

APPENDIX  
VOLUME II (Pages 202-521)  
AFFIDAVIT OF HAROLD WEISBERG

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

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No. 82-1072

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HAROLD WEISBERG,

Plaintiff-Appellant

v.

UNITED STATES DEPARTMENT OF JUSTICE, ET AL.,

Defendants-Appellees

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On appeal from the United States District Court for the  
District of Columbia, Hon. John H. Pratt, Judge

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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HAROLD WEISBERG, :  
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 Plaintiff, :  
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 v. : CIVIL ACTION NO. 75-226  
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 DEPARTMENT OF JUSTICE :  
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 and :  
 :  
 ENERGY RESEARCH AND DEVELOPMENT :  
 :  
 ADMINISTRATION, :  
 :  
 Defendants. :  
 :  
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AFFIDAVIT

My name is Harold Weisberg. I am the plaintiff in this instant cause.  
I reside at 7627 Old Receiver Road, Frederick, Maryland.

I. BACKGROUND AND INTRODUCTION

1. This is the oldest of all Freedom of Information Act lawsuits. It stems from a request first made on May 23, 1966, under the Administrative Practices Act whose "freedom of information" provisions were violated so completely that Congress enacted the amendment which became known as the Freedom of Information Act (FOIA), to become effective on our national day, the Fourth of July 1967.

2. The information sought pertains to the FBI's testing relating to the shooting in the assassination of President John F. Kennedy in Dallas, Texas, on November 22, 1963. These tests are known as spectrographic analysis and neutron activation analysis<sup>(NAA)</sup>. The latter were performed at the Oak Ridge National Laboratory of the Atomic Energy Commission (AEC) at Oak Ridge, Tennessee.

3. In the official account of the assassination, three shots only were fired, by Lee Harvey Oswald, using a surplus 6.5 mm. Mannlicher-Carcano rifle that was known as Mussolini's contribution to humanitarian warfare, it was that undependable. Oswald is said to have been in the easternmost of the bank of

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windows on the sixth floor of the Texas School Book Depository Building (TSBD). In the account of the Presidential Commission known as the Warren Commission, the first shot inflicted a total of seven nonfatal injuries on the President and Texas Governor John B. Connally; the second shot missed and either a fragment of it or a spray of concrete caused by its impact on a curbstone inflicted a minor injury on a bystander, James (Jim) Tague; and the third shot is the fatal shot. In the version of the FBI and the Secret Service, the first shot wounded the President, the second wounded Connally and the third killed the President.

4. Both accounts failed to satisfy most of the American people. I wrote the first book disputing the Warren Commission. I have published a total of six books on the assassination and its official investigations. After conducting extensive investigations in 1977 and 1978, the House Select Committee on Assassinations (HSCA) concluded that there had been a conspiracy to kill the President and that not fewer than four shots were fired.

5. I am a recognized subject expert. In this instant cause the defendants have stated that I know more about the assassination and its investigation than anyone in the FBI.

6. In the Court of Appeals' second remand in this litigation, the first after the case was refiled as the first case anywhere under the Act as amended in 1974, that court stated that the information I seek is important not only to me but to the nation and that I should establish the existence or nonexistence of the information sought.

7. In the first remand, prior to the amending of the Act, it was strongly suggested that I should address untruthfulness by officialdom. With the en banc reversal that followed, I was then precluded from doing that.

8. When I set Wigmore's engine to running, the word of the Court of Appeals, despite the limitations, handicaps and obstructions and despite open antagonism by the FBI retired special agents<sup>(SAs)</sup> who were compelled to testify, I was able to establish that previously unreported testing was performed and that no records of it had been provided. (Two of these agents actually demanded as a precondition of their testimony pertaining to the subject matter of the remand that they be paid special witness fees over and above those prescribed and



already paid.)

9. This Court was led to imagine that this undisputed testimony was not true. Somehow the Court was directed to and misconstrued evidence not in the case record. The Court saw what is not there, the results of the testing pertaining to which no records have been supplied, then or since, contrary to the newest of the endless misrepresentations.

10. The defendants now confirm that such a test was performed and have produced a record they claim reports its results. The claim is untrue and that record does not report the results of that testing.

11. In lengthy and detailed affidavits that remain undisputed I also alleged that other tests were performed; that pertinent records had not been provided; that proper searches had not been made and attested to; and I attested to a large amount of information pertaining to the assassination and its investigation, much of it not in accord with the official accounts and addressing the need for records to exist.

12. As the result of the most recent remand, I received some discovery information and on June 16, 1981, finally was able to depose FBI Laboratory Special Agent John W. Kilty, who conducted what searches were made and who refused to conduct the searches not made.

13. I have alleged untruthfulness, but in all instances I have proven it. My first representation of it in this instant cause was confirmed under oath by that affiant himself, Kilty. His false swearing was to what is material, the testing of materials pertaining to an impact on the windshield of the Presidential limousine (Q15) and the existence or nonexistence of the records sought. Kilty on deposition swore to a third version, as is cited below.

14. It is singularly joyless for a first-generation American who is ill and worn weary at 68 and who believes that, despite its flaws and failings, ours is the freest system of self-government yet devised by man, to expose official untruths, particularly in litigation under the Act that supposedly enables the people to know what government does. It is depressing to be required to prove official untruth to a court of law.

15. Courts do not welcome such allegations. After I first proved

false swearing in this instant cause, the Court warned my counsel and me that we would catch more flies with honey than with vinegar and that outside the courtroom we might be sued. We shed immunity and there was silence, as from years of experience with official untruthfulness we knew there would be. Official prevaricators dare not make their prevarications the central issue in any proceedings.

16. I am not a lawyer. I have only a layman's understanding of the law. I understand that perjury is false swearing to what is material and is a felony. It also is my understanding that anyone who has knowledge of crime and does not report it is himself guilty of a crime. I believe that I have the obligation of informing the Court of official untruthfulness.

17. With regard to this, I note that despite the volume of information I have presented in long and thoroughly illuminated affidavits to enable the Court to make independent and wise determination and despite the vigor of my criticism, the defendants, for all their power and facilities, have not refuted me. They cannot if they are held to truthfulness.

18. I do have unique subject-matter knowledge. Much of my work and study are not duplicated. While I have been critical of them, I also have defended official agencies, particularly the FBI, from unjust criticism by others who are concerned with the political assassinations of the 1960s.

19. If the information sought in this instant cause does not support the FBI's account of the crime, then that information is of even greater importance than if it does support the FBI. If the information does not conform to the FBI's interpretation of it, then its importance cannot be exaggerated. If any official agency failed to meet its responsibilities fully when faced with that terrible crime and its potential consequences, the nation could have been endangered and the people are entitled to know it and to attempt to see to it that the nation never again faces any such danger.

20. If there were such failings, and it now is beyond reasonable doubt that there were from the unrefuted work of the critics and several Congressional investigations, and if officialdom still seeks to keep the truth from the people, then the danger to the nation is clear and present. In a modest and understated

criticism published in the Washington Post of July 7, 1981, another expert, the Notre Dame professor of law who had been chief counsel and staff director of the HSCA, stated that the FBI remains "unwilling to admit that it failed to conduct an adequate investigation of the President's murder."

21. Especially but not exclusively in this context, if officials swear untruthfully to the courts and the courts are not made aware of it, then their independence is endangered and those swearing untruthfully, no matter what their motive, subvert the courts and the system of justice.

22. Regretfully, I again have the obligation of informing the Court that officials have sworn falsely and in this affidavit I do that. I do it based on the deposition testimony and the large volume of records I obtained and examined after the last time the record was closed in this case. I obtained those records outside of this case, through other litigation.

23. After the remand I did notify the defendants and defense counsel that I intended to prove that the FBI conducted tests which are within my requests in this case and withheld and still withholds all pertinent records.

24. At no time has any representative of the defendants or any of their counsel asked me for any particulars. I filed appeals with the Department of Justice (the department) based on some of these records and after long periods of time, up to about three years, those appeals remain ignored when, under the Act and department regulations, promptness is required.

25. Attached below are some of the proofs of the performing of these tests by the FBI. These records are in the very files Kilty swore he searched and in which he swears they do not exist.

26. Kilty was provided with an ample opportunity to correct his earlier sworn untruths when finally I was able to depose him. He then was asked if there is any pertinent information he had not provided. Once again he swore untruthfully that there is not.

27. My affidavit of June 29, 1981, states that there are pertinent records still not provided. I have had no inquiry about them from Kilty, his counsel or anyone representing any government agency.

28. In that affidavit I express a preference for being deposed even

though I am not of means. My only regular income is Social Security, about \$280 a month. In that affidavit I also state that, because of the nature of the information I intend to present, I believe I should be subject to cross-examination. An affidavit cannot be cross-examined. The FBI's record with me is long on imprecations, slurs, slanders and fabrications, but it is notoriously short on attempted rebuttals of what I have sworn to. Department counsel still have no kidney for cross-examining me, in itself an endorsement of the accuracy of my representations to the courts.

29. These and other considerations impel me to inform the Court as fully and as completely as I can about the questions at issue and, as a subject expert, to attest to the probable motive for the continuing official efforts to mislead and deceive the courts.

30. In seeking to perfect the legal record in this oldest of all FOIA cases, the case the Congress cited in amending the investigatory files exemption - and thus the case that is responsible for the public exposure of so many misdeeds and illegalities by the FBI and other federal agencies - a by-product is the perfecting of the historical record of a crime that is the most subversive of crimes in a representative society and of the official investigations of that crime.

31. My ability to search my own files is impaired by the three arterial operations performed since last Labor Day. The second and third operations were emergencies. Shortly after this instant cause was filed, I learned that I had suffered venous thrombosis in both legs and thighs, with permanent damage. These medical problems and their consequences, combined with increasing age, severely limit what I can do. I cannot stand or walk for long. My use of stairs is limited. All the records I have received through FOIA efforts are kept intact as I received them so that when they are transferred to a permanent university archive, which has been arranged without any quid pro quo, scholars and history will find them as I received them. The only space in my home for these records is the basement. Sometimes I am not able to use them.

32. When the initial schemes for evading and not complying and for stating what is not true as well as even refusing to make those searches the FBI

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knew very well were required for compliance, it was not known that there would be the large releases of almost 100,000 pages of JFK assassination records that began the end of 1977. I obtained much more than was released voluntarily by the FBI, which really means released in anticipation of and in an effort to frustrate litigation that would yield more than the FBI wanted to disclose. I obtained many more FBIHQ records than were included in the general releases of December 1977 and January 1978 and I obtained what is represented as all of the records of the Dallas office, which is the "Office of Origin",<sup>(20)</sup> or the largest repository of case records, and of New Orleans, which is vitually a second Office of Origin in this case. These records are among those which enable me to state without qualification or fear of contradiction that the FBI knew there were other pertinent records and that they were and remain withheld, in violation of the FBI's affirmations and of the remand of the appeals court.

33. In making the general disclosures beginning in December 1977, the FBI failed to disclose a quite substantial number of pages in the same files that it calls "bulkies" or "enclosures behind files" or "EBF." However, with perseverance I obtained about 40,000 pages of these withheld bulkies. Reflecting the importance of the Office of Origin as a repository, about 25,000 of these pages of bulkies, most often of laboratory material on regular-sized paper, are from Dallas. FBIHQ has about 15,000 pages, or only three-fifths as much as the Office of Origin.

34. This will, of necessity, be a long affidavit and it will have many attachments. It is not practical to attach copies of all the records cited but I have, will preserve and will provide copies of any not attached if desired by the Court. The defendant has all records of which copies are not attached. I received them through other FOIA efforts. All are cited by their official file identifications.

35. I do not and I cannot draw upon all the records disclosed to me outside this litigation. I am, for practical purposes, limited to those records which appeared likely to have pertinence when I first read them and of which I then made copies for the anticipated present use. If I could make a complete search, I am without doubt that more official records like those attached would



emerge, with further evidence of tests made and not reported in this instant cause and of pertinent records still withheld. More bearing on official motive for so widespread a campaign of official misrepresentation and deception does exist and if any court desires it I will undertake to provide it.

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## II. THE REQUESTS

36. All FOIA cases begin with a request. I did file the request, did appeal, the appeal was ignored, as is not unusual within my extensive experience, and thus I filed the complaint. In conference with the FBI, the request was amended to include what it terms "raw material."

37. The Court has commented on the cost of this long-lasting litigation. It has been costly to all parties. The Act requires the government to disclose all nonexempt information. Internal FBI records disclose that no pertinent records are within any exemption. Yet it did withhold and it still does. Some records within the 1974 request were not provided until 1981. I in particular am victimized by these costs. For me they have been great. Being required to litigate has prevented me from continuing with the writing the FBI does not like and decided, in 1967, that it had to "stop."

38. This case, which I believe is the oldest of FOIA cases, would never have gone to court at all if the bureaucrats in the Department and the FBI, more concerned with keeping secret what is embarrassing, had not ignored the expressed wishes of the Attorney General. I was denied this information for more than three years after the request that includes it. When the Department finally got around to my May 1977 request in the winter of 1980-81, I did get records pertaining to the subject matter of this litigation. They are from the Department's 129-11 file.

39. In a TV appearance on "Face the Nation," Attorney General Ramsey Clark, referring to withheld information about the assassination of President Kennedy, appeared to me to have been misinformed, particularly in attributing all withholding to the General Services Administration. I so wrote him on March 12, 1967, the day of that broadcast. I referred specifically to the withholding of the spectrographic analysis material and the fact that his Department insisted it was public, whereas it was not. I offered to document this and other instances of similar withholdings. (Exhibit 1)

40. The Attorney General paid attention to my letter. He caused an inquiry to be made before he wrote Director Hoover (whose response, if any, is not included in this file). The information he received from the Archivist

confirms what I informed the Court and the Court was unwilling to believe. It states, among other interesting and pertinent things, that "There is no indication in the relevant files of the Commission that the spectrographic analysis laboratory report was received by the Commission." (Emphasis added) This is followed by specific reference to other FBI Laboratory examinations known to have been made, but those reports "also are not in the relevant files of the Commission." Pertaining to other Laboratory work having to do with photographs which I had stated had been withheld from the Commission, the Archivist again confirmed me, reporting that there had been many other requests but the items listed, including the photographs pertaining to the assassination, "are not in the relevant files among the Commission's records." This is only natural for the FBI because some of those photographs were reported to show the window in which the FBI says Oswald alone was and alone was shooting. (Exhibit 2)

41. If those photographs supported the FBI's claim, they would not have been withheld. I have seen some and they dispute what the FBI reported.

42. The Archivist confirms what I also stated to the Court, that the FBI claimed that all the spectrographic information it had is contained in the FBI's consolidated report that is CD 5, pages 162-194 (actually, 164). He attached those pages for the convenience of the Attorney General. (Exhibit 3) What the Archivist reports was the then standard FBI fraudulent misrepresentation - obviously fraudulent to anyone with any subject-matter knowledge because it refers only to the first day's specimens.

43. After receiving this information the Attorney General wrote Director Hoover, attaching my letter and the Archivist's. He pointed out that no spectrographic reports were found in the Commission's records, "although a report was referred to in the FBI testimony before the Commission." This is precisely what I stated to the Court at the outset of this case. He continued by repeating that the Archivist had had other requests for Laboratory reports and that they, too, "were not in the files of the Commission." Also missing were "certain pictures and correspondence," all of which the FBI had and referred to in what it provided to the Commission. (Exhibit 4)

44. The Attorney General noted that, subsequent to the Archives'

receipt of the Commission's files, it "has acquired other items relating to the assassination which were not before the Commission." He stated policy: "That it would seem desirable to make available in the Archives as much of the historical record as is possible ..."

45. Attached to the front of this as I received it is a routing slip from the head of the Office of Legal Counsel, Fred M. Wozencraft, to the Attorney General. <sup>(Exhibit 5)</sup> Wozencraft had been involved in earlier decisions to implement President Johnson's policy of disclosing all that could be disclosed. He wrote, "The annexed references to the FBI of questions raised by Harold Weisberg's letter and the expanded comments of the Archivist is suggested as a result of a conversation between Martin Richman and Barefoot Sanders. If the Laboratory reports and other items mentioned exist there seems to be no reason not to have them in the Archives for use of assassination researchers." This was my May 23, 1966, request, that the withheld information be made available to everyone.

46. The other records in this series report the unsuccessful effort to find the letter in which I had made the request. (See Paragraph 54 below and Exhibit 6.) The Department did not locate it because it was in FBI files and the FBI appears not to have volunteered it. It was disclosed in the FBI's general releases of 1977-78.

47. FBI silence when it should not be silent in such matters was and continues to be quite costly. As a result of FBI silence when the owner of one of these pictures did not get it back after lending it to the Congress, the government is reportedly defending a lawsuit to obtain it. From what was published, the picture was taken by the since-remarried Mrs. Mary Moorman. It was sequestered with the files of the HSCA. She wanted it back. What the FBI kept secret from everyone, especially from the Warren Commission, and what I did not learn until I obtained Dallas files in C.A. 78-320, is that the Dallas FBI made and in secret kept copies of these photographs. The Commission would borrow and return the original, each time with the FBI as its messenger, and on no occasion did the FBI offer or lend its copies. I reported this shuffling back and forth, which did cost time and money when there were great time pressures, in my third book. The FBI could have provided a copy to the Congress, as it could have to the



Commission, or it could have offered a copy as a replacement. Nothing of the sort is reported and thus there is the totally unnecessary time and cost of defending unnecessary litigation, litigation that, like this case, was forced by the FBI.

48. The file also includes the draft of a three-page letter to me from Assistant Attorney General Wozencraft. It was never sent. Had it been, I would have provided a copy of the letter that was not provided to the Attorney General and the other information I had offered.

49. Admittedly, no secret processes are involved in the withheld information, no informants or arcane intelligence sources or methods are endangered, and to those who are not subject experts there was and is no apparent reason for the FBI's reluctance to disclose the spectrographic and later the NAA information. There also is no apparent reason for its refusal to do as the Attorney General and the Office of Legal Counsel and other high Department officials wanted done. The real reason is to protect the FBI from deserved criticism and to hide what discloses the FBI's sad, really frightening, deficiencies and dishonesties. These are not mere oversights in the FBI's performance, particularly not of its vaunted Laboratory, when the President was assassinated.

50. From the foregoing record and subsequent history, it is apparent that the only reason this case was ever in any court, taking the time of district court, going to the appeals court as often as it has, and even to the Supreme Court, after which it was considered by the Congress, is the refusal of the FBI to do as the Attorney General and other high Department officials wanted it to do and the Congress intended it to do. What the Attorney General wanted done was no more than announced White House policy. But the FBI did - and does - what it desires, not what the Attorney General or the President say or the law requires.

51. Some of the reason for the FBI's obduracy and continued suppressions and misrepresentations are indicated in my earlier affidavits. Others are stated below in this affidavit.

52. My 1974 request, which incorporates my 1969 request, is attached to the complaint in this instant cause. With the not uncharacteristic legerdemain of the new and reformed FBI, it has been removed from the main assassination file.



53. Kilty testified (pages 134-5) to a clarification of the request, in early 1975, coming from the FBI's recognition of the fact that I lacked knowledge of what it said was not in its files. Internal records cited below reflect this. There was a conference, requested by the FBI, for the purpose of confirming its understanding that the request did include what the FBI refers to as "raw material." Kilty testified to the FBI's display of some of it to my counsel and me at that conference. Subsequently, when the FBI believed I would never see the internal records, it claimed that I did not want what I asked for and it had displayed and I had said I did want. (I declined only copies of the spectrographic plates. This was because the FBI said it had to charge me its cost of \$50 each. There were many plates and I could not pay that charge. It turns out that this claimed cost was phony. These same internal records reflect the fact that the plates were suitable for inexpensive photographic reproduction.) Because prior experience warned me that the FBI is not unwilling to misrepresent, I asked in advance that the conference be tape-recorded. The FBI refused to make and keep a tape. This enabled it to misrepresent and to swear falsely without fear. Kilty recalled that I had requested that the conference be taped. (pages 132-3)

54. When my counsel was questioning Kilty about the inclusive nature of the request, as the FBI understood it in early 1975 and as he is supposed to have searched to comply with it, he mentioned various kinds of the so-called "raw material" and Kilty agreed that it was understood to be what I wanted and was included in what was displayed to my counsel and me. Department counsel eliminated the need for further questioning on this by interrupting to state, "This witness has already stated that he has looked for items within the request within the broadest parameters." (page 135)

55. The FBI functionaries were uptight beginning with my first request, the letter even the Attorney General did not see. (Referred to in Paragraph 46 above.) In order to obtain Director Hoover's approval for ignoring my request, it was deliberately misinterpreted and misrepresented in what was routed through channels to him, as comparison between it and the internal memos makes clear. (Exhibit 7, 62-109060-4132)

56. Where I wrote Hoover that "In his testimony ... Frazier ... did not enter into evidence the spectrographic analysis of this bullet and the various bullet fragments," which is as true and correct as anything can be, the FBI hierarchy, unable to refute what I did say, instead told Hoover what I did not say, "He states that in testimony before the President's Commission evidence was not introduced as to the spectrographic analyses of a bullet and fragments. This is absolutely incorrect ..."

57. There is a vast difference between entering into evidence a carefully prepared and meaningful written account of what the Laboratory found and concluded in its comparison of all the spectrographic examinations related to bullets and shooting in the assassination investigation, which is what the request seeks, and verbal meaninglessness, which is what Frazier gave the Commission in using only the single word, "similar," to refer to the conclusions of the FBI's Lab.

58. There is nothing not distorted in this memo, written for the signature of Assistant Director Alex Rosen by one whose initials are those of SA Kenneth M. Raupach, a supervisor and subject specialist in the General Investigative Division.

59. When Hoover was fed all this falsehood and prejudicial misinformation and he came to the recommendation at the end, "That Weisberg's communication not be acknowledged," he appended, "I concur. -H." This was so momentous an occasion, my letter to the FBI seeking the withheld spectrographic information and the decision to ignore it, that in addition to Hoover it is initialed by his closest associate and assistant, Clyde Tolson, Cartha DeLoach, who was next in the line of command, Alex Rosen, "KMR" and others.

60. How truthful and accurate the FBI is, even when it has printed words before it, can be gleaned from a few selections.

A. Where I correctly quoted the FBI's five-volume report, CD 1, as saying that three shots were fired, of which "two hit the President and the third hit Governor Connally," Hoover was told, "He read into this comment that this report did not account for the bullet that hit the curbstone and that the bullet that did not kill the President

struck him in the back, not the neck, and did not go through his body. He said this did not account for the wound in the front of the President's neck ..."

B. In the entire, supposedly definitive FBI report, ordered by the President, there are but two short references to the crime itself. The rest is a diatribe against Oswald. I printed <sup>these</sup> ~~two~~ two brief passages in facsimile. In them there is no mention of the impact on the curbstone, the wounding of Tague or the known and reported wound in the front of the President's neck. (All of this is in the case record and is undisputed.) The FBI was not able to confront the truth so it was untruthful. It did what it has done since then - made up what I did not say so it could be quoted to attribute inaccuracy to me.

C. To convince Hoover and all others who might see this, the memo states that my "background" is attached. It was not in the copy I got and my appeal remains ignored. What the FBI has disclosed ranges from distortion, at its closest contact with reality, to such complete and baseless fabrications as that my wife and I celebrated the Russian revolution every year. Even for the Cointelproing Hoover FBI, this is a particularly vicious way of referring to a religious event. After the Jewish high holidays the Jewish Welfare Board rabbi brought Washington area service personnel and their families to the farm we then had where the children could gather eggs, see them hatch and play with the chicks and our other fowl and tame animals while their parents relaxed with a day in the country.

61. Immediately after the publication of the October 31, 1966, executive order requiring the transfer to the Archives of everything considered by the Commission, I went to the Archives to ask for the spectrographis analyses. As 62-109090-539 (Exhibit 8) reflects, the archivist, Marion Johnson, not having anything of that description, phoned the FBI. What this internal FBI memo does not reflect is that SA Courtlandt Cunningham called back. I was present and could hear the archivist's end of the conversation. Cunningham did not say that

the FBI could not be of assistance. Rather was I referred to pages of the CD that are referred to in Paragraph 42 above and are Exhibit 3. (See also Paragraph 40 and Exhibit 2.) Cunningham and the FBI were not responsive.

62. Remarkably enough, Cunningham also appeared to have the FBI's rewriting of my life story at his fingertips. One statement is, at the least, a great and deliberate distortion, although it was and forever after was very hurtful: "Bufiles also reveal he has had previous contact with Soviet Nationals at the Russian Embassy."

63. What this can possibly refer to I cannot imagine but this is not correct and there is no basis for it or other formulations which suggest a personal relationship. When I was a Washington correspondent, I did go to that embassy on a few occasions as I also had to go to a number of other embassies, but I had no personal relationships and I received no help, not even when they were our World War II allies.

64. What is true would not serve the FBI's evil and dishonest purposes. When I was a correspondent, and at the urging of the Department of Justice, I was a British agent, unpaid and unregistered.

65. Hoover's note is tacit approval of ignoring my request, leading to this long litigation. His assumption that the FBI had transferred all evidence to the Archives is logical but not correct. It had not.

66. The reference to my dismissal by the State Department is distorted. There were never any charges and there was never any hearing. I was reinstated and after the Department apologized publicly for its error, I resigned. The truth is reflected in the attached letter from those who represented me. <sup>(Exhibit 7)</sup> Thurman Arnold was a former federal appeals court judge and a former assistant attorney general. He was aware of the assistance I gave his division and the Department without any compensation. Abe Fortas had been an Under Secretary of Interior and became a Supreme Court Justice. Paul Porter had been head of the Federal Communications Commission. They say that I was "vindicated."

67. By January 26, 1967, the FBI decided that it had to "stop" me and my writing and publishing. The word is used on the second page of the Lab Griffith-to-Conrad memo of that date. (Exhibit 10) It went upward through the



chain of command. It was written by SA Lyndal L. Shaneyfelt. Where Shaneyfelt's complaints have any contact with reality, they are carefully distorted to accomplish the purpose of deceiving and misleading Hoover. My writing is accurate.

68. By January 31 the FBI's Legal Counsel Division concluded the legal research by which it decided that the FBI could sue me, with Shaneyfelt as its front. (Exhibit 11) It also says of me that I must be "stopped now." At no point does it represent that after reading my books it had found any factual inaccuracy. (These are not the only FBI internal records that say the FBI must "stop" me.)

69. Copies of these records reached Hoover, through Tolson. Hoover, who they all knew was terrified at the thought of any agent being involved in any lawsuit (as the late Assistant Director William Sullivan states in his book) left the decision to sue or not to sue up to Shaneyfelt who, on paper at least, had initiated all of this.

70. Having deviously accomplished his purpose, of appearing to be anxious to defend his reputation, his work and his FBI, Shaneyfelt chickened out. He wrote the Griffith-to-Conrad memo of February 7, 1967 (Exhibit 12) in which he makes as graceful an exit as he can. In this elaborate game, Hoover was deceived and misled. While Shaneyfelt here states that there would be no benefit to the FBI from suing me, the rationale for the original proposal was that there would be benefit to the FBI from the suit because it would "stop" me.

71. The extent to which the FBI could and did go to try to ruin a single little-known writer is beyond belief. I do have its records that are explicit in documenting its dark deeds. Truth is indeed a mighty shield because the FBI's dirty tricks backfired. In New York, where I was to appear on a TV talk show, it provided what it calls "public source information," used by four erudite lawyers. They were to ruin me on camera. They failed, it made that show an exciting confrontation and it immediately made my book the best-selling work of nonfiction. There was the identical result shortly thereafter when one of the FBI's political informers made a similar effort on the radio talk show with the largest audience on the west coast. My book sold out in San Francisco almost overnight.

72. This encapsulation reports some of what went on within the FBI



when I first attempted to obtain the release of the withheld scientific tests sought in this instant cause and some of what the FBI did when it was confronted with a factual indictment of its performance in the investigation of the assassination of the President. It could not refute my work so it engaged in a campaign to defame me, ruin my reputation and with it the credibility of my work, the accuracy of which it dares not try to assail except in the blackest of secret behind-the-scenes efforts. Each of these factors provides a separate motive for the continued withholdings. More pertaining to the FBI's motive appears below.

73. Other FBI records which I cannot retrieve easily now hold the supposedly legal opinion that because the FBI does not like me its dislike is all the legal basis it needs for not complying with my requests.

74. On November 27, 1974, I renewed the request that was litigated in C.A. 2301-70 and added the neutron activation testing. (Exhibit 13) In the assassination file it is included in Serial 7147. Part of that Serial, as is true of other Serials of that time, was transferred to another file instead of placing copies in other files. As a result such pertinent records are not in the assassination file. These transfers, made more than two years later, coincide with developments in this litigation and with the remand of the appeals court. Exhibit 14 reflects such a physical removal from the proper file.

75. The Legal Counsel-to-Adams memo of December 17, 1974 (Exhibit 15) observes that no exemptions appear to apply to the information I requested and that the initial request is expanded to include NAA information. The memo was actually drafted by SA Thomas Bresson. He later claimed that I said I did not want NAA information. By this scheme he first withheld and then delayed my receipt of any NAA information.

76. A Lab memo of January 24, 1975, with Kilty's initials (Exhibit 16) says that it is clear that my request "must extend" beyond the formal reports. Although the spectrographic plates were not provided because I was told each would cost \$50 and I could not pay the total sum, this memo reflects the fact that much less costly means of reproduction were available - normal photography. By not informing me of this and by claiming the actual duplicating cost was \$50

each, the FBI succeeded in withholding copies of the plates from me for more than six years, while providing them to other and later requesters. This record also states that the FBI, and Kilty in particular, knew that the NAA material totaled about 1,000 pages. They were not offered to me. Instead, I was first provided with 22 pages. Yet on several occasions Kilty swore to complete compliance.

77. The FBI asked for a conference. I asked that it be tape-recorded so that later there would be no confusion over or disagreement about what was agreed to. Kilty admitted in his June 16, 1981, deposition that the FBI refused this. As a result, it was able to misstate what transpired at that conference. Kilty did testify that it was understood that the request was all-inclusive (pages 128, 130). During the Kilty deposition, Department counsel also indicated that I was to have been provided with everything. (Page 130)

78. The FBI's internal memo on this conference is, as usual, self-serving and less than accurate and factual. (Exhibit 17) It does report that raw material was within the request and that this includes the NAAs. My special interest in the fragments, the windshield specimen and the curbstone are recorded. The memo reflects the opposite of the later pretense that I then waived all interest in NAA information.

79. By March 31, 1975, the FBI had decided to disclose a total of only 17 pages, nothing like the admitted 1,000 pages of NAA information alone. After my protest, it hand-delivered five additional pages relating to the curbstone spectrographic examination. <sup>(Exhibit 18)</sup> As is shown below, the FBI deliberately withheld and still withholds some of the curbstone examination records from the one report it provided. It still has not provided all records of all pertinent spectrographic examinations, as is detailed below from FBI records not provided in this instant cause.

80. From the available records it appears that the Civil Division simply made up the untruthful representation that the FBI seized upon as the basis for its campaign of noncompliance beginning with my C.A. 2301-70, the first effort to obtain the spectrographic information. The Lab then admitted that many pertinent records existed. (Exhibit 19, the 8/19/70 Williams-to-Conrad memo.) The existing notes are described as "detailed." I have not received any notes

that are detailed. Any criticism of the FBI is, as always, "vitriolic and diabolical." These characterizations are repeated so often they must have held special appeal for the Director. The capability of spectrographic examination is given as showing that "samples may have originated from the same or different bullets." In this investigation the FBI not only did not make any such determinations - the ostensible purpose of the testing - it deliberately avoided the definitive testing, as is set forth below. Williams gives two reasons for the withholdings, both misrepresentative and misleading. The first is that interpretations can be made only by trained scientific personnel. Trained people exist outside the FBI and understanding some of the information does not require any scientific training. The second claimed reason is that "opening the Bureau's investigative files would set a highly dangerous precedent and could do irreparable damage." If disclosing the requested information would have opened the investigative files, that still was no precedent because five years earlier the FBI agreed to the disclosure of a vast amount of "raw data" by the Warren Commission and the National Archives. A considerable volume of "raw" FBI data is published in the Commission's Report and throughout its volumes of evidence. Williams' untruthful claims were made to frighten the FBI hierarchy and as part of the FBI campaign against FOIA. Actually, after I obtained some of the "raw data," it was published in major newspapers and broadcast. More than five years have elapsed. The FBI has yet to claim in this instant cause that there was any damage to its legitimate functions. There was none and there could be none. Any threat was to FBI illicit and improper activities and to dishonestly reported information. Williams appears to have taken his lead from the Civil Division which, five days earlier, asked the FBI to "provide a statement of how your law enforcement purposes would be hindered were the materials sought subject to public disclosure." (Exhibit 20, last three lines) The Civil Division made up what is not true to withhold and the FBI liked and repeated its fabrication.

81. From this summary it is apparent that from the outset, from the time of my May 23, 1966, request, the FBI was determined:

Not to disclose the requested information, even though it is not within any exemption of the Act;  
that I not get nonexempt public information;  
that the Attorney General's desire that this information be disclosed

did not alter the FBI's determination not to disclose it;  
that the FBI intended to "stop" me, which actually means to stop  
my writing, publishing and search for public information under  
the Act;  
that considerations of truthfulness or untruthfulness were not  
material in the FBI's campaign of noncompliance, which required  
misinforming and deceiving the higher levels in the FBI and the  
Department and the courts;  
that the untruths spread throughout the bureaucracy also were  
presented to the courts.



### III. THE SEARCHES

82. As the preceding sections of this affidavit reflect, there was never any search to comply in C.A. 2301-70. While SA Williams swore, in an affidavit executed August 20, 1970, that he had "reviewed the FBI Laboratory examinations" sought in that litigation, no record reflecting any such "review" exists in the large volume of disclosed records I have read. What Williams actually did is take his cue from the concoction of the Civil Division. He alleged that compliance would cause irreparable damage to the law enforcement responsibilities of the FBI. He attested to an assortment of improbables and impossibles, including "exposure of confidential informants." He even swore that it could lead to "blackmail." In his effort to swear that compliance would totally wreck the FBI, Williams swore to other blatant untruths, such as that the information sought was "compiled for law enforcement purposes as a part of the FBI investigation into the assassination." There was, as a number of internal FBI records state explicitly, no law enforcement purpose and no FBI jurisdiction. Hoover seized the case without any authorization. Later he was asked by President Johnson to conduct a "Presidential investigation." The investigation conducted for the Warren Commission could not have had any law enforcement purpose because, explicitly, the Commission had none. Furthermore, Hoover testified to the Commission that his was not a law enforcement investigation. Perhaps the most blatant of Williams' sworn lies, sworn six years after publication by the Warren Commission proved them lies, is his claim that the assassination records were "not disclosed ... to persons other than U.S. Government employees on a 'need-to-know' basis." More than six years earlier, thousands upon thousands of pages of these records were published, in facsimile, in the Commission's Report and appended volumes and many times that number were freely available at the National Archives.

83. The Department took unusual steps to be sure that I would not have an opportunity to prove the Williams affidavit was falsely sworn and had the intent of deceiving and misleading. It xeroxed the affidavit before it was sworn to and then, never providing a copy of the executed affidavit, which has the date of execution on it, filed the unsigned xerox, doing this so few days before the calendar call that there was no opportunity to rebut. (The facts are more fully

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set forth in the case record.)

84. To this day there has never been any real search, not even after the last remand of the appeals court again required it. This is clear in the June 16, 1981, Kilty deposition, quoted below. Kilty virtually boasted that he did not seek all pertinent records. What search he claims to have made was guaranteed to avoid pertinent records. As later Paragraphs show, pertinent records that are part of what Kilty swore he searched were not provided. These records alone prove that Kilty was not truthful about his search. Or he deliberately withheld pertinent records and swore that he did not - even after he and the Department were notified that I would prove this. While I will go into this in greater detail below, here I state that there are pertinent FBIHQ records that I obtained outside this litigation and Kilty swore to a search of those files.

85. Before he was deposed on June 16, Kilty attested to a complete search several times. He had attested to searches of the central files only. Until then he had insisted that the Laboratory had no files, as he claimed when he was deposed in C.A. 75-1996.

86. Kilty alone, allegedly, conducted the searches. Of him the Department stated that he had "the best personal knowledge of the FBI's files regarding the plaintiff's request." (5/21/75 calendar call transcript, pages 2 and 3)

87. Allegedly based on Kilty's alleged searches, the Court received regular assurances of full compliance, beginning with the opening of the very first calendar call, that of May 2, 1975. Department counsel then stated, "I have been assured by my clients that the request of plaintiff in this matter has been fully complied with." (Page 2)

88. As stated above, before this date Kilty had located about 1,000 pages of pertinent NAA records and withheld them. Many other pertinent records remained withheld. Kilty was a bit more careful in his language than Department counsel, although he undertook to persuade the Court that there were no other pertinent records in the FBI's possession. Although he did not provide these thousand pages and others that are pertinent, he attested that a diligent search turned up no other records. This clearly was intended to lead the Court to believe,

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as the Court did say it believed, that my request was complied with.

89. Kilty had a ready-made fabrication to explain his total withholding of NAA information. He claimed in his first affidavit that I had said I did not want it. The FBI's internal records leave no doubt that the opposite is the truth. On the face it cannot be believed that I would amend the original request to include the NAA information and then file a complaint including it if I had abandoned the request for the NAA information prior to filing the complaint.

90. Even when my counsel stated that this was not a truthful representation, NAA information remained withheld. At the May 21, 1975, calendar call he stated, "They were quite aware all along that we were asking for the neutron activation analyses." (Page 18)

91. The only apparent purpose served by the FBI's refusal to tape-record our conference was to enable it to fabricate such costly and gross lies and thereby to "stop" me by withholding the pertinent information it did have and did not want to disclose. If the FBI had had honest intent, it would have welcomed the opportunity to tape-record in order to have an unequivocal record.

92. Although by the second calendar call, May 21, 1975, and thereafter, I had alleged the existence of pertinent records not provided, Department counsel, at the very time he heard it alleged that Kilty had been untruthful, rather than undertaking to ascertain whether any records were withheld, paraphrased Kilty's affidavit and stated, "The FBI is not aware of any other information which exists, raw data or otherwise, reports ... every good faith effort has been made to satisfy plaintiff so that this law suit can be disposed of." (Page 9)

93. Instead of searching for the information requested, and while complaining loudly about the cost of compliance, which really meant noncompliance, the defendants heaped on me hundreds of pages of records I not only had not requested but I had stated I did not want. (These pertained to the testing of certain paraffin casts. My counsel informed the Court of this on July 15, 1975 (page 17). All of this costly irrelevancy was part of a scheme in support of a motion to dismiss. In order to comply with the rules, the defendants' attorney actually delivered all this stuff I had not asked for on his own time, in person, and to my counsel's home, after the end of the working day. All of this costly

junk was designed to enable it to be alleged that somehow I was greedy and unappreciative - for not dismissing the case when I received all those pages I had not asked for and had said I did not want.

94. Throughout this litigation, nobody representing the defendants ever asked me for any information pertaining to any withheld information or where I had reason to believe any pertinent information might be. This is not because I did not have a record of cooperating with the FBI in this regard, as I did in other litigation. Rather is it because the FBI knew very well that there was other information and where it was. This also explains its avoidance of the considerable amount of accurate information I have filed in this litigation.

A. The Laboratory Has Files, Contrary to Kilty's Representation

95. Kilty represented that the Laboratory has no files. Not only does this make no sense and appear to be entirely impossible, but I had hundreds of copies of FBI records of which a copy had been directed to "Lab Files." Countless records were sent to the Lab from the field offices.

96. For years in FOIA cases it has been the standard FBI false pretense that all its information can be retrieved from its central files, which are indexed. It claims that this is why it searched only those files in response to FOIA requests. It simply is not possible that any FBI FOIA SA does not know better.

97. Kilty is an accomplished professional witness. He has become skilled in avoiding response, in rephrasing questions with his answers and in responding to questions other than those asked. He misleads with consummate skill and while he may try to avoid overt lies, he has not succeeded.

98. Subsequent to his affidavits in this instant cause I was able to depose Kilty on October 12, 1979, in C.A. 75-1996, where the Department alleged he conducted some of the searches, including for information similar to what is sought in this instant cause.

99. Kilty then was asked, "Does the FBI Laboratory have its own files on scientific examinations that it conducts in cases?" Kilty responded, "No." He amplified this by stating that "we put our information regarding our examinations, that goes in the so-called file, the case file." (Page 7) On the



next page Kilty added, "... there is no file or indices (sic) that have anything to do with the examination performed or specimens submitted." Five pages later, asked, "But the Lab itself keeps no separate files?" Kilty was unequivocal, "There are no files in the Laboratory that I know of." On page 20 he testified that "we did not have any Laboratory files" and that "there's no place in the Laboratory to keep any results of tests."

100. When Frazier was deposed on February 24, 1977, in testifying to the usual distribution of Lab reports, he stated that the Lab had copies: "... they kept a copy downstairs (central files), we kept a copy in the Laboratory and they sent a copy to the contributor," in this case, usually the OO.

101. When forced to testify in this instant cause on June 16, Kilty admitted that the Lab had and has two filing cabinets that are devoted entirely to FBI Lab JFK assassination information. He testified to searching them after the last remand and in 1975.

102. Kilty also denied that the Lab had anything like an index to the specimens, although later, when deposed in C.A. 75-1996, he did admit that in order not to assign the same number to more than one specimen a card file was kept. He admitted still more when he was deposed in this instant cause. The FBI did have such indices and they later were computerized. (See below, under Kilty Deposition, <sup>pages 35ff, especially paragraphs 158, 165-166</sup>) Kilty is not alone in such deceptions, misrepresentations and sworn untruthfulness. After I stated that I would prove what Kilty had sworn to not to be factual and truthful, the FBI, as it usually did when faced with a challenge to its affiant's truthfulness, switched affiants, even though Kilty was said to be the best informed and was available.

103. The interrogatories I filed after remand were not responded to by Kilty, acknowledged expert and the man who made what searches were made. They were sworn to by SA John N. Phillips on May 6, 1981. Phillips is assigned to the FOIA unit. He did not claim any personal or expert knowledge.

104. In Interrogatory 5 I asked if there is any index by which Lab specimens are identified because without some such means there is no way of preventing the duplication of the assigned arbitrary numbers. The Phillips response was simply "No." However, Kilty testified on June 16 that in fact there is such a list of specimens by number.

