# HE WE DIVISED DOINT OF COLUMBIA

HAROLD WEIGBLIG,

Flaintiff,

v.

Civil Action Nos. 78-322 and 78-420 (Consolidated)

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

### AFFIDAVIT OF HAROLD WEISBERG

My name is Harold Weisberg. I reside at 7627 Old Receiver Road, Frederick, Maryland. I am the plaintiff in these consolidated caces. My qualifications and my medical and physical limitations are stated in my carlier affidavits.

1. In this affidavit I address the FBI's untruthfulness, distortions, misrepresentations and deceptions about ticklers. While I have alleged these transgressions in earlier affidavits, what I now state is based on copies of records provided by the FBI in this litigation that I started to examine for the first time late on March 30, 1983. These are copies I had made for the information of the then Department of Justice Appeals head, Quinlan Shea, Jr. I had begun explanations for him, without reference to ticklers, limited to the copies I had made of some of the records in Dallas File 89-43, its main JTK assarsination file, when I was interrupted. Thereafter I underwent the surgeries and their complications described in my prior a fidavits. I prepare this affidavit based on some of the selections from Section 1 I had made for Mr. Shea for other purposes. I believe it is necessary to prepare this affidavit as expeditiously as possible and that any similar records in the remaining approximately eight inches of copies I had made for Mr. Shea cannot negate what is disclosed in those I attach as exhibits. They can, of course, provide many additional reflections of the fact that, contrary to

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the IBI's sworn word, it did prepare ticklers.

2. The volume of these unused copies illustrates the extent of my effort to inform and assist Mr. Shea and his staff, which also is to say, assist the FBI.

3. Because all of these 89-h3 records were provided to me in this litigation, it is apparent that the FBI required no discovery from me to learn what they reflect.

4. Some of the attached exhibits are marked for indexing, some are not. The internal memoranda that report communications between FBIHQ and the Dallas office (and others not included) are not marked for indexing. All that are investigative, without exception, are marked for indexing. The FBI's Records Branch has published its indexing symbols. I attach a copy as Exhibit 1.

5. Two different copies of Serial 24, both attached as Exhibit 2, are in Section 1. While the typed memos themselves are identical xeroxes, the added notations differ. The one on which no ealier notations appear bears the handwritten notation that four and a half years after the assassination a copy was sent to Inspector J.R. Halley at PBENQ. The other copy bears what from prior experience and knowledge and in context I believe are tickler notations, indicating in which portion of the case tickler a copy was to be included. This version also includes instructions for carding each of the subjects noted. (This and all the following exhibits are of the day of the assassination except for two dated the next day.)

6. As Exhibit 1 and exhibits that follow reflect, these are not and cannot be indexing instructions. If the FBI had intended that this record be indexed, the words added in the written instructions would have been underscored in the typed text, the FBI's practise and its instructions from its Records Branch.

7. Cards also are a form of tickler, as my prior and uncontested affidavits state, with the inclusion of standard dictionary quotations.

8. In this connection, I state that FBI Supervisor John N. Phillips was decep-

tive, misleading and forthrightly untruthful in his sworn statement that the carding employed in the Dallas FBI was limited to a reminder to make a further check after a brief period of time passed and that all such cards were automatically destroyed after the passing of this brief interval. He also was deliberately untruthful in his limiting of ticklers to photostatic and carbon copies. After I corrected him on this and noted that in all the hundreds of thousands of pages of FBI records I had examined 1 did not recall a single photostat, and after I correctly stated that photostating is much more costly and much more labor and time consuming and thus is not generally used, he persisted in his false representation that ticklers must be and are of photostatic and carbon copies only.

9. Instructions to "card" three subjects are added to Serial 25, attached as Exhibit 3, and on other records. This record also pertains to a phone call from FBIHQ and is administrative rather than investigative and is not marked for indexing.

10. The content of this and other such memos was not retrievable from the files by use of the index. Fowever, the information could be retrieved from ticklers.

11. "SOG" as used here and elsewhere by the FBI is its modest representation
of FBIHQ as the "Seat of Government."

12. Exhibit h is Serial 31, another internal news of the day of the accessination pertaining to a phone call from the FBI Lab in Washington. Here again, if it had been the FBI's intention to index "rifle", that word would have been underscored in the typed text. It is added as a tickler notation, for a copy to be included in the section of the tickler headed "Rifle."

13. All the remaining exhibits are investigative refer that the intrative or internal, all are marked for indexing, and they have tickler instructions added.

