitted to adduce evidence with respect to whether such records are still extant in the district court, he feels that in order to prevent a fraud from being perpetrated upon the Court, he must call these matters to the Court's attention. As in Weisberg v. General Services Administration, D.C. Cir. No. 77-1831, still pending before this Court, in which a somewhat similar situation arose, Weisberg contends that the Court has an inherent right to protect its own integrity by permitting materials such as these to be added to the record at the appellate stage. While it

FBI records

is generally true that an appellate court must look only to the record before the district court in deciding questions presented, in appropriate circumstances an appellate court may, in the interest of justice, order the record enlarged to include materials which were not before the district court. Washington v. United States, 130 U.S.App.D.C. 374, 378, n. 19, 401 F. 2d 915, 919 (1968); Gatewood v. United States, 93 U.S.App.D.C. 226, 230, n. 5, 209 F. 2d 789 (1953); Turk v. United States, 429 F. 2d 1327 (8th Cir. 1970). In addition, Weisberg notes that 28 U.S.C. §2106 provides:

The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.

Under circumstances where Weisberg is confronted on appeal with "testimony" of adversary counsel on matters which Weisberg was prohibited from addressing in the court below, it would seem just that he be permitted to call this Court's attention to evidence which he has obtained since this Court assumed jurisdiction over this case which throws the gravest doubts over the claim that Kennedy assassination records have been discarded or destroyed.

This Court has recently had occasion to address the scope of its discretion under 28 U.S.C. §2106 in its decision in the case of William Jordan, et al. v. United States Department of Justice, D.C. Cir. No. 77-1240, decided October 31, 1978. The panel

opinion in that case notes three situations in which an agency might invoke an exemption on appeal for the first time. The second of these situations is "because of a substantial change in the factual context of the case or because of an interim development in applicable legal doctrine." (Slip op., at 56) The Court found that under this circumstance it might exercise its discretion to "remand the cause and . . . require such further proceedings to be had as may be just under the circumstances." (Slip op. at 57) Weisberg would contend that what applies to an agency in a Freedom of Information Act case applies with equal, indeed greater, force to a FOIA plaintiff. In this case, the factual circumstance has been changed by the fact that Weisberg has obtained documents which are clearly inconsistent with the claims made by appellees' counsel on the strength of their own unsworn word.

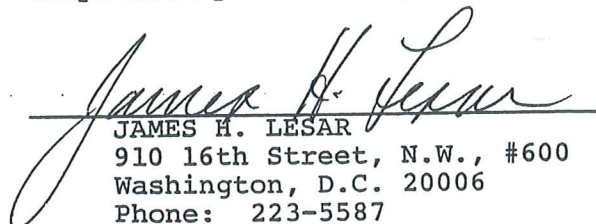
Accordingly, Weisberg requests that this Court take whatever measures it deems appropriate to assure that the documents which he has attached to his Reply Brief as Addendums 2-6 (and which are attached to this motion as Exhibits 2-6) are made part of the record for purposes of this appeal and do not escape the attention of the panel which hears the case. In addition, Weisberg makes the same request with respect to Addendum 1 (attached hereto as Exhibit 1), which bears on the question of the FBI's motivation for not having located the spectrographic plate of the curbstone testing by showing that before the curbstone was tested the FBI knew that it had been altered but went ahead and tested it anyway and passed the results on

Volume of bulking & they, not 1, have under They request to comply from DPs

to the Warren Commission for all the world as if the results were, or even could be, authentic. (An offer of proof with respect to this Addendum was made at page p. 22 of his Reply Brief.)

For the above-stated reasons, Weisberg would ask that the Court grant him leave to file his Reply Brief with the six addendums which are attached thereto.

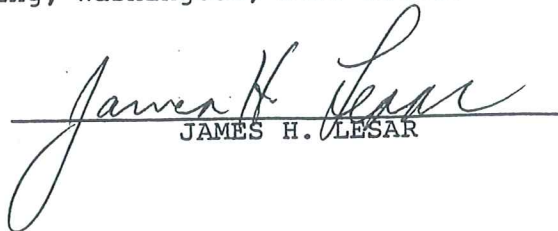
Respectfully submitted,


JAMES H. LESAR
910 16th Street, N.W., #600
Washington, D.C. 20006
Phone: 223-5587

Attorney for Weisberg

CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of December, 1978, mailed a copy of the foregoing Motion For Leave To File Reply Brief With Addendum to Assistant United States Attorney John H. Korns, D.C. Superior Court Building, Washington, D.C. 20001.