105. The response to Interrogatory 9 is not truthful as well as a self-indictment. The FBI was asked if there are any records "pertaining in any way to any change in or disappearance or alteration of any item of evidence subjected to" either test that were not provided. Phillips said merely, "No." However, if it has no other records, the FBI has those of the House committee and it did not refer to or provide copies of those. It dares not because the change in the weight of the bullet, Exhibit 399, by itself destroys the entire official solution to the crime and the integrity of the FBI along with it.

106. The FBI claims not to have any record of the weights of the samples removed from the specimens for testing or any photographs of those samples. With regard to the samples subjected to NAA, which does not destroy them, the FBI conducted no real investigation to determine what happened to them or where they might be. Under discovery it provided a record which merely reports Gallagher's supposition that he destroyed them as radioactive trash. They presented no radioactive danger at all and they certainly were not trash. It also claims it has no records at all pertaining to the destruction of the entire windshield sample, Q15.

107. This self-portrayal of the FBI is of complete indifference about the disappearance of evidence of the assassination of a President when that evidence was in the FBI's possession. We are to believe that it altered specimens without making a record; may have destroyed some when it was supposed to preserve it all and does not care enough to try to find out; and with regard to Q15, the specimen about which Kilty lied under oath, does not have any kind of an FBI record reporting its total disappearance.

108. With regard to any chain of possession of the specimens in question in this case, the FBI was asked in Interrogatory 6 to "list and describe the kinds of records the FBI uses." Phillips evaded any answer by referring to "attached exhibits A and B," which he claims reflect present FBI methods. Both exhibits are irrelevant. Exhibit A is limited entirely to tapes of electronic surveillance and Exhibit B, which is irrelevant in terms of its May 5, 1981, date alone, has to do with a court decision pertaining to field office storage of bulkies. (In that case the evidence was held to be inadmissible because there

was no chain of possession.) There is no reference to Laboratory specimens in Exhibit B nor to the Lab nor to FBIHQ custody of specimens.

109. One apparent reason for Phillips' nonresponsiveness, which really means untruthfulness, is because if the FBI were to admit that it has such records it would be asked to produce them and they, in turn, without any question, would establish deliberate official untruthfulness from the outset of this litigation. They reflect the existence of other pertinent and tested specimens. The FBI does have FD 340s with which the field offices submit evidence to the Laboratory for examination. It does have evidence envelopes which record chain-of-possession information. One such record attached below pertains to the forwarding of a specimen to the Lab for precisely the testing that is at issue. The FBI denied having this and other pertinent records I attach below. Outside of this litigation I obtained FBI records reflecting a chain of possession. These come from files Kilty claimed he did search and from files he did not search and should have searched, files I identified to the Court in 1975.

110. Interrogatory 15 asks about "all abstracts and index cards maintained by Central Records or the FBI Laboratory or pertaining to any item subjected to spectrographic or neutron activation analysis in connection with the assassination of President John F. Kennedy." Phillips' answer is, "Item 15: Defendants have no such documents in their possession, custody or control." This is false. The FBI itself has published the fact that it made abstracts in duplicate to index each record at FBIHQ. One copy was filed by date, the other by serial number. Department counsel knows this very well from C.A. 75-1996. Phillips also should know it from his participation in that case, to which he is assigned. Department counsel strongly resisted producing the abstracts in that case until ordered to do so by the Court. He then produced an abstract for each FBIHQ record in that litigation. After Phillips' false responses were filed, we learned from Kilty, on deposition, that in fact the Laboratory kept 3x5 index cards on the "items subjected to spectrographic or neutron activation analysis." There is an obvious need because without an index there would not be any means of making accurate specimen identification.

111. Motive for these false statements is readily apparent: both the

abstracts and the since computerized records of the specimens tested disclose what was tested, is pertinent, is known to exist and despite all remains withheld. From the searches claimed to have been made in this instant cause, it is not possible that the FBI did not know of its other pertinent and still withheld records.

112. The FBI's response to Interrogatories also states that no Lab records were transferred and that the Lab transferred no ticklers. There is another standard FBI false pretense, that ticklers are always kept for a few days only and then are destroyed. JFK assassination Lab ticklers still exist.

113. The Lab had "a complete set of photographs of all evidentiary items," which it kept in its possession until a time in 1966 not stated on the records in the FBIHQ "Oswald" file. It then transferred these photographs from its possession to the "special file room." This is one of the files Kilty swore he searched. (Exhibit 21)

114. In September 1966 there were extensive transfers of assassination file records from the Lab to that "special file room." There is no attestation to any search in that "special file room." While I cannot state that what follows is complete, at one point in this file, 62-109060, which Kilty claims he searched with care and diligence, 21 transfers are recorded. Serial 4180 (Exhibit 22), for example, was placed in Bin 14 in the special file room. At that time this also happened to Serials 4177, 4178, 4179, 4181, 4183, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199 and 4200. Each of these transfers was covered by a memorandum from the Assistant Director in charge of the Lab, Ivan Conrad.

115. With regard to the ticklers, while I cannot now make the searches required to produce the records of transfer, there were transfers of Lab ticklers, some of considerable size. These were not destroyed. They were preserved, this being an "open" case. I have and have read the records recording these tickler transfers.

116. As with abstracts, specimen indices, records of chain of possession and other such records, ticklers and other transferred records can be a source of withheld but pertinent records and can lead to them. In the past,



when I obtained ticklers, they did hold records not in the main files and not provided from any other source. An example is the so-called "Long tickler" in the King assassination investigation, the existence of which the FBI regularly denied. We were provided with false statements in response to the Interrogatories. Had we not been provided with these false statements, we would have been provided with proof of the existence of pertinent records that remain withheld.

117. These false statements pertaining to Lab records also are required to perpetuate the mythologies about the fabled FBI Laboratory. Exaggerated as it may be, the opinion of the late Assistant to the Director, William Sullivan, is that the Lab is a propaganda arm of the FBI. In his book, The Bureau: My Thirty Years in Hoover's FBI, Sullivan's chapter, "Flacking for the Bureau," is a thoroughgoing condemnation of the Lab as incompetent and staffed with bias and bigotry. This chapter begins, "The FBI's main thrust was not investigation but public relations and propaganda to glorify Hoover." After referring to the FBI's claims for its Lab as "nothing but a show-business spiel," and ticking off a list of its failures and inadequacies, Sullivan said that "Of the 136 agent-examiners employed by the lab when I was with the FBI, 136 were Protestants or Catholics and 136 were white. There wasn't one Jewish, black or Hispanic American." The Lab had special functions not related to scientific examinations. It was used by the FBI to monitor the beliefs of Americans, including me. The Lab did the taping and transcribing. (Some of these records are among those transferred to central files.) The Lab, like the FBI itself, has much to hide. In the JFK assassination investigation, there has never been a time when the work of both the FBI and its Lab were not questioned. Most recently the special House investigating committee found that the FBI's conclusions about the crime were incorrect. The untruthful responses in this case and the steadfast refusals to make a good-faith search are but adherence to what has been called the first law, "cover the Bureau's ass."

118. Whatever motivated it, and details on motivation follow below, there is no doubt that from the first in this instant cause untruthfulness characterized what came from and pertains to the Lab. Copies of pertinent records it swore did not exist or that it could not find, withheld by the Lab in this instant cause, are appended below. There is no question about it, there is permeating untruth by and about the Lab in this instant cause.

B. Office of Origin and Divisional Files Not Searched

119. Two of the known sources of records that were not searched - more, where searches were refused after I requested them - are the other Headquarters divisions and the Office of Origin, Dallas. Kilty and his mentors were faithful to FBI mythologies but not to the requirements of the remand and the Act.

120. After we were permitted to take some of the depositions ordered by the appeals court in its first remand, my counsel informed the Court that we had records reflecting the existence of other records still not provided and of "reports that we have not been given." (Page 2) He also informed the Court that "We also have established the location of files which apparently should contain documents of the kind that we are requesting, and apparently those files have not been searched. Specifically, the Dallas field office of the FBI, and the Communications Division of the FBI. There are also other files..." (Page 3)

121. If by some remote chance Kilty did not learn what every FBI agent learns about standard FBI procedures, if he was assigned to the Lab without learning how the Lab worked, if he still rose to a supervisory role and became virtually a professional witness and still did not learn of the practice of sending reports to the OO, he should have learned it from the case record and from the records he claims he searched. It is not only that we stated that Dallas records were among those required to be searched for compliance, as quoted in the preceding Paragraph. Frazier is one of the FBI's Lab agents who was in a liaison role with the Commission. Frazier also provided the FBI's ballistics and ballistics-related testimony before the Commission. When he was deposed on February 24, 1977, Frazier testified to the Lab's procedures with reports: "The mechanics were: we would send the Laboratory report to Dallas, Dallas was instructed to incorporate that in the investigative report and send it to the Warren Commission." (Pages 19-20)

122. While it is not possible that Kilty did not know that the files of the Office of Origin can provide what is not found in FBIHQ files, if he made the search he claims to have made in the main files at FBIHQ, he learned that all Lab reports were sent to Dallas. The February 10, 1964, Griffith-to-Conrad Lab memo (Exhibit 23), from the FBIHQ Oswald file, with copies in the other mail files Kilty searched, states this: "... Laboratory report submitted, the Laboratory

report will be directed to Dallas."

123. This was not only the usual practice, it was repeatedly reaffirmed to the various field offices. For example, in New Orleans, which in this case was virtually a second office of origin, the files (100-16601-120, Exhibit 24) reflect information not disclosed in the general JFK assassination FBIHQ releases. FBIHQ told New Orleans, "1) In reference to Lab reports, ... b) Dallas will report all results furnished by the Lab in their reports," even when the examinations were made for other FBI offices.

124. All copies of a memo need not be identical, as Exhibit 23 reflects. Significant notations added to one are not added to another. The original, in the assassination file, has a dozen notations. These appear to include the initials of those who read the memo. The carbon copy, in the Oswald file, the Cadigan copy of the four copies routed to the Lab, is captioned, by hand, "Basic Policy," which is underscored three times. The original lacks this annotation; the carbon copy lacks the initials of those who read the document.

125. The procedure of having the OO prepared the report from the Lab's work did present problems of a nature indicating that, in order to know what the report really should say, all copies need be examined. The FBI was and remains without explanation of exhibits displayed to Kilty, Deposition Exhibits 17 and 18. Both are supposedly the identical page of the identical consolidated report sent to the Commission by Dallas, via FBIHQ. The Commission identified all copies of this consolidated report as "CD 5." "CD" means "Commission Document." One Lab test Dallas reported in CD 5 was performed on the TSBD's wrapping paper. The FBI theorized that Oswald had wrapped the rifle in paper it theorized he took from the TSBD. The copy of this page in the file copy of CD 5 states that the test showed that the alleged Oswald paper came from the TSBD. Another copy of this page from a different CD 5, filed under the name of Dallas Police Lieutenant Day, says the opposite, that the samples are not alike. In other respects, these two pages are word-for-word identical. Which is correct remains clouded, but that is how all the evidence pertaining to getting that rifle into that building is, clouded. For example, the FBI found the rifle well oiled, but it found no oil at all on the magical paper in which the FBI wants it believed that the rifle was wrapped.

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126. Standard procedure was for Dallas to provide two copies of such reports. On one occasion, when the information reached the Commission from FBIHQ, FBIHQ notified Dallas that "it will not be necessary for the Dallas Office to prepare the usual two copies of the Investigative Report for the President's Commission." (Exhibit 24A. This was a half-year later than the time of CD 5.)

127. The number of Laboratory reports that were sent to Dallas during the first year of this ongoing assassination investigation is reflected by a list of them that was filed separately from the assassination file, as "bulky." (Serial 4180, Exhibit 25) As the six typed pages reflect, where Dallas was not the addressee of the Lab report, it still received one or more copies. Dallas got everything.

128. Kilty, as stated above, initially swore that there were no indices or other, <sup>such</sup> records identifying the various materials examined by the Lab. On deposition he did admit that there was a card file on specimens and he testified that he found this list of them, giving the impression that he found that list only after the last remand. This list includes the special Lab numbers by which each examination is identified and distinguished. These are the very identification numbers Kilty withheld from the records he did provide. These numbers are not within any exemption. When Kilty was asked why he withheld this nonexempt information, the only response he would make is that the lawyers told him to obliterate that information. Other than harassment, the only purpose served by that withholding was to make proving the FBI's untruthfulness and the deliberate inadequacies of its search more difficult. (Exhibit 24 is limited to the first year or to the end of 1964. There were subsequent spectrographic examinations, so if it is the list Kilty used, he used an incomplete list.)

129. Dallas has a massive case index. Although the FBI avoided informing the Commission that it had such an index and did all it could to keep its existence secret, I did learn that the index exists and consists of 40 linear feet of 3x5 cards. If Kilty or anyone else at FBIHQ had been at all interested in complying and had asked for assistance from Dallas, the search could have been aided by this index and a separate and quite large communications index.

130. When FBIHQ really wanted information it did not have, it made



the request of Dallas, even when the information originated with another field office. When FBIHQ wanted information about a Chicago character on June 10, 1964 (Exhibit 26), it phoned Dallas, which checked its indices and obtained the information promptly. Dallas, not FBIHQ, then phoned the Chicago office and Dallas, not Chicago, provided the Chicago information to FBIHQ.

131. As I state above, the FBI's response to the interrogatories pertaining to the chain of possession were not truthful and were evasive, misleading and deceptive. However, had the FBI really desired to respond by stating how evidence was accounted for in this case, Dallas indexed this under "Tracing of Evidence." (Exhibit 27) Some of this evidence FBIHQ traced for the Commission through Dallas is the evidence the testing of which is involved in this instant cause. In Exhibit 27, Item (2), identified as "Rifle Bullet C1," is Commission Exhibit 399, also known as Bullet 399. On this one occasion Dallas traced 37 different items of evidence and reported on the tracing in eight single-spaced pages. A handwritten notation reads, "See Wulff for original evidence." SA Paul E. Wulff prepared this memorandum.

134. It simply is not possible that Kilty did not know that a complete search for the requested information required a search at the Office of Origin. Because it is standard FBI practice to route all significant information to the Office of Origin, all special agents know this, particularly agents in the Lab, which services all field offices. In addition, Kilty's search of the files he claims he searched with diligence also showed that Dallas was used as the funnel to the Commission. Kilty's refusal to have a search made in Dallas, particularly after we notified the FBI that Dallas had pertinent records and after the remand, is a deliberate refusal to comply with the remand. It represents FBI determination to perpetuate noncompliance and to withhold significant historical information.

133. I have read all the FBIHQ and Dallas, Commission, Oswald, Marina Oswald and Jack Ruby files the FBI has disclosed, well in excess of 100,000 pages. From my study of this considerable volume of FBI records, I recall only two times that the reporting of Lab work to the Commission was not via Dallas. One was the results of the NAAs, the other the results of the curbstome testing. The curbstome figures prominently in my earlier affidavits. It is addressed in further, new

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detail below. It is clear to a subject expert that these exceptions come from the great political importances of those tests, from the great danger they presented to the FBI's preconception of this monstrous crime that it converted into its "solution." This political danger was so great that the Lab just did not take any chances. It eliminated the danger by drafting the letters for Hoover's signature within the Lab. Both are untruthful letters. Both fail to report fully what the FBI knew and what jeopardized the FBI's preordained "solution."

134. It was well known that copies of pertinent records were in various FBIHQ Divisions, those Kilty also refused to search. Many records among those Kilty claims to have searched reflect the removal of copies of attachments in the various FBI Divisions and offices. Any not in the main file can be located from these notations. During the first of the regular reviews to decide which Commission records would be disclosed, the various Divisions reported on their records. One such report, by the Lab and reflecting that it had extensive records, is dated July 19, 1965. (Exhibit 28)

135. A Domestic Intelligence Division memo to the Lab (Exhibit 29) states explicitly that the Lab is to send "4 copies of each" record to SA Stokes. He "will send to the Commission & to Dallas" and "also furnish 1 set for our records here in 645RB." This is a clear statement that the Domestic Intelligence Division had copies of Lab records and in what room those files were. (Other such records not uncommonly include phone numbers.)

136. Even after the FBI and Department counsel were on notice that we had proof that the Divisions as well as Dallas had pertinent records and after the last remand by the court of appeals, any and all search was refused.

#### C. The Kilty Deposition

137. Reasons for the government's strong opposition to my taking Kilty's testimony, which I had to make still another trip to the appeals court to be able to do, became obvious on June 16, 1981, when he was deposed. Once again he swore in contradiction to himself. He disclosed the inadequacy of the search. He and his counsel tried to pull another con job on the Stombaugh testing of the slits in the President's shirt collar, which do not overlap and coincide as they

must if they are from a bullet. With regard to the NAA testing of Q15, the windshield specimen, fragments of bullet from that impact, he provided still <sup>another,</sup> his third sworn version.

138. First he swore that Q15 was tested by NAA. I proved I did not receive that information. Then he swore that Q15 was not tested by NAA. On deposition he swore that Q15 was tested but he does not regard it as a test because he does not like what emerged in the printout. Finally, after all these years, he provided the printout.

139. In No. 75-2021, the court of appeals directed that I take testimony, start Wigmore's engine running, to determining the existence or non-existence of the information sought because it is of interest not only to me but also to the nation. But I then was not permitted to take Kilty's testimony.

140. Now that I have deposed him, I have established that in some respects the FBI did not perform the necessary testing. By keeping this secret it was able to deceive and mislead the Warren Commission and through it the country. This is frightening, it appears to be incredible, but the FBI did not make quantitative spectrographic analyses. This Kilty did admit when I was able to ask him. I knew from internal FBI records that it performed both qualitative and quantitative spectrographic analyses on the evidence of the shooting and killing of Dallas policeman J. D. Tippit. Qualitative analyses identify the substances. Quantitative analyses provide the percentages of these substances. Performing qualitative analyses only on JFK assassination specimens the FBI already knew to be of bullet metal did no more than tell the FBI what it knew without qualitative testing. Quantitative testing is required to show common origin - and that the FBI deliberately did not do. There is no question of the FBI's capability of performing quantitative analyses because it did in the companion Tippit case.

141. This to now secret record of the FBI when it investigated the assassination of a President, the most subversive of crimes, alone gives the FBI much to try to hide - but it is not alone. The FBI did hide this and other such information in this case. Despite all the FBI's false affirmations, it continues to hide information in this case. More on the hiding and what was hidden, with examples, appears below.

142. Kilty was asked if, when he began his search, there was anything to indicate that there had been previous searches for this information. His evasive response was "I did not come across any documents which indicated that they had been searched for previously." (Other agents, for example, may have conducted other searches as supposedly but not actually in C.A. 2301-70.) Asked, "How did you go about making your search?" he responded, "I don't recall how I searched for those items in 1975." When asked, "Where did you finally locate them?" Department counsel tried to prompt Kilty away from the embarrassing truth by objecting, "He's already said he doesn't recollect anything about the search." Kilty finally admitted that he found the records he provided in 1975 in the Laboratory, in file cabinets. (Page 38)

143. Kilty testified that after the remand he was directed to two file cabinets in the Laboratory by Frazier and Gallagher (page 43). However, because he also testified that all Laboratory JFK assassination materials were in two Laboratory file cabinets, it is apparent that he did not learn anything from Frazier and Gallagher and that he had searched those two file cabinets, the only ones with JFK materials, in 1975. (Page 39) In turn, this indicates that Kilty represented doing something new after the remand when in fact he did not.

144. The arrogance that characterized his testimony is reflected by an exchange about these two file cabinets, supposedly the only ones with JFK material, those he ostensibly searched with care. Because I knew there is pertinent information not yet provided and Kilty had testified that these two cabinets held all the Lab had, he was asked, "Can you identify the file cabinets as to content?" His contemptuous and nonresponsive answer was, "I can, yes, by opening the drawers and looking at what's in them." (Page 39)

145. Yet it been only a few days since he had, from his own testimony, been through those two cabinets, thoroughly and diligently. Asked when this was by his own counsel (page 110), he testified, "Over several days in the last month or six weeks. ... ten days, at least, on this - - part of ten days, at least." Yet he pretended he could not identify the contents of those cabinets or say how they are labeled.

146. Kilty was asked, "How did you know to go to these file cabinets?"



He testified, "I talked to at least one other agent who was there - - maybe two." Here he identified Frazier as one and later he added Gallagher. The problem with this testimony is that both agents had retired so neither could be an "agent who was there." With regard to Frazier Kilty testified, "He showed me where the cabinets were." There are problems with this. Kilty apparently forgot he testified to searching these two cabinets for 1975 compliance. He also pretended that the finding and searching of these cabinets was new and in response to the remand. Kilty's portrayal of the fabled FBI Lab is that it cannot find its own records, on a current and major case, in its own rooms without asking around and learning from retired people. It cannot be believed that the Lab does not have clerks, does not identify its file cabinets and does not label their drawers. It also cannot be believed that there is not, at the very least, some kind of guide to filed information. The assassination of a President is not an everyday event and it is not inconsequential.

147. Kilty was questioned further about his search because he was remarkably unwilling to provide any detailed and specific information, even though it was so recent and so important a case in which, by his own claim, he had invested much time: "Did you consult Central Records in making your search?" His response was, "I don't recollect if I did or did not consult what you call Central Records - that's the people that search for records and I don't recollect whether I did or not." (Page 42)

148. "That's the people that search for records" does describe the function of the central files office. In fact, they do not permit anyone else in their files. The usual practice is to furnish them with search slips identifying what is to be searched for. They fill out the search slips and list the available records by file and serial number. In my C.A. 75-1996 the FBI paraded a series of its FOIA agents to the stand. All testified that the very first step in a request is such a search. Yet if he is to be believed, the Kilty who claims to have labored so hard and made such diligent searches does not even recall if he even consulted with those who control the FBI's main files.

149. Kilty testified that he obtained only some unidentified sections of the JFK assassination and Oswald main files (on pages 43, 44 and several times

later). He had to request these, yet he produced no record of his request.

150. Kilty also found material in the Lab unassisted, according to another version. For this reason, rather than needing Frazier and Gallagher as seeing-eye guides through the Lab in which he worked in a supervisory position, Kilty testified, "I knew where that (spectrographic analysis) material was."

(Page 43)

151. As to the amount of material he reviewed, "I went through cart after cart of sections of files," (page 44) "thousands" of sheets (page 126), but not a single field office file. Beginning in 1978 the Dallas and New Orleans case files were at FBIHQ as a consequence of my C.A. 78-322 and 78-420. Dallas files are the most extensive files and, as Kilty reluctantly admitted, can and do hold what is not at FBIHQ. Yet he made no search of them at all.

152. When Kilty was asked whether the Dallas office had pertinent records, he again was cued not to respond by Department counsel. He was asked, "Is it your understanding - - with respect to the reports that were furnished to the Warren Commission, that the reports went to the Dallas field office and that the Dallas field office incorporated the findings of the F.B.I. Laboratory in a report which they submitted to headquarters and that this report was then transmitted to the Warren Commission?" Department counsel objected, claiming "That was a very compound question - - a lot of parts." (Page 49) Kilty, asked if he could answer the question, admitted that this is what happened. (Page 50)

153. Kilty also sought to evade when asked, "... how can you determine what - - whether or not we were provided with all the reports without a search of Central Records?" After parrying and further obstructionist efforts by Department counsel, Kilty finally claimed, "I don't know" in response to the question, if he had made this request, "would that have assisted your search?" (Page 50) The truth is, as he did know, that this search is required and he did not have it made.

154. Asked if he had made "any request of the Dallas field office, for any reports pertaining to the spectrographic and neutron activation analyses," Kilty replied, "No." Asked "Why not?" he claimed, "Well, copies of all those records were available" at HQ. Asked, "How could you be certain that we were

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being provided with all the reports without searches at HQ and Dallas," he again evaded, saying, "I gave you all the reports that existed." (This is false, as is apparent from what he did not provide that I attach below.) His response when asked, "How could you know" that he was providing everything was, "Based on my search of the records and knowing the items that were subjected to examination. I have found the reports pertaining to those specimens." (Page 51)

155. More than 3,000 pages of Dallas JFK assassination records are missing from FBIHQ files. This was admitted by the FBI and the Department in my C.A. 78-322. The FBI had claimed, incorrectly, that those pages were disclosed by FBIHQ. A check forced by administrative appeal showed that more than 3,000 pages did not exist at FBIHQ, even though Dallas records established that they had been sent to FBIHQ. In this instant cause, where clearly pertinent records were not provided by Kilty, I found them in Dallas files provided in C.A. 78-322.

156. That Kilty found and provided all the known records pertaining to "all the items that were subjected to examination" is not true. The Department and the FBI were on notice long before the deposition that I had proof of the untruth of this claim. Pertinent information Kilty did not provide is at FBIHQ and is attached below.

157. Bearing further on the fact that FBIHQ knew Dallas had records not at FBIHQ, including Laboratory information, is the fact that Dallas has about 10,000 more pages of bulkies than are at FBIHQ. This also is the record in C.A. 78-322.

158. When the questioning turned to lists of the specimens tested, Kilty again was arrogant, evasive and deliberately nonresponsive. He was asked if he would not start searching with a list of specimens tested. He replied, "That possibility is a good one ...". Asked, "Did you do that?" he claimed, "I don't remember if I did or not." Asked how he would get such a list, he said, "You could look at a listing of the specimens to get a list of the specimens." Asked where the listing would be, he admitted, "There's one kept in the Laboratory," something he had earlier denied. After he had drawn the matter out as long as he could, he admitted that this list of specimens tested was in the file cabinets he searched in 1975. (Page 53)

159. Because Kilty did have this list of specimens tested, there can be no excuse for the failure to provide records pertaining to some of the tests known to have been made.

160. Bearing on Kilty's intent with regard to the information I requested is what he testified to when asked if he had provided the NAA printouts in response to Congressional committee request for all NAA information. He treated the Senate's intelligence committee no better than he treated me. He testified that the committee did not receive the printouts and that "I have no recollection of ever - - of those computer printouts being released to anyone." (Page 57) After the Senate committee's and after my requests, the House established its Select Committee on Assassinations, to whose work also this information clearly was relevant.

161. Kilty also claimed no recollection of providing any spectrographic materials. (Page 57)

162. He was read parts of an internal FBI record pertaining to Congressional requests for Laboratory records. There were "ground rules set down in the November 7, 1975 meeting, excisions cannot be made except for certain confidential items ..." He had thereafter obliterated information that is not within any exemption in the records provided to me. When shown two different versions of Lab records, the one he provided to me and one I obtained outside this litigation, he admitted that he had obliterated such nonexempt information as the file, Laboratory, Physical and Chemistry unit numbers and even the date. He also obliterated what is not exempt and was known, the name of the examiner. Asked why he did this, he testified "because I was told to do it." Asked by whom, he claimed, "I don't know..." (Page 66) On another occasion he testified that he withheld nonexempt information from me under instructions of unnamed lawyers.

163. Other than harassment, the only apparent purposes served by withholding such nonexempt and pertinent information was to prevent checking up on the FBI's dishonesties in its affirmations and in proving FBI noncompliance and the deliberateness of FBI noncompliance. It also could interfere with the taking of depositions. It did withhold the identifications of those who should be deposed to establish the existence or nonexistence of the information sought



and not provided.

164. Kilty's explanation for not asking any of the Divisions if they had any pertinent information is the claim that the only information they could have would be "serials of the file section" if they had any from Central Records. (Page 100) This is untrue and he had to know it was untrue. Copies of many records were regularly routed to the various divisions by the Laboratory itself, as is reflected in Exhibit 28 and countless other records. In addition, the various divisions often removed records from the central files copies and added notes reporting that they had done so. These copies remain missing throughout all the disclosed Kennedy assassination main files. Kilty also knew that the divisions maintain their own ticklers of copies of records and that ticklers are often kept as long as a case is open. The JFK assassination case is an open case.

165. Although Kilty had stated that the Lab did not have indices, when pressed (on page 106) about the numbers he had obliterated from the records provided to me, he admitted that there had been card indices and that these have been replaced by computerization. All this indexed information can still be retrieved.

166. Kilty was then asked (page 110) if those cards were destroyed, "What was the point in obliterating that in the records we were given?" Kilty, who did the obliterating of the nonsecret and nonexempt, responded, "That's out of my bailiwick. That's a lawyer's type work here. I don't know what the lawyers have to say about that" In addition to Department counsel, Kilty was represented by SA Jack Slicks of the FBI's Legal Counsel Division. Neither lawyer provided either an explanation or justification of any lawyer telling Kilty to withhold nonexempt information. Both remained silent.

167. The FBI claims falsely that it can comply with all requests from FBIHQ's central files. As of today it has refused to search other known sources, like the divisions and the Office of Origin, Dallas. Kilty did admit to the FBI practice of sending the originals of Laboratory reports to Dallas, where they were rewritten for the Commission. Whatever the FBI's reason for this costly and time-consuming practice where there was no prosecution in the territory

of the office of origin, it did lend itself to error and what can be interpreted as more sinister than mere mortal error. An example is Deposition Exhibits 17 and 18, cited above. Dallas, having received the Lab's report on the wrapping paper in which, in the FBI's theory, Oswald had carried the disassembled rifle, provided contradictory versions in two different copies of the same page of a consolidated report. One copy of page 129 said that the wrapping paper came from where Oswald worked, the other copy of the same page said it did not. Yet both these diametrically opposite Dallas reports claim to come from the same Lab report. Kilty could not explain this. (Pages 117 ff.) FBI Coounsel Jack Slicks asked for and was given a copy. He said, "I'll look into this." We have heard nothing about it since then.

168. The incorrect version was filed by Dallas to reenforce the case against Oswald. This is not unique. A similar situation still exists with regard to several of the matters of interest to the appeals court, like the testing of the shirt collar and the curbstone. As will be seen below, in both matters the FBI continues to withhold pertinent information.

169. Kilty was asked, "Has any further search been made" since the last remand. He replied, "Yes." When asked to describe his search, he said he searched "all the places where spectrographic plates or data concerning spectrographic plates could be kept and of the items you do not have, namely the curbstone plate. ... I have looked for everything again and I found what I've given you and I can't find anything that I haven't given you." (Pages 120-121) "Data concerning spectrographic plates," he testified (page 121), includes "the spectrographic notes." Kilty's testimony about specific specimens is addressed separately, below.

170. When Kilty was questioned about these specimens, he was asked why he had not searched Dallas, particularly after Frazier's testimony that the Lab reports went to Dallas. In order to avoid response, Kilty first created a diversion over what he had not been asked with, "Not in the wildest, wildest imagination would I ever think that the notes produced by an agent in the F.B.I. Laboratory would be in Dallas." He had not been asked about notes. He had been asked about reports. He was asked again, pointedly, "How about reports?" Only

then did he acknowledge, "Reports - some reports went to Dallas, no doubt about it. They may have gotten all reports." (Pages 126-127)

171. Finally he admitted that there are FBI reports that might not be found at FBIHQ. He then was asked, suppose some of the missing reports are in Dallas, and he replied, with his ever-ready non sequitur, "I wouldn't even know if they were missing." (page 127) He knew the Stombaugh shirt-collar report was missing, and any honest search through FBIHQ main files disclosed the existence of other information not provided. While it is not true that Kilty would not know if reports were missing, he did admit the possibility. Particularly after the last remand this possibility provided more than enough reason for searching elsewhere, especially the divisions and the Dallas office, where I had stated there was pertinent information.

172. He was then asked, "Did you make a good faith, diligent search after the recent remand of the Court of Appeals to find everything that Mr. Weisberg is seeking in this case?" Kilty flaunted his contempt of the courts by rejoicing, "I don't know everything Mr. Weisberg is seeking in this case." (Pages 127-128) He did not state how he could make a good-faith search or provide a competent and honest affidavit without knowing what is sought. He testified that he searched only for what Department and FBI house counsel "told me about." Neither disputed him on this.

173. Kilty left no doubt about intentional noncompliance, at this late date in a 1975 lawsuit and a 1966 request, when he blurted out, "And I'm certainly not saying that I've searched for everything that Mr. Weisberg ever asked for in this case." (Page 128)

174. Despite this testimony, on cross-examination by Department counsel, Kilty pretended he had made a diligent, conscientious and inclusive search. Department counsel fed him lines, like "Were you looking for anything that was conceivably implied by that request (of 1974)?" Kilty took the cue, replying, "anything we had that had any connection with it at all, and specifically, "for the items the Court of Appeals had mentioned." (Page 130) He and Department counsel here describe an inclusive request, "anything conceivably implied by the request," anything "that had any connection," and all "the items the Court of

Appeals had mentioned." This volunteered information leaves no doubt about the breadth of the request as the defendants understood the request.

175. On redirect Kilty was questioned again about not searching Dallas files. He then acknowledged that the originals of Lab reports addressed to Dallas are in Dallas files. After Department counsel interrupted several times to try to testify that if a record were missing at HQ it did not have to be in Dallas files, Kilty was again asked, "Would you concede that it's possible that the Dallas field office could have Laboratory reports that you were not able to find in F.B.I. Headquarters?" To this the ever-arrogant Kilty replied, "Well, I didn't look for every laboratory report that exists." My counsel said, "Well, I hope you did, sir," pertaining to information within the request.

(Page 138)



IV. RECORDS RELATED TO SHIRT COLLAR, CURBSTONE AND  
WINDSHIELD TESTING STILL WITHHELD

A. The Shirt Collar Slits and the Necktie Slit - The Missing Stombaugh Report

176. From the moment of the assassination there has been considerable controversy over the wounds and their location, the number of shots fired and the damages they caused. The information sought and still not provided in this instant cause has much to do with whether or not the official theorizing about the assassination, the FBI's and that of the Commission, are even possible. In my earlier affidavits I state that the actual evidence rather than the official theorizing is that the rear nonfatal wound the President suffered was much lower than the Warren Commission Report states. In turn, this means that the damage to the shirt collar fronts and the necktie, subject of testing not provided, cannot have been from a bullet that entered in the rear, which both the Commission and the FBI theorize.

177. The two FBI agents who were sent to meet the corpse and its escort and to remain with the corpse throughout the entire autopsy, filed their first report by teletype as soon as they returned to their office from the hospital (Exhibit 30). It was not provided to the Commission. Of this wound it states without any qualification, "ONE BULLET HOLE LOCATED JUST BELOW SHOULDERS TO RIGHT OF SPINAL COLUMN."

178. There is a vast difference in the trajectory of a bullet that caused a wound just below the shoulders and one that caused a wound in the neck, the official Commission line. I found a reference to this report in 1966 but I was not able to get a copy until 1978, when I found it among the FBIHQ records provided to me as a result of C.A. 77-2155. It contradicts the official theorizing about that wound and it disproves the official theorizing about how the shirt collar and necktie knot were slitted. It confirms my uncontradicted affidavits on these matters. It provides additional motive for the continued withholding of the Stombaugh and other reports, which cannot say what the FBI wants to be believed.

179. The evidence in my earlier affidavits, from what the Commission and the FBI had and ignored and from my own interviews of the Dallas doctors who have personal knowledge, is that these damages to the President's clothing were

not caused by any bullet or bullets. They were made by the scalpels of the emergency room nurses who cut off these garments at those points under the direction of Dr. Charles Carrico.

180. Frazier testified to the Warren Commission that spectrographic analyses, which disclosed traces of metal at the holes on the back of the jacket and the shirt, did not disclose traces of metal on the front of the President's shirt collar or on his tie. On deposition Frazier testified that he had "merely relayed the spectrographer's report." However, he had examined the shirt, as he testified when asked the direct question. (Page 60) When he was asked about the slits in the shirt collar, Frazier volunteered information, a rarity for him. He was asked, after he examined the FBI Lab's picture of that shirt collar, if he could "determine whether or not the holes in that shirt collar overlap." (The official account is that an exiting bullet made both slits in the collar band near the button and button hole.) Frazier did not limit himself to responding to what he had been asked, which is the first part of what he then stated, "I wouldn't know whether you could or not from looking at the photograph." He then volunteered, without having been asked, "This shirt was examined by another examiner for that purpose." (Page 60) He repeated this on the next page, "I had it examined by another examiner for that purpose.

181. Frazier refused to testify to the meaning if the slits did not coincide at the overlap, unless he was paid additional "expert witness fees." (Page 61) He identified this other agent as SA Paul Stombaugh and testified further that Stombaugh did file a written report. (Page 62)

182. Throughout Frazier made it clear that each kind of test was performed by an expert in each field. Gallagher was the spectrographer and neutron activation expert. Stombaugh was a hair and fibres expert. Frazier was a ballistics expert and his testimony was limited to his specialty.

183. Because we were not provided with any copy of the Stombaugh report and more than four years had elapsed after Frazier testified to its existence, this subject was gone into in some detail when Kilty was deposed. It then became apparent that he and his counsel had prepared for this. While they had a report they tried to palm off as the Stombaugh report, they also had been

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careful not to mail it. Kilty therefore had to be examined about it ad lib, when my counsel and I could not even confer without contrived objection by Department counsel. There had not been a peep from Kilty or Department counsel about this report until Kilty was questioned about making any search after the remand.

184. "Did you conduct any search for that -- for any report or any notes on any such examination?" he was asked. "Indeed I did," Kilty rejoined, adding, "I found the report that contained the information about this." It was made Deposition Exhibit 19. (Attached as Exhibit 31) Whatever he meant by it, Department counsel here stated, "For the record, this is an item that is not in the Stombaugh report." I was given nothing identified as or that could be "the Stombaugh report" or any notes he made during that examination.

185. This constitutes an admission that the defendant has deliberately misled the courts with regard to the Stombaugh report. It is an unequivocal acknowledgment that Stombaugh did make the examination to which Frazier testified. There was no expression of any regret.

186. In trying to fob off Exhibit 31 as or as including the Stombaugh report, Kilty and Department counsel created new problems. Exhibit 31 does not have any content that could be the Stombaugh report and it does not report on the examination Stombaugh made. It is Frazier's report of the examination which led him to have the additional examination Stombaugh made thereafter.

187. Kilty was asked to show where "it indicates that an examination was made to see whether or not the slits in the shirt collar would coincide if it was buttoned together." (Page 122) "The fourth paragraph from the bottom of page 2 addresses (sic) that," Kilty testified. He then was asked, "Well, it doesn't say that, does it?" Kilty read from the Frazier report, both inaccurately and not from the paragraph he cited. Neither paragraph says anything at all about the test the results of which remain withheld

188. Quite the contrary, Frazier's report fails to state that the two slits coincide - because, visibly, in the FBI Lab photograph I obtained under FOIA, they do not coincide. Spectrographic analysis, which detected bullet metal elsewhere on the garment, did not detect it at these slits or, as Frazier managed

to avoid reporting, on the tie.

189. When Kilty was again asked (on page 122) where it is stated "that any examination was made to see whether or not the slits coincide," Department counsel refused to let him respond on the ground that "the statement (sic) speaks for itself. Whatever it says, it says." The report does speak for itself and what it says is that Kilty, assisted by his counsel, tried another fraudulent misrepresentation, under oath. They seriously and deliberately misrepresented the content of the report in order to pretend that they had produced the results of a test when they did not and when, if produced, those actual results will destroy the FBI's impossible solution to the crime of the century, the assassination of the President.

190. Kilty took no chances. When he was looking for Stombaugh's report, he did not contact Stombaugh. Asked why, he came up with still another non sequitur, "He didn't produce this," the Frazier report, Exhibit 31.

191. For all their supposed desire to do as the court of appeals wanted done, none of the Department's counsel had Kilty contact Stombaugh.

192. Moreover, from his own testimony, Kilty did not begin his search to comply with the remand until a few weeks before he was deposed.

193. To make doubly certain, Kilty did not ask Frazier, who he testified he had consulted, "if this is the report" in question. (Page 123)

194. To leave no possibility of not avoiding anything he could avoid, Kilty did not even trouble to read Frazier's deposition, the few words that pertain to this examination, the results of which Kilty allegedly was breaking his back to produce. "I have no idea what he testified to," Kilty blurted out, interrupting a question to do so. "All I read is a statement in a Court of Appeals thing which may have been taken out of context." (Page 123) He didn't stop there, with this unsolicited opinion of the court of appeals and its "thing." "I don't know anything about it," he continued, nothing omitted in this quotation. "I've not seen Frazier's transcript of his testimony." (sic)

195. Kilty was not without other reasons for being entirely ignorant of what Frazier testified to. He was again asked why he had not spoken to Stombaugh and he said, "I never thought about asking Stombaugh." (Nor, apparently,



did anyone else in the FBI or Justice Department or any of the Department lawyers involved in the litigation.)

196. While Kilty was being asked a question, "if Frazier testified that he had Stombaugh make the examination ..." Kilty interrupted again to declare, "I don't know that Frazier testified to that. I've never seen that Frazier testified that he asked." Having so studiously avoided looking at the transcript of Frazier's testimony, Kilty could safely state "I've never seen that Frazier testified to that." At this point Department counsel objected to any further questioning in the matter. (Page 124)

197. Nonetheless, Department counsel and Kilty did provide the Frazier report (Exhibit 31), representing it as including the Stombaugh report of the examination Frazier wanted made. Yet Kilty also pretended that there is nothing at all to it. He tried to have it both of two false ways.

198. As my counsel tried to establish what was and was not done pursuant to the order of the court of appeals, there were continual objections by Department counsel. He even objected to the question, "What was the basis of your search, if it was not the Court of Appeals decision?" (Page 125)

199. Kilty was asked if he had searched for any copies of the Stombaugh report where copies could have been sent, such as to Dallas, where everything was supposed to be sent. The reason he gave for not making any such search is yet another non sequitur, his claimed inability to find any worksheets in the Lab. He claimed, once again trying to play it both ways, that there had to be a worksheet if Stombaugh made the examination; yet despite his lack of any worksheet, he had no reluctance in providing Deposition Exhibit 19 as holding and reporting the results of Stombaugh's examination.

200. Obviously, after Frazier's testimony, any absence of records in the Lab indicated the need for more intensive searches, wherever any copies of the report might have been sent. Dallas and FBIHQ Divisions are places that certainly should have been searched and Kilty, Department and FBI house counsel all knew it.