14. Exhibit 5. Serial 32, pertains to evidence and the chain of evidence and,

although it is marked for indexing it also has written tickler instructions coming directly from the text where it is not marked for indexing, "Bullet-fragments taken from Gov. Connally."

15. Serials 40, 41 and 42, attached as Exhibit 6, are all marked for indexing and also have tickler notation added. Here also the word "rifle" would have been underscored in the text if indexing were intended.

16. Cerial 56, attached as Exhibit 7, is marked for indexing and also has tickler instructions added.

17. Serial 61, Exhibit 8, is marked for indexing and what is marked for indexing also is added as tickler instructions. (This record is inaccurate and defamatory because Marina Oswald was not either living with or the common-law wife of Michael Paine, whose name is mis-spelled.)

16. Tickler notations on Serial 89, attached as Exhibit 9, all are of words that appear in the typed text and could and would have been underlined if intended as indexing instructions.

19. Serials 120, 136 and 143, attached as Exhibits 10,11 and 12, all are marked for indexing and all have tickler notations added that could and would have been underlined in the typed text if intended as indexing instructions.

20. The FBI has not denied my statement that the magnitude of the case and the extraordinarily large number of pages of pertinent records required a tickler to maintain control. It also has been careful to avoid having any Dallas special agent or other employee swear of personal knowledge that it did not make any JFK assassination tickler. I believe that these records, from the first volume of only one of its main files, which total several hundred volumes, reflect why the FBI did not dare provide any statement claimed to be of personal knowledge that there was no JFK assassination tickler.

I have also stated that the FBI did not investigate the crime itself and 21. that from the outset it hewed the official line of Director Hoover's instant vision, that Oswald was the lone assassin. This is reflected in another record from the same section, attached as Exhibit 13. Here, on the very day of the crime and before Oswald was charged with it, the FBI was not "covering" any other possible suspects. The alleged reason is that the "true suspect (was) located." What gives this even more point is the fact that disclosed FBI and Secret Service records both include threats against the President by the group of which this alleged suspect was part.

HAROLD WEISBERG

BIGLIGEK COUNTY, MARYLAND

Before me this 1st day of April 1983 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true. Ey commission expires July 1, 1986.

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NOTARY PUBLIC IN AND FOR DEFICK COUNTY, MARYLAND

### C.A. 78-0322/0420 Consolidated Exhibit 1

FBI/DOJ

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## SYMBOLS USED BY RECORDS BRANCH

. The circle indicates subject of mail.

Ked % indicates see reference.

- Dotted circle indicates main card found in index.

Blue zip in circle indicates main card not found.

Green line through blue zip indicates main card has been entered.

X in circle over the name indicates not necessary to make a main card. Also means no indexing by the field office, which should be in the lower right hand corner of mail.

Blue that indicates cards in index on same name but not necessarily subject.

Green rip through X indicates "see" card has been entered

Blue N before classification number above Records Branch block roducates new case has been opened.

Green X or green underlining indicates Agent wants additional indexing.

# Separate Files for Each Case

It is concervable that the same individual could have several files. For example, in 1967, John Smith could be the subject of a stolen car case (ITSMV - Interstate Transportation of Stolen Motor Vehicles - 26 classification), in 1969 he could have been the subject of a bank robbery investigation (91) classification, and at a later time the subject of some other violation or perhaps even the subject of another stolen car case. In each situation separate tiles are created. The violations occurred at different time intervals and are all separate prosecutable items. This is the basis for the case filing system. These cases is handled as a separate item and all matters pertaining to that particular case are channeled

## Dual Violations

On the other hand, if an individual steals a car (a violation of the ITSMV statute) and uses this vehicle in connection with a bank robbery, the investigation regarding this matter would then be channeled into one case file and the more serious violation would predominate.

For example, the case would be carried in the 91 (Bank Robbery) classification. This would be known as a dual violation case and all communications relating to this matter would identify the character of the case as a dual violation; that 15, Bank Robbery - ITSMV. This situation can and often does apply to more than two violations at

## Security Matters

When an individual is the subject in a Security investigation, we utilize the same file for all of his subversive activites. For example, if an individual was investigated as a member of the Communist Party in the 1940s, a 100 case file would have been opened. Five years later, after terminating his membership in the Communist Party, if we utilize him, as a security informant, we would not open a 134 (Security Informant) file on him.