JAMES H. LESAR

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

EXHIBIT 1

Copy to:

Report of ROBERT P. GEMBERLING
Date 8/5/64

Office DALLAS

Field Office File No. DL 100-10461

Bureau File No. 105-82555

Title LEE HARVEY OSWALD

Character INTERNAL SECURITY - RUSSIA - CUBA

Synopsis:

CLOTILE WILLIAMS heard assassination shots while standing on northwest corner of Houston and Elm Streets, Dallas, Texas, but did not see anything that aroused her suspicion and did not know from where the shots came. Supplemental listing of exhibits by item number and description prepared. Additional investigation conducted concerning mark on curb on south side of Main Street near triple underpass, which it is alleged was possibly caused by bullet fired during assassination. No evidence of mark or nick on curb now visible. Photographs taken of location where mark once appeared, together with other photographs reflecting angle of such location in relation to the sixth floor window of the Texas School Book Depository (TSBD) from which assassination shots fired. Photographs also taken from inside sixth floor of TSBD southeast corner window from which assassination shots fired, showing distance between floor and window sill and height of opening in the window when window half open. Photographs taken of person approximate height of OSWALD showing relative position of window ledge and window to such person. Photographs taken at Methodist Hospital of Dallas of bone specimen allegedly from skull of President KENNEDY obtained. Additional investigation conducted with negative results concerning claim by Mrs. EDITH WHITWORTH that she directed OSWALD family to Irving Sports Shop, Irving, Texas, in early November 1963, which investigation consisted of interviews of certain parents of female babies born 10/20/63, in the Irving and Dallas, Texas, area to determine if they were the individuals

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

105-82555-4584

Exhibit 2

ROUTE IN ENVELOPE

July 19, 1965

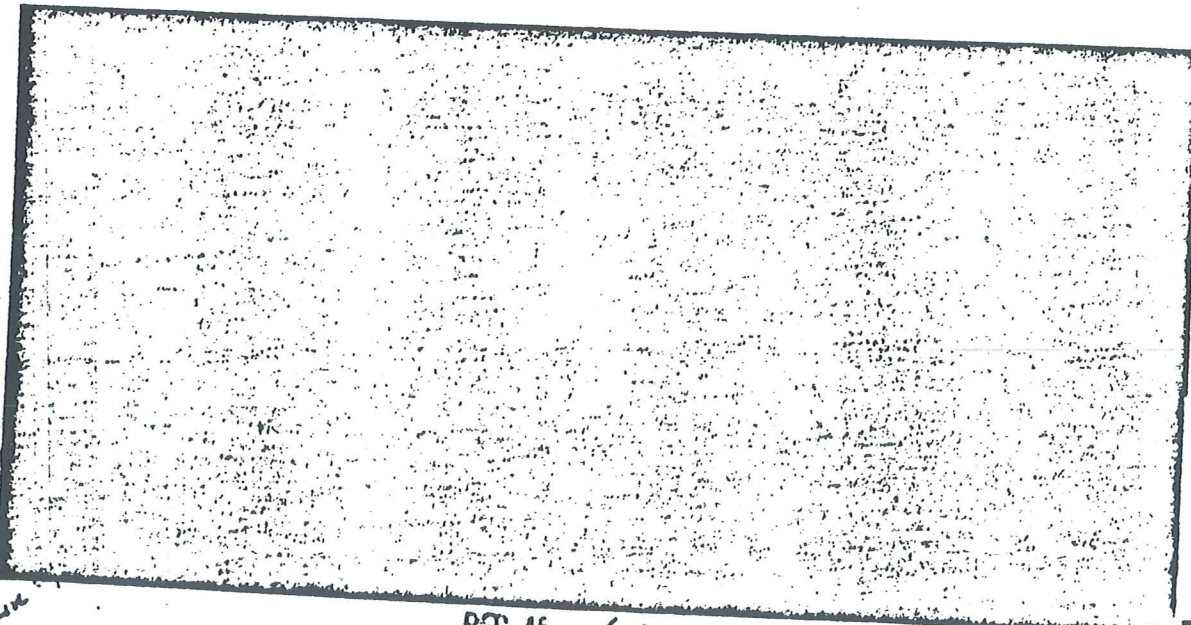
SECRET

Handwritten initials and scribbles

TO: Inspector J. R. Malley

RE: COMMISSION DOCUMENTS ORIGINATING
IN THE BUREAU
PRESIDENT'S COMMISSION ON THE
ASSASSINATION OF PRESIDENT KENNEDY

In connection with the pending review of documents originating in the Bureau that were submitted in connection with this matter looking toward public disclosure, the Laboratory has completed a review of the copies maintained of various Laboratory reports and other documents prepared in the Laboratory. In addition, the Laboratory has carefully scrutinized the 202-page listing of documents submitted for our review. Based upon these reviews two items were noted that should be withheld from public disclosure as follows:



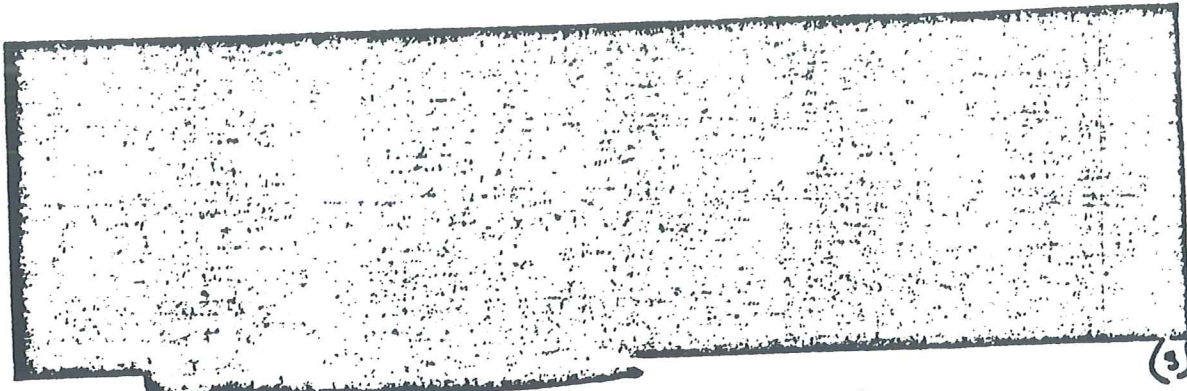
cc
enclosures (2)

REC 45 62 - 109 090 - 466 (3)

- Mr. Sullivan (Mr. Stokes, Room 611 RB) *(enc - 3)* AUG 23 1965
- Mr. Raupach, Room 5716
- Mr. Griffith

Handwritten: 62 - 107000
Classified by 2040
Exempt from GDS, Category 1, 2, 3
Date of declassification Indefinite
Handwritten: 1/10/78

Handwritten initials: J. R. Malley



Copies of the two sensitive Laboratory reports are enclosed for General Investigative Division and Domestic Intelligence Division. U

No other patently objectionable documents were noted; however, for possible assistance and guidance of the other divisions conducting reviews, the following three items of possible significance were noted: U



3. Laboratory report dated 7/8/64, CR-12614 KA. The result of this examination is the decryption of two personal letters in Braille. The letters are answers to communications sent by an apparently mentally deranged blind person and do not deal directly with the Oswald matter. There is no question of cryptanalytic sensitivity, it is rather a question of personal aspects of the source of this material, which we are not in a position to evaluate. U

B. J. [Signature]

I. W. Conrad

EXHIBIT 3

SAC, DALLAS (100-10461) (C)

8/1/69

SA ROBERT P. GEMMERLING

LEE HARVEY OSWALD, aka.
IS - R - CUBA
DL file 100-10461 (C)

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
11/22/63, DALLAS, TEXAS
MISCELLANEOUS - INFORMATION CONCERNING
DL file 89-43 (P#)

In view of continued correspondence and inquiries from time to time necessitating acknowledgement and also in view of Public Law 89-318 relating to items of evidence obtained in captioned investigations to be designated by the Attorney General for preservation by U. S., all bulky exhibits and evidence in these cases should be indefinitely retained.

1 - 100-10461

1 - 89-43

RPG:

(2)

89-43-905

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 1 1969	
FBI - DALLAS	

Robert P. Gemmerling

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

W. Wood
Ernest J. ...

TO: SAC, DALLAS (89-43)

DATE: 2/15/69

FROM: SA ALFRED C. ELLINGTON

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
NOVEMBER 22, 1963,
Dallas, Texas

E. D. Wylie
10505 Cole Ridge

MISCELLANEOUS INFORMATION CONCERNING

On this date, REX M. OLIVER, 5810 Phoenix Drive, telephone EM 8-2130, contacted the Dallas Office by telephone, and advised he is employed by the Texas Highway Department, and was so employe during October and November, 1968. During this period, (October or November, 1968) while he was working in the vicinity of Commerce Street and Stemmons Freeway, "at the Commerce Street entrance to North Stemmons Freeway", he found a bullet "which appeared to have ricocheted off of something".

He said he picked up this bullet and put it in his pocket and has had it in his possession since that time. He said the bullet was "somewhat corroded, as if it had been in the weather for a long time". He said he mentioned his finding of the bullet to his engineer, who suggested it may be the "third bullet" which he had heard about in connection with the assassination of President KENNEDY, since he found it "in just about the right spot".