201. Actually, Frazier was quite careful in the report he drafted. He also was evasive, misleading and less than fully accurate. The paragraph before

the one Kilty read states that "spectrographic examination of the fabric surrounding the holes in the back of the coat and shirt revealed minute traces of copper." Frazier said nothing here about any spectrographic examination of the front of the shirt or the tie, yet both were examined spectrographically. In the next paragraph, with FBI magic, Frazier reduced the two slits, one in each end of the collarband, to a single slit: "A ragged slitlike hole approximately 1/2" in length is located in the front of the shirt 7/8" below the collar button." The slits are vertical, therefore, even if the 7/8 inch was not intended as a deception, to make the hole appear to be lower than it was, neither can be 7/8 of an inch below the collar button. Moreover, they do not coincide. The slit on the left side is higher. Then Frazier does say that the hole is through both ends of the collar "due to the overlap." He says that "This (sic) hole has the characteristics of an exit hole for a projectile." Projectile does not mean bullet. (Frazier could get an argument from the criminalist I consulted if he represented that the slits have the characteristics of a rifle bullet exit hole.) Then, still without saying it was the result of spectrographic examination, Frazier said that "No bullet metal was found in the fabric surrounding the hole (sic) in the front of the shirt." Of the necktie, all Frazier says is that "A small elongated nick was located in the left side of the knot of the tie, Q24, which may have been caused by the projectile after it had passed through the front of the shirt."

202. This information (and misinformation) established the need for the examination Stombaugh made. It does not include or even refer to the results of the examination he was to make. There is no language anywhere in this report that can be tortured into saying, meaning or even suggesting or hinting at what Kilty and Department counsel represented, that it includes Stombaugh's report. There is no doubt that both knew better.

203. Little wonder that Kilty's tongue got twisted when he tried to make it appear that Exhibit 31 would satisfy the court of appeals. He testified, "It pertained to the examination of the President's shirt that addressed the problem of some kind of overlap situation." (Page 132)

204. Brief as Frazier's <sup>teletyped</sup> report (Exhibit 32) is and little as it says,

it still was delayed for about 10 days. Earlier, as soon as the Lab looked at the President's clothing, it teletyped a report to Dallas. At the bottom of the first page it describes the slits in the collarband not as bullet holes or as caused by a "projectile." Before the official party line was completely formulated, the Lab told Dallas, "This hole has the characteristics of an exit hole for a bullet fragment." (Emphasis added) However, if it were caused by a fragment, the FBI's entire "solution" to this crime collapses. The FBI's "solution" requires that an intact bullet caused the damage to the shirt and tie. So, true to Orwell and Hoover, Frazier upgraded the Lab's science. He eliminated "bullet fragment" and substituted "projectile." Projectile can mean almost anything in motion.

205. "Bullet Fragment" is not an accidental formulation in which the FBI misspoke itself. The same language is used in a memo of the same day, from SA Jevons to Ivan Conrad, the Assistant Director in charge of the Lab: "The hole (sic) has the characteristics of an exit hole for a bullet fragment." (Exhibit 33)

206. The Commission also was not satisfied with the FBI's inadequate and incomplete reports on the President's clothing. On March 17, 1964, one of the staff counsel asked SA Gallagher, "Would neutron activation analyses show if a bullet passed through the hole (sic) in the front of President Kennedy's shirt near the collar button and also if a bullet passed through (sic) the material of his tie?" (Exhibit 34) The very next day the unsatisfied Commission asked for a written report on the clothing, including "Your reasons for the opinion that the holes in the clothing were either 'entrance holes' or 'exit holes.'" (Exhibit 35) Someone in the FBI underscored "reasons," "entrance holes" and "exit holes."

207. The FBI records cited in this section, like the other FBI and Department records that are exhibits, were not available at the time this case was first before this Court. I received them through C.A. 77-2155, a total of more than 100,000 pages of FBIHQ records, beginning in early 1978.

208. The absence of traces of bullet metal on the shirt collar and tie indicates that those slits were not caused by a bullet. With regard to the tie, on deposition Frazier confirmed what I stated about the tie being cut off. He acknowledged that "It was cut off," adding that "it was off to the side."

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Page 64) There is damage to the tie at one point only, the point where it was cut. Where a bullet is known to have hit the President, there are traces of bullet metal, on the back of his jacket and the back of his shirt. Other uncontroverted and uncontrovertible evidence establishes the fact that these slits were caused by a scalpel during the emergency treatment of the President. If there were any doubt that the FBI, the Department and Department counsel knew this before my affidavits were filed, they do know it as a result of my filing those affidavits. Neither the FBI nor the Department made any attempt to refute them.

209. Frazier volunteered that he had Stombaugh make an examination to determine whether the slits coincide. They clearly do not from the FBI Lab's own photograph of them which it did not give to the Commission. (I got it by FOIA request of the Deputy Attorney General.) Frazier also testified that the Stombaugh report was filed in writing. The Department and the FBI are unable to refute the evidence of my affidavits or Frazier's testimony. They switched to fraudulent misrepresentation to continue to withhold records that demolish the untenable official "solution" to that most serious of crimes, the assassination of the President.

210. The continuing official efforts to pretend that the FBI conducted a full and satisfactory investigation by withholding public information, because of the nature and consequences of the crime, are much more serious offenses than what is tragically common in my experience, misrepresentations, deceptions and outright lies and fraudulent misrepresentations in "Freedom of Information" cases.

211. Also tragically, these offenses are not limited to the withheld shirt collar slits report. They likewise characterize the tainted practice with regard to the curbstone and still withheld information about it.

B. The Dealey Plaza Curbstone

212. FBIHQ ordained that there had been no missed shot in the assassination of the President. For months the Commission, no less determined than the FBI, tried to pretend that no shot had missed. Seven nonfatal wounds on the President and Governor John Connally were a great enough weight for <sup>two of the</sup> three shots to bear. However, the Commission was composed of men who knew they could

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not survive criticism the way the FBI did, by the brute power of its indignant denials and, among political figures, fear of it and what it could do. After several months the impact on the curbstome just would not go away so the Commission accommodated it, by rearranging its lone-nut assassin scenario. Under the Commission's revision, one bullet inflicted all seven nonfatal wounds, even though nobody duplicated that penetrating power in the many and various shooting tests. (Paralleling this, nobody ever duplicated the shooting attributed to the duffer Oswald. Of all the best and professional shooters used, in tests arranged to make the shooting easier than at the time of the assassination, not one was capable of the speed and accuracy of the shooting attributed to the man the Marine Corps evaluated as a rather poor shot.) By limiting the extensive and fatal injuries to the President's head to one other single bullet, the Commission had the third bullet available to miss and to hit the curbstome. Little as James T. Tague bled from a spray of concrete or a bullet fragment, for the Commission Tague did not bleed in vain. On its part, the FBI ignored Tague as long as it could and then deprecated him and what he said. As my prior affidavits show, it also left him, his wound and the visible scar on the curbstome entirely out of its supposed definitive, *five*-volume investigative report. the one in which it solved the crime with a diatribe against Oswald while it almost entirely ignored the crime, the assassination. There are only two of the briefest imaginable references to the crime itself, so factually barren that one of the President's wounds, the one in the front of his neck and the first one reported, is not even mentioned. The FBI's "solution" has the first and third shots hitting the President and the second hitting Governor Connally. Hoover, as the exhibits reflect, insisted on this "solution," regardless of all the facts disproving it and the Commission's different "solution." The mute testimony of this Dealey Plaza curbstome is eloquent in its evidentiary destruction of both of these so-called solutions. It also is eloquent in alleging a conspiracy because, as my prior affidavits and actual photographs show, the FBI could not attribute it to one of the three admitted shots and someone undertook to patch it during the long period it was in official limbo. Of all the many spectrographic plates, the curbstome plate is the only one the FBI claims is missing. It claims, unsworn,

that this one thin plate of all the many thousands the FBI has was sacrificed to glean a fraction of an inch of file space. It is obvious that no official story is tenable when assessed against the known facts. The official story needed all the help it could get. The FBI provided this kind of help by not performing tests it should have performed and knew it should have performed, by avoiding other investigations and by hiding the results of tests that were inimical to its official preconception. Without the FBI's misfeasances, malfeasances and nonfeasances, this most subversive of crimes could not have been allocated to a lone, incompetent nut. (Tague's earlier affidavit is attached as Exhibit 36.)

213. The patching of that curbstone was as visible to the FBI as it was to me. It had capabilities I do not have and could readily determine the fact and the nature of the alteration of this vital evidence of the crime that negated an entire system of society. (As will be seen, especially in Exhibit 44, the FBI knew of and reported this alteration.) Instead, the FBI concocted fairy tales, like the theory that the washing of the streets had worn off this scar that was at the top of the curbstone's face and not in the street at all. Although the FBI has not produced any reference to it, Tague took a motion picture of the curbstone which had made him part of the nation's history and then, when ostensibly nobody knew about it, it but nothing of cash value was stolen from his home. There is no FBI report in the Commission's files reporting the existence of Tague's movie or forwarding frames from it. But, when Tague was finally deposed by the Commission, its assistant counsel, Wesley Liebeler, showed Tague what he mistakenly identified as blowups of a portion of Tague's movie. Yet from the available information, neither the Commission nor its investigators, the FBI, even knew that Tague made a movie.

214. This curbstone was already deep in the memory hole when one of the FBI's innumerable leaks perplexed Dallas Morning News photographer Tom Dillard. The leak was of the "solution" that ignored the Tague and curbstone wounding. Dillard mentioned this to the <sup>then</sup> United States Attorney, Barefoot Sanders, who alerted the Commission. Only then was the FBI sent chasing after the avoided curbstone which, it seems, was illusive. Nobody in the large Dallas FBI office could think of getting the photographers who contemporaneously took pictures of

the scar and their pictures and thus finding that historic spot. Tague also could have been the FBI's seeing-eye dog, as it without question knew; and whether or not the FBI knew it, as it should have, Chief Criminal Deputy Sheriff Allan Sweatt and one of his assistants, Buddy Walthers, could have taken the FBI there. Both accompanied the photographers. In addition, Walthers had interviewed Tague when and at the spot where he was wounded. Disclosed FBI records report Walthers' presence, that of the policeman and the text of the police broadcast of Tague's wounding.

215. To satisfy the Commission, which could no longer avoid the curbstone and its history, after the Dallas FBI pretended it could not find the curbstone, FBIHQ dispatched its Lab photographic expert, SA Lyndal L. Shaneyfelt. Shaneyfelt was so deeply offended at what I had written about him and his career of servicing the Commission like an FBI Wrong-Way Corrigan that he cooked up the scheme to "stop" me by suing me for libel, only to abandon it once the top hierarchy, including Hoover, were aware of the sacrifice he pretended to be willing to risk to preserve the fair name and reputation of the FBI. I learned about this when we deposed Shaneyfelt in 1977. I then gave him a written waiver of the statute of limitations and offered to pay his filing costs if he would sue me. He never responded. He knew no court would find libel in accurate reporting.

216. None of the FBI people deposed in 1977 would comment on the condition of the curbstone. Shaneyfelt and Frazier asked for expert witness fees, in addition to those prescribed and already paid. Shaneyfelt, after refusing what he called expert testimony without payment of this extra fee, nonetheless had the gall to send me such a bill.

217. Since then a great amount of FBI records have been disclosed through FOIA. Among them are many pertaining to this curbstone. They provide no comfort to those still wedded to any of the official solutions to the crime. They do confirm my affidavits, in considerable detail. As will be seen from the selection of them that follows, the FBI knew that the curbstone had been altered, as I had stated; it kept that information from the Presidential Commission and from the Court and me. It preferred to deceive and mislead the trusting Court.

218. The FBI records from which these exhibits come are the FBIHQ

general assassination releases of December 1977 and January 1978, which I obtained by C.A. 77-2155, and those of the Dallas and New Orleans field offices, which I am obtaining through C.A. 78-322. The files are identified as the assassination, Oswald and Commission "main" files. Without doubt, there are other pertinent files but they remain withheld. Whether or not connected with this instant cause, the FBI is still dragging its feet in the lawsuit for the Dallas files, filed in 1978. It has yet to keep any one of the schedules by which it obtains more and more time from that court.

219. While embarrassing information has been withheld under spurious claims to exemption, there were no subject experts involved in the processing of the cited files, so some embarrassing information escaped.

220. There is much that is pertinent that was not known until after I received the cited records. For example, the Dallas FBI prepared a cover-the-Bureau's-ass memo stating that the pictures taken by Charles Bronson are worthless because they do not even show the TSBD. Friends of mine in Texas did the normal checking and examined Bronson's film, leading to extraordinary attention to it in the Dallas Morning News. It is known that Bronson, contrary to the FBI's blatant untruth, has almost 100 frames or individual pictures of not only the building, but of the window in which the FBI claims Oswald alone was and those around it. There is no Oswald in the Bronson movie. Some distance away from the window two objects are in motion. As a result of the request of the House assassinations committee, for more than two years the FBI has been supposed to have an independent enhancement and analysis made of this film. My Texas friends also presented to this House committee something else the FBI had so studiously avoided, an interpretation of the recorded Dallas police broadcasts that identified the firing of more than the three shots. This was confirmed by two independent teams of experts. Again the FBI drags its feet. Finally, after long delay, this new analysis was farmed out to the National Academy of Science. It has not yet reported. Then, in anticipation of this new analysis that could again besmirch the FBI, for reasons neither stated nor innocent, the FBI released its own scrupulously dishonest version. This was an effective attempt at intimidation. Although the new report is long overdue, it has not been issued. No explanation



of the inordinate delay has been made.

221. Locating these previously withheld records should have been automatic for Kilty because he swears he searched the files from which they come. Kilty still did not make a good-faith search or he lied and deliberately withheld pertinent records or he did both.

222. Initially, the FBI pretended that it had no Lab curbstone records at all. In what was represented as full compliance, I received none. After my vigorous complaint, I received what was described as the entire curbstone Lab report (Exhibit 40), but as will be seen (Exhibit 41), several pages were secretly removed from it. No claim to exemption was made. They were not accounted for. They were just withheld, while the FBI pretended that it withheld nothing. Lawyers ordered Kilty to withhold nonexempt information, like Lab and file numbers. This served only to deter or prevent pursuit of what was withheld. In some instances, the withheld file numbers lead to the significant and withheld records attached below, like Exhibit 41.

223. The FBI fabrications that the single curbstone spectrographic plate was destroyed and that this was permitted by FBI regulations are both refuted by records I obtained under discovery. The FBI is required to preserve all evidence in ongoing and historical cases. In addition, it is required to preserve spectrographic plates for six years after they are transferred from active status. These plates also are required to be kept as long as there may be any need for testimony about them and for as long as they are involved in litigation. While these extensive discovery records were not collected for this instant cause and for the most part are copies of records prepared for other litigation, and despite their glaring omissions they leave no doubt that the destruction of any JFK assassination records is prohibited. There was no sanction for the alleged destruction of the single curbstone plate - if it was destroyed, of which there is no proof at all. However, where plates are properly destroyed, the FBI does have records of it. Kilty was unable to explain this blatantly senseless FBI claim, that this one thin plate only was destroyed, supposedly to save space.

224. The FBI's unsworn representation that it destroyed this one

relatively thin curbstone spectrographic plate to save space is ludicrous, more so when what the FBI has preserved is considered. There are about 25,000 pages of Dallas bulkies and about 15,000 pages of FBIHQ bulkies, plus the enormously larger main files. Most of a quarter of a million pages have nothing at all to do with the crime. They are largely junk. On the other hand, that thin spectrographic plate is not junk and it was essential evidence of the crime and its investigation by the FBI.

225. Of the countless examples of preserved junk and trivialities I observed in reading these many pages, one is so meaningless it took my attention and I made an extra copy of it. (Exhibit 37) The FBI made a replica sack, referred to above, to use when talking to witnesses, in place of the actual wrapping-paper sack the police said they found at the window in which Oswald allegedly was. (Consistent with the imputed magic of the paper itself is the finding of this sack. The police were then photographing everything and anything but they managed not to photograph the finding of that sack or the sack itself.) In using this substitute sack the Dallas FBI used "three pieces of pressed board ... to give bulk to the package to simulate weight in the original package carried by Lee Harvey OSWALD on 11/22/63. These boards were used in exhibiting the sack to LINNIE RANDLE." There is no reference here to the important factor, length. Weight was not a factor at all. Mrs. Randle, like all the witnesses who saw Oswald that morning, refused to be budged from her testimony that what Oswald carried was very much shorter than the disassembled rifle. Yet this much bulkier junk, too long for a file cabinet, was "Sent to Bureau 12/13/63 and returned after examination - presently located in Dallas Bulky Exhibit file." This junk is to remain there, preserved, until, "When the case is closed, these pieces of pressed board will be destroyed." Even all the extra copies of the FD-192 inventory form were kept until 1973. It is obvious that there was no space problem with one thin curbstone spectrographic plate.

226. The FBI did have its own "party line" on the assassination laid down by Hoover. Neither reality nor fact nor the Commission was permitted to intrude. Many of the now disclosed records reflect this. One is particularly illustrative because more than two years after the Warren Report and its 26 volumes of evidence were published, the files in the Archives were opened and a

number of critical books were published and received wide attention. Hoover persisted in his personal fairy tale and nobody in the FBI dared disagree with him. On the third anniversary of the assassination, Rosen addressed Hoover with the customary indirection (nobody ever wrote directly to Hoover), through DeLoach. Rosen reported a Washington Post account of a Life magazine investigative report that was inconsistent with any of the official accounts of the crime. (Exhibit 38) Rosen concluded by reminding Hoover that the FBI's five-volume and supposedly definitive report says "that of the three shots fired, two hit the President and the third Governor Connally." This, of course, memory-holes the missed shot and that curbstone and makes a nonperson of Tague. Bitter-ending Hoover annotated this memo, at this point: "We don't agree with the Commission. It says one shot missed entirely. We contend all 3 shots hit. H" (Hoover underscored "it" twice.)

227. Throughout the FBI, however, it was well known that Tague was wounded during the assassination. One reflection of this is the reply, drafted for Hoover's signature, in response to the laudatory letter from a rightwing admirer who had a question about the omission of Tague from the FBI's five-volume report. (Exhibit 39) The reply, which notes that suitable rightwing Hoover materials also were sent, ducks the question entirely by saying only that "the Commission was unable to determine what struck Mr. James T. Tague in the cheek." A note added to the carbon copy states that Tague "was struck in the cheek by an unidentified object during the shooting of President Kennedy." So, while the FBI had no space for the curbstone or Tague when it had only five large volumes with which to belabor the safely dead Oswald, it was well aware of the fact that Tague was wounded during that shooting. The FBI's problem is that there is no way of limiting the assassination to a lone nut and no conspiracy if the missed shot and the wounding of Tague are publicly acknowledged. There is no other reason for the FBI's steadfast refusal to public<sup>ly</sup> acknowledge the Tague wounding or the so-called missed shot.

228. Kilty was question<sup>ed</sup> pursuant to the last remand, about the curbstone, the allegedly missing curbstone spectrographic plate, his searches and other matters. This also was after his knowledge of the remand had been sharpened by Department and FBI house counsel and after his searches, which he testified

included the FBIHQ main files. Kilty was reminded that his second 1975 affidavit attests to "a thorough search." It reads, "A thorough search has uncovered no other material concerning the spectrographic testing of the metal smear on the curbing. He was asked, "What was the nature of the search that you made?" He replied, "I don't, offhand, know what search I made then." (Page 89) This is one time that a claim not to recall can be proven not to be truthful because Kilty also testified to the nature of the searches he made, in the main files and in the Lab's two file cabinets of JFK assassination records.

229. Kilty testified that the spectrographic plates in this case were placed in a plate drawer but he tried to evade when he was questioned about where that plate drawer is located. If his testimony is truthful, the Laboratory has a strange place for its two file cabinets of JFK assassination materials. As he evaded, Kilty first said that the plate drawer is "in the room where they do the emission spectrography" in the Lab. When asked if this meant other than in those two file cabinets, he said, "No, it's not." Asked, "They were in that file cabinet?" he replied, "Yes." This means that the two file cabinets are not in a file room but are where emission spectrography is performed. He then refused to say that it was at all unusual for only this single curbstone plate to be missing from that file cabinet. (Pages 89-91)

230. In his grasping for straws to explain this really unusual thing, the alleged destruction of only one of so many thin plates, Kilty claimed, "Well, this was done completely at a different time and by a different examiner." (Page 92) The time was not different. Within short periods of time before and after it, there were other spectrographic examinations.

231. Kilty tried to pretend that the FBI makes and keeps no records of the destruction of spectrographic plates. Plate destruction records are kept, by the date of creation of the plate, where destruction is permitted.

232. He tried to evade and never did answer when he was asked if plates in an open case are destroyed. They are not, and the Kennedy assassination is an open case. His evasiveness and nonresponsiveness on this can be attributed to the impossibility of accidental destruction in an open case and to his certain knowledge, if only from his examination of the case files, that it is an open



case. There are current records although it was a 1963 crime, a crime of almost two decades ago.

233. Despite starting the fiction that SA Heilman had destroyed this plate, and after admitting that it is he who phoned the retired Heilman in Florida, when Kilty was asked if he asked Heilman if he destroyed it, Kilty replied, "No, I didn't." He also failed to ask Heilman if he knew who might have destroyed that plate.

234. He tried to claim that he had made an investigation of the destruction of this plate, but finally he admitted his "investigation" was limited to checking the regulations. (Page 90) This, of course, also required that he determine if the JFK assassination case is "open" because regulations preclude the destruction of plates in an open case.

235. Finally, he did agree "that it would be unusual to have one plate destroyed." (Page 95) Then he claimed not to know whether the FBI has a regulation prohibiting the destruction of any information within an FOIA case (page 95) although he had just claimed he had checked the regulations. (It does.)

236. He was shown Deposition Exhibit 15, an FBI internal memo on the request litigated in this instant cause. (Exhibit 40) In the magical way of FBI filing, this rather clear copy is from FBIHQ's so-called "internal security" file on me. It is the copy that Kilty produced rather than copies from the assassination or FOIA files. The copy of record, the serialized copy, is the "internal security" copy. This says much about the FBI's mind-set. This copy only was annotated by the Lab. This may mean Kilty himself because he wrote this memo about the to then totally withheld curbstone records. Kilty here uses the words he used in his affidavit, "... an exhaustive search of pertinent files and storage locations has not turned up the spectrographic plates (sic) nor the notes made therefrom." He said he did not recall if his search included asking Heilman where his notes might be. (Page 96) He did admit that "Central Records did not contain all of the notes of the spectrographic examination," and, contrary to FBI pretenses in FOIA litigation, there are "a lot of other things" that are not in Central Records. But even after representing "an exhaustive search," he swore, "I don't remember" when asked, "What pertinent files did you search?" Almost

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immediately he disproved his claimed lack of recollection by identifying the files he claims to have searched as "the Kennedy file, the Oswald file." His excuse for this untruth was that he regarded these still active files as "storage locations" rather than files. (Page 97)

237. Although Kilty here stated and later repeated that his "exhaustive search" did not turn up the curbstone "spectrographic plates (sic) nor the notes made therefrom," a handwritten notation to the word "notes" in this quotation reads, "block design & symbols and relative concentrations." How Kilty could report the contents of notes he claims he could not find remains a mystery, not a mystery that persuades that the notes were not available.

238. When asked what he was told by the retired Lab agents he consulted, he replied, "I have no recollection at all of the response I got when I asked the question, where's the spectro plate." In this quest also he did not consult any FBI Divisions (page 99) to ascertain if they had any copies, like of the missing notes (page 100) or any reports.

239. When Kilty was asked, "Did you provide all the pertinent records relating to the curbstone testing?" his typically arrogant response was, "I've provided all the records, pertinent or impertinent regarding the curbstone testing." (Page 100) There is no more inappropriate point for him to flaunt his arrogance. This response magnifies the gross lies to which he swore. As Exhibit 40 reflects, when Kilty managed to avoid entirely the existing records on the curbstone examination and then did not provide them until after I complained in writing, he provided a total of "five pages of documents," which he swore are all there are. This is false because other and more were disclosed to me as a result of the other cited litigation. (See Exhibit 41) What Kilty omitted exposes the deceptiveness of what the FBI reported to the Commission and what he disclosed to me. What was disclosed to the Court and to me says merely that the cause of the "smear" on the curbstone could be an unjacketed bullet or a fragment of lead bullet core. The withheld pages say much more.

240. On deposition Frazier testified to having made his own handwritten notes covering his part of the examination. No notes by Frazier are in those five pages. With further reference to the file identifications that

Kilty testified he removed (not because they are within any exemption, as they are not, but because he was told to do so by the lawyers who accompanied him), he did withhold the identification of the file in which other and withheld curbstone records are misfiled. However, the Lab copies do have the correct serial number added, so misfiling did not hide the record from the Lab or from Kilty. The copy to which I refer is in the FBIHQ "Oswald" file which Kilty swears he searched. But he did not provide it.

241 As part of the spectrographic examination, there were also photographic, microscopic and firearms examinations. As these Lab pages appear in the Oswald file, they are marked 4668X. They are behind what is totally unrelated, Serial 4668. It is the August 10, 1964, Letterhead Memorandum (LHM) reporting inquiry in Germany about an article on the Oswald case published the previous November. Instead of the attachment referred to in the LHM, there are withheld curbstone records, dated beginning July 13. This record is Shaneyfelt's letter to Dallas asking them to find and remove the small piece of curbing. He cautions against "any alterations that would effect such Laboratory examination" as the Commission requested. (Three copies of this withheld record were directed to the Lab.) The next record is the Commission's July 7 request. What the Commission wanted is specific: "We would like to have an analysis made of this mark on the curb to determine whether there are any lead deposits there or any other evidence upon which a conclusion can be reached as to whether this mark was caused by the striking of a bullet." The FBI waffled in the withheld records and misled in what was disclosed.

242. Frazier's handwritten notes identify the specimen as Q609, "Piece of *Curbing*." He has one of the sketches of the curbing on the first page, prior to the body of his notes. That alone marks it as other than the copy Kilty provided, for the Kilty copy has a separate page of two sketches. The first indication of awareness of the patching of the curbstone is on the right of the sketch. It reads, "Barely discernable smoothing off - no groove or" and the rest is largely illegible. A concern for accuracy and informativeness would have impelled the FBI to note that this small portion also is darker in color.

243. The handwritten summary of the results of the examination begins

by identifying only two of the nine chemical elements in the core of the bullet theorized to have been used. The capability of spectrographic analysis includes picking up the elements not mentioned. It therefore appears that they were not picked up. This alone is enough to account for the mysterious disappearance of that spectrographic plate.

244. Next it is stated that "it could have originated from a lead bullet, the core portion of a metal jacketed bullet, such as C1, 2, 3, a (sic) automobile wheel balancing weight or some other source of lead." This is not the same as saying that a bullet or bullet fragment caused the "smear" the FBI tested. There is an appreciable difference between an auto wheel weight and a bullet, particularly on spectrographic examination.

245. But the next page, which repeats the summary, omits what assails the belief that the curbstome as examined by the FBI is exactly as it was at the time of the assassination. What is omitted is the statement that the "smear" could have been caused by an automobile wheel weight. With more than twice as much space on this page, the omission is not from a shortage of space. And, of course, there could always have been still another page.

246. The next Lab worksheet reports an unspecified examination, not of the curbstome itself. Beginning with the assumption that any curbstome shot was fired at about Frame 410 of the Zapruder film (which is described in my prior affidavits) and, naturally, with the assumption that this shot, too, came from the so-called Oswald window, where Mrs. Kennedy was in the Zapruder film at this point is noted. There also is the conclusion that is diametrically opposite what the examination showed, "Mark made by object travelling in general direction away from TSBD." Nothing further on this examination is provided, no note, basis for calculation or basis for the assumptions. This also was not provided in this instant cause by Kilty.

247. The next worksheet is what, belatedly, was provided. It has a page with two sketches and nothing else. The second sketch shows an angle of 33 degrees. The direction is from the right or west, and toward rather than away from the general direction of the TSBD.

248. All of these worksheets also bear the notaton "recorded," with



the dates. Whatever "recorded" means, Kilty did not provide it.

249. Next is the August 12 letter to the Commission that Shaneyfelt drafted for Hoover's signature. It is included in my prior affidavits. It has all the scrimshaw, all the unessentials, and it makes no mention of an automobile wheel weight as causing this smoothing-out of the bullet hole that was once there.

250. What preceding the digging up of the curbstone and the filing of this letter rather than Lab examination reports, this letter designed to mislead the Commission and to rewrite history, is indicative of intent to cover up, mislead and misinform. A variety of FBI records, from the various main files, refer to these matters. Not all are used here because of the volume of exhibits already appended.

251. In the assassination file the Commission's July 7 letter to the FBI, Shaneyfelt's July 13 letter to Dallas and the August 12 letter to the Commission are filed without any fancy X numbering, each as part of Serial 3659. But, the Lab work is not part of these records.

252. In the various files are communications in which Shaneyfelt outlined to Dallas what he wanted done. Dallas reported back, sending photographs and providing detailed descriptions of each. Until Shaneyfelt went to Dallas the mark was referred to in these records as the "nick." Once Shaneyfelt was there and saw that the nick no longer existed, he converted it to a "smear." He then conducted no investigation of the patching. For example, under date of July 17, Dallas SAs Robert M. Barrett and Ivan D. Lee filed an airtel (Exhibit 42) covering the sending of the investigation results and the photographs "concerning the nick in the curb shown in photographs" taken by Dillard and TV cameraman James R. Underwood. (Both photographs are attached to my prior affidavits.) As late as the time Shaneyfelt phoned Dallas to report he was on his way, it was still being called "the chip." (Exhibit 43) Until Shaneyfelt's alchemy, it also was referred to as a "scar."

253. Before Shaneyfelt could lay down the new FBI party line on the curbstone, that it had not suffered the mechanical damage quite visible in the contemporaneous news photos, the Dallas assassination investigation case agent,

Robert P. Gemberling, spelled out that there had been an alteration. He did this in the synopsis part of the lengthy, consolidated investigative report that the FBI withheld from the Warren Commission. (Exhibit 44) With regard to "additional investigation" of the curbstone, Gemberling said, "No evidence of mark or nick now visible. Photographs taken of location where mark once appeared."

254. The FBI did not trouble the Warren Commission with the information that the scar or nick that had been visible was no longer visible. And, of course, for all his self-touted care and diligence, Kilty did not trouble the Court or me with it in this instant cause.

255. Contemporaneous crime-scene photographs present a problem to the FBI. They may record what the FBI does not want to acknowledge. The previously mentioned Bronson footage is an example. The Dallas FBI said it was valueless because it does not show the Oswald window when, in fact, it does. It also shows other things that are not congenial to the FBI's pretended solution. With the renewed interest in the missed shot and that general area, and because that area had other investigative importances, the Dallas FBI took pictures there. As is stated in the Dallas SAC's memo to files in the Oswald file (Exhibit 45, Serial 6464), "SHANEYFELT stated that he did not want those photographs in the Bureau." (In FBI lingo, "bureau" and "Seat of Government" or "SOG" mean FBIHQ.) Shaneyfelt was not taking any chance of having on file any photograph that might disprove some FBI claim.

256. By coincidence, Tom Dillard spoke to the United States Attorney at just about the time UPI interviewed Tague and ran a story. The forwarding of Dillard's picture, as reported in my earlier affidavits, is included in another record from Serial 3659. (Exhibit 46)

257. The FBI reacts to news stories the way a weathercock reacts to the breeze, especially if the FBI sees criticism of itself or imagines that criticism may result. So, no sooner did the UPI interview with Tague hit the wire service printer than Inspector <sup>J.R.</sup> Malley was on the phone to Dallas. (Exhibit 47) Tague reported that the concrete was chipped and that he saw what is called a "crease mark, obviously fresh." In addition, the FBI reacted to what Tague said that many other witnesses reported and the FBI's own records reflect, that

the FBI was more concerned "about whether I knew JACK RUBY." Two days later the cover-the-Bureau's-ass brigade was in operation. Rosen wrote a memo for Hoover (Exhibit 48), routed via Alan Belmont, in which, despite the fact that Tague's name did not appear in the story because he asked UPI to withhold it, Rosen refers to Tague as a publicity seeker. This, apparently, was a phrase that soothed Hoover because it was a common FBI denunciation. Rosen reported that the anonymous Tague was engaged in "an effort to obtain personal publicity." Here also, Rosen came briefly in contact with the evidence. He said that, "Based on information developed recently, it is possible that one of the shots fired by Oswald did go wild." The original FBI interview with Tague is attached. It also says "there was a chip missing" from that curbstone.

258. The Dallas FBI's response to the call from Inspector Malley is what forced Underwood's contemporaneous pictures of the chip out of the curbstone into FBIHQ files and thus to the Commission. (Exhibit 49) The FBI did not get the Underwood pictures as a result of its earlier interview with Tague. It ignored those and the Dillard pictures until, by coincidence, Dillard sent one via the United States Attorney. The Dallas office was intent upon covering itself by sending the Underwood picture. By this time the FBI covering up progressed to where it quotes Underwood as saying there was no chip, even though one is clearly visible in his pictures. Still another attachment, handwritten notes that belong with the Lab work involving the Zapruder film, is explicit. That FBI Lab agent wrote, "Nick on curb lines up w/frame 403." (This was 90 frames or about 5 seconds after the fatal shot.)

259. The FBI performed other tests in connection with the "missed" shot. So complete was the FBI's memory-holing of records pertaining to this curbstone and what happened to it that Kilty and it withheld all information about the testing of a bullet found by Rex M. Oliver. This also appears below in the *section* on other shots and other tests.

260. If there were any possibility that some entirely irresponsible FBI agent took it upon himself to destroy that single, thin spectrographic plate on the utterly insane notion that he was doing the FBI a service by "saving" it about an eighth of an inch of space in a special file drawer already holding

many such plates, that does not in any way explain the total lack of examiner's notes. They also are missing and for them the FBI has not provided any explanation.

261. These quoted records and others like them, sequestered secretly in FBI files when this case was before the Court earlier, confirm in detail what I stated. The FBI was well aware of the truth so it dared not try to rebut my affidavits. This new information amounts to an indictment of the FBI from its own records. It makes out a case against the FBI, a case of failing to do its duty when the President was killed and thereafter and of continuing to be untruthful as part of its continuing cover-up of the crime and of its failures at the time of and subsequent to the crime.

C. The Windshield, Q15 - All Records Still Not Provided

262. In his affidavit of May 13, 1975, Paragraph 7, Kilty attested that NAA was "used to determine the elemental composition of the borders and edges of holes in clothing and metallic smears on a windshield and a curbstone." Kilty was trying to convince the Court that he had made a good-faith search and had complied with my request. He also attested: "I have conducted a review of FBI files which would contain information that Mr. Weisberg has requested under the Freedom of Information Act. I have had compiled the materials" provided.

263. After I pointed out that no such NAA information had been provided, notwithstanding that Kilty had also sworn to having made the review of the pertinent files, Kilty swore again - to the exact opposite: "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 spectrography only was used to determine the elemental composition of the borders and edges of holes in clothing and metallic smears present on a windshield and a curbstone. NAA was used in examination of certain metal fragments, and plaintiff has already been furnished material relating to these examinations. NAA was not used in examining the clothing, windshield, or curbing." (June 23, 1975)

264. When Kilty swore that NAA had not been used to examine the specimen from the windshield (Q15), the record he swore he searched revealed



that Q15 was subjected to NAA. This false swearing appears to have been knowing and deliberate. It is consistent with withholding information about the assassination of the President that can be embarrassing to the FBI.

265. Because I immediately called Kilty's direct self-contradiction to the Court and the defendants' attention and, in addition, provided proof that Q15 was subjected to NAA, any withholding of any information pertaining to the testing of Q15 was knowing and deliberate. That there was such information was confirmed when Kilty was deposed on June 16, 1981. He and the FBI withheld this information for more than six years while pretending that no other pertinent records exist. During those six years there were calendar calls and twice oral arguments before the appeals court. There was much briefing. Through all of this and more, Kilty and the FBI pretended falsely that there was no other pertinent information. Of course, as noted above, Kilty knew about 1,000 additional NAA pages and did not provide them. If he had, what he provided on deposition would have been included.

266. In addition to swearing falsely, Kilty also was misleading in stating that "NAA was used in examination of certain metal fragments, and plaintiff has already been furnished material relating to those examinations." While in this formulation Kilty intends to convey the idea that I had been provided with all information pertaining to all metal fragments, without which he would not be attesting to compliance, he falls short of saying this and, in fact, I was not provided with all such information. Kilty personally knew, as an expert as well as <sup>from</sup> his personal search, that some pertinent information remained withheld. During the June 16, 1981, deposition Kilty admitted that certain NAA information, the NAA printouts, had been withheld. Not until then did he provide any such printouts. What he then provided he identified as the Q15 and the Q3 printouts. (Q3 is a specimen from the front seat of the Presidential limousine.) The Q15 printout alone proves that Kilty's June 23, 1975, affidavit was falsely sworn because he then swore, after searching, that "NAA was not used in examining the clothing, windshield, or curbing."

267. This raises substantial doubt about the truthfulness of retired SA John Gallagher, the man who conducted the NAA testing, who was also deposed in 1975.

268. It is my discovery of a record reflecting the fact that Q15 was submitted to NAA that left Kilty no real choice by the time he was deposed. This record also was among those he found in his personal search.

269. On this one pertinent point, existence or nonexistence of records on the testing of Q15, Kilty now has sworn to three different versions: that Q15 was tested; then that Q15 was not tested; and now that Q15 was tested but that does not count because he said the FBI does not like the results.

270. My request is for all results of all testing, regardless of the outcome of the tests.

271. If by any remote chance Kilty had slipped up in his earlier searches and attestations in this instant cause, he should have become aware of it a few months later. In November 1975 he was assigned the responsibility of locating records required by the Senate intelligence committee. Its November 6, 1975, request was for five categories of information. Of these, the fourth included the windshield testing. Its November 26, 1975, request had 28 numbered items. These were assigned to the various FBI divisions for searching. In one instance only is the name of the agent who is to conduct the search noted. Opposite Item 8, which is an inclusive request pertaining to the windshield and all testing, "KILTY" is hand-lettered in. Under the date that appears to be December 13, there is a memo reporting that all responsive materials have been collected. It bears Kilty's initials, JWK, and a copy is directed to him. (All three records attached as Exhibit 50)

272. Under date of December 16, 1975, Kilty forwarded a memorandum "responsive to" these items. Although the copy provided under discovery states that this memorandum is attached, in fact it is withheld. The result is to deny the Court and me knowledge of what he provided. This is all nonexempt data, as internal FBI records state, so anything Kilty then provided should have been provided in this instant cause.

273. Bearing on the FBI's and Kilty's intent, the NAA printouts were withheld from all Congressional investigations. Kilty testified on deposition that nobody had ever received these printouts and, specifically, that Congressional committees had not.

274. Not until July 11, 1981, did I finally receive what the FBI describes as all the NAA printouts in the JFK assassination investigation. Actually, most are not included in what then, that belatedly, was provided. There are none of the printouts related to the testing of the paraffin casts about which the defendants made so big a thing in 1975. While I do not want these paraffin cast printouts, they are not accounted for and I did not get all the printouts.

275. Examination of the printouts provided raises still new questions about the FBI's testimony pertaining to Q15. Not fewer than three of the unassembled tapes appear to pertain to it and at least one seems to reflect a separate sample. Because the tapes are unassembled and in the total absence of any explanatory material I have no way of knowing. Counting the pages provided leads to more questions. The copy of the Q15 printouts provided on deposition are on letter-size paper. Those provided on July 11 are on legal-size paper. There appear to be more legal-size pages. This indicates that what was provided during the deposition is incomplete. No reconciliation of any differences was provided.

276. If, as both Kilty and Gallagher tried to suggest, the NAA testing of Q15 was valueless, there is no apparent reason for more than one tape. And if by chance this testing was no good, there is no note reflecting this on any of the tapes.

277. However, the FBI and Gallagher did this with another specimen when it believed the result would not be good. On that printout is handwritten, "May be no good (illegible) went down Just before discharge." (Exhibit 51) If Gallagher and the FBI could note the mere possibility that any sample might not be good, it certainly could - and should - have noted that Q15 was no good, if that was the case. As of today no single FBI record provided reports that the Q15 test was no good.

278. If I was provided with all NAA materials, then the FBI went to all this travel, trouble and expense only not to make and keep any comprehensible records at all. Not one has been provided. It makes no sense to conduct these tests and then have no meaningful report on them, particularly not when the FBI

was the investigative arm of a Presidential Commission. It also makes no sense to conduct these tests and have what the FBI knows of them stored away in the mind of SA Gallagher. He is mortal. He would retire. He would, in time, die and then the FBI would have naught of this in its "open" case on the assassination of the President. If the active-duty Gallagher were the same as the deposition Gallagher, trusting anything at all to his memory would be the extreme in foolhardiness. He was blessed with almost total nonrecall and he had the gift of a stagemaster's talent for physically conveying the agony he wanted it believed his failed memory caused him.

279. The Q15 mystery now is even more complicated because, according to Dr. Vincent P. Guinn, who was the House assassinations committee's NAA expert, Q15 no longer exists. Guinn is the preeminent expert recommended by the AEC, forerunner of the present codefendant, but he was strongly and successfully opposed by Gallagher and the FBI. Kilty testified that he had no knowledge of the disappearance of Q15. However, FBI internal records include the statement attributed to Gallagher that he had destroyed all specimens subjected to NAA as radioactive trash - which they definitely were not. More on this appears below under "Specimens."



V. OTHER SHOTS, OTHER TESTS

280. If more than three shots were fired during the assassination, then the failure of the FBI is the greatest in its history. Failure hardly describes the situation because the FBI is the nation's preeminent investigative agency and it was investigating the most serious and most dangerous of crimes, the assassination of a President, or the overturning of our system of society. If any other shot was fired and the FBI knew and suppressed that knowledge, then that is entirely unprecedented in our history. It would be an unprecedented scandal. It would amount also to a subversion by a government agency and it would inspire rumors that the agency itself was involved in the assassination. If there is only reasonable suspicion that another shot was fired, the situation is of similar but of slightly less magnitude in its unprecedented and scandalous nature. And, of course, when it was not possible for any experts to duplicate the shooting attributed to Oswald or the penetrating power imputed to his alleged rifle and bullets, which really means that the crime was beyond the capacity of any one man and thereby, to the FBI's knowledge, a conspiracy, then any other shot removes any possibility of doubt that there was a conspiracy to assassinate the President and change the government or its policies. It boggles the mind to even think it is possible for an agency like the FBI to cover up any information about a crime of this character, the most important investigation in its history; and it provokes wonder if any President is ever really safe, particularly in the making of decisions he may believe may be unpopular. The FBI could have much to hide today.