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DATE: 11/22/63

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C.A. 78-0322-0420

Exhibit

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FROM : SAC SHANKLIN

TO

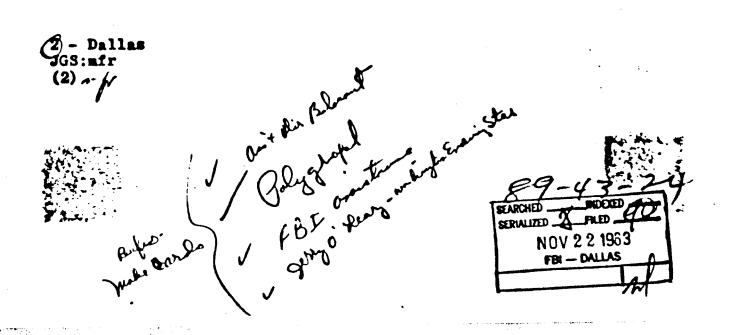
SUBJECT: UNSUB; Assassination of President JOHN V. KENNEDY

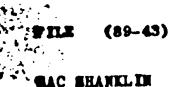
> At 4:00 PM, Assistant to the Director BELMONT telephonically called and advised that the FBI should immediately start a complete investigation in this case. Every facet of it is to be covered, as the Director was of the opinion that we would have to solve it, and that it was necessary I should request additional Agents.

He authorized the use of the polygraph on suspect LEE HARVEY OSWALD.

Assistant to the Director BELMONT and Assistant Director DeLOACH both stated that comments to the press requests would be that "We are rendering every possible assistance." The Director has personally instructed that all possible assistance be given in the solution of this matter.

DE LOACH also stated that JERRY O'LEARY, who is a close friend of the Bureau and is with the Washington Evening Star, is en route to Dallas and that he will be in contact with me.





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UNSUB; Assassination of President " " JOHN F. KENNEDY

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**b** -

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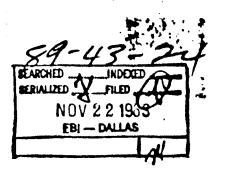
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Memorandum

(89-43)

SHAC SHANKLIN

DATE: 11/22

C.A. 78-032270420 Consolidated Exhibit 3

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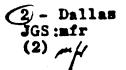
TO

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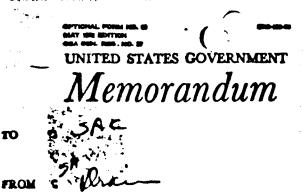
SUBJECT: UNSUB; Assassination of Pres. JOHN F. KENNEDY

> Mr. BELMONT from SOG advised that they have made arrangements with Secret Service to secure the bullet that apparently killed President KENNEDY and that Secret Service in Washington was calling SORRELLS here and instructing him to turn the gun over to us and that I should after receipt of the gun, also secure the bullet that shot Governor CONNALLY and have an Agent get on the plane and take the gun and the other bullet to Washington.

The Bureau should be called as to when the plane would arrive so that the Laboratory could be there to meet the man and make the examination immediately.



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DATE: 11/22/63

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Consol

SUBJECT: UNSUB; Assassination of Pres. JOHN F. KENNEDY

SA DRAIN further described this rifle as follows:

On the scope of the gun is Ordnance Optics, Inc. Hollywood, California OlØ or OIO Japan. A cloverleaf, and inside of the cloverleaf is OSC.

On the gun is Cal. 6,5 1940 Made in Italy. Under that is a crown like an English crown and under this is R - N. There is ROCCA, which is enclosed in x rectangular lines and that is on the plunger on the bolt action at the rear of the gun.

#### ADDENDUM:

At 9:30 PM, Mr. J. COCHRAN of the FBI Laboratory called and was furnished a description of the gun. He stated that when we called in to tell them when the gun was going to be arriving, he would like to have the description of the head stamps on the cartridge as that would enable them to find similar type ammunition.

(B9-43) JGS:mfr (2)

SERIALIZED. NOV 221963 FBI

			C.A. 78-0322/0420
UNITED S	TATES GOVERNMENT	Ć	Consolidated Exhibit 5
Men	norandum	1	
	8AC, DALLAS (89-43)	DATE: 1	1/22/63
TRON	SUPERVISOR JOSEPH J. LO	effler	
UBJECT:	ASSASSINATION OF PRESID JOHN F. KENNEDY, 12/22/ AFO	ent 63	· · · · · · · · ·
• the bull	Mr. O. P. MRIGHT, Secur facted in effort to ascert let taken from the body of said he bad given instruc- erve the bullet. He require nasmuch as he was not in	Governor CONNALL tions to his super	Y. Mr. vising nurse o return the

call, inasmuch as he was not in the immediated, at which time operating room. Mr. WRIGHT returned his call, at which time he advised that bullet fragments were taken from the wrist of Governor CONNALLY and turned over to a Mr. NOLAN with the Texas Highway Patrol. He assumed Mr. MOLAN would take the bullet. immediately to the state laboratory at Austin, Texas.