Mr. OLIVER said he has been trying to get in contact with MR. GARRISON, in New Orleans for about the last 2 or 3 weeks, but has been unsuccessful, and desires to furnish this bullet to the FBI "if you want it".

He said he is currently working on Highway 114, near Highway 183, and can be reached through the Texas Highway Department field office in that area, BL 4-3556.

Mr. OLIVER said he does not know what caliber this bullet is, but that the "front" of the bullet is the only damaged portion, and he feels the caliber can be easily determined by someone "who knows something about it".

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A 279
A 280

2- 89-43
ACE:
(2)

89-43-2249
SEARCHED INDEXED
SERIALIZED FILED
FEB 15 1969
FBI - DALLAS

EXHIBIT 5

FBI

Date: 1/7/77

Transmit the following in _____
(Type in plaintext or code)

TELETYPE _____
(Precedence)

563

FM DALLAS (89-43) (P)

TO DIRECTOR (62-117290) PRIORITY

BT

E F T O

ATTN: GENERAL INVESTIGATIVE DIVISION, CIVIL RIGHTS SECTION,
CONGRESSIONAL INQUIRY UNIT.

HOUSE SELECT COMMITTEE ON ASSASSINATIONS.

RE BUREAU TELETYPE TO ALL SACS, JANUARY 6, 1977.

RESULTS OF FILE INVENTORY, DALLAS DIVISION, AS FOLLOWS:

1. ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY, DALLAS, TEXAS, NOVEMBER 22, 1963, MISCELLANEOUS - INFORMATION CONCERNING. OO: DALLAS, BUREAU FILE 62-109060. DALLAS FILE 89-43.

THE DALLAS OFFICE IS OFFICE OF ORIGIN IN CAPTIONED CASE.

THIS FILE CONSISTS OF 122 VOLUMES, INCLUDING NINE VOLUMES OF NEWSPAPER CLIPPINGS. THE 122 VOLUMES CONTAIN 9930 SERIALS, WITH MANY INDIVIDUAL SERIALS CONTAINING NUMEROUS PAGES. THE

1 - Dallas
UHS:bjw
(1)

89-43-4958

[Handwritten signatures and initials]
Special Agent in Charge

Sent 1830Z M Per [Signature]

FD-36 (Rev. 5-22-64)

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Precedence)

DL 89-43 PAGE TWO

ABOVE VOLUMES ARE APPROXIMATELY 13 LINEAR FEET IN SIZE.

THIS FILE ALSO CONTAINS 301 EXHIBITS WITH MANY INDIVIDUAL EXHIBITS CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS.

THE EXHIBITS ARE APPROXIMATELY TWO LINEAR FEET IN SIZE.

2. LEE HARVEY OSWALD, AKA; INTERNAL SECURITY - RUSSIA - CUBA. OO: DALLAS. BUREAU FILE 105-82555, DALLAS FILE 100-10461.

THE DALLAS OFFICE IS OFFICE OF ORIGIN IN CAPTIONED CASE.

THIS FILE CONSISTS OF 105 VOLUMES, INCLUDING SIX VOLUMES OF TRANSLATIONS, THREE VOLUMES OF INVENTORY WORKSHEETS, AND ONE VOLUME OF OSWALD WRITINGS. THE 105 VOLUMES CONTAIN 9360 SERIALS, WITH MANY INDIVIDUAL SERIALS CONTAINING NUMEROUS PAGES. THE ABOVE VOLUMES ARE APPROXIMATELY 13 LINEAR FEET IN SIZE. THIS FILE ALSO CONTAINS 498 EXHIBITS, MANY INDIVIDUAL EXHIBITS CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS. THESE EXHIBITS ARE APPROXIMATELY 2½ LINEAR FEET IN SIZE.

IN ADDITION TO THE ABOVE EXHIBITS, ADDITIONAL BULKY EXHIBITS CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS AS WELL AS COPIES OF WARREN COMMISSION EXHIBITS ARE LOCATED IN A SECURE METAL CABINET WITH THE TOTAL VOLUME OF THESE EXHIBITS BEING

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date _____

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Precedence)

DL 89-43 PAGE THREE
APPROXIMATELY 15 CUBIC FEET.

3. MARINA NIKOLAEVNA PORTER, AKA, MARINA OSWALD,
IS-R, OO: DALLAS, BUREAU FILE 105-126032, DALLAS FILE
105-1435.

THE DALLAS OFFICE IS OFFICE OF ORIGIN IN THIS CASE. THIS
FILE CONSISTS OF ONE VOLUME CONTAINING 182 SERIALS. THIS
FILE CONTAINS FOUR EXHIBITS IN THE SUB A SECTION.