281. There were reports of other shooting. The FBI made tests associated with these reports of other shooting, but to this day all information pertaining to these tests remains withheld in this instant cause. The withholding is not accidental. The virtual zero possibility of this is reduced even more because I am associated with information pertaining to two such reports in the FBI's own records. I reported one in my second book, the one with the references to the Lab over which it cooked up the plot to "stop" me by a spurious libel suit. I also gave the FBI a fired bullet found in Dealey Plaza, one I believe was a grim hoax.

282. The reported fourth shot in my second book is referred to in FBI files disclosed to me as a result of the above-cited other FOIA litigation but remain still totally withheld in this instant cause. Because these are all reported in the very files Kilty swore to having searched, these withholdings cannot be considered accidental.

283. The defendants were aware from the outset that I was aware of tests pertaining to other shooting. Rather than making an effort to comply or stating that the tests performed are not relevant, at the outset of this litigation the defendants actually argued that an FOIA case ends in the womb if any paper at all is provided. Defendants' counsel argued that for me to expect the requested information in an FOIA case at its very beginning, the first calendar call, "is somewhat of a prolongation - - a needless prolongation of this law suit. There comes a time in every action where the matter is compromised or disposed of by the Court, and we would submit that that time has been arrived at in this action." (May 2, 1975, first calendar call, pages 8-9) Because my interrogatories referred to other such tests, the argument of defense counsel began with, "if there were additional tests performed."

284. This argument and this position represent what within my considerable experience is the major cost of FOIA to the government - the time and money it wastes in an effort to frustrate the Act and requesters of public information. Here it argued that before the case began and even if pertinent information was known to exist and was withheld, the case was over and the requirements of the Act and the intent of Congress were satisfied.

285. The Court was misled by defendants. The Court was led to believe that "everything in the way of a test" is within the request and was disclosed. This is reflected in what the Court stated, referring to affidavits to be provided:

These affidavits are on personal knowledge. The person in charge of the FBI laboratory, or the AEC laboratory, can state categorically that everything in the way of a test that they have made has been submitted; that no further tests have been submitted (sic) ... (pages 10-11)

The heads of the laboratories did not provide such affidavits and to this day there is no affidavit stating that there were no other tests. The fact is that

as of today there are records pertaining to tests that remain withheld in this instant cause.

286. Although the Court expected the first Kilty affidavit to be on personal knowledge, it was not, as my counsel, without contradiction, stated on May 21, 1975 (page 4). Although the Court had expected the defendants' affidavits to state unequivocally that there had been no other tests, as quoted in the immediately preceding Paragraph, this was not the case. As my counsel stated (page 4), "it does not appear to be made on personal knowledge with respect to .... the very important statement that no other tests were performed."

287. On deposition Kilty gave the impression that there were no other tests and no other records, as he had in his affidavits. Frazier, who was a firearms expert, restricted his response to the area of his expertise, even though he was in a liaison role with the Commission and even though he testified to information outside his area of expertise. He was asked if at any time subsequent to the issuance of the Warren Report there had been any other testing or any reexamination of any evidence in the Laboratory. He replied, "Nothing in the firearms identification line." (Page 72) Unless the tests itemized below do not include any "firearms identification," his testimony is false. As will be seen, there was other firearms identification testing.

A. Additional Shot Reported by Rex M. Oliver - Test Performed

288. Rex M. Oliver, an employee of the Texas Highway Department, found a bullet while working on a road project near the scene of the crime. (Exhibit 52) He reported it to his engineer, who believed it could be the "missed" or curbstone bullet because "it was found in 'just about the right spot.'" Oliver gave the bullet to the Dallas field office (Dallas file 89-43-8869. This is its assassination file), which forwarded it to the Lab with the request that it examine and report on its examination.

289. There was an earlier teletype from Dallas to FBIHQ and five days later a teletype to Dallas from FBIHQ.

290. This exhibit is from FBIHQ's assassination main file, one of those Kilty stated under oath that he searched with more than usual diligence. It is Serial 6786. He did not provide it or any of its attachments or other pertinent

records. These records do exist. Kilty also testified that all the Lab's JFK assassination records are in two file cabinets and that he searched them. If the file cabinets hold what Kilty said they do, these records are in those cabinets.

291. This test, of Specimen Q629, also C329, should appear on the Lab indices of specimens and tests. It has the number PC-B4970. This number was stamped on the Gemberling report from Dallas which forwarded the bullet. It is typed on subsequent records. The Lab also had its own copy of this Gemberling report because this is stamped on the central files copy, "Copy & spec retained in Lab for Lab action and report." The Lab sent a report to Dallas but the examination reported was ballistics only. (This alone establishes the untruthfulness of Frazier's testimony quoted above.) The non sequitur that concludes this report is the standard FBI line, unless they could connect something with Oswald or the rifle, it was of no value: "... this bullet is different from any ammunition examined in the assassination case and could not have been fired from the assassination rifle." The FBI immediately assumed Oswald's lone guilt and then ignored any evidence indicating the error of this unproven assumption. All the circumstances of and all the information about the shot that struck the curbstone is that it could not originate from where the rifle was found. The FBI ignored it to the degree possible and suppressed it from its five-volume report.

292. Visual examination alone told SA Cunningham, who made the examination, that this bullet was much too large for the rifle. If any testing was to have any meaning, it would have to have been a compositional analysis and comparison with the other compositional analyses already made. Without this there is nothing but a presumption that this bullet could not have been connected with the crime. Compositional analysis might have shown the opposite. What testing Dallas wanted is not specified, but it did not need the Lab's services to know that the bullet was much too large for the rifle.

B. Additional Shot Reported by Eugene P. Aldredge - Test Performed

293. In my second book, which was published about December 2, 1966, I brought to light unpublished FBI records pertaining to another shot reportedly fired during the assassination. The report was by Eugene P. Aldredge. I found



the FBI reports in the Commission files in the Archives. As stated above, the FBI read my second book with some care. This book was studied closely in the Lab and in the Legal Counsel Division in connection with that scheme to "stop" me over what I published about the Lab. This book also called the Aldredge shot report to the Lab's attention.

294. Many records pertaining to this shot are included in the FBIHQ main files. A selection of them follows.

295. Aldredge's first knowledge of this shot came from TV reporting at the time of the assassination. The FBI did locate the scar that Aldredge reported and the Dallas agents believed it could have been made by a projectile. However, as I can also attest from personal examination, this scar presented a problem to the FBI's preconception of the crime: "it could not have come from" the so-called Oswald window. (105-82555-5169. A copy of Serial 5169 was routed to Shaneyfelt in the Lab.) However, it did line up with a missed shot at the Presidential car fired from elsewhere. The scar is on the sidewalk south of the TSBD, in line with its western end.

296. Stamped on Serial 5256, which originated in Dallas, is "Copy & specs retained in Lab for action and report."

297. These reports should have surfaced in any search. My second book also called them to the Lab's attention. Defendants had still another way of knowing about these tests during this litigation. Because the records I obtained from the Dallas files pertaining to them are incomplete, I filed several appeals. The first included the records referred to below. When I received no response, not even an acknowledgment, I filed a reminder appeal, with a Dallas record attached, on November 25, 1979. It, too, remains ignored. The defendants were were aware of all of this long before Kilty was deposed.

298. When the Warren Report was issued, Aldredge asked the FBI how it managed to miss the shot that struck the sidewalk near the TSBD because it had been covered by TV at the time of the crime. When FBIHQ told Dallas to look into this, it confirmed that there was the four-inch scar that Aldredge reported and it was where he reported it to be. (Exhibit 53) As usual, Dallas emphasized that

this could not have been caused by a bullet fired from the so-called Oswald window. (page 2, paragraph 1) Four days later FBIHQ told Dallas to look into this further. (page 3) The Lab by then was well aware of this, if it had not been informed earlier, because a copy was directed to the Assistant Director in charge of the Lab, Conrad, attention of Shaneyfelt, the curbstone expert.

299. Dallas scraped a specimen from the scar and sent it to the Lab, requesting a report. (Exhibit 54) The FBIHQ copy from the Oswald file has the stamp reporting a copy and the specimen were kept in the Lab. A handwritten notation identifies the specimen as Q618. This, of course, should appear in Lab indices and lists, in addition to reports remaining in Lab files.

300. This sample sent to the Lab for testing was shuttled back and forth, according to a record I found in the disclosed Dallas files. (Exhibit 55) This is the FD 340 evidence envelope referred to above on which chain of possession information is posted, despite the FBI's refusal to provide this kind of information in response to interrogatories.

301. When this specimen was sent to the Lab, Dallas marked the not-to-be-returned box on the FD 340, but the Lab returned it. Two years later the Lab phoned and wrote, asking the return of the specimen. (Exhibit 56) Again, the Dallas response was directed to Assistant Director Conrad.

302. Exhibit 55 states that the Lab returned the specimen three weeks later. The description on the FD 340 reflects the pertinence of this testing. It reads, "Scrapings from alleged 'bullet' scar on sidewalk of Elm St. Dallas, Texas, at scene of assassination." The FD 340 held an envelope which is labeled, "Box containing material from sidewalk."

303. Aldredge phoned me when I was in a radio studio in Dallas with a group of reporters, including the man who later became mayor of Dallas. Aldredge then informed and later wrote me that shortly after he spoke to the FBI he took a friend to see that scar and that they then observed that "a crude attempt had been made to make the altered mark appear weatherworn to match the surrounding concrete." (Exhibit 57) Another Dallas report (Exhibit 58) of the same date as Exhibit 54 confirms Aldredge on this. Page 2, paragraph 4, marked in the margin at FBIHQ, states that when the Dallas agents rechecked, after Aldredge told them

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of the alteration of the scar, "it was noted that there is now some sort of foreign material partially covering this nick in the sidewalk. Scrapings were taken and are being sent to the FBI Laboratory ..." The second scraping means other tests not provided. The agents also report that this attempt was made after September 30, 1964, when their inspection "did not disclose such a filling."

304. The Dallas Morning News' assassination expert is investigative reporter Earl Golz. His reporting has received international attention. After this case was filed, he asked the Dallas FBI for the results of the Lab examinations on the scar reported by Aldredge. (Exhibit 59) While ordinarily federal agencies provide public information to the press, Golz was refused by Dallas. It referred him to FBIHQ. This and specific citation of the information sought were known to the FBIHQ FOIA section because there is the added notation on this FBIHQ 62-109060-7136 record stating, "cc retained by FOIA Section."

305. The testing of the specimens sent by Dallas as the result of what Aldredge reported should at least include compositional analysis. My request is for compositional analyses. I have not received a single piece of paper from the FBI in this instant cause in any way related to the Aldredge report and any of the testing performed as a result of it. This cannot be because the defendants were not reminded with specificity because I did file several appeals, which remain ignored after several years.

C. Additional Shot Reported by William A. Barbee - Test Performed

306. William A. Barbee was prompted by the Life magazine article referred to above to give the FBI a bullet (Dallas referred to it as a "cartridge") "found embedded in the roof" of a building Dallas described as "approximately 1/4 miles from the" TSBD and "in the general line of fire from where OSWALD allegedly shot." Dallas sent this report and the specimen to the Lab for it to examine and "compare with previous bullet specimens" submitted. Dallas did not specify what comparisons, but meaningful comparison includes compositional analysis. (Exhibit 60 is a "bulky" collection of Lab records which are Serial 5898 in the FBIHQ assassination file.)

307. Exhibit 60 includes the envelope/evidence slide made by the Lab, marked as "evidence" and "do not destroy" and the pill box holding the specimen.

The Lab's internal memo notes four different copies for the Lab, including one to Frazier who swore there were no such examinations, and one for what Kilty swore did not exist, "Lab Files." Notations added identify the specimen by various Lab identifications, including Q614, C327; PC-A3161; JQ-BX; 3B-GX. These were not destroyed to "save space" and it is a wonder that in his searches Kilty did not fall over these and the other existing pertinent records.

308. Next is a Lab worksheet. It says that the examinations were made by Frazier, who swore otherwise, and Bidez. The examinations noted are Firearms (G&A)-Micro, "PorC" and another illegible handwritten notation. The bottom of this page has the warning, "Do not destroy." Several other Lab notations appear on the next record, a Lab report to Dallas saying that the Lab is retaining the specimen temporarily. Frazier also wrote this and the accompanying examination report. It admitted that a ricochet is possible. Frazier concludes with the broken-record irrelevancy, "The bullet could not have been fired in Lee Harvey Oswald's" rifle. Frazier earlier sent the same information in a teletype.

309. An internal Jevon-to-Conrad Lab memo, written by SA Marion Williams, who provided the deceptive, misleading and irrelevant affidavit in C.A. 2301-70, chants the same litany, "It could not have been fired in the assassination rifle owned by Oswald." The four Lab copies of this also include the allegedly nonexistent "Lab Files." (Exhibit 61)

310. After FBIHQ phoned Dallas to try to make out a further case that this bullet did not figure in the assassination, something more than not fitting in the Oswald rifle, Dallas perfected another irrelevancy, again based on the shot coming from the so-called Oswald window of the TSBD. The place where Barbee found the bullet is to the north while that window was on the south side of the TSBD. The demon Dallas investigators could not visualize an investigation in which a shot came from anywhere else. Since then the investigation by the House assassinations committee did conclude that a fourth shot did come from elsewhere.

311. If the Department meant what Kilty and its counsel represented at the Kilty deposition and if it meant what it told the Court and the Court repeated, as quoted above, even if these examinations did not include compositional



analyses, I should have received them because I was to have been given everything. The request is for what figured in the investigation, not what was within anyone's theory of the crime.

D. Additional Shot Reported by Richard Lester - Test Performed

312. The shot reported by Richard Lester was much in the news because he reported it after the House investigation was getting attention and because of his hobby. He spent years of spare time using a metal detector at the assassination scene, particularly the area of the missed shot, known as the Triple Overpass. Dallas 89-43-9928 reports the forwarding to the Lab of the bullet Lester dug up from a point on the railroad tracks that is consistent with a missed shot from the TSBD. The Dallas FBI referred to it as a cartridge, but it is a fired bullet. Dallas delayed sending a Letterhead Memorandum because it had received no report back from the Lab. After waiting 40 days, it sent an LHM, with an airtel. The LHM is the interview report. The airtel notes special distribution, including to the Congressional Inquiry Unit. (62-109060-7620) No records pertaining to this Lester shot report have been provided in this instant cause.

E. Bullet Allegedly Found by Melvin Gray and William Koye - Test Performed

313. Because two college students claimed that one of them, William Koye, had found an unfired bullet where New Orleans District Attorney Jim Garrison claimed an assassin had been lurking behind the picket fence on the Dealey Plaza grassy knoll, there are quite a few records pertaining to this matter in FBIHQ assassination main file. Houston forwarded the bullet to the Lab (62-109060-6271) with a request for appropriate examinations. "Frazier" is written across the face together with Lab numbers, not all legible. One is PC-A5239, with 5a under it and bracketed alongside BX and JH. A stamp says that the Lab has a copy and the specimen. The specimen number is Q628 and C-328. Frazier wrote the report, another one of those examinations he swore were not made. He reached the standard non sequitur, the predictable conclusion, "The submitted cartridge could not be loaded into and fired in Lee Harvey Oswald's caliber 6.5mm. Mannlicher-Carcano rifle." No copies of any records have been provided in this instant cause. Distribution of the report included the Secret Service and the Department.

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F. The FBI Disclosed Some of Its Real Reasons for Denying Me Public Information

314. The FBI has paranoidal and baseless suspicions about me. These, articulated by the Lab, state a reason for wanting me not to have information. These records also are in the Lab and if nobody primed Kilty, his searches should have disclosed this FBI policy of not complying with the Act with regard to me. The records that follow are from the FBIHQ's assassination main file. They were not provided in this instant cause.

315. As my letter offering specimens to the FBI states (Exhibit 62), the friend who found a bullet in Dealey Plaza was not without some expertise. This is confirmed in the other attached FBI records, particularly the one with information it went out of its way to say I should not have. Because the condition of that bullet so closely resembles the condition of Bullet 399, my friend was prompted to determine whether he could duplicate Bullet 399. He did. It is one of the specimens I offered the FBI.

316. Paranoidal Frazier did not disclose, even to the Baltimore field office, what examinations he performed. (Serial 6983, Exhibit 63) As this record states, the FBI departed from its policy and practice in such matters and did not file its report even with the field office which provided the specimens, in this case Baltimore. The ostensible reasons for wanting me not to have any information are stated as my alleged background and its sick suspicion or fear that I might in some way claim that the FBI was cooperating with me. The FBI distorted when it did not lie outright about my alleged background. I was never a Communist. If these people were not so sick, they would have realized that if I had had any such desire or intention, their failure to inform me about the testing and the extraordinary effort they exerted to see that I had no written record provide more than is needed to charge the FBI with suppression of evidence. Neither my friend nor I had any such interest. The FBI saw to it that I would not have any communication from it by having a Baltimore agent hand-deliver the returned bullet.

317. There is no mention in these records of the fact that Bullet 399 was duplicated. Obviously, the ease with which another fake was made is not without significance, but Frazier pretends that this has no significance. The

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red-baiting, a Hoover and an FBI favorite dirty trick, particularly in secret where it could not be rebutted, was an effective way of effecting a turnoff. It was expected to justify any FBI offense. This includes, as the initialings on the General Investigative Division's note reflects, in addition to Director Hoover and not fewer than four others in the FBI's top command, Clyde Tolson, who ranked next to Hoover, and at least three assistant directors. This memo indicates there are other records.

318. The Lab letter to Baltimore, by Frazier, is another of the many illustrations of his untruthfulness on deposition. It says little more than what I told the FBI to begin with. Frazier's concluding paragraph says of me that "we do not want him to be in a position to state that the FBI was cooperating with him in this matter," and as part of this "the examiners (sic) notes are being retained in the Laboratory Files with other similar material." This states again that the Lab had its own files and that similar materials within my request were known to be there five years before Kilty's supposed searches.

G. The FBI's Own Records Establish That It Did Not Make Good-Faith Investigation With Regard to Any of the Reported Other Shootings

319. It is conspicuous that in each of these once secret reports of other shooting during the assassination, the FBI never once displayed any genuine investigative interest. Its own records are clear on this and on its attitude - the Director's preconception was unquestionable, so there was an ordained lone assassin. If the reported shooting could not be associated with the allegedly used rifle, it was, as predetermined, not relevant. That the official solution to the crime was known to be impossible did not make any difference. The Lab's concern, as Assistant to the Director Sullivan wrote, was public relations. It was indifferent when it received proof of what, without doubt, its experts knew, that Bullet 399's condition could be duplicated without its having struck any person. However, the FBI's and the Commission's theorizing require that it cause several wounds and have struck bone, which does mark bullets. But Bullet 399 was unscratched. When the FBI received an additional fake 399, retrieved from the scene of the crime, it was not concerned about either the ease with which Bullet 399 was faked or why a fake was planted at the scene of the crime. It was concerned, irrationally and unreasonably, about what never entered my mind, that

I might make some effort to claim it was assisting me.

320. These are not the only reportings of other shots. These are those where FBI records not provided in this instant cause establish that there were other Laboratory examinations connected with assassination shooting. These also are records that demonstrate clearly that FBI affiants swore falsely.

321. My second book, the one over which the FBI considered filing a spurious libel suit to "stop" me, goes into some of the other reported shootings and how the Commission and the FBI undertook to downplay them and make it impossible for them really to be considered by the full Commission if it had had that desire. It did have that responsibility.

322. Kilty and Frazier, at the very least, did have personal knowledge of these other reports of shootings and records of examinations pertaining to them. Frazier was personally involved in some of the tests he swore were not made and Kilty swears he went over the files in which these records are. The defendant, also, as stated above, was reminded of some of these tests and the pertinence of withheld records in my C.A. 78-322 appeals. These appeals are so totally ignored they lack even pro forma acknowledgment.

323. There is no evidence produced by the defendants in this case that is not attested to by those who have this clear record of untruthfulness as it pertains to the questions at issue, including about the searches.



NONE OF THE SPECIMENS THE FBI TESTED FOR THE WARREN COMMISSION IS AS IT WAS AND THE FBI HAS NOT ACCOUNTED FOR WHY THERE ARE QUESTIONS ABOUT THE INTEGRITY OF THIS EVIDENCE.

324. If the FBI is to be believed, it removed two specimens from Bullet 399 for testing (one of jacket metal, the other of core) and did not weigh either; and it destroyed all the specimens it subjected to NAA. Kilty claimed not to know it, but Specimen Q15 has disappeared entirely and the FBI could not be more indifferent. Today there are the most substantial questions about the integrity of the evidence the FBI tested, the evidence involved in this oldest of all FOIA cases.

325. Dr. Vincent P. Guinn, of the University of California, was regarded by the AEC as the outstanding expert on the use of NAA in criminalistics. The FBI would not permit Guinn to conduct the NAA tests as the AEC's consultant. Guinn did become the expert for the House assassinations committee. He then testified that the specimens produced for his testing "did not include any of the specific pieces the FBI analyzed. Where they are, I have no idea." Reporters questioned him further about this after the end of the hearing. This was reported in the September 9, 1978, Washington Post by George Lardner, Jr., who was one of the questioners. He added:

Elaborating to reporters later, Guinn said, for example, that he was presented a small container ostensibly carrying all the bullet fragments from Kennedy's brain. It contained two bits of metal, one weighing 41.9 milligrams and the other 5.4 milligrams. Yet, Guinn said, the FBI records showed four other samples from Kennedy's brain, all with different weights. In the same fashion, the FBI data indicated that it had tested three bits of metal from Connally's wrist at Oak Ridge National Laboratories in 1964, two weighing 2.3 milligrams each and another weighing 1.52 milligrams. The container Guinn got ... had two other pieces, one weighing 16.4 milligrams and the other 1.3 milligrams.

326. That the FBI would permit such evidence to become tainted in any way is incredible. That it would destroy any of it and would be entirely unconcerned in reporting casual destruction of such evidence, particularly evidence of this unprecedented historical importance, may appear to be impossible to those holding the FBI in high esteem, but it is the FBI's unembarrassedly self-declared record, a record for which it offers no apology. Whatever explains such inexplicable behavior by an agency so experienced in the handling of evidence, an agency so many of whose agents are lawyers, it cannot account for the unwilling-

ness of the FBI to comply with this request after 16 years and its willingness to obfuscate and swear falsely to both the searches and compliance.

327. It is not only the curbstome spectrographic plate that the FBI now claims it destroyed. Where the FBI provides any explanation for its destruction of evidence, its explanations are palpably false. With regard to some specimens, it offers no explanations. With regard to the core or lead material the FBI removed from the base of the bullet, without even informing the Warren Commission that it had done this, it took much more than was necessary and has not accounted for what it took. The excess is sufficient to provide substitutions for actual specimens and to enable tests that would make it appear that all the lead specimens were of common origin. With regard to the jacket or copper material, the FBI appears not to have performed any tests to determine whether or not they are of common origin. If it did, these results are withheld. It has given untruthful reasons for not testing some copper specimens.

328. The FBI deliberately avoided making and keeping the complete weight records that are necessary for preserving the integrity of the specimens. It says it also did not photograph these tested samples.

329. The FBI has never announced that it destroyed any JFK assassination evidence. Most people would assume that nothing like this did or could ever happen. It has never made any investigation of any of the destructions. In this instant cause it has not acknowledged the destruction of any evidence other than the curbstome spectrographic plate and it has provided no proof of its destruction. While I did obtain some admissions during the depositions, most of what bears on the totally unnecessary destruction of this irreplaceable evidence comes from the FBI records obtained outside of this litigation.

330. There is no chain of possession of this evidence. The FBI did not respond fully and truthfully to the Interrogatory pertaining to chain of possession records.

331. Under discovery the FBI did provide records reflecting prohibitions on the destruction of evidence. Law and regulation prohibit destruction of the records involved in this litigation. Unauthorized destruction of historical case records is strictly prohibited, as is any destruction of any information under litigation.

332. An internal FBI Lab record of June 11, 1979, Clark to Herndon but written by Kilty, relates to the House committee's request for the various specimens subjected to NAA. It says that Gallagher was questioned "to determine the disposition of certain fatal ballistics evidence." (Exhibit 64) It says that Gallagher said "that radioactive metal samples were disposed of at Oak Ridge National Laboratory (ORNL). A review of Bureau files indicates that certain fatal ballistics evidence, namely specimens Q1 through Q5, Q9, Q14 and Q15, were examined ..."

333. Parenthetically, this record also means that, if Kilty had no earlier reason to believe he swore falsely in swearing that Q15 was not tested by NAA and thereby prevailed, he did know by the time he prepared this memo and he never informed either the Court or me of it. He never made any effort to relieve his false swearing. While the Court may not like to be reminded of it, immunity in official false swearing is a major cause of long delays, noncompliance and great and wasted costs in FOIA litigation. This record is one of several proofs that Kilty's false swearing with regard to the NAA test performed on Q15, a specimen that now is destroyed and cannot be replaced, was knowing and deliberate false swearing. His and the Department's failure to relieve his false swearing reflects their contempt and their presumption of immunity.

334. As provided under discovery this record is not full and complete. It is made up of parts of two different records. One is barely legible and neither is complete. Page 2 of the first part quotes Gallagher as saying "that it was his recollection that the lead fragments which were made radioactive were disposed of as 'radioactive trash' at the ORNL. This, according to Gallagher, was the appropriate method of dealing with these radioactive samples at the time." What Gallagher called his recollection is inconsistent with records pertaining to the NAA testing for the House committee and with the entire theory of NAA testing, which measures the rapid speed of the decay of the slight radioactivity to which the minuscule samples are subjected. But even if this were not true, preserving radioactive samples of such small size and great importance presented no difficulty or hazard at all.

335. The minuscule quantities and sizes involved are indicated by the

fact that the five samples of Q1 tested by NAA weighed a total of only 17.73 milligrams. A milligram is about 1/30th of an ounce.

336. Guinn outlined his NAA procedures in an August 19, 1977, letter to the House committee. (Exhibit 65) In it he referred to the radiation to which the minuscule samples would be subjected as "quite low, and soon declines to a negligible level, so the activated samples can be returned to the Archives quite safely." In fact, according to the report of the GSA's Director of Preservation Services Division, James L. Gear, (Exhibit 66) this was done the next day with complete safety.

337. It thus appears that if the samples the FBI tested by NAA were destroyed, they were not destroyed because they were "radioactive trash" or because not destroying them created any kind of hazard - except, of course, to the FBI's "solution" to the crime and the credibility of its investigation and investigative methods. If any of the material was destroyed, at any time for any reason, the FBI has not produced a single contemporaneous record relating to it or any request for permission to destroy anything. It does not appear to be normal practice for an agency like the FBI to destroy vital evidence without having some record of the destruction and of the reason for it.

338. Parenthetically, both Guinn and Gear confirm my prior affidavit in which I allege that Gallagher's statement that he did not make any test at all of the unfired bullet found in the Oswald rifle cannot be for the reason he testified to, to preserve its historical value. This is not, historically, the most important specimen in any event. But as I stated, there was no danger at all from the test. This is the test that the AEC's director of isotope development considered most important of all. Gallagher, who did not make that test, also denounced him - after he was dead. Gallagher, whose display of the most imperfect of memories was virtuoso, claimed he had been ordered not to test this specimen but no record of any such order has been produced in this case and none appears in any of the records I obtained by other means. There is no reason to believe that any such record exists or existed or that any such order was given for the stated reason. The Guinn-Gear account of how this was done is exactly as I informed the Court it would be done, by "pulling" the bullet. I also provided an



example of a pulled bullet to show the Court. Guinn used a very fine drill on the pulled bullet and then reunited it with the cartridge case, leaving no visible evidence of the removal of the tiny specimen he took and not impairing either the historical or evidentiary value of the bullet.

339. In sharp contrast with the FBI, the supposed expert on evidence and its preservation, Gear took a total of 56 photographs of the entire operation. Of these, nine were of the pulling, drilling and reuniting of this bullet.

A. Magic With the Magic Bullet

340. Going along with these untruthful and incredible explanations of the claimed destruction of the lead specimens submitted to NAA and the lack of any pertinent record is the lack of any explanation for taking the overly large sample from the base of Bullet 399. Failure to make jacket material NAA tests is not explained by Kilty's pretense that it would destroy ballistics evidentiary values. The inside of jacket material has no barrel marks and the copper alloy jacket material can be drilled as Guinn did with Bullet 399. Jacket material tests could and should have been made.

341. All efforts to learn the weight of the samples removed from Bullet 399 have been rebuffed. On deposition Frazier testified that he weighed this bullet only on receipt of it, not after the samples were removed. The Archives also refused to weigh the bullet when I asked, claiming that would require it to do research. The late Dr. John Nichols, forensic pathologist of the University of Kansas Medical Center, wrote FBI Director Kelley, SA Bresson and Appeals Director Quinlan Shea in an effort to learn how much had been removed from each specimen. (62-109060-7188) His telegram asking for this information was ignored. He finally got a letter in which Bresson said that one of the weights were recorded, not of the samples removed and not of what remains of the specimens after sampling.

342. Because the House assassinations committee has disclosed the present weight of Bullet 399 (unless there has been more tampering with it), a reason for the reluctance to disclose its weight is apparent: the overly large sample removed could supply minuscule samples to replace the actual specimens and then, on testing, all would test identical with Bullet 399, from which all

would come. The sample removed is not accounted for in any records I have seen. Later the Archives did weight it at least twice but then did not inform me as under its regulations it should have. It was weighed in 1978. The date of earlier weighing is not stated in this GSA memo. (Exhibit 67) The author of the memo accompanied the evidence, including this bullet, subpoenaed for the 1977 depositions. She did not report its weight, if by then it had been weighed. The depositions were after my request for that information. But even if the bullet had not been weighed, weighing it would not have presented any kind of problem to the government. It would have taken less time to weigh the bullet than to argue about it. Refusal to disclose the weight has caused suspicion.

343. More suspicion accrues from the FBI's claim not to have photographs of the specimens analyzed. It claims it does not even have the negatives of the photographs of the specimens that it did take when it first received them. This is inconsistent with keeping the great amount of junk that remains preserved. Also, those negatives would take up less file space than a single one of the many extra copies of the many consolidated reports from Dallas and New Orleans. Moreover, both offices could provide replacement copies if ever needed.

344. In its listing of the evidence it examined, the House assassinations committee gives the weight of Bullet 399 as 157.7 grains. (Hearings, Volume VIII, Page 365) This weight, the committee says, does not include the weight of a very small fragment. It also does not account for the weight of another fragment that separated in the Archives in the late 1960s but was quite visible. The weight given by the House committee explains agency reluctance to provide any weight. It means that, even without the weight of the visible fragment, the difference in weight from the 158.6 grains when it was first weighed, on receipt by the FBI, is less than a grain, a mere nine-tenths of a grain. This does not begin to account for the weight removed for the initial testing. We do not know how much Gallagher removed for NAA. It could have been all nine-tenths of a grain.

345. As my prior affidavits state, all the doctors who testified before the Commission testified that there was more metal shed in Connally's

wounds than was missing from Bullet 399. All the evidence is that Bullet 399 could not have had the history officially attributed to it. It also disputes the official account of the assassination. This provides motive for untruthfulness in this instant cause and for the withholding of the test records.

346. A grain of weight is extremely light. To make a single avoirdupois ounce requires 437.44 grains.

347. Photographs of Bullet 399, side and base views, are attached to my prior affidavits. When the bullet was received by the FBI, it was slightly flattened and a considerable amount of the core, proportionately, was extruded from the jacket at the base. Frazier testified to the taking of a sample of jacket material for testing. He referred to spectrographic testing only, making no mention of NAA. Frazier did not inform the Commission of the taking of a lead core specimen. As reflected by photographs taken for me by the Archives and attached to my earlier affidavits, the FBI removed all the extruded core material and a relatively considerable amount more, in the form of the inverted cone that is visible in the photographs.

348. On deposition Frazier was asked when he weighed the bullet. He testified that this was before the examination began. (Page 33) Later he testified, "I weighed the bullet before anything was removed from it."

349. He referred to the amount of lead core material removed as "considerable." He testified, "... there has been a considerable amount of lead squeezed out of the back end of the bullet" (page 27) and "... the lead has been squeezed out of the base; it was squeezed out considerably, even more than appears now, because some metal has been removed for examination ... and considerable lead could have been squeezed out of the base." (page 32)

350. The 2.5 grains missing from Bullet 399 at the time it was received by the FBI must, in the official account, include all metal lost by that bullet up until that time. Some is removed by the act of firing, as the jacket is scored by the barrel of the rifle in imparting to it the twist that gives it stability. About 20 percent of the 2.5 grains, or about 0.5 grains, is lost in firing alone. On deposition, when Frazier was asked about this, a matter to which he should have testified before the Commission but did not, he refused

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to testify. He was asked, "How much weight would have been removed from that (bullet) in firing?" (He also should have told the Commission this but he did not.) Before he would respond, he demanded, "you ... pay extra witness fees," over and above the prescribed fees which I had paid in advance. (Page 32)

351. Frazier was asked, "Suppose the material removed from the bullet ... for scientific examination ... and the loss ... in firing, exceeded two and a half grains?" The 2.5 grains is the total loss of weight of the bullet before the removal of samples for testing. Frazier's reply was, "Oh, I'm sure it did. I'm sure it did; they took more than - they probably took that much, two and a half grains, out of the bullet in the spectrographic analysis." (Pages 77-78)

352. Frazier thus testified that the FBI removed all that is missing from Bullet 399. In itself this destroys the official account of the assassination and explains why information is withheld and proper searches are not made. This is why the weight was not disclosed.

353. Kilty testified to the minuscule samples required for the tests - for NAA, "less than a milligram," and for spectrographic analysis, "a few micrograms." A milligram is 0.001 of a gram or 0.0154 of a grain, with 28.349 grams or 437.44 grains required for one ounce avoirdupois. A microgram is a millionth of a gram. These are almost invisible quantities. All that was required for the examinations could have been flaked off the extruded core material of Bullet 399. Instead of taking only the tiny amount needed, the FBI removed enough so it could claim that the bullet could have been the source of all the metal deposited in the victims.

354. It is apparent that if the FBI makes full and honest disclosure what it will really be disclosing is the fact that it did not investigate this terrible crime but instead whitewashed and covered up in accord with Director Hoover's preconception, the imaginary solution he dreamed up before the FBI made any investigation, the solution he then foisted off on officialdom and the world.

355. The Commission was aware of this early on. At its January 23, 1963, executive session it decided that prior to investigation, before its first hearing, Hoover wanted it to "fold our tent" and go home and to say he had done all that was to be done. It is significant the Commission decided to destroy all



records of that executive session. It overlooked the stenotypist's tape and under FOIA I obtained a transcript of it.

356. Frazier also confirmed another detail of my earlier affidavits. The FBI did not make any test on the residues on Bullet 399. When there was doubt that it could have had the history attributed to it, it was important to know whether any blood or human tissue was on it. The FBI did not make that kind of test. When Frazier was asked, "Is it possible to detect human residues on a projectile which is removed from a body?" he replied that "it's been done for years. Yes." (pages 20-21) When the FBI had a chance to prove that the bullet had been inside a human body, if it had been, the FBI refused to make the test of which it knew.

357. Going along with this, the FBI refused to perform the most necessary spectrographic analyses, quantitative analyses. In this limited sense, by persevering and deposing Kilty, I was able to do in 1981 what the appeals court said should be done in its No. 75-2021, establish the existence or nonexistence of the information sought. The only available evidence bearing on the FBI's refusal to do quantitative spectrographic analyses comes from Kilty's deposition and he testified that those examinations were not made.

358. It is not only with regard to the weight of the specimens taken from Bullet 399 that the FBI created questions that should not exist. No weight for the specimen Q15 is recorded in any record I have seen. Where other weights were recorded, as in Exhibit 64, Q15 is listed but its weight is not given. It is possible that the weight was recorded, however, and is withheld. Kilty was asked, "did you search for any other records relevant to" the Q15 NAA test, after remand. His reply was, "No, I did not," which is one way of reflecting concern and respect for the court of appeals.

359. Measuring the weight of Q15 presented no problem at all. It was of measureable weight. It was kept in a regular pillbox, a photograph of which is in Part 8 of 105-82555 (EBF). (Exhibit 68)

360. When Kilty was asked about the disappearance of Q15, he claimed not to be aware of it. He did admit to having heard at least some of Guinn's testimony. He said nothing of what he read. Even though NAA, to his knowledge,

does not consume the specimens, Kilty tried to pretend that Q15 had been consumed in it. His scientific basis was, "anything is possible." In the end Kilty did admit that, as of the time of the NAA of Q15, "there was something in there. (pages 75,77,79,80) This seems to indicate that destruction was after NAA was performed.

361. Withholding the weight of @15, destroying it when it cannot be replaced or duplicated, and the repeated false representations about it, serve the same purposes as all the fudging with the weight of Bullet 399 and the specimens removed from it - to enable a dubious if not knowingly false account of the crime to be inflicted on the country and to make much more difficult if not prevent checking up on the FBI with regard to that particular evidence.

VII. "SIMILAR" ALONE AS THE STATED RESULT OF SPECTROGRAPHIC EXAMINATION IS A DECEPTION DESIGNED TO HIDE THE FACT THAT THE FBI DID NOT PERFORM THE MORE IMPORTANT SPECTROGRAPHIC TESTING

362. In my earlier affidavits, which are not rebutted, I stated that for the FBI to say no more than that two samples of lead compound are similar is, for practical purposes, an admission that they are not the same. This is now confirmed by Kilty. Yet the FBI never told the Warren Commission that any of the specimens it tested in the JFK assassination investigation were other than merely "of similar lead composition."

363. There is nothing to indicate the shortcomings of the spectrographic examinations in any record disclosed to me in this instant cause. I found confirmation of the FBI's shortcomings in records obtained through other litigation. Bearing on this I found what is quite pertinent.

364. Commission Counsel Melvin Eisenberg was questioning Frazier. The transcript, of testimony that was to be published, was originally classified "TOP SECRET." This classification is bold and black at the top and bottom of page 4423. (Exhibit 69) Eisenberg had asked Frazier several times about "apparent matches." Frazier made a much longer response than the FBI Orwellians permitted to be published. That is limited to "We don't actually use that term in the FBI." What was deleted is "but we use them occasionally to say that some of the marks were similar in nature. They were not sufficient to substantiate an identification. That type of terminology is not entirely accurate, either." What then was not deleted is made into a new sentence, "Unless you have sufficient marks for an identification, you cannot say one way or the other ..."

365. If the FBI had not made this radical change in its expert testimony, it would not have dared represent, with respect to the spectrographic examinations, that "similar" meant a match or common origin identification. Without this Orwellian rewriting the FBI would have underscored the fact that it in fact did not make common source identification in its JFK assassination spectrographic testing.

366. Other records not released in the Commission records, records I did not obtain in this instant cause but did obtain by other FOIA litigation, reflect the fact that the FBI did make the kind of spectrographic examinations

that are required for common source identification. All of this raises the most substantial question of perjury by the FBI agents we deposed earlier in this case and when they testified that "similar" does mean a match. That testimony did deceive and mislead the Court. Its untruthfulness was known to those expert witnesses when they swore falsely.

367. JFK assassination records disclosed after Shaneyfelt, Gallagher, Cunningham and Frazier were deposed gave Kilty no real choice and he testified truthfully, that the spectrographic analyses performed in the JFK assassination investigation are not the tests made for positive identification. Only qualitative testing was done. This merely identifies the chemical elements present. It does not provide the percentage of each that is required for positive identification. Quantitative analysis is required for this and that the FBI did not do. However, it did perform quantitative analyses on the bullets used in the killing of Dallas policeman, J. D. Tippit.

368. The capability of properly performed spectrographic analyses permits more definitive statements than the FBI ever made to the Warren Commission. This capability is covered in the reporting of trials, even in small cities like the one near which I live. In the reporting of a Rockville, Maryland, trial in which an FBI Lab agent gave expert testimony, our paper quoted his testimony that "there are hundreds of different compositions" of lead in bullets, but comparisons he made, between the fatal bullet and those in the possession of the accused, show that all "came from the same batch of lead." I recall no such positive statement in any JFK assassination record or FBI testimony. Yet it is within the capability of quantitative spectrographic analysis.

369. Kilty, when asked about the copies of spectrographic plates belatedly and incompletely provided to me, testified (pages 10-15) that "a strict quantitative analysis could not be done on those plates ... because the standard - - the standards that were used here were not calibrated standards." If calibrated, "the notes that were accompanying them would show what the concentration of the elements were and would measure - - you could have densitometer measurements for each of the lines," or elements. (page 10)

370. Even the examiner who performed the tests "would not be able to



... determine the quantitative results" based on his own testing because it is "too late. You cannot do quantitative analysis on these plates - - strict quantitative analysis." He explained that without "strict" quantitative analysis only what he called a "semi-quantitative" analysis is possible, "for example, one sample has more antimony in it than another." (page 11)

371. The quantitative measurement comes from density measurement. (page 12) If the FBI had done this with the JFK assassination specimens, it would have eliminated any question. Perhaps this is why it did not, and instead we have all the many lingering questions created by the FBI.

372. In limiting the spectrographic testing to specimens that were known, without question, to be bullet metal, performing qualitative tests only disclosed only what was already known without the testing, that the specimens were bullet metal. The FBI knew full well that it could and should have performed the quantitative tests and provided reports on them. Instead, it misled the Commission by using "similar" to mean "identical." The intent to deceive and mislead the Commission and the nation is apparent.

373. The FBI received three bullets shot into Tippit on March 16, 1964. It did not make the spectrographic examination for eight days, until March 24. On March 17 the FBI made vigorous protest when it heard that the Commission was seeking confirmation of the FBI's work by an "outside examiner." On March 26 the FBI Lab teletyped a Tippit examination report to the Dallas office, saying that the typed report, with photographs, would follow. In this teletype the FBI Lab referred to the limited spectrographic examination as I do not remember its ever once referring to JFK assassination evidence. It said that the bullets were "qualitatively similar." The Commission was not told of the limitations of qualitative testing in any of the JFK assassination records I have obtained from its files. Although at least one assistant counsel was aware of the distinction, I have not seen any Commission record referring to quantitative analysis.