Bullet - the Ancon all STARCHEL SERIALIZED NOV 221969 FBI - DALLAS



A. 78-0322/0420 Consolidated Exhibit 6

TO SAC DALLAS 89-43

FROM SAC NEW YORK 89-NE

RGENT -11-22-63

TU DISC

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, NOVEMBER TWENTY TWO LAST, AFO. REDLTEL ELEVEN TWENTY TWO INSTANT. 41 OFFICIALS CRESENT FIRE RMS COMPANY, NEW YORK CITY, WHO ARE AND CURRENTLY CHECKING RECORDS RE ITALIAN RIFLE ADVISE COMPLETE DESCRIPTION OF RIFLE WOULD BE HELPFUL IN DETERMINING SOURCE. SUTEL OR TELEPHONE ALL MARKINGS, LENGTH, TYPE OF BOLT, AND ANY OTHER PERTINENT DATA RE RIFLE TO NYO AND RICHMOND. END AND PLS ACK...... 8-00 PM CST OK FBI DL FLL

PM DE

CHED SERIALIZED NOA 221963 FBI -DALLAS

WINDER REAL AND A CONTRACT AND A CONTRACT

URGENT 11-22-63 PM RAT 4-50 PM CST NB TO SAC, NEW YORK

FROM SAC, DALLAS /89-43/

ASSASSINATION PRES. JOHN F. KENNEDY, NOV. TWENTYTWO, INST., AFO. RIFLE USED IN ASSASSINATION IS ITALIAN RIFLE CALIBER SIX POINT FIVE, SN C TWO SEVEN SIX SIX. SIMILAR RIFLES SOLD IN DALLAS BY H. L. CREEN COMPANY BUT THEIR RECORDS DO NOT INCLUDE SALE OF THIS RIFLE. THEIR SUPPLIER IS CRESCENT FIBEARMS CO., NEW YORK CITY. NEW YORK ASCERTAIN IF THIS RIFLE SOLD BY THAT COMPANY OR ANY OTHER SUPPLIER OF SIMILAR RIFLES, AND IF SO, WHERE IT WAS SHIPPED.

END AND ACK PLS

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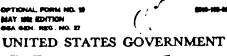
URGENT 11-22-63 7-40 PM DE TO SACS DALLAS 89-43 AND RICHMOND FROM SAC NEW YORK 89-ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, NOVEMBER TWENTY . THREE, AFO. REDLTEL THIS DATE. المارية المركز المراجع the second starts have been prevented and RIFLE USED IN ASSASSINATION IS ITALIAN RIFLE, CALIBER SI FIVE, SN C TWO SIVEN SIX SIX. SIMILAR RIFLES SOLD IN DALLAS BY H. L. GREEN CONMANY, BUT THEIR RECORDS DO NOT INCLUDE SALE THIS

日本、日本の大人にないたとうとないないない RIFLE. INQUIRIES NYC REFLECT INTERARMCO, ALEXANDRIA, VIRGINIA, AS BIGGEST SUPPLIER OF ABOVE RIFLES.

Contra

TKS FLL DISC L

- RECORDS CRESCENT FIREARMS COMPANY , NYC, NOW BEING CHECKED RICHMOND IMMEDIATELY CONTACT INTERARMCO, AND DETEFRMINE RIFLE SOLD BY THAT COMPANY. SUTEL DALLAS TONIGHT 1. S. T. IN RICHMOND ADVISED . END AND PLS ACK ..... 6-44 PM CSTO D FBI DL FLL



# Memorandum

0 : SAC, DALLAS (89-43)

ROM : ASAC KYLE G. CLARK

UBJECT:

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ASSASSINATION OF PRESIDENT KENNEDY

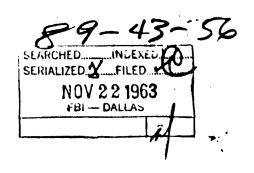
USA H. BAREFOOT SANDERS telephonically advised that he had received radio and TV reports that Assistant District Attorney ALEXANDER had made release that he was filing complaint against LEE HARVEY OSWALD for murder of the President, and wide Communistic conspiracy. USA SANDERS pointed out the: wide political implications in this matter and stated he is contacting District Attorney WADE, however, should ALEXANDER draw up a complaint and it was signed by Chief CURRY or Captain FRITZ, ALEXANDER would be free to continue.