4. JACK L. RUBY, AKA; LEE HARVEY OSWALD (DECEASED) -
VICTIM. CR. BUREAU FILE 44-24016, DALLAS FILE 44-1639.

THE DALLAS OFFICE CONDUCTED THE PRIMARY SUBSTANTIVE
INVESTIGATION IN CAPTIONED CASE. THIS FILE CONSISTS OF 94
VOLUMES, INCLUDING SEVEN VOLUMES OF NEWSPAPER CLIPPINGS.
THESE 94 VOLUMES CONTAIN 6455 SERIALS, WITH MANY INDIVIDUAL
SERIALS CONTAINING NUMEROUS PAGES. THE ABOVE VOLUMES ARE
APPROXIMATELY 11 LINEAR FEET IN SIZE. THIS FILE ALSO CONTAINS
186 EXHIBITS, WITH MANY INDIVIDUAL EXHIBITS CONTAINING NUMEROUS
PHOTOGRAPHS AND OTHER DOCUMENTS. THE EXHIBITS ARE APPROXIMATELY
FIVE LINEAR FEET IN SIZE.

5. THE PRESIDENTS COMMISSION ON THE ASSASSINATION OF

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

FBI

Date:

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(Type in plaintext or code)

Via _____
(Precedence)

DL 89-43 PAGE FOUR

PRESIDENT KENNEDY. BUREAU FILE 62-109090. DALLAS FILE
62-3588.

THE DALLAS OFFICE SUBMITTED ROUTINE COMMUNICATIONS.
A REVIEW OF THE 26 VOLUMES CONTAINING THE RESULTS OF HEARINGS
BEFORE THE PRESIDENTS COMMISSION IS SET FORTH IN THIS FILE.
THIS REVIEW WAS CONDUCTED BY SAS OF THE DALLAS OFFICE.

THIS FILE CONSISTS OF TWO VOLUMES CONTAINING 189 SERIALS.
THE ONLY EXHIBITS IN CONNECTION WITH THIS FILE ARE BOOKS
DEALING WITH THE PRESIDENTS COMMISSION AND TWO AFFIDAVITS
FROM SAS OF THE FBI.

[REDACTED]

b2
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Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Precedence)

DL 89-43 PAGE FIVE

[REDACTED]

67E

FOR THE ADDITIONAL INFORMATION OF THE BUREAU, THE DALLAS OFFICE HAS ESTABLISHED A SPECIAL JOHN F. KENNEDY ASSASSINATION FILES INDICES CONSISTING OF APPROXIMATELY 40 LINEAR FEET OF 3" BY 5" INDEX CARDS. THESE INDEX CARDS ARE MAINTAINED SEPARATE FROM THE GENERAL INDICES. ALSO ESTABLISHED WAS A SPECIAL COMMUNICATIONS INDEX IN THE EARLY MONTHS OF THE JFK ASSASSINATION INVESTIGATION CONSISTING OF APPROXIMATELY 2 1/2 LINEAR FEET OF 5" BY 8" INDEX CARDS WHICH ARE ALSO MAINTAINED SEPARATE FROM THE GENERAL INDICES.

NO KNOWN MATERIAL RELATIVE TO THE MARTIN LUTHER KING, JR. ASSASSINATION (MURKIN) AND THE ABOVE LISTED FILES RELATED TO THE JOHN F. KENNEDY ASSASSINATION HAVE BEEN DESTROYED UNDER THE DESTRUCTION OF FILES AND RECORDS PROGRAM.

BT

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, J. GORDON BRANKLIN (100-10461) DATE: 1/31/73

FROM : SA ROBERT P. GEMBERLING

SUBJECT: LEE HARVEY OSWALD, aka
IS - R - CUBA

OO: DALLAS

There is still being retained in the Dallas Office considerable material gathered in this investigation and maintained in the Bulky Exhibits of the Dallas Office. The inventory of Bulky Exhibits reflects such evidence.

All such material should continue to be retained in the Dallas Office due to the magnitude and importance of this matter and because we still receive frequent inquiries both from the Bureau and from private citizens necessitating such research in this case.

ACTION: Route to Clerk [redacted] in connection with the semi-annual inventory of Bulky Exhibits.

b7c

1 - Dallas
RPG:jlz

100-10461-9304

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 31 1973	
DALLAS	

[Handwritten signature]



Use given
on p 15 continue
no sample not
diff. ent specimens