374. A series of Lab records was generated on March 27, three days after the spectrographic examination. In a Jevons-to-Conrad memo written by Gallagher (62-109060-2845), <sup>Exhibit 70</sup> it is stated that the fragments from the President's

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head are "composed of the same chemical elements" as those found in his limousine. This actually says no more than what was known, that the fragments are of bullet metal. (Earlier Jevons drafted a letter to the Commission (105-82555-1904) in which he postulated the wrong evidentiary need pertaining to these small specimens. He said they were too small to be associated with any weapon. The evidentiary need, however, was to associate them with the other fragments. That was not done because quantitative analyses were omitted.)

375. Gallagher that day wrote another Jevons-to-Conrad memo reporting a conversation with Eisenberg, who asked if the Tippit examinations had been completed. Gallagher then says that "Mr. Eisenberg was advised ... the qualitative analysis (analysis for presence of chemical elements) of the bullet alloys had been completed; however, a quantitative analysis (determination of percentages of the chemical elements) had not been finished. Eisenberg replied that he did not desire the quantitative analysis of the alloys at this time; however, if that aspect proved to be of probative value, he would later request that this be done (sic). The Commission was advised of results of the examination by letter of 3/27/64." (Exhibit 71, Serial 2853 in 105-82555, Not Recorded in 61-109060 and 62-109090.)

376. The letter referred to, drafted by SA Courtlandt Cunningham, (Exhibit 72, 62-109060-2823, Not Recorded in both other files) pertains to the bullet used to kill Tippit. Cunningham is careful to state, with regard to each of the two different kinds of bullets used, that each kind is "found to be qualitatively similar" and no more.

377. The typed report to Dallas on this (Exhibit 73) is dated March 31. On the last page there is the identical limitation, "qualitative analysis," with regard to each of the two different brands of bullets.

378. Not having performed the quantitative analysis, when the Commission later asked for "a positive determination as to the particular origin of the smaller fragments," Gallagher said, in the Jevons-to-Conrad memo of July 6, that the examination "does not permit a positive finding or statement ...". He was willing to give what he referred to as probabilities. (Exhibit 74) In a letter he wrote to go to the Commission over the Director's signature on July 8

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(Exhibit 75), Gallagher said they could not "positively" determine which of the smaller fragments came from which of the larger fragments.

379. The FBI was in the clear with regard to the Tippit examination, once Gallagher explained to Eisenberg the difference between qualitative and quantitative examinations and Eisenberg did not want the definitive, quantitative one. But the FBI is not in the clear with regard to its failure to perform quantitative analyses on the JFK assassination specimens or to make a clear record of the different in its Commission testimony or communications.

380. Most of the records cited above would remain unknown if I had not obtained them by other FOIA litigation. The FBI provided no glimmer in the Commission records it permitted to be disclosed or in the records it provided in this instant cause, which did not go to the Commission.

381. The only apparent reason for not performing the quantitative analyses with the JFK assassination specimens is because the FBI had reason to believe the results would not be in accord with the Director's instant divination, which became the FBI's "solution." The more important of these spectrographic examinations, quantitative, appears never to have been mentioned to the Commission or its JFK assassination staff.

VIII. NEITHER HOOVER'S DEATH NOR THE PASSING OF TIME DIMINISHED THE FBI'S DETERMINATION NOT TO INVESTIGATE THE CRIME AND TO COVER UP THE FACT THAT IT NEVER DID INVESTIGATE THE CRIME

382. Those who have not studied as many FBI records on the political assassinations as I have may find it difficult to believe that the FBI would not investigate such crimes with the diligence and persistence of which it boasts. I have examined about a quarter of a million such pages of the FBI's alone and have examined those of other agencies, the Commission and the House and Senate committees. I have conducted interviews and investigated throughout the country and they have been conducted for me by others, amateurs and professionals alike. I have received such assistance from police and sheriff's departments and from other public officials. Unimaginable as it may seem, it is the fact that the FBI, from the first, avoided investigating the crime itself. It continues to avoid real investigation, even when its Director indicates an interest in it. It still has motive for withholdings its records that are not in accord with its pretended solution to the crime or that reflect the inadequacies of its investigations. Records the FBI did not expect to be seen by outsiders when they were generated leave this without doubt. In one instance in what follows I attach what the FBI deliberately avoided even when the Director sent it to obtain that information.

383. Hoover's instant vision/solution is recorded in a number of long memos he wrote, covering his conversations the day of the crime with high officials outside the FBI. These memos were addressed to his highest-ranking assistants. Among those to whom he conveyed his instant solution is the Director of the Secret Service. Others whose conversations are covered in such memos include the Attorney General, his Deputy and White House officials. One of the more revealing Hoover records was written not by Hoover but for him, by his close assistant and de facto director of propaganda, Cartha DeLoach. DeLoach's Division had the Orwellian title, since abandoned, of "Crime Records." It is an eight-page single-spaced memo on the meeting with author William Manchester into which DeLoach had talked Hoover. It includes Hoover's personal account of the day of the assassination.

384. One of the means by which the defendants prevailed in this case before the Congress amended the Act was by claiming what is not true, that the



records were compiled for a law enforcement purpose. A number of FBI records now available state the exact opposite. These include Hoover's, headquarters and field office records.

385. The study of this made by the Dallas office states explicitly that the FBI had no law to enforce. Hoover also told this to Manchester. DeLoach quotes two such Hoover statements on page 2 alone (Hoover also told Manchester that the FBI moved into the case before it was asked to): "The Director advised Manchester that the FBI took this action despite the fact that there was no law making it a federal violation to assassinate the President" and "The Director told Manchester that the FBI immediately entered the case, despite nonjurisdiction ..."

386. Hoover's lone-nut assassin picture, painted in red, was seen clearly throughout the government. It exerted great influence on Deputy Attorney General Nicholas Katzenbach, then also de facto Attorney General. Before the FBI's five-volume report (CD 1) was completed and before the President appointed his commission - before any real investigation had been made or was possible - Katzenbach sought to persuade the President that, regardless of the lack of investigation,

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial.
2. Speculation about Oswald's motivation ought to be cut off ... (Exhibit 76)

387. This record is from Department file 129-11. That file also holds the earlier, handwritten drafts. There is no doubt that the memo is by the man who became the Attorney General of the United States. Before any real investigation and with a crime of the magnitude of the assassination of a President, the defendant's official internal line was that, regardless of fact, the country had to be persuaded to Hoover's lone-nut assassin vision and that speculation should be cut off. By speculation, it soon became clear, the government meant anything not in accord with what it wanted to have believed, its and Hoover's party line on the assassination.

388. In a matter of days only this party line was conveyed to the field agents through the special agents in charge of the FBI's field offices.

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While I have seen no such written indiscretion in the FBIHQ, Dallas or New Orleans files, the Little Rock special agent in charge did spell it out for "all agents." (Exhibit 77) He attributed what he wrote to FBIHQ:

The following teletype was received from the Bureau:  
Following is to clarify reporting procedures.  
OSWALD conclusively established as assassin of President  
KENNEDY. Investigation continuing to develop complete date  
regarding him, his activities ... Communications in his case  
should, therefore, be restricted to information pertaining to  
him and to allegations that a person or group had a specific  
connection with him in the assassination.

389. The preconception could hardly be stated more explicitly or pointedly. The part about co-conspirators was not seriously intended because Hoover had already decided that Oswald was a lone if also red nut. This part had the purpose of covering the FBI from possible criticism that it did not investigate conspiracy, which it did not. As long as the investigation was not of the crime, there was no limit to the paper the FBI was willing to accumulate. Most of its vast accumulation is of irrelevant junk. It provides the statistics that are the FBI's answer to and explanation of everything.

390. The FBI's disinterest in the body of the crime is clearly reflected in the memo to Hoover through the Belmont channel by Alex Rosen, the Assistant Director in immediate charge of the investigation. (Exhibit 78) On the third day after the crime Rosen recommended that the FBI not accept the copies of the autopsy pictures and X-rays the Secret Service offered. Later the FBI also did not want a copy of the autopsy report. The pictures and X-rays the FBI would not look at are basic in any real investigation, as is the autopsy report. They have been the subject of the most intense controversy ever since. The FBI's refusal of the official autopsy report and pictures and X-rays is an overt declaration that the FBI was writing its own script and would not be influenced or deterred by the most basic fact of the crime. The "OK H" written on Exhibit 78 is Hoover's approval.

391. Katzenbach was so gung ho a lone-nut assassin exponent that he phoned Courtney Evans, the FBI's liaison, at his home the night of the memo to Moyers (Exhibit 76) to discuss it. Katzenbach had seen a telegram in which a concerned citizen said "that Oswald must have had accomplices ... because Oswald was not a sufficiently talented marksman to have committed the crime alone."

Katzenbach regarded this - whether or not Oswald was even capable of the crime - as "minutia." This gave the FBI to understand that in avoiding evidence it would have no problems from the Department because "obviously no report can resolve minutia of this kind." Katzenbach cited this telegram, according to Evans, as an example of "the extremes to which the speculation had gone." (Exhibit 79)

392. As the next paragraph of this memo says, the Department was worried because a Texas state investigation was pending and it "may develop some pertinent information not now known." Rather than welcoming any "pertinent information," Katzenbach spoke to Evans about what to do "in an effort to minimize this" possibility, of pertinent information being developed independently. The Texas officials had to be leaned on "to have them restrict their hearing to the proposition of showing merely that Oswald killed the President ..."

393. On that "minutia" of the shooting capability, it turned out that nobody was able to duplicate the shooting attributed to Oswald. The plan to turn off the Texas investigation also succeeded. The Department and the White House ganged up on it. Its small report was of no consequence at all, except that it did as Katzenbach wanted and it praised the federal report.

394. This record also reflects Hoover's paranoia, the paranoia everyone in the FBI had to live with. Where Evans reported that the liberal Abe Fortas, who was to become a Supreme Court justice, defended the FBI to the President, Hoover wrote, "Certainly something sinister here."

395. There was nothing too demeaning for even the highest FBI officials when Hoover's ego, whims or prejudices were involved. It is not merely that nobody dared to disagree with him. They all broke their backs to keep him happy and uncriticized. Whatever was involved, Hoover was never wrong and somebody else always was. This is part of the present motivation for nondisclosures. The cover-up on Hoover took some ridiculous and extreme forms.

396. I had quoted his Warren Commission testimony accurately and I had published a Secret Service photograph which showed that Hoover could not have been more wrong. Because the Director is Always Right, it had to be proven that wrong is right, even when a photograph proved wrong was indeed wrong. The Commission had asked Hoover why Oswald did not shoot as the Presidential limousine

approached the building in which Hoover said Oswald had his sniper's lair. The limousine approached that building on Houston Street. It turned left into twisting downhill Elm Street, where the shots were fired. The best, the easiest shot by far was as the limousine approached on Houston, not after it had passed on Elm. Hoover told the Commission that trees were in the way on Houston Street. Only it happens that there were no trees on Houston but there were on Elm. This is what the photograph shows. The FBI's top brass was equal to this challenge because it was so easy to persuade Hoover that he was always right. There are trees on Elm and in what these officials called "the park," so even with no trees on Houston, if there were trees anywhere Hoover was right and I was wrong.

397. Another such example is the transcript of Hoover's Commission testimony. It was reviewed for him by not fewer than 11 FBI personnel, of whom five were assistant directors or of higher rank. Of these, seven made their reviews "on a word-by-word basis." None of them wanted Hoover's actual words to be published for he fractured the language with each breath. He could not say anything simply. He rambled and rambled, reveling in one after another of the cliches he loved so. Moreover, as with me and the nonexistent trees on Houston Street, nobody was about to tell Hoover that he did not know what he was talking about. The solution to this problem was simple: the court reporter was blamed. In the memo Belmont wrote to Hoover through Tolson, he said that the court reporter "did not record the Director's testimony accurately." The only changes, of course, were "as few changes as possible, in order to preserve the intent and accuracy of the Director's testimony." (Exhibit 80) The court reporter's alleged sins included attributing to Hoover as much as entire paragraphs of what he did not say and omitting entire paragraphs of what he did say. Hoover's "intent and accuracy" were recreated by Belmont and those under him through the direct wire they had to Hoover's mind. Hoover's drivel was deleted and, although it could not all be rewritten, much of it was. His gibberish was wiped out through major alterations, described to him as "few changes." If Belmont's memo is to be believed, that nasty court reporter even put racism in Hoover's spoken testimony.

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398. I do not suggest that these men, FBI assistant directors, inspectors and supervisors, enjoyed groveling and making indecent spectacles of themselves, even when they expected perpetual secrecy. The real situation is that, if they did not crawl and live false pretenses, they would not survive in Hoover's FBI. Survival and all it means, including respected careers and comfortable retirement, also figure in the false, misleading and deceptive representations and the stonewallings in this instant cause. After Hoover died the FBI still had to face its record under him, a record that, as I have presented it to the Court, is without even pro forma denial.

399. There is no reason to expect the FBI to change on this. The FBI did not depart from this position in this instant cause. It did not change it in the processing of the general FBIHQ JFK assassination releases. It is not changed in the continuing Dallas and New Orleans field office cases, now consolidated in C.A. 78-322. It did not change with regard to my other FOIA requests, some of which remain ignored after more than a decade - under a ten-day law.

400. One of the many flaps the FBI is always able to downplay and eventually stifle occurred by accident, during Clarence Kelley's directorship. This flap had its antecedents in two other flaps over which SA James P. Hosty, the Oswald case agent in Dallas, was disciplined. As a result of the 1975 flap, Kelley was surprised to learn that none of the 18 motorcycle cops who escorted the President had been interviewed by the FBI, with the exception of one to whom it later was sent by the Commission for other reasons.

401. For 12 years the FBI had gotten away with this cover-up, with not interviewing the Dallas policemen who had first-hand knowledge. Then Dallas Police Lieutenant Jack Revill made passing reference to what Policeman James Chaney had said. (Revill caused one of the earlier Hosty flaps with an affidavit quoting Hosty as saying that the FBI knew Oswald had a proclivity toward violence. The written threat that Oswald left for Hosty, leaked after the retirement of the Dallas special agent in charge was safe and secure, was destroyed by Hosty, causing the other serious flap.) On September 4, 1975, Revill told an FBI agent that Chaney had never been interviewed and the agent included this in his report.

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This resulted in the generation of many more records than I attach. Even for the up-from-the-ranks Director, getting information was like pulling teeth. The FBI hierarchy stonewalled Kelley as much as it could, and in the end it prevailed. It did not, even after he directed that an inquiry be made, inform him fully or accurately. When finally an explanation was required for the FBI's avoidance of so many first-rate witnesses, it was consistent with the Little Rock memo quoted above: The FBI cared only about Oswald's guilt and did not conduct other investigations. Inspector Malley, who had himself and his own record to protect, "said that, generally, only those persons the FBI knew had information, or were brought to our attention as having information, were interviewed." (Exhibit 81) In fact, as with those policemen and many others, the FBI did ignore "persons the FBI knew had information" because the FBI did not want that information.

402. Dallas recommended interviewing only one of these 18 police witnesses. The General Investigative Division concurred. It recommended this one interview only "in the interest of thoroughness." Orwell could not have put it better, as the following illustrations make clear.

403. Officers James M. Chaney and D. L. Jackson were assigned to guard the right side of the President's limousine. Of all the people in the world, to the FBI's knowledge, they were the closest witnesses on that side, the side of the car in which the President sat. The FBI's claim that it did interview those called to its attention is false, and Chaney illustrates this. Marion Baker, the one motorcycle policeman the Commission had the FBI see, did say that Chaney had made interesting observations. Chaney was so close to the President, as Exhibit 81 states and many pictures show, that at the time he was shot Chaney was only four to six feet away.

404. Chaney told the FBI that its 1975 interview "was the first time he had ever been interviewed officially by anyone regarding the assassination." Chaney also "advised that officer Jackson had never been interviewed, but has retained notes he made following the assassination regarding his observations." (Exhibit 81, page 2, paragraph 1) The recommendation that Jackson be interviewed was "in view of the fact that he has retained his notes regarding his observations during the assassination." (Exhibit 81, page 3, last sentence)

405. What Chaney said he saw was not secret because it was broadcast and discussed publicly in Dallas. It also is included in a record produced by a radio station that interviewed him (KLIF, "The Fateful Hours"). KLIF reporters taped a contemporaneous interview with Chaney in which he said that he had seen the President struck from the front. The FBI just did not want this kind of eyewitness evidence of Jackson's.

406. Chaney also told the FBI that the Dallas chief of police at the time of the assassination, Jesse Curry, "still has the impression that two men were involved in the shooting." One of Curry's reasons for this belief is "a statement made by one of the motorcycle officers at the scene of the crime." (Dallas 89-43-9614; FBIHQ, the facsimile copy rushed to it by wire, 62-109060-7257)

407. Curry is not alone among the top Dallas law enforcement officials of the time of the crime in believing that there was a conspiracy. District Attorney Henry Wade, a former FBI special agent and a crack shot, has always believed this and that the shooting was beyond the capacity of any one man. Chief Criminal Deputy Sheriff Allan Sweatt, who held these beliefs, spent much of a day criticizing and ridiculing the FBI's performance to me. Sweatt, too, was never interviewed by the FBI although the assassination was right outside his office, many of his deputies were eyewitnesses and he collected the first witness statements and the first photographs known to exist.

408. Mysteriously missing from disclosed FBIHQ files is the September 5 follow-up memo to Dallas from the FBI's Inspector General. In Dallas it is 89-43-9508. This is still another indication of the importance of checking field office files, especially those of the Office of Origin, and more particularly when FBIHQ has something to hide. His report coincides with the time Director Kelley ordered that Chaney be interviewed. The Inspector General also said that FBIHQ records indicated that "possibly two other officers ... had never been interviewed." There were 17 others not interviewed.

409. When Director Kelley got the September 16 memo reporting that Jackson had finally been interviewed, he should not have missed the childishness and irrelevancy of the bureaucracy's effort to discourage any further motorcycle police interviews - allegedly because "none have cast any doubts on the

conclusions of the Warren Commission." Actually this is false and is the opposite of what the FBI's own files say. Kelley wrote on the bottom, "How many such officers are there?" Not until after then was he told or was there any record showing that for more than a decade there were 18 motorcycle police motorcade escorts who were not interviewed by the FBI. (62-109060-7345)

410. The FBI's FD 302 form report of the Jackson interview is in FBIHQ files (62-109060-7369). The two agents, whose names the FBI's FOIA censors were careful to obliterate, also were careful not to report anything that Jackson said that was not in accord with the Hoover solution. It is to cover up those who cover up that the FBI withholds their names, not to protect their privacy.

411. The last statement on page 3 of this report is that Jackson "prepared a detailed written account" of what he had seen "and has maintained it in his possession." But this "detailed written report" is not attached. The FBI did not want it on file or to have to confront it. Jackson says the FBI agents did read it.

412. Jackson, a deeply concerned patriot, would not have denied his report to the FBI - if it had wanted it. But with a copy the FBI could not get away with misrepresenting it, as the FBI did do. I had no trouble getting a copy by mail. This copy is faithfully retyped. I added only the page numbers. (Exhibit 82)

413. Jackson gives an excellent account of the motorcade and of popular reaction to President Kennedy, where a hostile rather than the exceptional friendly response was expected.

414. On page 3 Jackson states that he was looking at Governor Connally, after having heard the first shot, and he saw the second shot hit Connally. This is precisely what Connally and his wife have always insisted. The FBI's avoidance of Jackson also avoided the embarrassment of having additional confirmation of the Connallys and their destruction of the official accounts of the crime.

415. Much else that was not known is included in Jackson's notes. His information also is of considerable historical interest. It is information that would have been significant at the time of the Warren Commission if anyone



had really intended a serious investigation of the crime.

416. Jackson was proud of having escorted his President on an earlier occasion. On the day of the assassination he was with the President from the time his plane landed in Dallas until Air Force 1 took off with the corpse. He and Chaney were the first two policemen to reach the hospital. Chaney rushed in for a stretcher and other assistance while Jackson helped remove the injured. Their observation of the wounds would have been important at the time, if serious investigation had been intended. It is deliberate untruth for the FBI to claim that it did interview those it knew had information. It knew of Chaney and Jackson, at the very least, that they had information about the shooting and the wounds. It is precisely because the FBI did not want that information that these two experienced policemen were not interviewed.

417. An enormous amount of paper was accumulated and saved by the FBI. It does not have even the usefulness of garbage, which can be fed to pigs or made into fertilizer. There is no other way of explaining the FBI's refusal to get and file the Jackson report, particularly not in 1975, after the Director's interest. There is no other way of explaining away the FBI's continuing and persistent refusal to interview all 18 of those very best eyewitnesses, the experienced policemen who were in the motorcade.

418. Only the continuing desire to obfuscate, to hide the truth about this terrible crime and to protect the inadequacy and overt dishonesty of the FBI's work can explain these kinds of misfeasances, malfeasances and nonfeasances. Much of the top command of the FBI and its Dallas office were witting.

419. That this and so much else like it could - and did - happen when the FBI was investigating that most subversive of crimes, the assassination of a President, and could thereafter be perpetuated, reflects the need to question any and all representations made by the FBI with regard to its searches under FOIA and its attestations of compliance.

420. Defendant ERDA also has something to hide. It knuckled under to the FBI's prejudices and thus the best expert, Guinn, was not used for the NAAs. It has a partisan and entirely improper record to defend. It subsidized an attack on those citizens who disagree with the official account of the

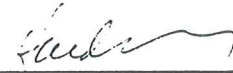
assassination of President Kennedy by an eminent physicist who has a long record of bias and personal involvement. I obtained some of those records under FOIA. They disclose ERDA's payment of his personal expenses in his personal vendetta. The payment of public funds was made even after he made cracks in writing about what Senator Proxmire might do with that information if he obtained it. ERDA paid for the reprints of his writing. This writing and publishing were not in any way connected with ERDA's functions, with energy, with nuclear or atomic research or with anything other than this eminence's efforts to justify his earlier JFK assassination partisanship. This kind of record provides motive for ERDA's untruthfulness in this case. As the case record shows, ERDA blamed some of its untruthfulness on the FBI and Gallagher. It says he misinformed ERDA. ERDA also refused to collate pages it provided to me uncollated. Nobody else can do this. Those individual sheets of tabulations are unidentified.

421. I regret that the amount of information I believe is required is so extensive. I regret also that time and other problems make it impossible for me to edit and condense. Some repetition results. I do not represent that there is no other information pertaining to test results not provided. There is every reason to believe that there are other withheld records. I am limited to what I made extra copies of when I read records as they were provided to me. Other shooting was testified to before the Warren Commission. Several witnesses say they saw bullets hit Elm Street. Those reports were never investigated, and then the street was repaved. Still another reported bullet hit on the south side of Elm Street. It was photographed within minutes of the crime. Deputy Sheriff Buddy Walthers is in these pictures. One of a series of these pictures was published by the Warren Commission, but neither it nor the FBI conducted any investigation.

422. The FBI proves itself to be untruthful and its own files, withheld in this instant cause, prove that it has pertinent records it did not provide and did not even search for after all the remands in this case.

423. This record can justify almost any suspicion about the FBI. By these persisting dishonesties, especially before courts of law, it brings suspicion upon itself. If it has nothing to hide, why does it lie and continue

to hide? Why, particularly after the Attorney General himself represented its historical case disclosures as full disclosures? Why should any unclassified information about the assassination of a President be withheld, under any pretext, unless that information is embarrassing to the FBI?


  
HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 7<sup>th</sup> day of August 1981 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1982.



  
NOTARY PUBLIC IN AND FOR  
FREDERICK COUNTY, MARYLAND

314

SUPPLEMENTARY AFFIDAVIT OF HAROLD WEISBERG

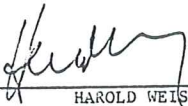
424. The preceding 112 pages were sworn to on August 6, 1981, not August 9.

425. The date of the Kilty deposition is June 19, 1981, not June 16. (Paragraphs 12, 85, 101, 104, 137, 266)

426. In Paragraph 46, reference is to Paragraph 55, not 54. In Paragraph 128, reference is to Exhibit 25, not 24, and the date is 1963, not 1964. In Paragraph 145, reference is to page 130, not 110 of the Kilty deposition.

427. In the penultimate line of Paragraph 74, "and with" should be "after." In the second line of Paragraph 102, "later" should be "earlier." In Paragraph 146, the first line on page 38, "talked to" should be "asked."

428. Paragraph 140 should conclude with "(See Paragraphs 366 ff.)"


  
\_\_\_\_\_  
HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 1st day of September 1981 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1982.



  
NOTARY PUBLIC IN AND FOR  
FREDERICK COUNTY, MARYLAND

315



CA 75-224  
EXHIBIT T



Lillian & Harold Weisberg

Coq d'Or Press HYATTSTOWN, MD. 20734

Code 301 / WA 6-2034; TR 4-4246

RECEIVED  
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DEPT. OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL  
March 12, 1967

RECEIVED

Honorable Ramsey Clark  
The Attorney General  
Department of Justice  
Washington, D. C.

MAR 14 1967  
ATTORNEY GENERAL

129-11  
DEPARTMENT OF JUSTICE  
1 MAR 13 1967  
P.A.O.  
ATTORNEY GENERAL  
OFFICE OF LEGAL COUNSEL

Sir:

You are seriously misinformed. In your today's appearance on "Face the Nation", you said it is the General Services Administration that is withholding evidence in the Kennedy assassination. It is your own Department of Justice in most cases. In no case of which I know is it the General Services Administration, which acts merely as custodian of the archive.

To make this simple and comprehensible to you, since May 23, 1966, I have been trying to see the spectrographic analysis of the bullet allegedly used in the assassination, the various fragments recovered from the codes and the car, and of the windshield scrapings. Your Department of Justice, in my presence, misinformed the National Archives, insisting this document was public. When I established to the National Archives that this is not so, your Department became mute for more than four months.

The guidelines for withholding evidence are public. Not one of the restrictions apply in this case. No normal consideration of national security is involved, nor is there possibility of damage to innocent persons or risk of disclosure of confidential informants. This denial of access to what may not properly be restricted is in violation of your own order of October 31. It is being done by your own department in an exercise of raw power.

There are a number of similar cases I am prepared to document to you. It is past time for the selling of truth. If, as you say, this is all you want with regard to the assassination, I call upon you to enforce your own order at this late date, to require your own department to stop violating it, and to make available to those of us accredited to research in this archive what you have been suppressing.

Other items of evidence have been suppressed and then released in response to public pressure. I hope from now on, with your pledge of dedication to the truth alone, we may expect your department to obey your order, to act in consonance with your expressed wishes, and to release spontaneously what it has been suppressing.

Respectfully,

Harold Weisberg

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CA 75-226  
EXHIBIT 2

GENERAL SERVICES ADMINISTRATION



National Archives and Records Service  
Washington, D.C. 20408

March 24, 1967

IN REPLY REFER TO:

TO: Mr. David C. Stephenson  
Office of Legal Counsel  
Department of Justice

FROM: Archivist of the United States

SUBJECT: Letter to the Attorney General  
from Mr. Harold Weisberg

This is in reply to your memorandum on this subject addressed to Mr. Marion M. Johnson.

The spectrographic analysis report in which Mr. Weisberg is interested is the laboratory report of FBI Special Agent Gallagher, mentioned in the Hearings of the Warren Commission, Volume V, pages 67 and 69. Early in November 1966 we received a request for the spectrographic analysis report from a writer for The Reporter Magazine. Not finding it in the relevant files of the Commission, Mr. Johnson made a telephone inquiry to the FBI Laboratory for any information that might be useful in answering the inquiry. He was told that information concerning the spectrographic analysis was in Commission Document 5, pages 162-194. Copies of these pages are attached. The specific reference to the spectrographic analysis is checked in the margin on page 164.

It happened that Mr. Weisberg also made an inquiry about the spectrographic analysis report at that time. He was told about the FBI Laboratory reference to Commission Document 5, but he contends that the laboratory report of Special Agent Gallagher mentioned in V Hearings 67 had been "considered" by the Commission and should have been transferred to the National Archives as part of the evidence described in the order of the Acting Attorney General of November 1, 1966 (31 Federal Register 13967). There is no indication in the relevant files of the Commission that the spectrographic analysis laboratory report was received by the Commission. We have also had inquiries about laboratory reports on (1) the spectrographic analysis of the metal mark on the curb of Main Street in Dallas (Report of the Commission, page 116), (2) ballistics examination by FBI Special Agent Cunningham of pistol bullets and cartridge cases (Report, page 171-172), and (3) the Zapruder camera (Report, p. 46). These also are not in relevant files of the Commission.

REC 228 8-11

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913

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Other items of evidence that Mr. Weisberg contends should be in the National Archives are copies of the following: (1) a picture taken by Mary Moorman at the time of the assassination that includes the Texas School Book Depository Building; (2) three pictures taken by Hugh W. Betzner at that time; (3) the correspondence of Special Agent Lyndal L. Shaneyfelt of the FBI with Philip Willis regarding Willis Exhibit 1; (4) motion pictures taken at the scene of the assassination by Robert Hughes, George Fenix, and Thomas Alyea; and (5) still pictures or slides for frames 207-212 of the Abraham Zapruder film of the assassination. The records of the Commission indicate that the items numbered 1-4 were received by the FBI in connection with the Commission's investigation and that some of them were examined by Commission personnel. They are not in the relevant files among the Commission's records. We have received numerous inquiries about the Moorman and Betzner pictures, the Hughes film, and the Zapruder film frames, besides the inquiries from Mr. Weisberg.

*Robert H. Bahner*

Robert H. Bahner

Attachment

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CA 75-226  
EXHIBIT 3

1  
DL 89-43

Under date of November 23, 1963, the FBI Laboratory, furnished the following information to Mr. Jesse E. Curry, Chief of Police, Dallas, Texas, Chief, U.S. Secret Service, and FBI, Dallas, Texas:

"Specimens:  
"Evidence received from Special Agent Elmer L. Todd, Washington Field Office of the FBI on 11/22/63:

"Q1 Bullet from stretcher  
"Evidence received from Special Agent Orin Bartlett of the FBI on 11/22/63:

"Q2 Bullet fragment from front seat cushion  
"Q3 Bullet fragment from beside front seat

"Evidence received from Special Agent James W. Sibert and Special Agent Francis O'Neill, Jr., of the Baltimore Office of the FBI on 11/23/63:

"Q4 Metal fragment from the President's head  
"Q5 Metal fragment from the President's head

"Evidence received from Special Agent Vincent E. Drain of the Dallas Office of the FBI on 11/23/63:

- "Q6 6.5 millimeter Mannlicher-Carcano cartridge case from building
- "Q7 6.5 millimeter Mannlicher-Carcano cartridge case from building
- "Q8 6.5 millimeter Mannlicher-Carcano cartridge from rifle
- "Q9 Metal fragment from arm of Governor John Connolly
- "Q10 Wrapping paper in shape of a large bag
- "Q11 Suspect's shirt
- "Q12 Blanket
- "Q13 Bullet from Officer Tippit

"X1 6.5 millimeter Mannlicher-Carcano rifle, with telescope sight, No. C2766

"X2 Paper and tape sample from shipping department, Texas Public School Book Depository

"X3 .38 Smith and Wesson revolver, Serial No. V510210, Assembly No. 65248

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2  
DL 89-43

"Evidence obtained by FBI Laboratory personnel during examination of the President's limousine:

"Q14 Three metal fragments recovered from rear floor board carpet  
"Q15 Scraping from inside surfaces of windshield

"Also submitted: Photograph of rifle, K1  
Finger and palm prints of Lee Harvey Oswald

"Results of examinations:

"The bullet, Q1, is a 6.5 millimeter Mannlicher-Carcano rifle bullet. Specimen Q1 weighs 153.6 grains. It consists of a copper alloy jacket with a lead core.

"Specimen Q2 is a portion of the core of a rifle bullet. Specimen Q2 weighs 44.6 grains and is composed of a portion of the copper alloy jacket and a portion of the lead core. Specimen Q3 is a portion of the base section of a copper alloy rifle bullet. Q3 weighs 21.0 grains and is composed of a section of the jacket from which the lead core is missing. It could not be determined whether specimens Q2 and Q3 are portions of the same bullet or are portions of two separate bullets.

"The rifle, K1, is a 6.5 millimeter Mannlicher-Carcano Italian military rifle Model 91/38. Test bullets were fired from this rifle for comparison with specimens Q1, Q2, and Q3. As a result, Q1, Q2, and Q3 were identified as having been fired from the submitted rifle.

"Specimens Q6 and Q7 are 6.5 millimeter Mannlicher-Carcano cartridge cases. They were manufactured by the Western Cartridge Company, East Alton, Illinois, as was the 6.5 millimeter Mannlicher-Carcano cartridge, Q8.

"Test cartridge cases obtained from the submitted rifle were compared with specimens Q6 and Q7. As a result, specimens Q6 and Q7 were identified as having been fired in this rifle. The bullet, Q13, from Officer Tippett, is a .38 Special copper-coated lead bullet. Q13 weighs 156.6 grains and possesses the physical characteristics of 158 grain Western-Winchester revolver bullets. The surface of Q13 is so badly mutilated that there are not sufficient individual microscopic characteristics present for identification purposes. It

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3  
DL 89-43

"was determined, however, that the .38 Special Smith and Wesson revolver, E3, is among those weapons which produce general rifling impressions of the type found on Q13.

✓ "The lead metal of Q4 and Q5, Q9, Q14 and Q15 is similar to the lead of the core of the bullet fragment, Q2.

"A small tuft of textile fibers was found adhering to a jagged area on the left side of the metal butt plate on the K1 gun. Included in this tuft of fibers were gray-black, dark blue and orange-yellow cotton fibers which match in microscopic characteristics the gray-black, dark blue and orange-yellow cotton fibers composing the Q11 shirt of the suspect. These fibers could have originated from this shirt.

"A single brown viscose fiber and several light green cotton fibers were found adhering to the Q10 paper bag. These fibers match in microscopic characteristics the brown viscose fibers and light green cotton fibers present in the composition of the Q12 blanket and could have originated from this blanket.

"It is pointed out, however, that fibers do not exhibit sufficient individual microscopic characteristics to be positively identified as originating from a particular source to the exclusion of all others.

"No fibers were found on the K1 gun that could be associated with the Q12 blanket and no fibers were found on the Q10 paper bag that could be associated with the Q11 shirt.

"The debris, including foreign textile fibers and hairs, removed from the Q12 blanket and Q11 shirt has been placed in pillboxes for possible future comparisons. These pillboxes and the glass microscope slides containing fibers removed from K1 and Q10 are being temporarily retained in the laboratory for possible future comparisons with additional items of the suspect's clothing should they be recovered.

"The Q12 blanket has been folded double and one corner has been folded in and pinned with a safety pin. A length of white cotton cord has been tied around this corner giving it a triangular-shaped appearance as if it had once contained a long object.

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J. Edgar Hoover, Director  
Federal Bureau of Investigation

The Attorney General

12-2-67

E. F. B.

Kennedy Assassination Evidence --  
Letter from Harold Weisberg

Annexed is a letter of March 12, 1967, to me from Harold Weisberg, one of the authors critical of the Warren Commission Report, together with related memoranda: (1) a memorandum of March 21, 1967, from the Records Administration Office of the Department, indicating that Mr. Weisberg's reference to prior communications from the Department could not be traced; and (2) a memorandum of March 24, 1967, from the Archivist of the United States, commenting upon Mr. Weisberg's letter.

As appears most clearly from the memorandum of the Archivist, Mr. Weisberg is interested in seeing an FBI laboratory report concerning the spectrographic analysis of the assassination bullets. Apparently no such report was found in the files of the Commission turned over to the Archives, although a report was referred to in FBI testimony before the Commission, and the results of the spectrographic examination are reflected in a sentence on page 164 of the summary FBI report which is Commission Document 5. (A copy of pages 162-164 is annexed to the memorandum from the Archivist.)

The Archivist goes on to comment that some of the other laboratory reports as to which he has had inquiries were not in the files of the Commission and there was no indication that any of these reports had been received by the Commission. Finally, the Archivist notes that certain pictures and correspondence as to which inquiries have been made also are not in the files of the Commission now in possession of the Archives.

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It appears that the laboratory reports referred to, if they existed as separate documents, were never turned over to the Commission because the results thereof were imparted to the Commission through the expert testimony of FBI laboratory personnel, as well as in the summary given in Commission Document 5. However, subsequent to receiving the Commission's files, the Archives has acquired other items relating to the assassination which were not before the Commission, most notably the autopsy x-rays and photographs. It would seem desirable to make available in the Archives as much of the historical record concerning the assassination as is possible, consistent with appropriate limitations based on the character of particular items of information.

I would appreciate any clarification you can give as to the existence of the various laboratory reports and other items referred to in the memorandum of the Archivist. If there are in the files of the Bureau any laboratory reports or correspondence of the sorts he describes, I would also appreciate your views as to whether there is any reason why copies should not be deposited in the Archives to be held with the Warren Commission evidence.

My understanding is that all of the pictures of the sort referred to on page 2 of the Archivist's memorandum which may have been in the possession of the FBI at one time were either turned over to the Commission or returned to their owners after copies were made for the Commission. I would also appreciate any clarification you can give on this aspect of the memorandum.

Attachments



Form No. G-1F  
(Rev. 7-13-62)

CA 95-226  
EXHIBIT 5

FROM  
OFFICE OF LEGAL COUNSEL  
TO

OFFICIAL INDICATED BELOW BY CHECK

*Wynne*  
*since [unclear]*  
*to do?*

- The Attorney General
- Executive Assistant
- Public Information
- The Solicitor General
- Deputy Attorney General
- Administrative Assistant Attorney General
- Assistant Attorney General, Antitrust
- Assistant Attorney General, Civil
- Assistant Attorney General, Civil Rights
- Assistant Attorney General, Criminal
- Assistant Attorney General, Internal Security
- Assistant Attorney General, Lands
- Assistant Attorney General, Tax
- Director, Federal Bureau of Investigation
- Commissioner, Immigration and Naturalization Service
- Board of Immigration Appeals
- Director, Bureau of Prisons
- Board of Parole
- Pardon Attorney

Memorandum

*Rev 5113*  
NOV 8 1967

The annexed reference to the FBI of questions raised by Harold Weisberg's letter and the expanded comments of the Archivist is suggested as a result of a conversation between Martin Richman and Barefoot Sanders. If the laboratory reports and the other items mentioned exist there seems no reason not to have them in the Archives for use by assassination researchers.

*J.M.W.*  
FMW

RECEIVED THE  
NOV 8 1967  
GENERAL

129-11  
DEPARTMENT OF JUSTICE  
10 DEC 22 1967

324



RECEIVED  
MAY 23 1963

OCA 75-726  
EXHIBIT 10

*Handwritten signature*  
HYATTSTOWN, MARYLAND 20782

Mr. Tolson  
Mr. DeLoach  
Mr. Mohr  
Mr. Bishop  
Mr. Casper  
Mr. Callahan  
Mr. Conrad  
Mr. Felt  
Mr. Gale  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Miss Holmes  
Miss Gandy

PHEASANT-CHICKENS • ROCK-CORNISH GAME HENS • WA 400  
May 23, 1963

Mr. J. Edgar Hoover, Director  
Federal Bureau of Investigation  
Washington, D.C.

Dear Mr. Hoover,

Enclosed is a copy of my book, HITCHCOCK - THE REPORT ON THE ASSASSINATION. In it you will find quotations from your testimony and that of FBI Agents that I believe require immediate and unequivocal explanations and from the FBI's report to the Commission. Of the many things requiring explanation, I would like in particular to direct your attention to these three, in which it would seem no question of national security can be involved:

1) In your brief discussion of the assassination in the report to the Commission you say that three shots were fired, of which two hit the President and one the governor. This does not account for the bullet that hit the curbstone on Converse Street, which you told the Commission you could not associate with the Presidential car or any of its occupants. In another part of this report, dealing with Oswald, you told the Commission that the bullet that did not kill the President struck him in the back - not the neck - and did not go through his body. Here you seem to fail to account for the well-known wound in the front of the President's neck. And thus, are there not at least five bullets, the three you accounted for and the two you did not account for. The Commission itself considered the curbstone strike as one bullet, and the President-most certainly was wounded in the front of the neck.

2) In his testimony before the Commission, <sup>REC 53</sup> FBI Agent Robert A. Frazier did not offer into evidence the spectrographic analysis of this bullet and that of the various bullet fragments. Neither did FBI Agent John P. Gallagher, the spectrographer. Agent Frazier's testimony is merely that the bullets were lead, which would seem to be considerable less information than spectrographic analysis could reveal. The custodian of this archive at the National Archives informs that this analysis is not included in his archive but is in the possession of the FBI. I call upon you to make it immediately available.

JUL 1 1965

3) In his testimony before the Commission, FBI Agent Frazier said that when the whole bullet was received by the FBI, it had been fired clean. He does not reveal any FBI interest in this unusual destruction of evidence. He also testified that the cleaning of the bullet was not complete, that foreign matter remained in the grooves in the bullet. Yet his testimony does not show any FBI interest in learning what the nature of the residue was. Did the FBI make the appropriate tests. Could the residue be associated with either the President's body or the governor's? Was any effort, if any, made to learn. And if no effort was made, why not.

Sincerely yours, DSL34A

4113C

PLH ITEM #940

325



Memorandum

CA 75-225  
EXHIBIT 7

TO : Mr. DeLoach

DATE: June 6, 1966

FROM : A. Rosen

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. Shroder
- 1 - Mr. Raupach
- 1 - Mr. Conrad
- 1 - Mr. Sullivan
- 1 - Mr. Wick

SUBJECT: ASSASSINATION OF PRESIDENT  
 JOHN FITZGERALD KENNEDY  
 NOVEMBER 22, 1963  
 DALLAS, TEXAS  
 MISCELLANEOUS - INFORMATION CONCERNING

SYNOPSIS:

A letter was received from Harold Weisberg of Hyattstown, Maryland enclosing his book, entitled "Whitewash - the report on the Warren Report." He believed that immediate and unequivocal explanations are required from the FBI in connection with the FBI's report to the President's Commission. He specifically demanded answers to three items.

(1) Relating to the number of bullets which were involved in the assassination he suggests five were fired. The Commission's report concludes three shots were fired.

(2) He states that in testimony before the President's Commission evidence was not introduced as to the spectographic analyses of a bullet and fragments. This is absolutely incorrect, since the testimony of a FBI Laboratory expert concerning spectographic analyses is set forth in the Commission's report.