This information was furnished to Chief CURRY by AC SHANKLIN and he was advised that such complaint would not be signed.

In addition USA advised that he had been contacted by a pathologist from the University, who advised that he had heard the information the individual who shot the President had been eating chicken and the bones were hying near the window/where the President was shot. This pathologist advised that if the voids of the suspect were retained, a pathologist could determine if chicken had been eaten.

This information was passed on to Chief CURRY and he advised the necessary precautions to preserve the wolds of the Suspect would be taken.





C.A. 78-0322/0420

DATE: 7 11/22/63

Consolidated Exhibit 7



Although the second of the

RE C C.A. 78-0322/0420 Consolidated (, , Exhibit 8 UNITED STATES GOVERNMENT lemorandum DATE: 11/22/6 TO BAC, DALLAS (80-43) FROM **LBAC KYLE G. CLARK** SUBJECT: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY SA RICHARD E. HARRISON telephonically advised that the subject's wife, MARINE OSWALD, was presently in the Forgery Section of the PD. She has been living in Irving with a common-law husband, MICHAEL PAYNE, date of birth 6/25/28, New York City. - Mal Parme 11 2 - Dallas KGC:mac SEAR: . (2) SERIAL IZED NOV > 2 1933

# Memorandum

C.A. 78-0322/0420 Consolidated Exhibit 9

11/23/69

DATE:

**T**O

SAC, DALLAS (89-43)

FROM

BA NAT.A. PINKSTON

SUBJECT:

#### ASSASSINATION OF PRESIDENT KENNEDY AFO

Lt. CARL DAY, Crime Section, Identification Bureau, Dallas PD, advised on 11/22/63, he had processed a rifle recovered on the sixth floor of the Texas School Book Depository, Elm and Houston Streets, Dallas, for fingerprints or palm prints, and had been successful in raising a partial latent print. He stated at this time, however, he had not had time to photograph or lift this print, but had left the rifle an his laboratory and intended to return immediately and endeavor to both photograph and lift this latent print.

Detective STUDEBAKER, Crime Scene Search Section, Identification Bureau, Dallas PD, on 11/22/63, advised that he and his partner had made detailed photographs of the sixth floor of the Texas School Book Depository Building, Elm and Houston Streets, Dalls, had measured the floor, and made a drawing of it, had conducted a thorough crime scene search of the floor and had dusted everything in the area of the southwest corner of the floor in an effort to develop latent finger or palm prints. He stated that he had been successful in locating a latent print on the wrapping paper on a bundle of books or school supplies on which the assassin of President KENNEDY had apparently sat while shooting at KENNEDY. He stated that he had found what appeared to be brown whapping paper and tape in which a rifle had been wrapped for concealment and was present when a rifle was found on the sixth floor of the Texas School Book Depository Building.

STUDEBAKER advised copies of the photographs and drawings would be made available to the FBI if desired.

NU

UNITED STATES GOVERNMENT Memorandum

e. .

DATE: 11/22/69

TO 4 FILE (89-43)

FROM : 38AC, SHANKLIN

subject: UNSUB; Assaulting and Killing Federal Officer

SAC HARRY G. MAYNOR, New Orleans Office called Dallas Office at 3:55 PM and furnished furnished following info pertaining to LEE HARVEY OSWALD, Dallas file 100-10461.

A few minutes previously he received call from Resident Agent at Shreveport, La. who said he had received telephone call from SA SAM C. COTTON, at which time COTTON was relaying a request to the New Orleans Office to get the fingerprint classification for OSWALD and call it over to Dallas.

The New Orleans file shows OSWALD has FBI # 327,925 D. New Orleans has a photo from the New Orleans PD which also has the New Orleans PD fingerprint classification as follows:

> 15 25 ¥ 100 -21 U 000 15 (99)

SAC MAYNOR stated the FBI record is set out in report furnished to Dallas and that there should be a copy of this fellow's photo in Dallas file 100-10461. FD 128 was sent to Dallas (which is for change of OO in Security Matters), by on 11/19/63 and as an enclosure to that communication, a photo of OSWALD was sent which reflects New Orleans PD #122723. It possibly has the fingerprint classification on the back.