EX-103 REC 53 63-109060-4132

(3) Weisberg alleges the whole bullet (located on Governor Connally's stretcher) had been wiped clean and that the FBI Laboratory expert testified that the cleansing of the bullet was not complete and that foreign matter remained in the grooves of the bullet. This is inaccurate since our Laboratory expert testified the bullet was clean when he received it and that there was no blood or tissue present.

JUL 1 1966

Weisberg formed his opinions after reading the FBI reports to the President's Commission dated 12/9/63 and 1/13/64. Both of these are located in the National Archives and are available to the public.

ENCLOSURE  
 JUL 1 1966  
 Enclosures

CONTINUED - OVER

DSL34B

PLH ITEM #941

326

Memorandum to Mr. DeLoach  
Re: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY

In connection with our original report to the Commission on 12/9/63, the Commission credited the Bureau by saying this report was of principal importance to them. Weisberg, in his book, describes this report in part as "neat, clean, colorful and optically attractive rendition of such tenuous content that a self-respecting undergraduate lawyer would hesitate to take it into an uncorrupted court."

His 208-page book has been reviewed. It is a vitriolic and diabolical criticism of the President's Commission, the FBI, the Secret Service, police agencies and other branches of the Government relating to the assassination investigation. Weisberg attempted to have his book published by 103 different publishers both in the United States and Europe, all of whom refused. He thereafter personally published a limited number and had it copyrighted in August, 1965. Weisberg, in his own comments stated, "In writing this book the author has had but one purpose. That was to show that the job assigned to and expected of the President's Commission on the assassination of John F. Kennedy has not been done." Weisberg has distorted the truth regarding the investigation of the assassination and has set forth his own theories and deductions of what should have been done. Illustrative of this, he contends the President was shot from both the front and back, and that another conspirator was therefore involved with Oswald. His book is full of errors and inconsistencies.

Due to the inaccuracies, falsehoods and deliberate slanting of facts to fit his own purpose, coupled with Weisberg's subversive background (memorandum Mr. Rosen to Mr. DeLoach, 6/1/66, attached) it is not felt the Bureau should add dignity or credibility to him by acknowledging his communication.

ACTION:

That Weisberg's communication not be acknowledged.

*Handwritten initials and signatures:*  
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- 2 - SEE OVER FOR DETAILS

DSL 34B

PLH ITEM # 941

327



Memorandum to Mr. DeLoach  
RE: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY

DETAILS:

A letter was received from Harold Weisberg enclosing his book entitled "Whitewash - the report on the Warren Report." He stated, in the book will be found quotations from the Director's testimony and that of FBI Agents that he believes require immediate and unequivocal explanations. He specifically pointed to three items which, in his opinion, "It would seem no question of National security can be involved." Weisberg indicated that in the brief discussion of the assassination in the report to the commission it was said that three shots were fired, of which two hit the President and one the Governor. Weisberg is referring to our initial report of December 9, 1963, furnished to the Commission. He read into this comment that this report did not account for the bullet that hit the curbstone and that the bullet that did not kill the President struck him in the back, not the neck and did not go through his body. He said this did not account for the wound in the front of the President's neck and therefore theorized at least five bullets were fired.

This matter has been thoroughly covered by separate memorandum as it relates to the article published in "The Washington Post" dated May 29, 1966. Weisberg's theory is completely in error as it is obvious he has not conducted thorough research into this matter as all pertinent information is available in the "President's Commission on the Assassination of President Kennedy Report."

In Weisberg's second point he states that in testimony before the Commission, evidence was not introduced as to the spectrographic analysis of a bullet and various bullet fragments. This is not correct since the Laboratory examiner's testimony to the Commission indicates that these items were examined spectrographically and were found to be similar in composition. The Laboratory examiner further pointed out that such similarity of composition does not necessarily mean that the fragments came from a particular bullet. Testimony as to the spectrographic comparison appears in Volume V, pages 67, 69, 73, 74 and in Volume XV, page 700.

In Weisberg's third point he states that the Laboratory expert testified that the bullet from Governor Connally's stretcher had been wiped clean. This is not

OSL34B

- 3 -

DETAILS CONTINUED PAGE FIVE.

PLH ITEM # 941

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Memorandum to Mr. DeLoach  
RE: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY

true. The expert testified the bullet was clean when he received it and that no blood or tissue which would interfere with the firearms examination was present. (Volume III, pages 428 and 429). With regard to Weisberg's further inquiry as to whether the bullet could be associated through residues with either the President's head or the Governor's body, there was, in fact, no blood or tissue on the bullet for such an examination when the evidence was received in the FBI Laboratory.

The bullets, one from Governor Connally's stretcher and the two bullet fragments from the front seat area of the limousine were identified with Oswald's rifle and were found to be physically the same as Western 6.5 mm Mannlicher-Carcano ammunition components. The other possible bullet fragments from the limousine, the President's head and the Governor's wrist, were only pieces of lead, similar in metallic composition to the lead core portion of Western 6.5 mm ammunition. These lead fragments and the lead smears on the windshield of the limousine and the lead residue found on the curbing at the scene, which the Commission thoroughly investigated, do not possess characteristic compositions or shapes which would permit their positive identification as fragments or smears of specific bullets.

A connection with the background of Weisberg himself; he was the subject of a separate memorandum, a copy of which is attached.

Weisberg's book has been reviewed. It is a 6" by 9" paperbound book, obviously cheaply prepared and its selling price is indicated as \$4.95. The book was copyrighted by Weisberg in 1965, and on the cover it states "The book that couldn't be printed." In this respect it is of importance to note in the preface Weisberg stated the book was offered to 63 United States book publishers during a 14-month period and of these 63 publishers, 21 had so little interest they declined even to read the book. In addition, 11 offers were made by Weisberg to publishers in 8 foreign countries, none of whom accepted his offer. In all Weisberg stated 103 offers of this book were made, not counting repeaters. He indicated following refusals of publishers to print his book he prepared a limited edition and copyrighted it in August, 1965.

D5L34B

CONTINUED - OVER

PLH ITEM #941

41

329



Memorandum to Mr. DeLoach  
RE: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY

In Weisberg's own words he says his book is more than an analysis of the investigation of the assassination of the late President. "It is a commentary of the freedom of the press, the underpinning of the democratic society, and a measure of the state of that society."

Following a review of this book it was determined it is nothing more than a vitriolic and diabolical criticism of the President's Commission and the FBI relating to the assassination of President Kennedy. He indicated the ~~possibility of a conspiracy or of~~ report deals with the possibility of a conspiracy or of a different assassin is only one of the ways in which the Commission may have erred itself. He contended it would have been better if the Commission had had its own staff of investigators and restricted the use of the FBI and Secret Service to technical services.

Weisberg indicated his book is an attempt to "analyze the report itself exclusively on the basis of the Commission's own information." It is noted that of the 13 chapters in this book he quotes the Commission's findings extensively but thereafter inserts his own comments and theories as to what should have been done. In every instance concerning all phases of the investigation and the findings, he was critical. In Chapter 9 where he discusses the witnesses and their treatment he stated there are always those people who suddenly see a chance to become important, to themselves, to those for whom they will testify, to their circle of friends and to the world at large. He also said that there are nervous people and neurotics inevitably there are those who have axes to grind, hatreds or dislikes to be indulged, and political objectives to be attained. From these comments it would appear that Weisberg is adequately describing himself.

Weisberg said in respect to the Commission's report, "What is most lacking in this report is analysis." He has delved into the scientific findings and arrived at his own conclusions without apparent background relating to scientific research.

Weisberg claimed the Commission's report was abundantly clear that it distorts and misrepresents the Commission's information on Oswald's politics. He claims when the Commission did this, "Can there be any reason for this except a desire to fool the public?" He also contended whenever possible the Commission's report infers inefficiency of the Federal bureaucracy.

DSL 3+B

- 5 - CONTINUED - OVER

PLII, ITEM # 941

330

CONFIDENTIAL to Mr. DeLoach  
RE: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY

Weisberg referred to the "Investigation of a Possible Conspiracy" involving Oswald. The Commission concluded there is no credible evidence that Lee Harvey Oswald was part of a conspiracy to assassinate President Kennedy. Weisberg said "On both counts the report is wrong. First, it had more than evidence of a conspiracy; it had irrefutable proof. Second, the Commission had highly credible evidence that Lee Harvey Oswald was, in fact, part of this conspiracy." Weisberg continues page after page in this particular vein of thinking. He criticized the Secret Service, the results of the autopsy examination and the bullet and fragments recovered, and the nature of the wounds of President Kennedy. It is quite obvious he has failed miserably in attempting to reconstruct the facts in their proper light.

In the author's conclusion he indicated in writing this book, the author has had but one purpose. That was to show that the job assigned and expected of the President's Commission on the assassination of John F. Kennedy has not been done. He then continues can the job really be done regardless of the consequences. Weisberg said, "Who can solve this crime?" Not the courts, for there is no question which can be taken to court. Not the Commission, for it has already both failed and closed up, its work unfinished." Therefore he said "Only Congress remains."

Based on Weisberg's inadequate research he contends the President was shot from both front and back. "Nothing else makes sense. Nothing else is possible." He stated "There was not a single assassin, Oswald or any other. There was at least one conspiracy - to kill the President."

Weisberg referred to an FBI report he observed in the National Archives which was carefully prepared document and one of the initial reports furnished to the President's Commission which the Commission commended us for Weisberg described this report as "a tissue so thin and a polemic so undisguised that it would demean labors of a high police force investigating the purloining of a desiccated flounder." He further described this report as a "Neat, clean, colorful and optically attractive rendition of such tenuous content that a self-respecting undergraduate would hesitate to take it into an uncorrupted court."

DSL 34B

- 8 - CONTINUED - OVER

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FILE ITEM # 941

331



Memorandum to Mr. DeLoach  
RE: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY

It appears Weisberg, by publishing his book, is attempting to establish controversy and to expound his personal theories and deductions concerning the assassination investigation. This book is full of errors and inconsistencies and Weisberg has distorted the truth relating to the assassination investigation. Due to information contained in his book and Weisberg's background, the Bureau should not add dignity or credibility to him by answering his communication.

*[Handwritten signature]*

*[Handwritten initials]*

*[Handwritten initials]*

DSL:4B

PLH ITEM # 941

332

UNITED STATES GOVERNMENT

Memorandum

1-Mr. Conrad  
1-Mr. Cunningham, 7410

CA 95-226  
EXHIBIT 8  
SEARCHED  
SERIALIZED  
INDEXED  
FILED  
NOV 21 1966  
FBI - DALLAS

TO : Mr. Conrad

DATE: 11/3/66

FROM : R. H. Jevons

1-Office, 7133

SUBJECT: WARREN COMMISSION EXHIBITS

On 11/3/66, Mr. Marion Johnson, the Archivist at the National Archives and Records Service who is handling the exhibits and evidence of the Warren Commission, telephonically contacted SA Cortlandt Cunningham of the Laboratory Division.

Mr. Johnson stated that Harold Weisberg, author of "Whitewash: The Report on the Warren Report," had requested information regarding the portions of the FBI investigative reports in which the spectrographic examinations were set forth. Mr. Johnson asked if any spectrographic examinations, other than those set forth in the report of SA Robert P. Gemberling dated 11/30/63, at Dallas, were made and reported elsewhere.

Mr. Johnson was told that this matter would be looked into.

Bufiles reveal that Weisberg was summarily fired from the State Department but was later allowed to resign without prejudice and not be restored to his job because of suspected Communist or Communistic sympathies. Bufiles also reveal he has had previous contact with Soviet Nationals at the Russian Embassy. Weisberg has also previously written the Bureau concerning the Warren Report and because of his background, no acknowledgement was made.

RECOMMENDATION:

EX-113  
REC 22

61-10700-529  
NOV 21 1966

It is recommended, in view of the above information, that Mr. Johnson be telephonically advised that the FBI cannot be of assistance to Weisberg in this matter.

- 1-Mr. Mohr
- 1-Mr. DeLoach
- 1-Mr. Rosen, Att: Mr. Mallery, 5710
- 1-Mr. Sullivan, Att: Mr. Lenihan, 818 9th & P
- 1-Mr. Wick
- 1-Mr. Raupach

CC:rch (10)

NOV 28 1966

*we have given all exhibits of evidence to the Archives as requested directed by R.S. H*

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CA 75-226  
EXHIBIT 9

ARNOLD, FORTAS & PORTER  
1200 EIGHTEENTH STREET, N. W.  
WASHINGTON 6, D. C.

November 28, 1947

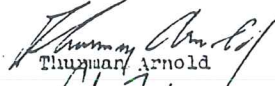
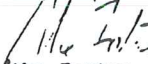
TELEPHONE  
DISTRICT 1281


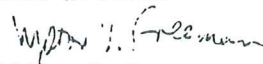
THOMAS ARNOLD  
ABE FORTAS  
PAUL A. PORTER  
WALTON HAMILTON  
MILTON V. FREEMAN  
MURRAY ULMER  
REBE MILLER  
L.A. HIGGINS

Dear Mr. Weisberg:

We want you to know how deeply we appreciate your kind and generous gesture in sending us a gift and the warm sentiments which accompanied it. You know it was a pleasure to be of service to you and your own calmness and dignity under the most adverse circumstances were in no small measure responsible for your ultimate vindication.

Sincerely,

  
Thomas Arnold  
  
Abe Fortas

  
Paul A. Porter  
  
Milton V. Freeman

Mr. Harold Weisberg  
2820 N. Nottingham  
Arlington, Virginia

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CA 75-226  
EXHIBIT 10

Mr. Conrad

1/26/67

W. D. Griffith

ASSASSINATION OF  
PRESIDENT JOHN FITZGERALD KENNEDY  
DALLAS, TEXAS, 11/22/63  
MISCELLANEOUS INFORMATION CONCERNING

The most recent book by Harold Welsberg entitled "Whitewash II - The FBI - Secret Service Coverup" is highly critical of the Bureau and specifically of the testimony of FBI Laboratory Examiner SA Lyndal L. Shaneyfelt. Welsberg previously authored the book "Whitewash" and is now reported to be writing "Whitewash III." Harold Welsberg is a Hyattstown, Maryland, poultry farmer, an ex-State Department employee, and an ex-Senate investigator who was removed from both positions because of suspicion of being a communist or having communist sympathies. Welsberg had the book printed himself because he could not interest any publishers in it possibly due to the libelous nature of its contents.

In Whitewash II, Welsberg extensively quotes the testimony of SA Shaneyfelt regarding the examination of the Zapruder film and the re-enactment that was based on the Zapruder film. He states that Shaneyfelt "ran the re-enactment that was made essential by the doctrine of the Report" and "the FBI knowingly engaged in a reconstruction they knew to be utterly false." He alleges in Whitewash II that SA Shaneyfelt "was the Commission's photographic expert," "he did or supervised their photographic lab work," and "those faces on the cutting room floor may have been put there by Shaneyfelt." After establishing in the reader's mind that SA Shaneyfelt did all the photographic work he refers

Enclosure

ENCLOSURE

62-109060

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Casper (Legal Research Desk)
- 1 - Mr. Wick
- 1 - Mr. Conrad
- 1 - Mr. Griffith
- 1 - Mr. Shaneyfelt

① 62-109090

LLS:mjk (11)

62-109090

NOT RECORDED  
199 FEB 15 1967

CONTINUED - OVER

335



Memorandum to Mr. Conrad dated 1,26/67  
Re: ASSASSINATION OF  
PRESIDENT JOHN FITZGERALD KENNEDY  
62-109060

- 3 unceasingly to "picture doctoring," "edited or altered" photographs and the "destruction of evidence." He concludes with a very specific implication that SA Shaneyfelt cut out the much-publicized missing frames 208 through 211 of the Zapruder film to conceal from the public what really happened during the assassination. All of these allegations are, of course, completely false.
- 4 (Life Magazine has recently admitted having spliced the original Zapruder film and cut out the four frames.) These frames were not missing in the FBI copy of the film and were considered in all evaluations by the Laboratory and the representatives of the Commission who viewed the FBI copy. SA Shaneyfelt made several photographic examinations at the request of the Commission but did not "run their photographic lab work." He assisted in the re-enactment
- 5 but did not "run it" and, of course, did not edit, doctor, or mutilate any evidence. Weisberg suggests that SA Shaneyfelt may be a perjurer.

The allegations of Weisberg would appear to be libelous of both the Bureau and SA Shaneyfelt. Accordingly, in an effort to discourage and stop such highly irresponsible and unwarranted attacks against the Bureau on the part of Weisberg and others like him, the Bureau may wish to explore the feasibility of having a libel action brought against Weisberg in SA Shaneyfelt's name. Factors to be weighed in any such consideration are: (1) Legal estimate of whether successful suit might be sustained based on (a) the irresponsible and malicious statements in the book as opposed to (b) the recent Supreme Court decision holding that newsworthy persons including those who do not seek publicity have only a limited right to sue for damages for false reports that are published about them; and (2) a tactical estimate as to whether a net gain would accrue, bearing in mind the greatly increased forum which such an action would provide for Weisberg, as opposed to the fact that he is now apparently forced to publish his books privately.

SA Shaneyfelt, of course, contemplates no action in the matter unless so desired by the Bureau.

RECOMMENDATION:

The Bureau may wish to refer this memorandum and the enclosed book "Whitewash II" to the Legal Research Desk for review and consideration as to whether it might serve as a basis for libel action against Weisberg.

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CA 95-226  
EXHIBIT 11

Mr. Mohr

1/31/67

J. J. Casper

ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
DALLAS, TEXAS, 11/22/63  
MISCELLANEOUS INFORMATION CONCERNING

*Warren Commission*

4473  
62-109090-1

Attached memorandum of 1/26/67, captioned as above, from Mr. W. D. Griffith to Mr. Conrad, concludes by recommending that the Legal Research Unit determine whether the statements made against FBI Laboratory Examiner SA Lyndal L. Shaneyfelt are libelous. For the reasons shown below, the Legal Research Unit concludes that the statements are libelous and that SA Shaneyfelt has a cause of action against the author of Whitewash II.

The statements made in the book definitely are libelous as to any ordinary person. They go far beyond the range of fair criticism and clearly charge, in their total context, that Shaneyfelt is a liar, forger, etc. They provide an ample basis on which the ordinary person could sue for libel, slander or defamation of character as the case may be.

A special problem arises in Shaneyfelt's case, however, because he is a public employee who has come to some public attention as a result of the use of his examinations in the work of the Warren Commission on the assassination of the President. If Shaneyfelt is now a "public official" his case would be determined by a rule different from that used in deciding an action for libel brought by an ordinary person. This rule was laid down clearly by the Supreme Court in New York Times, Inc. v. Sullivan, 376 U. S. 254 (1964), and reads as follows:

**ENCLOSURE**

A public official is allowed the civil remedy for libel and slander "only if he establishes that the utterance was false and that it was made with knowledge of its falsity or in reckless disregard of whether it was false or true." In other words, a public official may successfully sue for libel or slander only by proving actual malice and this must be proven by showing that the utterance was false and that it was made with knowledge of its falsity or in reckless disregard

**Enclosure**

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Wick
- 1 - Mr. [unclear]

- 1 - Mr. Griffith
- 1 - Mr. Shaneyfelt
- ① Bufile 62-109090
- DJD/pal
- (11)

62-109090 -  
NOT RECORDED  
199 FEB 15 1967

51 FEB 27 1967

"CONTINUED - OVER"

337

Memorandum J. J. Casper to Mr. Mohr  
Re: Assassination of President  
John Fitzgerald Kennedy  
Dallas, Texas, 11/22/83  
Miscellaneous Information Concerning

of whether it was true or false. A public official is held to this stricter standard of proof because the very nature of the position of a public official is such that in a free government a great deal of criticism concerning the official and his conduct of official affairs must be tolerated.

The Supreme Court has not clearly defined the term "public official" for all purposes. As the Court said in Rosenblatt v. Baer, 383 U. S. 75 (1966):

"We remarked in New York Times that we had no occasion to determine how far down into the lower ranks of government employees the 'public official' designation would extend for purposes of this rule, or otherwise to specify categories of persons who would or would not be included."

After the above language, the Court went on, in Rosenblatt v. Baer, to use other qualifying words which we believe clearly indicate that SA Shaneyfelt is not a "public official" for purposes of suit for libel and slander. The Court said, for example:

"It is clear, therefore, that the 'public official' designation applies at the very least to those among the hierarchy of government employees who have, or appear to the public to have, substantial responsibility for or control over the conduct of governmental affairs . . . But a conclusion that the New York Times malice standards apply could not be reached merely because a statement defamatory of some person in government employ catches the public's interest; that conclusion would virtually disregard society's interest in protecting reputations. The employee's position must be one which would invite public scrutiny and discussion of the person holding it, entirely apart from the scrutiny and discussion occasioned by the particular charges in controversy."

From the above language the Legal Research Unit concludes that SA Shaneyfelt is not a "public official" for purposes of the law of libel and slander and that, hence, he is not held to the stricter standard of proof applied to a public



Memorandum J. J. Casper to Mr. Mohr  
Re: Assassination of President  
John Fitzgerald Kennedy  
Dallas, Texas, 11/22/63  
Miscellaneous Information Concerning

official who sues. He is, on the contrary, held only to the ordinary standard of proof which is much easier to meet and which can be amply supported by the defamatory language used in the referenced book.

It is believed, moreover, that even should SA Shaneyfelt be held to be a "public official" for this purpose, the referenced book displays such a reckless disregard for the truth or falsity of charges that are actually false that SA Shaneyfelt probably could recover under even the stricter standard applied to public officials.

There are several policy considerations which are not within the province of the Legal Research Unit but we mention them for such value as they may have in making a decision whether SA Shaneyfelt should bring suit:

(1) The author of the referenced book may be inviting a law suit to obtain publicity and sales for his book.

(2) If the libel in the referenced book is not challenged now, the author may come out with Whitewash III - a book which he is said to be now writing - and make in that book additional statements which are even more libelous than those made here. The danger seems considerable if he is not stopped now.

(3) If SA Shaneyfelt's integrity ever is questioned in court where he appears in his usual capacity as an FBI Laboratory Examiner and challenged with particular reference to the statements made in this book, a bad impression is left, to say the least, if SA Shaneyfelt must reply that he took no action in this case. Many might consider failure to take action as a sort of admission of guilt by both SA Shaneyfelt and the FBI.

(4) As time passes and SA Shaneyfelt is not challenged in court during regular testimony, his claim for damages should be later considered action in this case is considerably weakened.

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Memorandum J. J. Casper to Mr. Mohr  
Re: Assassination of President  
John Fitzgerald Kennedy  
Dallas, Texas 11/22/63  
Miscellaneous Information Concerning

RECOMMENDATION:

That this memorandum be referred to the FBI Laboratory.

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CA 75-276  
EXHIBIT 12

Mr. Conrad

2/7/67

W. D. Griffith

ASSASSINATION OF  
PRESIDENT JOHN FITZGERALD KENNEDY  
DALLAS, TEXAS, 11/22/63  
MISCELLANEOUS INFORMATION CONCERNING

Reference is made to my memo to you dated 1/26/67 concerning the libelous nature of the book "Whitewash II" by Harold Welsberg and his allegations about the FBI and SA Lyndal L. Shaneyfelt. By memo dated 1/31/67 from Mr. Casper to Mr. Mohr the Legal Research Desk set out their review and recommendations concerning this matter.

Since there is no assurance that any benefit to the Bureau would be forthcoming if SA Shaneyfelt undertook the civil suit against Welsberg and since SA Shaneyfelt has no desire to obtain a financial advantage therefrom, he contemplates no action.

RECOMMENDATION: None. For information.

62-109090

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Casper (Legal Research Desk)
- 1 - Mr. Wick
- 1 - Mr. Conrad
- 1 - Mr. Griffith
- 1 - Mr. Shaneyfelt
- 1 - 62-109090

LS:mb (11)

9 MAR 6 1967

4474

62-109090-179

ORIGINAL FILED IN

62-109090

NOT RECORDED  
159 FEB 15 1967

143



William & Harold Weisberg

Coq d'Or Press ROUTE FREDERICK, MD. 21701  
Code 301/473-8136

C.A. 75-226  
EXHIBIT 13

November 27, 1974

The Deputy Attorney General  
The Department of Justice  
Washington, D. C. 20000

Dear Sir:

*J. Edgar Hoover*

After exhausting my administrative remedies, I filed C.A. 2301-70 in Federal district court in Washington. In it I sought the described spectrographic analyses made by the FBI for the Warren Commission which had been denied me.

The law has now been amended. I herewith request that you reinstitute this application for these analyses under the law as amended.

The Department saw fit in this previous case to make misrepresentations to the courts. I therefore want it to be clear that I sought and now seek only the final scientific reports on these tests. Not raw materials, not laboratory work, only the conclusions as embodied in the full report, or the report itself.

Herewith I expand that request to include similar neutron-activation testing, whether or not by the FBI, of those same objects and materials, namely the bullet allegedly used in the assassination, various fragments of bullet also allegedly so used, and the various objects said to have been in contact with any or all of these. Here also my request is for the complete report only.

112 REC-56 12 10 7147

Very truly yours,

7 FEB 12 1975

*Harold Weisberg*

Harold Weisberg

*11-27*

*11-27-74*  
*11-27-74*

342

00

CA 75-226  
EXHIBIT 14

102-109060-7147  
CHANGED TO  
190-1813-X

JUN 2 1977  
FT/CDM

FBI/DOJ

343



OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

# Memorandum

CA 75-226  
EXHIBIT 15

TO : Mr. J. B. Adams

DATE: 12-17-74

FROM : Legal Counsel

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF  
HAROLD WEISBERG

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Admin. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Files & Com. \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intelligence \_\_\_\_\_  
Lab. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director Sec'y \_\_\_\_\_

Attached is a proposed letter to captioned individual. Incoming correspondence was addressed to the Deputy Attorney General dated 11-27-74, and was received by the FOIA Unit on 12-6-74.

It will be recalled Weisberg's initial lawsuit, referred to in his letter, concerned spectrographic analyses made by the FBI for the Warren Commission in connection with the Kennedy assassination. This suit culminated in an appeal to the Supreme Court, which on 5-13-74 denied certiorari, leaving the District of Columbia Circuit Court decision which upheld our withholding the documents under the exemption provisions of Section (b) (7), FOIA (investigatory files).

Weisberg now reinstates his request under the amended FOIA which limits the former investigatory files exemption to certain enumerated categories and types of information, none of which initially appear applicable to the material Weisberg requests. He additionally requests results of neutron activation testing, but specifies he is interested only in final reports, not raw materials or Laboratory work.

RECOMMENDATIONS: REC-56 190-709-X16  
EX-112 62-169660-7145

1. That the Laboratory Division review the request of Weisberg for the purpose of identifying reports and material requested, and furnish the FOIA Unit with observations regarding the volume of material requested and any unusual cost factors regarding release of the information.

Enclosure - letter sent 1/19/75  
1 - Mr. Adams - Enclosures (2)  
1 - Mr. White - Enclosures (2)  
Attn: Mr. Frazier

FEB 12 1975

C70 MAR 25 1975  
TIB:law (5)

RECOMMENDATIONS CONTINUED ON PAGE TWO

3414

Legal Counsel to Mr. J. B. Adams memo  
Re: FOIA Request of Harold Weisberg

RECOMMENDATIONS:

2. That the FOIA Unit review the material identified by the Laboratory Division as being within the scope of Weisberg's request to determine the applicable provisions of the FOIA.

3. That the attached letter be sent to Mr. Weisberg.

(2-19-74)

JCF/alm

WJH

BW/BK

Jm

345



CA 75-226  
EXHIBIT 14

# Memorandum

TO : Mr. White

FROM : Mr. H. K. Williams MEW/R

1 - Mr. White  
1 - Office, 7133  
1 - Mr. Cunningham  
DATE: January 24, 1975  
1 - Mr. Kilty  
1 - Mr. Mintz  
Attn: Mr. Brosson

Asst. Dir. -  
Dep. AD Adm.  
Dep. AD Inv.  
Asst. Dir. -  
Adm. Serv.  
Comp. Syst.  
Ext. Affairs  
Files & Com.  
Gen. Inv.  
Ident.  
Insp.  
Intell.  
Lab.  
Plan. & Insp.  
Spec. Inv.  
Training  
Legal Coun.  
Telephone Rm.  
Director's Sec'y

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST  
OF HAROLD WEISBERG  
J.

ad  
P.C.

Reference is made to Legal Counsel to J. B. Adams' memorandum of December 17, 1974, wherein it was recommended that the Laboratory Division review Weisberg's request for information concerning the assassination of President Kennedy and identify pertinent material available which may satisfy his request.

Weisberg indicates in his letter that he is interested in "the report itself" or "the complete report only"; however, since these are available to him at National Archives, his request must extend beyond these documents.

The material available in this case falls into three categories. 1. All of the background information and data accumulated during the actual examinations of the evidence specimens. 2. The compositional analyses arrived at from calculations of the ray data. 3. The final reports.

Spectrographic analyses were conducted on bullets and/or fragments therefrom, lead fragments and several items of clothing. Examinations by neutron activation were conducted on the above-mentioned bullet and lead materials and on paraffin casts taken from the hands of Oswald. The results of all these examinations, with the exception of the neutron activation studies of the bullet and lead materials, have been included in the FBI Laboratory reports. The results of the neutron activation examinations of the bullet and lead materials are contained in a letter to J. Lee Rankin, General Counsel, The President's Commission, dated July 1964. This letter and the FBI Laboratory reports are available in the National Archives.

The Laboratory has on hand spectrographic plates and neutron activation analysis data which were used to calculate answers and make judgments regarding the compositions of the materials examined. As with most scientific data, interpretations of these plates and neutron activation analysis data will not stand alone but must be accompanied by technical

42-109060  
70-109060-25  
51-109060-196

(CONTINUED)

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Memorandum to Mr. White  
FREEDOM OF INFORMATION ACT (FOIA) REQUEST  
OF HAROLD WEISBERG

information which explains the parameters involved. Some of this explanatory information could be obtained by an inquirer from outside experts in emission spectroscopy and neutron activation analysis, but in the absence of detailed procedural data, the raw information is not subject to interpretation by non-technical individuals.

Notes were made at the time the examinations were conducted which contain the actual analyses including percentage of some elements present, relative concentrations of other elements and absence of detectable concentrations of elements. Some of these notes are physically in the Laboratory and others are assumed to be interspersed in the case file. The search for this material will be extensive and time-consuming. It is estimated that approximately 50 pages of technical notes may be involved. The costs of reproduction will vary according to the physical dimensions and nature of the material to be furnished.

If we are requested to produce copies of the actual spectrographic plates and neutron activation data, costs will be substantial because of the various formats involved. In the case of the spectrographic plates, the Special Photographic Unit of the Laboratory is investigating the possibility of accurately reproducing the plates so that the recorded information can accurately be assessed from the "duplication." Estimates of the costs involved in such reproduction; if they can be made, are not presently available. In the case of the neutron activation data, the total reproduction of this material will involve the equivalent of approximately 1,000 pages. Much more clerical time than that normally required to reproduce 1,000 pages will be involved due to the nature and size of the pages to be copied. It is not unreasonable to assume that the time involved would be approximately ten times greater than the time needed to reproduce 1,000 normal pages.

Accordingly, it will be necessary to evaluate each request in terms of the material to be furnished, and the overall costs will depend on what materials are to be reproduced in response to a specific request.

ACTION: None. For information only.

*[Handwritten initials]* *[Handwritten initials]*

397



UNITED STATES GOVERNMENT  
Memorandum

Q

CA 95-276  
EXHIBIT 17

TO : Mr. J. B. Adams

DATE: 3/24/75

FROM : Legal Counsel

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF HAROLD WEISBERG

Admin. Serv. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Files & Com. \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Inspection \_\_\_\_\_  
Intell. \_\_\_\_\_  
Lab. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Off. of Cong. & Public Affairs \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

*J. B. Adams*

*J. B. Adams*

dated March 13th  
By memorandum from Legal Counsel to Mr. J. B. Adams under the above caption it was advised discussion with Mr. Weisberg concerning his request for laboratory data connected with the John F. Kennedy assassination investigation was planned for MARCH 14th. This is to advise of the results.

Mr. Weisberg was accompanied by his attorney, James H. Iesar of Washington, D. C. Representing the FBI were SA Thomas H. Branson of the FOIA Unit, Legal Counsel Division, SAs Robert A. Frazier and John W. Kilty of the Laboratory Division.

This discussion revolved what apparently was Mr. Weisberg's confusion as to what data, other than that which had been furnished to the National Archives, was in existence and in possession of the FBI. After the data was generally identified for him, and samples shown to him, he made specific requests for spectographic and neutron activation material which consists of tables and pages with results of readings, representing metal fragments from the body of President Kennedy and the body of Governor Connolly. Additionally requested were spectographic analyses data of the areas on the clothing of President Kennedy and Governor Connolly where the bullets may have passed. Weisberg also requested the available material relating to examination of the windshield of the President's automobile, and examination regarding metal fragments from the President's automobile. Additional request was made for laboratory examination data which may be available regarding testing done on a curbstone near the crime scene.

Enc.

2 ENCLOSURE

ENCLOSURE

- 1 - Mr. Adams - Enc.
- 1 - Mr. White - Enc.
- 1 - Mr. Lint

6 APR 21 1975

NOT RECORDED

APR 17 1975

CONTINUED - OVER

348

Legal Counsel to Mr. Adams memo  
Re: FOIA Request of Harold Weisberg

Both Mr. Weisberg and Mr. Lesar indicated this would be completely satisfactory to them and would cover the scope of the current FOIA request with regard to laboratory data in the Kennedy assassination case.

With regard to the above request, the documents proposed for release are not considered to be material that would be subject to withholding under the current FOIA. It is estimated it will contain approximately 20-30 copied pages, and a preliminary estimate of a full-work day to search and compile. We would be authorized to charge ten cents per copy for reproduction, and \$2 per quarter hour for search and production of the documents, this being the fee specified in regulations for a non-clerical type search.

Discussion thereafter continued with SA Bresson regarding FOIA matters generally and specifically the pending civil suit. Mr. Lesar stated that receipt of the requested documents would moot the civil litigation with regard to laboratory documents.

Mr. Weisberg then attempted to formulate some additional FOIA requests regarding the Kennedy assassination investigative file regarding events in Dallas and investigation of Lee Harvey Oswald. He also indicated he plans to pursue further the Martin Luther King assassination case, including laboratory findings, and some general data of historical interest to him that he claims he furnished the FBI many years ago. Mr. Weisberg was informed, and he understands, that any future FOIA request will have to be submitted in writing in accordance with the Departmental regulations.

Mr. Lesar made reference to a letter we sent to him dated 2/27 in response to his letter of 1/29 which he directed to the then Acting Attorney General Laurence Silberman. He felt the reply was not responsive to his question, and that it particularly did not address the issue as to whether information concerning Mr. Weisberg had ever been furnished to former Congressman Hale Boggs. He advised he would pursue this matter further indicating he did not feel a reply based mainly on the search of records was sufficient in this case.

349

Legal Counsel to Mr. Adams memo  
Re: FOIA Request of Harold Weisberg

The correspondence to which Lesar refers, copy attached, contained in addition to the Boggs question, a request for reply to what was identified as previously unanswered inquiries as to whether Weisberg was subject to surveillance or other intrusions into his life by the FBI. The reply, copy attached, was based on review of the Weisberg file and references in indices to him, and advised generally that FBI records contained no information to substantiate this.

During this conference Mr. Weisberg specifically asked if "Director Hoover's confidential files" were searched and the reply was that as far as is known, the appropriate files that would reflect the type of requested information, if it existed, were checked and no information to substantiate the allegations was found. Mr. Lesar asked if any contact was made with the son of Hale Boggs to verify this, and he was answered that we did not.

The "OC" file was not checked initially, but on 3/14 it was determined there is no reference to Weisberg contained therein.

Results of this discussion, insofar as the pending civil litigation is concerned was furnished to Mr. Jeffrey Axelrad of the Civil Division of the Department on 3/14 and to Assistant United States Attorney Michael Ryan, who is handling the case. Mr. Axelrad was advised we still had not received a copy of this complaint, and he stated he would insure we would receive it promptly.

RECOMMENDATION:

The requested documents be processed by Laboratory Division and coordinated with FOIA Unit for determination of charges and release.

R- J.C. W. P. Ok. J.S.

350



March 31, 1975

- 1 - Mr. White
- Attn: Mr. Kilty
- 1 - Mr. Mintz

James H. Loner, Esq.  
1121 Fourth Street, S.W.  
Washington, D. C. 20024

Dear Mr. Loner:

*Assassination of Pres. John F. Kennedy*

I am enclosing 17 pages of material described in my letter to you dated March 26th, plus five pages of documents relating to the custodial examination which your client, Mr. Weisberg, has requested.

Sincerely yours,

Clarence H. Kelley  
Director

ENCLOSURE

Enclosures (5)

- 1 - Honorable Michael Egan  
Assistant United States Attorney  
Room 3421  
United States District Courthouse  
3rd Street and Constitution Avenue, N. E.  
Washington, D. C. 20001
- 1 - The Deputy Attorney General  
Attention: Sue Hanger
- 1 - Assistant Attorney General  
Civil Division, Attention: Mr. Arnold
- 1 - Bufile 62-115532 (FOI REQUESTS)

15 APR 3 1975

HAND DELIVERED

NOTE NEXT PAGE

NOT RECORDED

48 APR 17 1975

THE:ms (9)

51 APR 22 1975

MAIL ROOM TELETYPE UNIT

ORIGINAL FILED IN

351



James H. Lesar, Esq.

NOTE: We have previously had approved the release under the FOIA of the 17 pages of material which relate to spectrographic and neutron activation examination conducted in the assassination of the John F. Kennedy case. This material will be personally delivered to Mr. Lesar, who will appear at the FOIA Office on March 31st.

352

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. Conrad  
1 - Mr. Williams, 7133

TO : Mr. Conrad

DATE: 8/19/70

FROM : M. E. Williams

SUBJECT: HAROLD WEISBERG V. DEPARTMENT OF JUSTICE  
USDC D. C., CIVIL ACTION NO. 2301-70

EXHIBIT 19  
Sullivan  
Mohr  
DeLoach, C.D.  
Casper  
Callahan  
Conrad  
Felt  
Gale  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Holmes  
Gandy

By memorandum of 8/13/70, copy attached, the Department has requested the Bureau to provide certain information relative to a civil suit brought by Harold Weisberg to force the Government to "produce and make available for copying the spectrographic analyses of the various bullets and fragments" involved in the assassination of President Kennedy.

Weisberg is the author of several books pertaining to the assassination including "Whitewash - The Report of the Warren Commission." His writings for the most part are vitriolic and diabolical criticisms of the Warren Commission, the FBI, the Secret Service, several other U. S. Government agencies, and the Dallas Police Department. His writings contain inaccuracies, falsehoods, and deliberate slanting of facts to suit his purpose.

There has been considerable past correspondence between Weisberg and the Department and the Bureau concerning the results of these spectrographic examinations. In each instance, Weisberg has been denied access to the detailed notes, work sheets, and photographic plates comprising the "raw data" upon which the conclusions of the Laboratory examiners were based. This civil suit is the latest in Weisberg's moves to obtain this material.

Enclosures (2) sent 8-21-70

62-109060

- 1 - Mr. Mohr
- 1 - Mr. Sullivan
- 1 - Mr. Rosen
- 1 - Mr. Casper (Attention: Mr. Dalbey)
- 1 - M. Bishop

MEW:mjk (8)

CONTINUED - OVER

REC-29

AUG 31 1970

EX-103

AUG 27 1970

RECEIVED 1170

353

Memorandum to Mr. Conrad  
RE: HAROLD WEISBERG  
62-109060

As a matter of background information, spectrographic analyses of material such as bullet material permit a compositional comparison of the different samples and thus an indication as to whether such samples may have originated from the same or different bullets. Laboratory examiners furnished testimony before the Warren Commission that certain fragments were examined spectrographically and were similar in composition. The "raw data" (work sheets, notes, and photographic plates) upon which these conclusions were based are part of the Bureau's investigative files pertaining to this matter. These "raw data" are not normally made public since they can only be interpreted properly by scientifically trained personnel. Moreover opening the Bureau's investigative files would set a highly dangerous precedent and could cause irreparable damage. Paragraph 5 in the attached affidavit covering this aspect is included at the request of the Department.

In a somewhat similar suit "John Nichols v. United States of America, et al., USDC D. Kansas, Civil No. T-4536" filed 1/20/69 we answered the Department memorandum of 2/3/69 in a manner similar to the instant response. In that reply as in the attached memorandum we recommended to the Department that the release of the requested information be denied based on the exemption in the Public Information Law, 5 USC 552, subsection (b), paragraph 7, which specifically exempts investigative files compiled for law enforcement purposes. This case was subsequently withdrawn by the Plaintiff.

RECOMMENDATION:

1. That we recommend to the Department that the release of the information requested by Weisberg be opposed.

2. There is attached for approval a proposed memorandum enclosing the affidavit requested.

Handwritten signatures and initials: WBS, JPM, and others. A small number '2' is written below the signatures.

354



UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

DATE: AUG 13 1970

TO : Mr. J. Edgar Hoover  
Director, Federal Bureau of Investigation

DATE: 7-1

WDR:JFAxelrod  
145-12-1449

Mr. Tolson	
Mr. Sullivan	
Mr. Mohr	
Mr. Bishop	
Mr. Brennan	CD
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

FROM : William D. Ruckelshaus  
Assistant Attorney General  
Civil Division

SUBJECT: Harold Weisberg v. Department of Justice  
USDC D.C., Civil Action No. 2301-70

*WDR*  
*W.D. Kennedy*

A copy of the complaint recently filed in this action is enclosed.

In order that we may defend this action, please send us not later than September 1, 1970, a report, in duplicate, setting forth the facts involved. Because many courts are reluctant to grant extensions of time to answer, we request that this report be given your preferred attention. If you cannot send us the necessary material within that time, please let us know promptly so we can inform the court of the reason for the delay.

It will be helpful if you will state specifically which allegations of the complaint should, in your opinion, be admitted and which should be denied, and make suggestions for any affirmative allegations to be made in the answer.

Please include a list of the names, official positions, and addresses of persons who have personal knowledge of the facts involved and a brief summary of the matters about which they can testify on behalf of the Government.

Your report should also include information (and copies of relevant documents, if any) as to any defense set-off or counterclaim which you believe may be available.

In addition, please transmit with your response to this memorandum originals and six copies of an affidavit establishing the basis for defense of this litigation. The affidavit could be prepared along the lines of the affidavit executed by Special Agent Roy H. Jevins for use in litigation entitled John Nichols v. United States, USDC D Kan., Civil No. T-4076. In addition to the statements made in that affidavit, we suggest you include in the affidavit in the present litigation, a statement of how your law enforcement purposes would be hindered were the materials sought subject to public disclosure.

AUG 31 1970

ENCLOSURE  
CLOSED ATTORNEYS  
United States Attorney  
District of Columbia

EX-109

22 AUG 14 1970

EXP-PROC

AUG 14 1970

355



CA 75-226  
EXHIBIT 21

ITEMS PERTAINING TO ASSASSINATION  
OF PRESIDENT JOHN F. KENNEDY  
PRESENTLY AVAILABLE IN THE FBI  
LABORATORY - 1/20/64

THIS COPY TO BE FILED  
WITH BULKY ENCLOSURE  
IN SPECIAL FILE ROOM  
(105-82555-5480)

EPF PT.

356

- 1 - Mr. Conrad
- 1 - Mr. Frasier
- 1 - Office, 7133

Mr. Conrad

6-2-66

M. H. Jovons

LAW HARVEY OSWALD  
IS - M

By airtel to Dallas, 1-31-64, a complete set of photographs of all evidentiary items in the Laboratory's possession as of 1-20-64, with a list of the items represented in the photographs was forwarded to the Dallas Office.

The Bureau file set of photographs which has been used for reference on numerous occasions has been retained in the Laboratory because of its bulky nature. This set of photographs and list are being forwarded with a copy of this memorandum to the Records Section for permanent retention.

RECOMMENDATION: That the set of photographs be made a bulky exhibit to this file, 105-82555, and that the list of items be retained with the photographs.

105-82555

- 1 - Mr. Bohr
- 1 - Mr. Sullivan (attn: Mr. Lonigan)
- 1 - Mr. Rosen (attn: Mr. Raupach)
- 1 - Mr. Tavel

*(1) file with Bulky return in by Mr. Rosen*

BAV:alb (8)

*105-82555-5480*

RECEIVED  
FBI  
COMMUNICATIONS SECTION  
RECEIVED

EPF P+1

357

UNITED STATES GOVERNMENT

Memorandum

CA 75-276  
EXHIBIT 102

- Mr. Tolson
- Mr. DeLoach
- Mr. Mohr
- Mr. Bishop
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Tele. Room
- Miss Holmes
- Miss Gandy

TO : W. S. Tavel

DATE: Sept. 1, 1966

FROM : Y. W. Conrad

SUBJECT: ASSASSINATION OF  
PRESIDENT JOHN F. KENNEDY  
11/22/63

Bufile: 62-109060

There is enclosed the file which has been maintained in the Laboratory in connection with the above-captioned matter. It is desired that this file be maintained as an enclosure to the main file in the Records Branch.

Enc.

-4180

62-109060-418

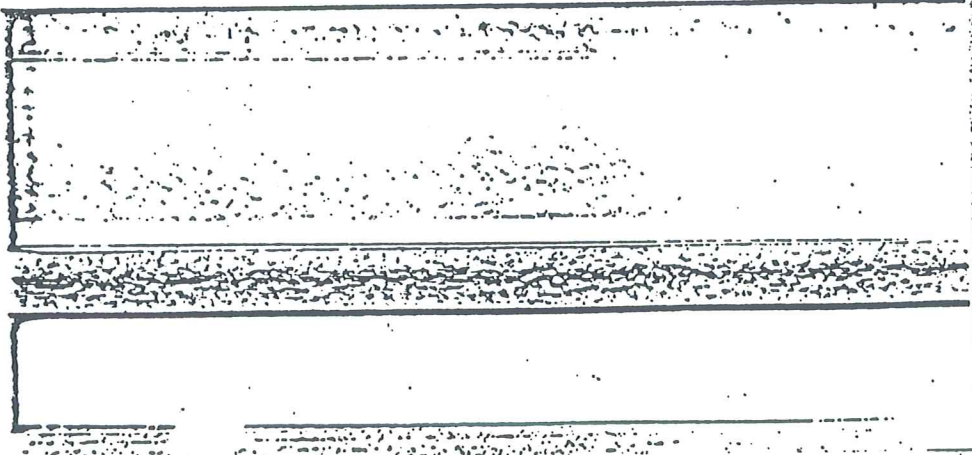
NOT RECORDED

19 SEP 2 1966

ENCLOSURE

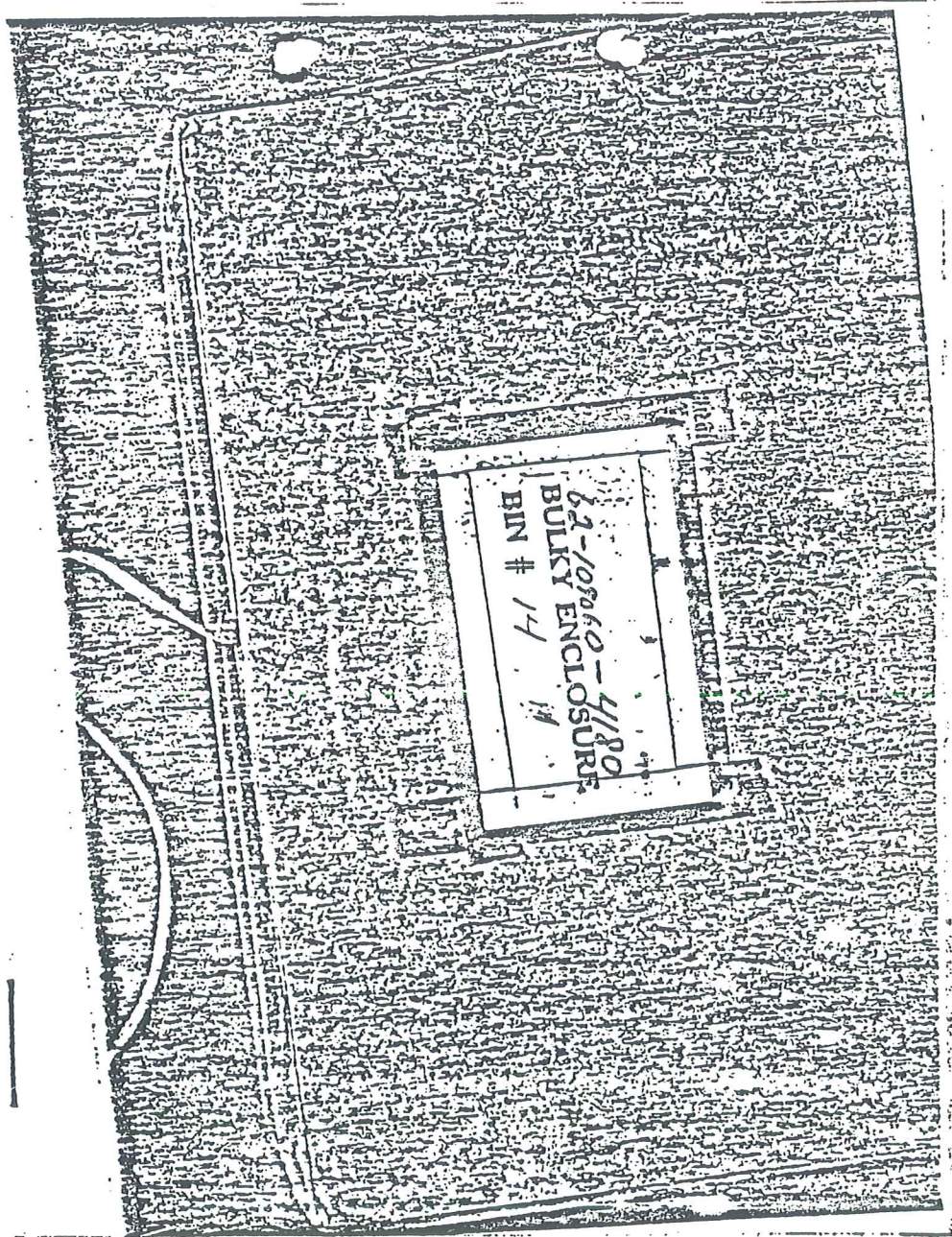
FBI

67 SEP 2 1966



358





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Basic Policy

CA 95-276  
EXHIBIT 23

Mr. Conrad

2/10/64

- 1 - Mr. Conrad
- 1 - Mr. Griffith
- 1 - Mr. Cadigan
- 1 - Mr. Jovanis

W. D. Griffith

LIFE HARVEY OSWALD, aka. 105-82111  
IS - R - CUBA

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY  
11/22/63, DALLAS, TEXAS

JACK L. RUBY, aka.  
LIFE HARVEY OSWALD, aka - Victim (Deceased)

Pursuant to your instructions we have worked out a new procedure to insure the President's Commission has been furnished photographs of every piece of physical evidence received in any of the three captioned cases and/or to furnish photographs of new evidence that we receive. I have coordinated this procedure with Inspector Malley, SAC Shanklin in Dallas and Supervisor Lenihan in the Domestic Intelligence Division.

Henceforth as any new evidence is received in the Laboratory, subjected to examination and Laboratory report submitted, the Laboratory report will be directed to Dallas. Four 8 x 10 photographs will be furnished to Dallas along with Laboratory report. The photographs will have been assigned a listing number in the Laboratory and this number will appear on the photographs so that our master list of photographs furnished to the Commission will be complete. Dallas will be instructed to incorporate results of the Laboratory examination in an investigative report and attach three photographs to three copies of each investigative report. One photograph will be attached to the copy of the report that bears the SAC's initials and will eventually be the Bureau file copy. Dallas will flag the other two reports to which photographs are attached as "Commission" copies and in this manner the Commission will receive the photographs along with the report that sets forth the investigation to which the photographs pertain. The fourth photograph furnished to Dallas will serve as Dallas's file copy. Domestic Intelligence Division and the Investigative Division will be furnished copies of our outgoing Laboratory report along with duplicate photographs of those being transmitted to Dallas.

- 1 - Mr. Belmont
- 2 - Mr. Sullivan (Mr. Lenihan)
- 3 - Mr. Rosen (Mr. Malley, Mr. Rogge, Mr. Hines)

WDC:mhb (11)

360

Memorandum to Mr. Conrad  
Re: Lee Harvey Oswald

With respect to physical evidence currently being sent to the Bureau pursuant to field-wide instructions, it would be undesirable if photographs were transmitted to the Commission before the Commission had received results of investigation which pertained to such photographs. In furnishing photographs to the Commission in the future we will be alert to insure no photographs are sent from the Laboratory if the investigation pertaining to such photographs has not already been incorporated in an investigative report. If such investigation has been previously reported, we will transmit the photographs to the Commission under cover of letter as we have done in the past.

If we are unable to determine readily whether investigation which relates to a particular photograph has been incorporated in an investigative report, we will send four copies of the photograph to Dallas with a request that Dallas determine whether the investigation has been reported. If no investigative report has been submitted, Dallas will submit one and attach photographs as exhibits as indicated above. If the report has been previously submitted, Dallas will prepare a letterhead memorandum suitable for dissemination identifying the report in which the pertinent information is set forth and will attach three of the photographs as exhibits. The Seat of Government Supervisor will then disseminate the letterhead memorandum with exhibits attached.

There will be a number of instances when the Laboratory, as repository only of the physical evidence, has not conducted any examination of such evidence. In those instances, if the evidence has been referred to and described in an investigative report, the Laboratory will furnish the photograph to the Commission by letter. If it has not or we cannot determine readily, we will send photographs to Dallas and Dallas will resolve the problem in accordance with the above-described arrangements.

RECOMMENDATION: None. For information.

361

UNITED STATES GOVERNMENT

Memorandum

CA 75-226  
EXHIBIT 24

TO : FILE (100-16601)

DATE: 12/10/63

FROM : SAC

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

On 12/10/63, at 9:45 a.m. I talked to Mr. JIM MALLEY at Dallas. I asked MALLEY whether Dallas planned to submit results of all Lab examinations or whether New Orleans and other offices were expected to submit results of Lab examinations of the material submitted by the respective offices.

MALLEY stated that Dallas is preparing a report and will devote one section thereof to results of FBI Lab examinations and therefore, it will not be necessary for New Orleans to submit the same data in any New Orleans report.

For MALLEY's information I gave him a brief, oral resume of the leads and various lines of investigation New Orleans is currently pursuing in connection with the OSWALD case.

② - New Orleans  
HGM:jim  
(2)

ADDENDUM BY ASAC SYLVESTER, 12/10/63

At 10:15 a.m., 12/10/63, SA BOB GRAMBLING of Dallas advised received telephone call from Mr. MALLEY concerning questions raised by Mr. MAYNOR.

- 1) In reference to Lab reports:
  - a) Each office should report the obtaining and sending of evidence to the Lab;
  - b) Dallas will report all results furnished by the Lab in their reports. It will not be necessary for office sending in the evidence to report results of Lab findings.

100-16601-120

Reynolds  
edley  
okey  
adviser

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 10 1963	
FBI - NEW ORLEANS	

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CA 75-226  
EXHIBIT 24A

Laboratory Transmittal Form  
7-72

FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C.

- 1 - Belmont
- 1 - Rosen
- 1 - Sullivan
- 1 - Malley
- 1 - Rogge
- 1 - Lenthain
- 1 - Conrad
- 1 - Jovons
- 1 - Frazier
- 1 - Office, 7133

To: FBI, Dallas

Date: June 10, 1964

Re: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY, 11/22/63,  
DALLAS, TEXAS

*J. Edgar Hoover*  
John Edgar Hoover, Director

FBI File No.  
Lab. No. 62-109060  
PC-81024 BX

Examination requested by: The President's Commission  
Reference: Letter 6/12/64  
Examination requested: Firearms  
Remarks: *See [unclear]*

It will not be necessary for the Dallas Office to prepare the usual two copies of the Investigative Report for the President's Commission since the information in the enclosed report was furnished to the Commission by letter dated June 2, 1964.

Should correspondence with the Commission concerning the items described in the enclosed report be necessary, the "C" numbers should be used rather than the "Q" numbers.

Items C6, C7, C3 and C38 are being retained in the Laboratory.

NOT RECORDED  
199 JUN 22 1964

Enclosures (2) (2 Lab report)

1 - 105-82555

RAF:io (14)

EXPLOSIVE YELLOW

ADMINISTRATIVE PAGE

ORIGINAL FILED IN

363



CA 75-276  
EXHIBIT 25

1/30/64

List of Laboratory reports concerning the cases captioned  
"Assassination of President John F. Kennedy, 11/22/63, Dallas,  
Texas," Bureau file 62-109060, and "Lee Harvey Oswald, aka,  
IS - R," Bureau file 105-82556.

<u>DATE OF REPORT</u>	<u>LABORATORY #</u>	<u>ADDRESSEE</u>	<u>CC TO</u>
11/23/63	D-436461 AX	Dallas	
11/26/63	D-436464 AX	Dallas	
11/26/63	D-436514 AX	Dallas	
11/26/63	D-436513 ET	Dallas	
11/27/63 (Transmittal Form only)	D-436516 AX	New Orleans	2 - Dallas
11/26/63 (Transmittal Form only)	D-436517 AX	Dallas	
11/26/63	D-436518 AX	Dallas	
11/26/63	D-436536 AX	Dallas	
11/27/63	D-436597 AX	Dallas	
11/27/63	D-436598 AX D-436599 AX D-436600 AX	Dallas	
11/27/63	D-436701 AX	Dallas	
11/29/63	D-436717 AX	Dallas	
11/29/63	D-436721 AX	Dallas (86-43)	
11/29/63	D-436719 AX D-436563 AX	Dallas (89-43)	

62-109060-4150 EBF p19 4/7/79

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<u>DATE OF REPORT</u>	<u>LABORATORY #</u>	<u>ADDRESSEE</u>	<u>CC TO</u>
12/2/63	PC-76315 BX D-436718 AX	Dallas (89-43)	
11/29/63	D-436720 AX	Dallas (89-43)	
11/29/63	D-436724 AX	Miami	2 - Dallas (89-43)
12/2/63	D-436726 AX	Dallas (89-43)	
11/29/63	D-436772 AX	Dallas (89-43)	
11/29/63	D-436810 AX	Dallas (89-43)	
11/29/63	D-436835 AX	Milwaukee	2 - Dallas
11/29/63	D-436836 AX	Dallas	
11/30/63	D-436844 HO	Dallas (89-43)	
12/2/63	D-436845 AX	Dallas (89-43)	
12/2/63	D-436846 AX	Dallas (89-43)	
12/2/63	D-436847 AX	Dallas (89-43)	
12/2/63	D-436848 AX	Dallas (89-43)	
12/2/63	D-436849 AX	Dallas (44-1639)	
12/2/63	D-436850 AX	Dallas (89-43)	
12/3/63	D-436852 AX	Buffalo	2 - Dallas (89-43)
12/2/63	D-436912 AX	Dallas (89-43)	
12/13/63	D-436922 AX	Miami	1 - Dallas
12/3/63	D-437015 AX	Dallas (89-43)	
12/3/63	D-437016 AX	Dallas (89-43)	
12/3/63	D-437017 AX	Dallas (89-43)	
12/3/63	D-437018 AX	Dallas (89-43)	

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<u>DATE OF REPORT</u>	<u>LABORATORY #</u>	<u>ADDRESS</u>	<u>CC TO</u>
12/9/63	D-437050 ET	Dallas (89-43)	
12/11/63	D-437068 AX	Dallas (89-43)	
12/11/63	D-437098 AX	Dallas (89-43)	
12/11/63 (Total only)	D-437124 BE	Dallas (89-43)	
12/11/63	D-437135 AX	Dallas (89-43)	
12/11/63	D-437136 AX	Dallas (89-43)	
12/11/63	D-437190 AX	Dallas (89-43)	
12/11/63	D-437198 AX	Dallas (89-43)	
12/11/63	D-437232 AX	Dallas (89-43)	
12/11/63	D-437233 AX	Dallas (89-43)	
12/11/63 (Total only)	D-437278 AX	Dallas (89-43)	
12/11/63	D-437277 AX	Dallas (89-43)	
12/11/63	D-437279 AX	Dallas (89-43)	
12/11/63	D-437297 AX	Dallas	
12/20/63	D-437341 ET	Dallas	
12/16/63	D-437304 AX	Dallas (89-43)	
12/16/63	D-437395 AX	Dallas (89-43)	
12/19/63	D-437420 AX	Dallas	
12/18/63	D-437426 BE	Dallas (89-43)	
12/19/63	D-437427 BE	New Orleans (89-68)	2 - Dallas (89-43)

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<u>DATE OF REPORT</u>	<u>LABORATORY #</u>	<u>ADDRESSEE</u>	<u>CC TO</u>
12/11/63	D-437464 AX D-437562 AX	Dallas (89-43)	
12/11/63	D-437579 AX	Dallas (89-43)	
12/13/63	D-437659 AX	Dallas (89-43)	
12/11/63	D-437660 AX	Dallas (100-10461)	
12/11/63	D-437710 AX	Dallas	
12/13/63	D-437839 AX	Dallas (100-10461)	
12/20/63	D-437426 HO CR-12463 IC	Dallas	
12/16/63	D-437982 BS	Dallas (89-43) (100-10461)	
12/17/63	D-438119 BE	Dallas (89-43)	
12/23/63	D-437492 IH	Dallas (89-43)	
12/18/63	D-438233 BE	Dallas (100-10461)	
12/17/63	D-438233 BE	Dallas (89-43) (100-10461)	
12/20/63	D-438289 BS	New Orleans 1 - Dallas	
12/27/63	D-438450 HO	Dallas (89-43)	
12/20/63	D-438446 BE D-438451 BE	Dallas (100-10461) (89-43)	
12/20/63	D-438447 BS	Dallas (89-43)	
12/23/63	D-438448 BS	Dallas (100-10461)	
12/20/63	D-438449 BS	Dallas (89-43)	
12/26/63	D-438603 BE	Dallas (100-10461)	
12/26/63	D-438604 BE	Charlotte 2 - Dallas	
12/31/63	CR-12478 IC	Dallas (100-10461)	

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<u>DATE OF REPORT</u>	<u>LABORATORY #</u>	<u>ADDRESSEE</u>	<u>CC TO</u>
1/9/64	D-439454 AX	Miami	1 - Dallas (89-43)
1/8/64	D-439461 ET	Dallas	
1/8/64	D-439689 AX	St. Louis	2 - Dallas (100-10461)
12/27/63	D-437901 AX	Dallas (9-1897)	
1/10/64	D-437464 AX	Dallas (100-10461)	
12/6/63	D-437276 ET	Dallas (89-43)	
1/28/64	D-441157 AX	New Orleans	2 - Dallas (100-10461)
11/23/63	PC-78243 BX D-436461 AX	Chief of Police Dallas, Texas	2 - Dallas
12/5/63	PC-78376 JV	Chief, U. S. Secret Service	2 - Dallas
12/4/63	PC-78282 BX HB	Chief, U. S. Secret Service	2 - Dallas
12/5/63	PC-78232 EX JV GN	Dallas	
12/5/63	PC-78361 BX	Dallas	
12/5/63	PC-78360 BX	Dallas	
12/5/63	PC-78377 BX	Chief, U. S. Secret Service	2 - Dallas
12/9/63	PC-78378 BX HB	Chief of Police Dallas, Texas	2 - Dallas (157-218)
12/10/63	PC-78426 BX	Dallas	
12/9/63	PC-78441 BX	Dallas	
12/15/63	PC-78516 BX	Dallas (100-10461)	

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<u>DATE OF REPORT</u>	<u>LABORATORY #</u>	<u>ADDRESSEE</u>	<u>CC TO</u>
12/18/63	PC-78515 BX	Little Rock	2 - Dallas (100-18461) 2 - Dallas (89-43)
12/23/63	PC-78545 BX	Dallas (100-10461)	
12/31/63	PC-78701 JV BX	Dallas (100-10461)	
1/25/64	PC-78815 BX DE D-439321 AX	Dallas (100-10461)	
10/5/63	PC-78403 DE PC-78407 IJ	Dallas (89-43)	
11/25/63	PC-78244 JV	Dallas (89-43)	
12/20/63	CR-12463 IC	Dallas	

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Memorandum

CA 95-226  
EXHIBIT 26

TO : FILE (44-1639)

DATE: 6/10/64

FROM : SAC SHANKLIN

SUBJECT: JACK L. RUBY, aka;  
LEE HARVEY OSWALD, aka - VIC. (Deceased)  
CR

Inspector JAMES R. MALLEY called at noon today and referred to information which is set out on the administrative pages of Dallas report, 11/30/63 in the RUBY case. He stated this deals with information received from a Chicago source that RUBY was previously a close friend of JOE SCARAMUZZO, a Chicago gunshop proprietor, from whose store 3 or 4 "GAMMA" rifles by the National party of Puerto Rico in the attempt to kill OSWALD in March, 1954 were purchased.

Inspector MALLEY stated they were unable to find anything there to show that anything was ever done about trying to run this out; that is, whether we determined if SCARAMUZZO was a close friend of RUBY, whether he was ever interviewed, etc. (It has not previously been furnished to the Commission or the Bureau's knowledge. This information was included in the RUBY memorandum work papers.

I had the indices checked, and furnished Inspector MALLEY with the page numbers where information pertaining to JOE SCARAMUZZO was located.

ADDENDUM: I called the Chicago Office and talked to Supervisor WALTERS and advised him of the above request, and he called back and stated that they had not interviewed SCARAMUZZO. I also told him that he was not to do anything until advised either by me or the Bureau. I then furnished this information to Inspector J. R. MALLEY, who stated they would give Chicago instructions from headquarters.

3 - Dallas  
JGS:mfr

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Memorandum

CA 95-226  
EXHIBIT 27

TO : SAC J. GORDON SHANKLIN (100-10461)      DATE: 6/10/64

FROM : SA PAUL E. WULF

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

*Tracing of evidence*

Re Bureau airtel to Dallas, 5/22/64, and the enclosed President's Commission letter, 5/20/64, pertaining to the tracing of evidence, copies of which will be furnished to Agents conducting investigation.

The following information, obtained from a file review and examination of original evidence, should be of benefit in obtaining the desired data:

- (1) THREE RIFLE CARTRIDGE CASES, C6, C7, C38

C6 and C7 were furnished to SA VINCENT E. J. DRAIN on November 22, 1963, and probably contain the initials of Lieutenant J. C. DAY, Dallas Police Department.

C38 was furnished to SA DRAIN on November 27, 1963, and may also contain the initials of Lieutenant DAY.

- (2) RIFLE BULLET, C1

DARRELL C. TOMLINSON, employee, Parkland Hospital, residence 11514 Broadmoor, found this item on a stretcher at Parkland Hospital and gave it to O. P. WRIGHT, Personnel Manager and Chief Security Officer, Parkland Hospital, immediately after finding same. WRIGHT gave the bullet to Special Agent RICHARD JOHNSON, Secret Service, November 22, 1963, and was given a receipt by JOHNSON. On November 22, 1963, JAMES ROWLEY, Chief, Secret Service, Washington, D. C., gave this bullet to SA ELMER LEE TODD, FBI. TODD took it to the FBI Laboratory and gave to SA ROBERT A. FRAZIER, FBI, and both latter individuals identified by initial.

PEW/ds  
(5)

*Handle # 1, 4, 8, 10, 11, 13, 14 see Wulff for original evidence*

100-10461-6597

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 10 1964	
FBI - DALLAS	

*Crain*

66157

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(4) RIFLE CARTRIDGE, C8

Captain J. W. FRITZ, Dallas Police Department, ejected this live round from assassination rifle immediately after rifle found at Texas School Book Depository on November 22, 1963, at which time Lieutenant J. C. DAY, Dallas Police Department, was present and assisted FRITZ.

(5) BULLET FROM THE WALKER RESIDENCE, C148

Lieutenant J. C. DAY, Dallas Police Department, identified bullet after being furnished same by Detective BOBBY G. BROWN, Dallas Police Department, Crime Scene Search Section, who in turn had obtained bullet from unknown officer at WALKER residence. It is noted the pill box containing this bullet is initialed "B.G.B." as well as "DAY".

(6) REVOLVER CARTRIDGE CASES, C47 - C50

Two of these cartridge cases were found by DEMINGO BENAVIDES, 501 East Jefferson Street, in the 400 block of East 10th Street, Dallas, and gave them to J. M. POE, Dallas Police Department, who in turn delivered to PETE BARNES of the Dallas Police Department Crime Laboratory on November 22, 1963.

One of the cartridge cases was found on afternoon of November 22, 1963, by BARBARA JEANNETTE DAVIS in her front yard. At that time she resided 410 East 10th Street, Dallas, but now resides 301 West Larkin, Athens, Texas. She gave this cartridge to Captain G. M. DOUGHTY, Dallas Police Department, same date. It should be noted Captain DOUGHTY has identified this cartridge case as C49. Captain DOUGHTY states he was present when found and no further action will be necessary on this item.

VIRGINIA DAVIS, a sister of BARBARA, found the fourth cartridge case in the front yard of 410 East 10th

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Street, on November 22, 1963, and gave it to Detective C. M. DORRITY, Homicide Bureau, Dallas Police Department, November 22, 1963. She now resides at Athens, Texas, with her sister at above-noted address.

(7) FOUR REVOLVER BULLETS RECOVERED FROM THE BODY OF OFFICER TIPPIT, C13 and C251 - C253

C13 was removed from the body of TIPPIT at the Methodist Hospital November 22, 1963, by Dr. PAUL MOELLEHOFF, given to Patrolman R. A. DAVENPORT, who in turn released to Lieutenant J. C. DAY or Captain G. M. DOUGHTY. The pill box containing this bullet bears the initials "R.A.D." (DAVENPORT) along with others.

C251 - C253 were removed from the body of TIPPIT at Parkland Hospital November 22, 1963, by Dr. EARL FORREST ROSE, Medical Examiner, and given to Detective FRANK J. CORKERY of the Burglary and Theft Bureau, Dallas Police Department. CORKERY in turn gave these three bullets to Captain J. W. FRITZ. It should be noted the three pill boxes containing these three bullets all bear the name "E. F. ROSE, M.D." and he should be the proper person to whom these bullets should be exhibited.

(8) SIX REVOLVER CARTRIDGES FOUND IN THE REVOLVER AT THE TIME OF OSWALD'S ARREST, C51 - C54 and C137 - C138

Sergeant JERRY HILL, Dallas Police Department, removed six live rounds of ammunition from the revolver of OSWALD immediately after his arrest November 22, 1963. Two rounds were released to Secret Service November 26, 1963. All six cartridges bear the name "HILL".

(9) FIVE REVOLVER CARTRIDGES FOUND IN OSWALD'S POCKET AT THE TIME OF HIS ARREST, C55 - C59

EIMER BOYD, Detective, Homicide Bureau, Dallas Police Department, found these five rounds in the left front

DL 100-10461

pants pocket of OSWALD at the time he searched OSWALD. All five cartridges have been initialed "E.B.", which appears on the primer.

(10) GREEN AND BROWN BLANKET, C12

This item was furnished to an unknown member of the Dallas Police Department on November 22, 1963, by either Mrs. MARINA OSWALD, who now lives at 629 Belt Line Road, Richardson, or by Mrs. RUTH PAINE, who lives at 2515 West 5th Street, Irving, Texas. This item was furnished to SA DRAIN of the Dallas Office by the Dallas Police Department on November 30, 1963. It should be determined what Dallas Police Department officer accepted this blanket, and it should then be shown to whoever furnished the blanket to the Dallas Police Department.

(11) BROWNISH SHIRT, C11

RAY HAWKINS, Dallas Police Department, helped in the arrest of OSWALD and accompanied him to the office of Captain J. W. FRITZ, and shirt was not removed until sometime after OSWALD arrived in the office of Captain FRITZ. Lieutenant PAUL BENTLEY, as well as BOB K. CARROLL, Dallas Police Department, were with OSWALD en route to the office of Captain FRITZ. Captain FRITZ has identified this shirt as the one worn by OSWALD when brought to his office November 22, 1963.

(12) OSWALD'S HAIR SAMPLES, C20 - C25

BOBBY G. BROWN, Crime Scene Search Section, Dallas Police Department, accompanied by Officer JACK DONOHUE, obtained these specimens, at which time they were placed in pill boxes prepared by SA C. RAY HALL.

(13) THE WRAPPING-PAPER BAG, C10

This item was found on the sixth floor of the Texas School Book Depository immediately after the assassination during a search by Detective R. L. STUDEBAKER and Lieutenant

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J. C. DAY. This item bears the name J. C. DAY as well as the initials "R.L.S." and others.

(14) FOUR CARTONS FOUND IN THE TEXAS SCHOOL BOOK DEPOSITORY, C40

These four boxes were found immediately after the assassination and all four boxes bear the names R. L. STUDEBAKER and J. C. DAY, as well as other identification.

(15) OSWALD'S APPLICATION FOR DALLAS POST OFFICE BOX 2915, D17 (Q34)

HARRY HOLMES, Post Office Inspector, Dallas, furnished this item to SA ALFRED C. ELLINGTON, and it bears the initials of HOLMES as well as the date November 22, 1963.

(16) OSWALD'S CHANGE OF ADDRESS CARD FOR DALLAS POST OFFICE BOX 2915, D18 (K18)

This item was furnished to SA ALFRED C. ELLINGTON by HARRY HOLMES, Post Office Inspector, Dallas, November 22, 1963, and bears the initials of HOLMES as well as the date.

(18) OSWALD'S SELECTIVE SERVICE SYSTEM NOTICE OF CLASSIFICATION, B1 (2)

This is an item found in the billfold of OSWALD after his arrest. A photograph of this item was furnished to SA JAMES W. BOOKHOUT by Captain J. W. FRITZ, Dallas Police Department, on November 24, 1963. Lieutenant PAUL BENTLEY indicates he took OSWALD's wallet from him while OSWALD was being transported to the Dallas City Jail from place of arrest and gave the wallet to Lieutenant BAKER.

(19) OSWALD'S UNITED STATES MARINE CORPS CERTIFICATE OF SERVICE, B1 (4)

Other data same as (18) above.

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- (20) SELECTIVE SERVICE SYSTEM NOTICE OF CLASSIFICATION IN THE NAME OF HIDELL, D207

Other data same as (18) above.

- (21) UNITED STATES MARINE CORPS CERTIFICATE OF SERVICE IN THE NAME OF HIDELL, D206

Other data same as (18) above.

- (22) FAIR PLAY FOR CUBA COMMITTEE CARD DATED JUNE 15, 1963, B1 (8)

Other data same as (18) above.

- (23) VACCINATION CERTIFICATE SIGNED DR. HIDEEL, 444 (D47)

This item was found in a search by the Dallas Police Department November 22, 1963, at 1026 North Beckley, Dallas. The search was made by W. E. POTTS, F. M. TURNER, H. M. MOORE and BILL SENKEL, Homicide Bureau. This item bears the initials "H.M.M." and the date November 22, 1963.

- (24) NEGATIVES, B3

The only information pertaining to this item is a listing on the evidence inventory list, at which time the negatives are described as follows: Envelope containing 28 35 mm. negatives, six 2 1/2 x 2 1/4 negatives, one positive of building, one negative of OSWALD's wife. This property was among that turned over to SA's KENNETH C. HOWE, JAMES P. HOSTY and WARREN C. DE BRUEYS November 26, 1963, by the Dallas Police Department. It is suggested the Dallas Police Department property clerk be contacted to determine if this item is listed on Police Invoice Number 11413G.

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DL 100-10461

(25) TWO PHOTOGRAPHS SHOWING OSWALD WITH A RIFLE, D33

These two photographs were among 47 photographs furnished to SA's JAMES W. BOOKHOUT and GEORGE W. H. CARLSON by Captain J. W. FRITZ, Dallas Police Department, December 2, 1963. These photographs were reportedly found in a box in the garage of Mrs. RUTH PAINE, 2515 West 5th Street, Irving, Texas, November 23, 1963, when searched by Dallas Detectives G. F. ROSE, H. M. MOORE, R. S. STOVALL, J. P. ADAMCIK. These items are reported to be recorded on Dallas Police Department Property Clerk Invoice Number 11413G, and are said to bear the initials "J.P.A." on the reverse side; however, the reverse side is not available at this time in the Dallas Office.

(28) JAGGARS-CHILES-STOVALL CHECKS, D11

These 26 checks, along with other material, were furnished by S. L. MALONE, Secretary-Treasurer, above company, 522 Browder Street, Dallas, to JAMES M. DE PRATO, Internal Revenue Service, Dallas, November 23, 1963. They were later left at the Dallas Office by Secret Service Inspector TOM KELLEY for SA JOHN J. FLANAGAN of the Oklahoma City Office, who was on special assignment.

(30) NOTES, THE COMMUNIST PARTY OF THE U.S. HAS BETRAYED ITSELF, 117 (D43)

This exhibit was found at the home of Mrs. RUTH PAINE, 2515 West 5th Street, Irving, November 23, 1963, during a search by Homicide Bureau Detectives of the Dallas Police Department named G. F. ROSE, H. M. MOORE, R. S. STOVALL and J. P. ADAMCIK. This item was released to SA's HOWE, HOSTY and DE BRUEYS on November 26, 1963.

(37) COMMISSION EXHIBITS 55, 56 AND 66  
(LETTERS IN RUSSIAN), 156, 157, 159

Above obtained by search warrant November 23, 1963, at the residence of Mrs. RUTH PAINE, 2515 West 5th Street, Irving, Texas. Search made by Dallas Police Department Homicide Bureau Detectives G. F. ROSE, H. M. MOORE, R. S. STOVALL and J. P. ADAMCIK.

These three letters are to MARINA and are signed ALEK (LEE HARVEY OSWALD).

As instructed by the Bureau, each of the 37 items is to be handled on a separate sheet of paper so that each individual request of the President's Commission will be complete in itself. These items will be put in an over-all letterhead memorandum submitted by Dallas. Each page should have a heading at the top identifying the particular item or items as set forth in this memorandum; however, do not include the number of the President's Commission request, which precedes the heading in this memorandum.

Extreme care should be used in maintaining possession of all original items of evidence and insure they are maintained in the proper containers.

LEADS:

DALLAS AT DALLAS:

Determine where and by whom each item was found or first obtained, up to and including the first person who can positively identify the particular item. A photograph or the original evidence should be exhibited to persons contacted, and the insert which is dictated should show whether a photograph or the original evidence was shown.

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CA 95-226  
EXHIBIT 28

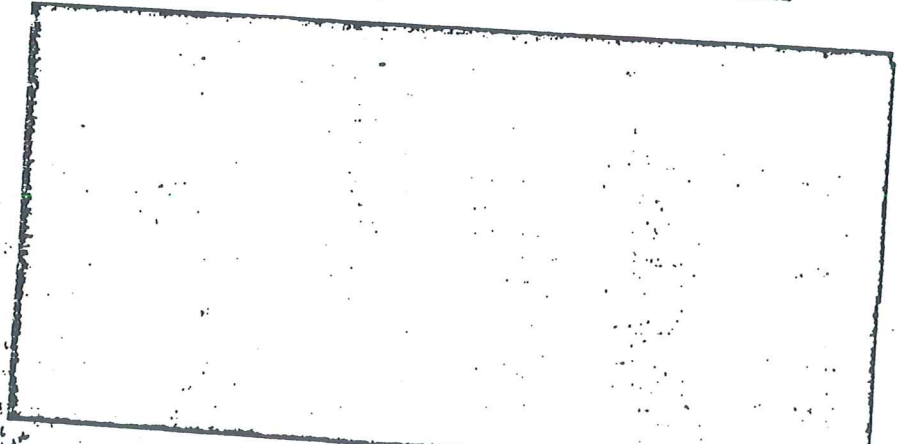
ROUTE IN ENVELOPE

July 19, 1965

SECRET

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:



Enclosures (2)

- Mr. Sullivan (Mr. Stokes, Room 6M RB) (enc - 3) AUG 23 1965
- Mr. Raupach, Room 5716
- Mr. Griffith

REC 45 62 - 109,090 - 466 (3)

Classified by 2040  
Exempt from GDS, Category 1, 2, 3  
Date of declassification Indefinite  
EPG/nd 1/10/78

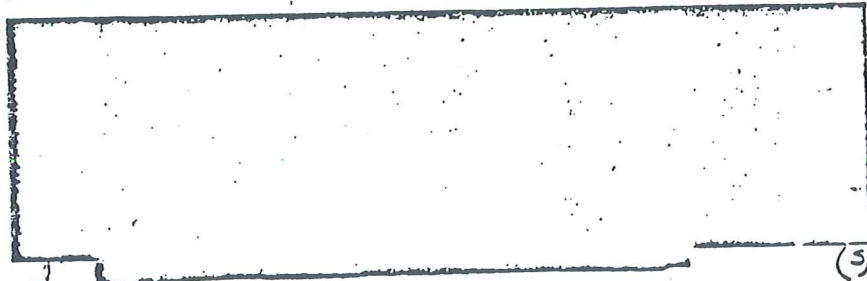
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Copies of the two sensitive Laboratory reports are enclosed for General Investigative Division and Domestic Intelligence Division. U

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



12-11-1

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

*[Handwritten initials]*

*J. W. Conrad*

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5-7 (Rev. 3-26-64)  
DOMESTIC INTELLIGENCE DIVISION - FBI  
SOVIET SECTION

C.A. 75-226  
EXHIBIT 29

6/8, 1964

- Mr. Belmont Mail Room, 5531
- Mr. Sullivan Mr. J.D. Donohue,
- Mr. D.E. Moore 815 RB
- Mr. Sizoo Mr. Cotter
- Mr. Baumgardner
- Mr. Bland RECORDS BRANCH
- Mr. Branigan Consolidation Unit
- Mr. D.J. Brennan Special Mail Room
- Mr. R.W. Smith Send File
- Mr. Wannall Bring File
- Foreign Liaison up-to-date
- Mrs. Carter Place on record
- Mrs. Dorset and return
- Miss Levis Indicate Index
- Miss Triplett reference
- Miss Trotter Post in File and
- Mrs. Williams Destroy 0-1
- Open--Close Note File # and
- Correct return R/S to
- Please Call Me
- Please See Me

*Cadigan*

SUPERVISORS Room

- Mr. Aull Mr. Putman
- Mr. Ezell Mr. Smith
- Mr. Gheesling Mr. Stark
- Mr. Gregg Mr. Stewart
- Mr. Lee Mr. Stokes
- Mr. Lenihan Mr. Taylor
- Mr. Linton Mr. Torrillo
- Mr. Litrento Mr. Turner
- Mr. Martin Mr. Whitson
- Mr. McWilliams Mr. Yatteau

*Jim -*  
 These are re-  
 submits. Stokes  
 said you are  
 holding a big  
 package on this.  
 Now you can go  
 ahead, get the

R. E. Lenihan  
 R.M. 645 RB, EXT. 2194  
*down*

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whole package &  
a number &  
then send the  
4 copies of each  
to Stokes & he  
will send to  
the Commission  
& to Dallas  
& put 1 in  
file. also  
furnish 1  
set for  
our records  
here in 643-RR.

Thank.

B. Leland

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CA 105-276  
EXHIBIT 301/s

FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

NOV 23 1963

TELETYPE

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. DeLoach	✓
Mr. Evans	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

URGENT 11-23-63 2-00 AM TRC  
TO DIRECTOR AND SAC, DALLAS  
FROM SAC, BALTIMORE

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

BUAGENTS MET PRESIDENTIAL PLANE ON LAANDING AT ANDREWS AFB, MD. AND ACCOMPANIED MOTORCADE IN WHITE HOUSE CAR TO NATIONAL NAVAL MEDICAL CENTER, BETHESDA WHERE AUTOPSY PERFORMED. AUTOPSY WITNESSED BY THREE SECRET SERVICE AGENTS, TWO BUAGENTS AND ATTENDING PHYSICIANS AT CENTER.

TOTAL BODY XRAY AND AUTOPSY REVEALED ONE BULLET ENTERED BACK OF HEAD AND THEREAFTER EMERGED THROUGH TOP OF SKULL. OF SKULL MEASURING TEN BY SIX POINT FIVE CENTIMETERS LATER IN FROM DALLAS HOSPITAL AND XRAYS BETHESDA DISCLOSED MINUT METAL FRAGMENTS IN THIS PIECE WHERE PULLET EMERGED FROM SKULL. TWO METAL FRAGMENTS REMOVED FROM BRAIN AREA, ONE IS SEVEN BY TWO MILLIMETERS AND THE OTHER IS THREE BY ONE MILLIMETERS. THESE TWO METAL FRAGMENTS HAND CARRIED BY BU AGENTS TO FBI. LAB.