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SA BOBIET C. LISH FROM

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TO

SUBJECT: UNSUB; Assassination of President JOHN F.KENNEDY

> - HOWARD LESLIE BRENNAN, employed as steamfitter for construction company working in area behind Texas School Book Depository, advised he was seated directly across from the building at about 12:30 PM today, at which time he had just observed the Presidential party pass in an automobile directly before where seated. The Presidential car had moved about 30 yards away when BRENNAN heard what he first thought was the backfire of an automobile and he does not distinctly remember the second shot, but the thought occurred someone must have been shooting firecrackers and therefore there must have been a second shot, distinctly remembering what he considers a third shot, whereupon he looked upward and observed a man standing on the 6th floor at a window in the Texas School Book Depository with a rifle in his hand which protruded outside the window a short distance and was pointed in the direction of the Presidential car. He observed this person to take deliberate aim and after the shot was fired, saw the man lower the rifle and step back from the window, observing momentarily the scene below.

BRENNAN described the man in the window with the rifle as white male, early 30's, appeared to be about 5'10", 165 lbs., no hat, wearing light colored clothes, possibly khaki, could have been wearing a sweater or light weight jacket.

BRENNAN estimates the distance between where seated and where the man was standing to be about 90 feet. BRENNAN volunteered information to the effect he is considered far sighted by his optometrist ...

BRENNAN advised he later viewed LEE OSWALD in a police lineup, Dallas PD, at which time he failed to positively identify him as the person he had observed standing in the window with a rifle, but that of all the persons in the lineup, the most closely resembled the man he observed with the rifle.

FO 202 dutated Authoritan . (2) - Dallas RCL:mfr

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SERIALIZED NCV 2 2 1933 FBI - DALLAS

DATE: 11/22/63

C.A. 78-0322/0420

Consolidated

Exhibit 11

C.A. 78-0322/0420 Consolidated Exhibit 12

TO

FROM

SAC, DALLAS (89-43)

DATE 11/23/63



SA CURTIS L. PERRYMAN

SUBJECT:

ASSASSINATION OF THE PRESIDENT

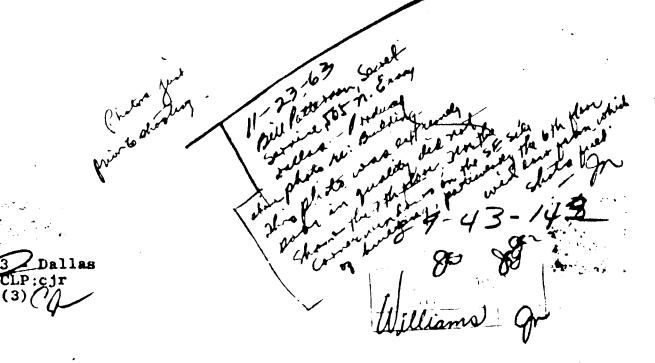
During interview with MARY ANN JORMAN, 2832 Ripplewood, Dallas, Texas, by SAS CURTIS L. PERRYMAN and ROBERT P. GEMBERLING, Mrs. MORMAN advised that she had taken a photograph of the President' parage procession moments before he was shot and that nne of these photographs showed the Texas School Book Depository Building in the background. This photograph, she said, had been turned over to Secret Service Agents JOHN JOE HOWLETT and BILL PATTERSON at about 4:00, 11/22/63. It is noted that Mrs. MORMAN took another photograph moments later showing the president at what appears to be the moment of his assassination. This photograph was furnished Buagents.

LEADS

DALLAS

AT DALLAS, TEXAS

Contact Secret Service Agents HOWLETT and/or PATTERSON, and obtain photograph or copy thereof taken by MORMAN showing the Texas School Book Depository Building.



C.A. 78-0322/0420 Consolidated Exhivit 13

DATE: 11/22/63

157-215 100-0-6225 105-569-94 44-1552

## UNITED STATES GOVERNMENT Memorandum

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SAC, DALLAS

FROM

IC ROBERT G. RENFRO

SUBJECT:

ASSASSINATION OF PRESIDENT KENNEDY

Sgt. H. C. SHERRIL, Richardson, Texas, PD, telephone AD 5-5213, advised JIMMY GEORGE ROBINSON and members of the National States Rights Party should be considered possible suspects in the assassination of President KENNEDY, due to their strong feeling against him. He reminded that ROBINSON is the individual who burned a cross on the lawn of a Richardson residence approximately a year ago. He advised ROBINSON, white male, age 25, runs a service station located at Belt Line Road and Mayfield Road, Garland, Texas.

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