ONE BULLET HOLE LOCATED JUST PELOW SHOULDERS TO RIGHT OF SPINAL COLUMN AND HAND PROBING INDICATED TRAJECTORY AT ANGLE OF FORTY FIVE TO SIXTY DEGREES DOWNWARD AND HOLE OF SHORT DEPTH WITH NO POINT OF EXIT. NO BULLET LOCATED IN BODY.

500005 1963  
END PAGE ONE

MR. BELMONT FOR THE DIRECTOR

SEVEN

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FATHOLOGIST OF OPINION BULLET WORKED WAY OUT OF BACK  
DURING CARDIAC MASSAGE PERFORMED AT DALLAS. IT IS NOTED  
THAT SECRET SERVICE AGENT RICHARD JOHNSON TURNED OVER TO BULAB  
ONE SIX POINT FIVE MILLIMETER RIFLE BULLET, PAREN APPROX  
TWENTY FIVE CAL PAREN, COPPER ALLOY, FULL JACKET, WHICH HE ADVISED WAS  
FOUND ON STRETCHER IN EMERGENCY ROOM AT DALLAS HOSPITAL. AT TIME  
IT WAS NOT KNOWN IF STRETCHER WAS THAT WHICH HAD BEEN USED FOR PRESI-  
LENT.

SECRET SERVICE HAS FULLY COOPERATED WITH BUAGENTS AND ADVISED  
WOULD MAKE PHOTOS TAKEN OF AUTOPSY AND XRAYS AVAILABLE AT BU  
REQUEST.

END ACK PLS

2-27 AM OK FBI WA JR

TU DISCV

CC-MR. ROSEN

CC-MR. SULLIVAN

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REPORT  
of the

EXHIBIT #19

CA 95-226  
EXHIBIT 31



FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C.

December 5, 1963

To: Honorable James J. Rowley  
Chief  
United States Secret Service  
Department of the Treasury  
Washington, D. C. 20220

BY LIAISON

Attention: Mr. Robert I. Bouck  
Special Agent in Charge  
Protective Research  
Section

Re: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY

12/6/63  
delivered  
Arthur  
John Edgar Hoover, Director

YOUR NO. 62-109060  
FBI FILE NO. PC-73232 BX HB  
LAB. NO.

Addresses

Examination requested by:

Letter 11/23/63

Reference:

Firearms - Spectrographic

Examination requested:

Evidence personally delivered by Special Agent Orrin Bartlett

Specimens: on 11/23/63

DEC 17 1963

- Q19 Pair of black moccasin shoes
- Q20 Pair of black socks
- Q21 - Q22 Trousers and coat
- Q23 Belt
- Q24 Necktie
- Q25 Shirt
- Q26 Handkerchief
- Q27 Comb
- Q28 Bandages and belt
- Q29 White shorts

DEC 17 1963  
RECEIVED  
FBI  
DEC 17 1963  
WJH

Results of examination:

Examination of the President's clothing revealed the presence of a small hole in the back of the coat and shirt. The hole in the back of the coat is positioned approximately 5 3/8" below the top of the collar and 1 3/4" to the right of the middle seam. The hole in the shirt back

100  
90  
80  
70  
60  
50  
40  
30  
20  
10  
0

- 2 - FBI, Dallas
- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Sullivan (Attention: Mr. Bartlett)
- 1 - Mr. Handley

REC 16 1963  
Page 1  
RAF:sh  
(10)

(continued on next page)

385

is located in the same relative area, being 5 3/4" below the top of the collar and 1 1/8" to the right of the middle. These holes are typical of bullet entrance holes.

The evidence bullets submitted in this case are clad with copper metal. Spectrographic examination of the fabric surrounding the holes in the back of the coat and shirt revealed minute traces of copper.

A ragged slitlike hole approximately 1/2" in length is located in the front of the shirt 7/8" below the collar button. This hole is through both the button and buttonhole portions of the shirt due to the overlap. This hole has the characteristics of an exit hole for a projectile. No bullet metal was found in the fabric surrounding the hole in the front of the shirt.

A small elongated nick was located in the left side of the knot of the tie, Q24, which may have been caused by the projectile after it had passed through the front of the shirt.

X-ray and other examinations of the clothing revealed no additional evidence of value.

Specimens Q19 through Q29 are being retained in the FBI Laboratory.

CA 75-226  
EXHIBIT 32

11/26/63

~~PLAIN TEXT~~ CODE

TELETYPE

URGENT

TO SAC DALLAS

FROM DIRECTOR FBI

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

FOR YOUR INFORMATION, LABORATORY EXAMINATION OF PRESIDENT'S CLOTHING RECEIVED FROM SECRET SERVICE REVEALED SMALL HOLE IN BACK OF COAT AND SHIRT. HOLE IN BACK OF COAT IS POSITIONED APPROXIMATELY FIVE AND THREE EIGHTHS INCHES BELOW TOP OF COLLAR AND ONE AND THREE FOURTHS INCHES TO THE RIGHT OF MIDDLE SEAM. HOLE IN SHIRT BACK IS LOCATED IN SAME RELATIVE AREA BEING FIVE AND THREE FOURTHS INCHES BELOW TOP OF COLLAR AND ONE AND ONE EIGHTH INCHES TO THE RIGHT OF THE MIDDLE.

EVIDENCE BULLETS SUBMITTED THIS CASE ARE CLAD WITH COPPER METAL. SPECTROGRAPHIC EXAMINATION OF FABRIC SURROUNDING HOLES REVEALED MINUTE TRACES OF COPPER.

REC 2 62-109660-42  
12-42

A RAGGED SLITLIKE HOLE APPROXIMATELY ONE HALF INCH IN LENGTH IS LOCATED SEVEN EIGHTHS INCH BELOW THE COLLAR BUTTON IN THE OVERLAP OF THE SHIRT. THIS HOLE HAS CHARACTERISTICS OF

- Tolson \_\_\_\_\_
- Belmont \_\_\_\_\_
- Mohr \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Evans \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

- 1-Mr. Belmont
- 1-Mr. Rosen
- 1-Mr. Sullivan, Attention: Mr. Omin Bartlett
- 1-Mr. Conley, Room 5714

VIA TELETYPE  
12:08 PM '64  
NOV 27 1963  
ENCIPHERED

MAIL ROOM  TELETYPE UNIT

Section 5

387



TELETYPE TO DALLAS  
ASSASSINATION OF PRESIDENT JOHN F.  
KENNEDY

AN OPEN HOLE FOR A BULLET FRAGMENT. HOWEVER, NO BULLET  
METAL WAS FOUND IN THE SURROUNDING FABRIC. A SMALL  
ELONGATED NICK WAS LOCATED IN THE LEFT SIDE OF THE KNOT OF  
THE SUBMITTED TIE WHICH MAY HAVE BEEN CAUSED BY THE  
FRAGMENT AFTER IT HAD PASSED THROUGH THE SHIRT. THIS HOLE  
IN THE SHIRT CORRESPONDS TO THAT AREA JUST BELOW ADAM'S  
APPLE ON A PERSON'S NECK. X RAY AND OTHER EXAMINATIONS OF  
CLOTHING REVEALED NO ADDITIONAL EVIDENCE OF VALUE.  
~~THIS EVIDENCE BEING RETURNED TO SECRET SERVICE.~~

NOTE: Based on memorandum RHJevons to I. W. Conrad, same caption, -26-63

270155  
New  
New  
1710

388

MEMORANDUM

CA 75-226  
EXHIBIT 33

TO : Mr. Conrad  
FROM : R. H. Jovons  
SUBJECT: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY

DATE: 11/26/63

Mr. Tolson  
Mr. Belmont  
Mr. Mohr  
Mr. DeLoach  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Mr. Holmes  
Miss Gandy

PCB

A detailed examination has now been completed of the clothing of President Kennedy. This material was delivered to the laboratory on the evening of 11/23/63, by Liaison, who received it from the Secret Service. The items delivered consisted of a suit coat, trousers, shirt, tie, belt, undershorts, a pair of shoes, a pair of socks, back brace, handkerchief, comb, pieces of elastic bandage and pads. Examination was requested by Secret Service.

A small hole appears in the back of the coat and shirt. The hole in the back of the coat is positioned approximately 5 3/8" below the top of the collar and 1 3/4" to the right of the middle seam. The hole appearing in the shirt back is located in the same relative area being 5 3/4" below the top of the collar and 1 1/8" to the right of the middle of the back of the shirt. It is to be noted that the evidence bullets in this case are clad with copper metal. Accordingly, the fabric surrounding these holes was examined spectrographically in an effort to determine whether traces of copper could be found. We were successful in detecting minute traces of copper around the edges of the holes.

There also appears near the front of the collar of the shirt a ragged slitlike hole approximately 1/2" in length located 7/8" below the collar button in the overlap of the shirt. The hole has the characteristics of an exit hole for a bullet fragment. An elongated nick in the left side of the tie knot was also located which may have been caused by the fragment after it had passed through the shirt. This hole in the shirt would correspond to that area just below the Adam's apple on a person's neck. Although the hole appears to have been caused by a bullet fragment, spectrographic examination of the fabric surrounding this hole revealed no evidence of bullet metal.

- 1 - Mr. Tolson
- 1 - Mr. Belmont
- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan, Attention: Mr. Orin Bartlett
- 1 - Mr. Conley, Room 5714

EX-108

REC-39 108-1086

DEC 6 1963  
27  
RHJ:DLJ (11)

7-21

DSL 2

389

Memorandum to Mr. Conrad  
Re: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY

The coat and shirt were also X rayed for metal bullet fragments that may have been embedded among the layers of fabric, but no such fragments were found.

All of the clothing and items submitted were also examined for other pertinent evidence which would tend to shed some further confirmatory light on the identity of the perpetrator of this crime, but none was found.

The evidence is being retained in the Laboratory pending its return by Liaison.

ACTION: Liaison should orally advise Secret Service of the above information. Dallas being advised by wire.

*Col. L. D. Brown, Special  
Gen. in Charge, PRS,  
U.S. White House Liaison  
& Lab. Examination  
JWB*

*JWB*

*K*

*1056  
DJL2*

*390*



UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Conrad  
FROM : R. H. Jevons  
SUBJECT: LEE HARVEY OSWALD  
IS - R

DATE: 3/17/64

Tolson  
Belmont  
Mohr  
Casper  
Callahan  
Conrad  
DeLoach  
Malone  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Holmes  
Gandy

EXHIBIT 34

In accordance with the verbal request of Mr. Melvin Eisenberg of the President's Commission and with prior approval, SA John F. Gallagher of the Laboratory talked with Mr. Eisenberg on 3/16/64, concerning the neutron activation analyses of the paraffin casts from Lee Harvey Oswald for the purpose of determining if they bore powder residue characteristic of the rifle cartridges.

As you were previously advised, it was not possible to distinguish the powder residues of the rifle cartridges from the powder residues of the revolver cartridges. In view of the fact that the paraffin casts were not made until after the reported firing and handling of the fired revolver, no significance could be attached to the residues found on the casts other than the conclusion that barium and antimony in these residues were present in amounts greater than would be expected to be found on the hands of an individual who has not recently fired a weapon.

Mr. Eisenberg asked that he be furnished the answers to the following questions: (1) What are the items in common usage which contain barium? (2) What are the items in common usage which contain antimony? (3) What are the items in common usage which contain both antimony and barium? (4) Would neutron activation analyses show if a bullet passed through the hole in the front of President Kennedy's shirt near the collar button area and also if a bullet passed through the material of his tie?

These questions have been answered and are present in letter form for transmittal to the President's Commission.

RECOMMENDATION:

It is recommended that the attached letter be forwarded to the President's Commission.

REC-17 105-82355-2646  
3 MAR 23 1964

MAR 24 1964

- Enclosure sent 3-18-64
- 1 - Mr. Belmont - Encl.
- 1 - Mr. Rosen - Encl.
- 1 - Mr. Sullivan - Encl.
- 1 - Mr. Tavelley - Encl.

105-82355  
JRG:PO, (9)

391



CA 75-226  
EXHIBIT 35

PRESIDENT'S COMMISSION  
ON THE  
ASSASSINATION OF PRESIDENT KENNEDY

200 Maryland Ave. NE  
WASHINGTON, D.C. 20002

LARL WARREN  
Chairman  
RICHARD B. RUSSELL  
JOHN BRIDGEMAN COOPER  
DALE BOGGS  
GERALD R. POAD  
KWIN J. McCLOY  
ALLEN W. DULLES

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

MAR 18 1964

Mr. J. Edgar Hoover  
Director  
Federal Bureau of Investigation  
Department of Justice  
Washington, D. C. 20535

Dear Mr. Hoover:

Re: Clothing worn by President Kennedy when  
assassinated on November 22, 1963.

Would you please submit a report in writing from the FBI  
Laboratory concerning the following:

1. Shirt - Exhibit 225
  2. Coat - Exhibit 222
  3. Tie - Exhibit 224
- (Lab Report, dated December 5, 1963)

We would appreciate your reasons for the opinion that holes  
in the clothing were either "entrance holes" or "exit holes."

Sincerely,

*J. Lee Rankin*  
J. Lee Rankin  
General Counsel

62-1046-121  
MAR 27 1964

MAR 27 1964

*Subst  
3-22-64  
EMK/llb*

EX-100  
39 MAR 22 1964

392

1-Mr. Belmont  
1-Mr. Rosen  
1-Mr. Sullivan  
1-Mr. Malley

March 23, 1964

By Courier Service

62-109270

REC'D-READING ROOM  
F B I  
MAR 23 4 13 PM '64

Honorable J. Lee Rankin  
General Counsel  
The President's Commission  
200 Maryland Avenue, Northeast  
Washington, D. C.

Dear Mr. Rankin:

Reference is made to your letter dated March 10, 1964, concerning the reasons for the opinion that holes in the clothing of President Kennedy were either "entrance holes" or "exit holes."

The hole in the back of the coat and the hole in the back of the shirt were in general, circular in shape and the ends of the torn threads around the holes were bent inward. These characteristics are typical of bullet entrance holes.

The hole in the front of the shirt was a ragged elliptical hole and the ends of the torn threads around the hole were bent outward. These characteristics are typical of an exit hole for a projectile.

A small elongated nick was present in the left side of the left of the tie. This nick may have been caused by the projectile after it passed through the front of the shirt. No additional observations relative to the nick could be made due to the characteristics of the nick.

Sincerely yours,

L. Edgar Hoover

49 MAR 25 1964  
FBI  
SEARCHED  
SERIALIZED  
INDEXED  
FILED

CLK:feh (10)

393

Date February 8, 1964

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile <b>62-109060</b>	Field Division <b>DALLAS</b>
Title and Character of Case <b>LEE HARVEY OSWALD, aka; ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY, 11/22/63, DALLAS, TEXAS AFO</b>	
Date Property Acquired <b>12/1/63</b>	Source From Which Property Acquired <b>SA B. D. ODUM</b>
Location of Property or Bulky Exhibit <b>Bulky Exhibit Files</b>	Reason for Retention of Property and Efforts Made to Dispose of Same <b>Possible evidence</b>
Description of Property or Exhibit and Identity of Agent Submitting Same	

X52 1. Three pieces of pressed board submitted by SA ODUM and SA GIBBEON D. MC NEELY.

These three pieces of pressed board were used in the replica sack to give bulk to the package to simulate weight in the original package carried by LEE HARVEY OSWALD on 11/22/63. These boards were used in exhibiting the sack to LINNIE RANDLE.

When the case is closed, these pieces of pressed board will be destroyed.

(Sent to Bureau 12/13/63 and returned after examination - presently located Dallas Bulky Exhibit file)

COPIES DESTROYED  
44 MAR 11 1973

Field File # 100-10461

*Kept this and not  
curb from spectra photo?*

*Section 94*

*394*

*CA 75-226  
EXHIBIT 37*



UNITED STATES GOVERNMENT

Memorandum

C.A. 75-226  
EXHIBIT/B8

Tolson	
Felt	
Mohr	
Bishop	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

TO : Mr. DeLoach

DATE: November 22, 1966

FROM : A. Rosen

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. Shroder
- 1 - Mr. Raupach
- 1 - Mr. Wick
- 1 - Mr. Sullivan

SUBJECT: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
NOVEMBER 22, 1963  
DALLAS, TEXAS

PURPOSE:

To advise an article appears in the Washington Post, 11/21/66, "Life' Urges Review of JFK Death." The article quotes John Connally of Texas, as saying one bullet caused the President's first wound and that an entirely separate shot struck him. This is merely a restatement of his testimony before The President's Commission on 4/21/64.

BACKGROUND:

An article date lined New York, November 20, appeared in the Washington Post November 21, 1966, captioned, "Life' Urges Review of JFK Death."

This article alleges that a new investigating body should be set up, perhaps at the initiative of Congress, contending there is reasonable doubt Lee Harvey Oswald acted alone.

Governor John Connally of Texas, was quoted by Life Magazine, "They talk about the one bullet or two bullet theory but as far as I am concerned there is no theory. There is my absolute knowledge...that one bullet caused the President's first wound and that an entirely separate shot struck me. It is a certainty, I will never change my mind."

The Commission in its report established three shots were fired; one of which wounded the President, and Governor Connally, one missed and one was responsible for striking the President in the head.

NOV 28 1966

Governor Connally testified before The President's Commission on 4/21/64, which is revealed in Volume IV of the "Hearings Before The President's Commission on the Assassination of President Kennedy" beginning on page 129. On page 141, when the Governor was theorizing who Oswald's target was, he stated

CONTINUED - OVER

ENCLOSURE

Section 103

395

11/21/66  
 247-34-110  
 UNRECORDED COPY FILED IN  
 62-109060-4267  
 REC-39  
 62-109060-4267



Memorandum to Mr. DeLoach  
Re: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY

"The man fired three shots, and he hit each of the three times he fired." The Governor continued, "As a result of the first shot, the President slumped and changed his position in the back seat just enough to expose my back." Governor Connally's statement regarding the President being wounded by one shot and that an entirely separate shot struck him is merely a re-statement of his theory to which he testified before the President's Commission.

In the President's Commission's report on page 117, the Commission concluded, one bullet probably caused all the wounds suffered by President Kennedy and Governor Connally. Since the preponderance of the evidence indicated that three shots were fired, the Commission concluded that one shot probably missed the Presidential limousine and its occupants.

The "Life" article has been reviewed and while there are a number of references to the FBI, none are of a derogatory nature. The article points out that in a three-part report published by the FBI in 1963, (our 12/9/63 report sent to the Commission) the FBI "subscribed" to the theory that separate bullets struck the President and Connally. Initially it was believed possible that of the three shots fired, two hit the President and the third Governor Connally. Since, however, the sequence of shots fired was not known, our 12/9/63, report stated "Two bullets struck President Kennedy and one wounded Governor Connally."

ACTION:

This is submitted for information.

✓  
We don't agree  
with the Commission's  
as it says one shot missed  
entirely & we contend all 3  
shots hit.

X-2-

396

CA 75-226  
EXHIBIT 39

Room 316  
2701 N. 16 Avenue  
Gainesville, Florida  
32601  
24 February 1957

Mr. Tolson	
Mr. Boardman	
Mr. Nichols	
Mr. Belmont	
Mr. Ladd	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

WPA ✓

Federal Bureau of Investigation  
Department of Justice  
Constitution Ave., 10 Street N.W.  
Washington 25, D.C.

Dear Mr. Hoover :

I understand that the F.B.I. investigation of the  
venue assassination does not reach the same conclusions  
as the Warren Commission's report. I am curious to  
know how the F.B.I. Security Report differs from the  
Warren Report. Also, has it ever been established  
if James Ray, a bystander during the incident, was  
hit by the assassin's bullets or fragments of a bullet?

I wish some information also on the following  
subject. At the University of Florida, where I am a  
student, there are several organizations which I feel are  
left wing groups. One one that appears most prominent  
on the campus is the Students for a Democratic Society  
(S.D.S.). I have often wondered if this is a Communist  
oriented group and if they are on the F.B.I. list of  
subversive organizations.

With my admiration and respect for you and your  
organization, I feel your answers to my questions are  
the "final word" on those subjects.

To a man whose name and organization are household  
words held in the highest esteem by the American public,  
I want to say, thank you, Mr. Hoover, for wishing to  
make and keep our country safe and free America. I  
pray that you will continue to direct and run the Federal  
Bureau of Investigation for many years to come.

Very truly yours,  
*Joseph A. Sisk, Jr.*  
Joseph A. Sisk, Jr.

62-109090-581

EXP. 33 MAR 1 1957  
U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

mm  
wcl  
3-3-57  
HCH/49

REC-51

397





CA 75-276  
EXHIBIT 40

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT  
**Memorandum**

TO : Mr. Cochran

DATE: June 16, 1975  
1-Mr. Cochran  
1-Mr. Stack  
1-Mr. Kilty

FROM : M. J. Stack, Jr. *MJS*

SUBJECT: FREEDOM OF INFORMATION (FOIA)  
REQUEST OF HAROLD WEISBERG

- Asst. Dir. \_\_\_\_\_
- Dep. AC Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

By letter dated March 31, 1975, to James B. Lesar, Esq., attorney for Weisberg, the Bureau released five pages of documents in the John F. Kennedy assassination investigation. These five pages related to the examination of a curbstone and are enclosed with this memorandum.

As can be noted on the first page of the Laboratory worksheet, lead smears from the curbstone were examined spectrographically. In a Memorandum of Points and Authorities filed in U. S. District Court for the District of Columbia, Weisberg has asked for "this spectrographic testing." An exhaustive search of pertinent files, and storage locations has not turned up the spectrographic plates nor the notes made therefrom. Therefore, by affidavit, Kilty can say that the FBI Laboratory has turned over to Weisberg all the material it has concerning the spectrographic examination of the lead smears from the curbstone.

ACTION: None. For information only.

*black diagram & symbols and relative concentrations.*

JWK JWK:JC  
(6)

EX-111

REC-30 100-351938-41

- 1 - Mr. Breson, 5448 JEH (with enclosures)
- 1 - Mr. Blake, 4706 (with enclosures)

JUN 24 1975

Enclosures

*JKB JCF*

*FOIA*

ENCLOSURE

JUL 9 1975 - 235

EXHIBIT # 15

399





In Reply, Please Refer to  
File No.

FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE

CA 75-226  
EXHIBIT 41

WASHINGTON 25, D. C.  
August 10, 1964

LEE HARVEY OSWALD

With regard to the November 29, 1963, edition of the newspaper, "Deutsche Nationalzeitung und Soldatenzeitung" (German National Newspaper and Soldiers Newspaper), which carried an article entitled, "The Strange Case of Oswald," the Bundeskriminalamt (BKA - West German Federal Criminal Police), Frankfurt, German Federal Republic, furnished the following information:

Representatives of the Criminal Police of Munich, German Federal Republic, interviewed Dr. Gerhard Frey, Editor of the "Deutsche Nationalzeitung und Soldatenzeitung," and were informed by Dr. Frey that the copies of the November 29, 1963, issue of the newspaper were printed on November 25 and 26, 1963, and that no changes were made in the text of the issue and no copies or parts of the issue were printed after those dates.

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.

COPIES DESTROYED  
4 4 MAR 5 1973

ENCLOSURE

400



Airtel to Dallas  
LW HANLEY GARDNER, aka  
IS - 4 - CUBA

Book Depository Building (TSEDB). If you move along the south  
end of Main Street until all objects in view are aligned as  
they are in the picture, that point should be within inches of the  
nick in the curb providing Mr. Underwood actually made the picture  
from the nick as he stated. The best guide to use initially is  
the lamp post between the two buildings on the right side of the  
photograph. After that is aligned, other objects can be checked  
such as the sign on the left and its relation to the steps and  
the TSEDB as well as the lamp posts on the north side of Elm Street  
and their relation to specific areas of the TSEDB. Satal results  
of efforts to locate the nick on the curb.

The photographers, James Underwood and Tom Dillard, may  
be of assistance to you in locating the nick in the curb. In this  
regard, you should interview both photographers and submit letterhead  
memoranda in compliance with Item 3 of the attached letter from the  
Commission. For your further information, Item 1 of the Commission's  
letter is being handled by the Laboratory. Item 2 will be handled  
by the Laboratory depending upon whether or not the nick in the curb  
can be located after which you will be furnished further instructions  
relative to submission of the piece of curbing. The Laboratory will  
also make a comparison of photographs to be made after the nick is  
located, with photographs made by Underwood and Dillard as requested  
in Item 3.

402







- (3) Please determine whether the photograph forwarded to us by Miss [redacted] is a photograph of the same curb mark represented in the Underwood photograph. We suggest that Ben Dillard of the Dallas Morning News be shown the curb on the curb from which the Underwood photograph was taken in order to determine whether the two men photographed the same mark.

Sincerely,

*J. Lee Rankin*

J. Lee Rankin  
General Counsel

Enclosures (2)

409



D-45592740  
PC 8:527 25, 61

upcoming laboratory paired, <sup>was removed on 8-5-64 and trail at the FBI Lab.</sup> ~~was removed~~ has been designated C 2, 3, 21. <sup>by the FBI laboratory.</sup>

Small foreign metal smears were found in adhering to the curbing section at an area which bears a mark. These metal smears were ~~analyzed~~ spectrographically determined to be essentially lead with a trace of antimony. No copper was found.

The lead could have originated from a lead bullet, the lead core of a metal jacketed bullet <sup>such as the type of bullet recovered from the Governor's residence</sup> or from some other source <sup>of similar or from some other source having the same composition.</sup>

The ~~relative~~ absence of copper precludes the possibility that the mark on the curbing section was made by an unjacketed lead-jacket military type full metal jacketed bullet such as the bullet recovered <sup>from the Governor's residence</sup> or the bullet <sup>or bullets</sup> represented by the jacket fragments, C 2 and C 3, found in the President's limousine. Further, the damage to the curbing would have been much more extensive if a rifle bullet had struck the curbing without first having struck some other object.



Recorded  
8-7-64, 10J

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

LAB FILE

Re: LEE HARVEY OSWALD, aka  
IS - R - 006A

File # 105-82555-4668X  
Lab. # D-455927 HO

Examination requested by: President's Commission (7-7-64)

Examination requested: <sup>Electronically</sup> Photo, Radio-~~Microscopic~~  
Pistols Date received: 8-6-64

Result of examination:

Examination by: Shane *off*

Mark on wall is 23' 4" from Triple underpass.  
A direct shot from 6th floor window TSBD would  
cross over pres in center of Elm St at about 18' elevation  
& not pierce frame 410. 97 frames after 313 or  
be 313 @ 1500 f.p.s.

Specimens submitted for examination

Q609

Location for location and examination of mark: on curbing at assassination  
site

at frame 410 Mrs K is back in car +  
Hill is midway between bumper + pres.  
Curbing removed - mark made by object  
franching in general direction away from TSBD.

8-11-64

8-11-64/2

2-731, Dallas (100-10461)

34 AUG 27 1964

105-82555-4668X

407



Recorded  
11-7-64 cm

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

LAB FILE

Re: LEE HARVEY OSWALD, aka  
IS - P - CUBA

File # 105-82555-466 X  
Lab. # D-455927 HO

PC-81827 BX CF

Examination requested by: President's Commission (7-7-64)

Examination requested: Photographic-Microscopic  
(Fluorescent)

Date received: 8-6-64

Result of Examination:

Examination by: Shaneyfelt

*Shaneyfelt*

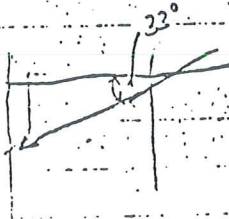
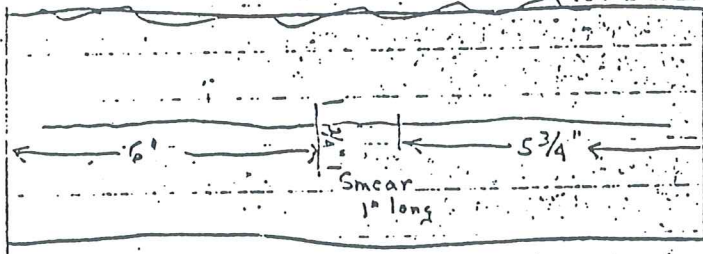
Specimens submitted for examination

609 Request for location and examination of mark on curbing at assassination site. Piece of curbing.

*Small foreign metal smears (see attached for location) were observed generally irregularly shaped & found to be essentially lead with a trace of antimony - could be melted metal. No copper observed.*

2-FBI, Dallas (100-10461)

408



409

- 1 - Mr. Eelmont
- 1 - Mr. Sullivan (Mr. Penihan)
- 1 - Mr. Rosen (Mr. Malley)
- 1 - Mr. Rogge
- 1 - Mr. Conrad
- 1 - Mr. Jevons
- 1 - Mr. Frazier
- 1 - Mr. Heilman
- 1 - Mr. Griffith
- 1 - Mr. Shaneyfelt

August 12, 1964

By Courier

107-100055-4668X

Honorable J. Lee Rankin  
 General Counsel  
 The President's Commission  
 1100 Maryland Avenue, N. E.  
 Washington, D. C.

*Lee Oswald*

Dear Mr. Rankin:

Reference is made to your letter dated July 7, 1964, requesting additional examination of the mark appearing on the curbing on the south side of Main Street near the triple underpass at the assassination site in Dallas, Texas. This mark was located and was found to be 23 feet, 4 inches from the abutment of the triple underpass. The laboratory comparison of the mark as it now appears with the photographs made by James Underwood, a technician for KRLD-TV in Dallas, and Tom Dillard, a photographer for the Dallas Police Department, establishes they are photographs of the same mark. Four copies of the results of the intercomparison by Underwood and Mr. Dillard are attached.

In response to your inquiry, assuming that a bullet shot from the sixth floor window of the Texas School Book Depository Building struck the curb on the south side of Main Street at the location of the mark described above and assuming it passed directly over the President, the bullet would have passed over the President at approximately frame 410 on the Zapruder film. This is 97 frames after the shot that struck the President in the head which is frame 313. At 16.3 frames per second, this represents a lapse of time of 5.3 seconds between frame 313 and frame 410. Based on a direct shot from the sixth floor window to the curb on Main Street, this bullet would have passed over the center of Elm Street at an elevation of about 18 feet from the street level. It is noted that in frame 410 of the Zapruder

5 AUG 27 1964

REC'D-READING ROOM  
 FBI  
 3 12 01 1964

ORIGINAL FILED IN 62-109060-5659

62-109030  
 Dallas (100-10461)  
 L. B. Smith (13)  
 4 AUG 27 1964 TELETYPE UNIT

*W. P. Rogge / 5730*  
*JW*

410



Honorable J. Lee Rankin

When Mrs. Kennedy has returned to the seat beside the President and Secret Service Agent Hill is about midway from the back bumper to the President crawling across the trunk lid.

The piece of curbing containing the mark was removed on August 5, 1964, and examined in the FBI Laboratory. This curbing has been designated as Item C321 by the Laboratory. Small foreign metal smears were found adhering to the curbing section within the area of the mark. These metal smears were spectrographically determined to be essentially lead with a trace of antimony. No copper was found. The lead could have originated from the lead core of a mutilated metal-jacketed bullet such as the type of bullet loaded into 6.5 millimeter Mannlicher-Carcano cartridges or from some other source having the same composition.

The absence of copper precludes the possibility that the mark on the curbing section was made by an unjacketed military-type full metal-jacketed bullet such as the bullet from Governor Connally's stretcher, C1, or the bullet or bullets represented by the jacket fragments, C3 and C4, found in the Presidential limousine. Further, the damage to the curbing would have been much more extensive if a rifle bullet had struck the curbing without first having struck some other object. Therefore, this mark could not have been made by the first impact of a high velocity rifle bullet.

It was also determined from a microscopic study that the lead object that struck the curbing causing the mark was moving in a general direction away from the Texas School Book Depository Building. Assuming this mark was made by a fragment of a bullet



Honorable J. Lee Rankin

from the assassin's rifle, the evidence present is insufficient to establish whether it was caused by a fragment of a bullet striking the occupants of the Presidential limousine, such as the bullet that struck the President's head, or whether it is a fragment of a shot that may have missed the Presidential limousine.

This completes the request in your letter dated July 7, 1964. The piece of curbing is available in the FBI Laboratory. A photograph of the mark on the curbing before removal and a photograph of the curbing after removal are attached.

Sincerely yours,

J. Edgar Hoover

Enclosures (3)

412

7/17/64

C.A. 45-226  
EXHIBIT 42

AIRTEL

AIRMAIL

TO DIRECTOR FBI (105-82555)  
FROM SAC DALLAS (100-10461)  
SUBJECT LEE HARVEY OSWALD, aka  
IS - R - CUBA

ReBuirtel to Dallas 7/13/64 requesting certain  
investigation concerning the nick in the curb shown in photographs  
submitted by the Dallas Office by airtel 6/16/64.

Enclosed are ten copies of a letterhead memorandum  
containing requested information.

Investigation conducted by SAs ROBERT M. BARRETT and  
IVAN D. LEE.

(1 - Bureau (Enc. 10))

413

CA 95-226  
EXHIBIT 43

Memorandum

TO : SAC, DALLAS (100-10461)

DATE: 8/4/64

FROM : KYLE G. CLARK, ASAC

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

Supv. LYNDAL L. SHANEYFELT telephonically advised at 9:10 AM, this date, that he would be arriving in Dallas on the evening of 8/4/64, and desired that reservations be obtained for him at the Adolphus Hotel for the nights of 8/4 and 8/5/64.

He advised that his trip is in connection with obtaining portions of the curb and requested that necessary arrangements be made with the Street Dept. and City Commissioners to obtain the portion of the curb which is involved in this case. He further stated that he is certain he can identify the exact location of the curb containing the chip marks in question. He further advised that for his purposes, he would only need a section of the curb approximately 4-5" long and 1" square. To obtain the desired portion of curb, it would be necessary for Dallas to have available a carbide saw or pneumatic drill. The type of tool used will govern the portion of curb to be obtained.

SA GEMBERLING and SA BARRETT advised.

*Reservations have been made at Adolphus  
by SA Griffin*

KGC:ej  
(2)

*MARK IN CURB  
MARK OF CURB*

100-10461-7467

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 4 1964	
FBI - DALLAS	

*Gemberling*

*00-63*

*419*



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

CA 75-226  
EXHIBIT 44

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.

415



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CA 75-226  
EXHIBIT 45

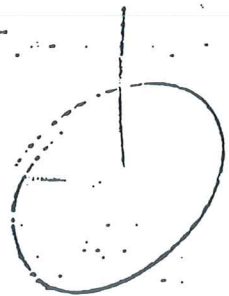
TO : FILE (100-10461)  
FROM : SAC SHANLIN  
SUBJECT: LEE HARVEY OSWALD, aka  
IS - R - CUBA

DATE: 6/2/64

At 8:45 AM today, L. L. SHANEYFELT called from Bureau regarding the change requested on 6/1/64 in the affidavit of SA IVAN D/ LEE. He noted that the letterhead memo that was prepared to go to the Commission covering the interviews of people about license plates and approximate date of the pictures, etc., page 9, made mention of the Praktina camera used, when in fact it was a Robot camera.

I advised SHANEYFELT that the corrected affidavits were mailed to Bureau by airtel, 6/1/64 and that the airtel also instructed Bureau as to what changes to make in the letterhead memo to show correct camera used. Although SA LEE had both cameras out to the Walker residence area, he used only the Robot camera. The camera was not mentioned in the PD 302.

SA LEE advised SHANEYFELT that he had taken photos in the railroad area, and SHANEYFELT stated he does not want those photos in the Bureau. SA LEE advised that they will be filed in Dallas office.



3 - Dallas  
JGS:mf  
(3)

100-10461-6469  
SEARCHED INDEXED  
SERIALIZED FILED  
JUN 2 - 1964  
FBI - DALLAS

6655

416

PLEASE ADDRESS ALL MAIL TO  
UNITED STATES ATTORNEY  
P. O. BOX 100

United States Department of Justice

CA 75226  
EXHIBIT 46

UNITED STATES ATTORNEY  
NORTHERN DISTRICT OF TEXAS  
DALLAS 1, TEXAS

75221

June 9, 1964

AIR MAIL - REGISTERED - RETURN RECEIPT REQUESTED

Mr. J. Lee Rankin  
General Counsel  
President's Commission on the  
Assassination of President Kennedy  
200 Maryland Avenue N.E.  
Washington, D. C. 20002

Dear Mr. Rankin:

I am enclosing a photograph made by Tom Dillard of the  
Dallas Morning News.

It is a shot of the curb which was taken shortly after  
the assassination on November 22, 1963.

When I talked with Mr. Dillard yesterday he indicated  
that he didn't know whether or not the photograph was material.  
He did say, however, that he examined the curb when the photo  
was taken and that it looked like a piece of lead had struck it.

Sincerely yours

Barefoot Sanders  
United States Attorney

*Martha Joe Stroud*  
Martha Joe Stroud, Assistant  
United States Attorney

Enclosure

c.c. Mr. Howard Willens

62-107010-3659  
ENCLOSURE

417

CA 75-226  
EXHIBIT 47

Memorandum

TO : FILE (100-10461)

FROM : SAC SHANKLIN

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

DATE: 6/5/64

Inspector J. R. MALLEY called at 4:00 PM today and quoted the following UPI news release captioned "Assassination - Dallas"

A Dallas auto salesman told the Dallas Times Herald today that one of the three bullets fired during the assassination of President KENNEDY went wild, crashed into a curb and apparently hit him. Last week, KRLD-TV said in a copyright story that the third shot went wild. The television station quoted a source close to the Warren Commission as saying the first bullet apparently struck both President KENNEDY and Texas Governor JOHN CONNALLY, and the second hit the President in the head.

The 27 year old salesman, who asked that his name not be used, said either the bullet or concrete chip grazed his face. In the interview, he said he was by a concrete abutment on the east side of the triple underpass watching the motorcade as it turned on Elm at Houston. It was that first shot -- then the second and the third, he said sometimes I think it was with the second, a bullet -- I am sure it was a bullet -- hit the curb in front of me and I felt a sting on my cheek. In the confusion that followed, I did not think any more about it until a policeman told me him his face was bloody. I went back to where I was standing and saw the crease mark, obviously fresh on the curb. Apparently what hit me was the bullet ricocheting off the curb, or possibly even a part of the concrete, tho I doubt it. He said he was almost in a direct line from the Texas School Book Depository Bldg. on a downward angle in front of the KENNEDY car. He said he told his story that day to a Dallas detective and was interviewed by FBI Agents in mid December. He said the FBI talked to him about 15 minutes and seemed more concerned "about whether I knew JACK RUBY." He said the Warren Commission has not contacted him.

*Jim TACUE*  
*[Handwritten signature]*

2 - Dallas (100-10461)  
1 - Dallas (44-1639)  
JGG:mfr  
(3)

100-10461-6537

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - DALLAS	

*[Handwritten initials]*

601.56

418



Memorandum

TO : Mr. Belmont

FROM : A. Rosen

SUBJECT: LEE HARVEY OSWALD  
IS - R - CUBA

DATE: June 8, 1964

- 1 - C. D. DeLoach
- 1 - W. C. Sullivan
- 1 - (R. E. Lenihan)
- 1 - I. W. Conrad
- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. Shroder
- 1 - Mr. Rogge

Mr. Tolson \_\_\_\_\_  
 Mr. DeLoach \_\_\_\_\_  
 Mr. Mohr \_\_\_\_\_  
 Mr. Bishop \_\_\_\_\_  
 Mr. Casper \_\_\_\_\_  
 Mr. Callahan \_\_\_\_\_  
 Mr. Conrad \_\_\_\_\_  
 Mr. Felt \_\_\_\_\_  
 Mr. Gale \_\_\_\_\_  
 Mr. Rosen \_\_\_\_\_  
 Mr. Sullivan \_\_\_\_\_  
 Mr. Tavel \_\_\_\_\_  
 Mr. Trotter \_\_\_\_\_  
 Mr. Tele. Room \_\_\_\_\_  
 Mr. Holmes \_\_\_\_\_  
 Miss Gandy \_\_\_\_\_

PURPOSE

To advise the United Press International (UPI) release on 6-5-64, relating to a Dallas auto salesman who reported being hit on the cheek by aricocheted bullet or piece of curbing is probably identical with Jim Tague, who was interviewed by our Dallas Office on 12-14-63, the results of which have been furnished to the President's Commission.

DETAILS

UPI release dated 6-5-64, relates the "Dallas Times Herald" on 6-5-64, reported an unnamed auto salesman had advised one of the three bullets fired during the assassination apparently hit a curb and he was either hit on the cheek by aricochet or piece of concrete curb.

The UPI release indicates the salesman asked that his identity be concealed and reports the salesman was by a concrete abutment near the triple overpass adjacent to the Presidential Motorcade at the time of the assassination. The auto salesman indicated he heard three reports which he believed to be shots and on the second shot he felt a sting on his cheek. He maintained in the following confusion he forgot about it until a policeman told him his face was "bloody". The salesman states he went back to where he had been standing and saw a fresh crease mark on the curb. This incident according to the salesman was reported to a Dallas detective and later to the FBI, who were more concerned "about whether I knew Jack Ruby." The release concludes that the salesman has not been contacted by the Commission.

BACKGROUND

This individual is probably identical with Mr. Jim Tague salesman for the Chuck Hutton Company, Dallas, who was interviewed by our Dallas Office on 12-14-63. The results of this interview

62-109090

RDR:las  
(19)

4199 B37 AR

419



Memorandum to Mr. Belmont  
RE: LEE HARVEY OSWALD

appear on page 31 in the report of SA Robert P. Gemberling dated 12-23-63, captioned as above. This report has been furnished to the Commission.

Tague during interview furnished substantially the same information as reported in the UPI release except it appears he has become more dramatic and has exaggerated the incident in an effort to obtain personal publicity or for other unknown reasons. For example, his interview indicates Tague reported about "two drops of blood" resulted from this incident; however, the UPI release now indicates his face was "bloody." Tague denied knowing Oswald but stated he had been in Ruby's club on a few occasions and knew Ruby by sight; however, denied knowing anything about Ruby's associations.

*possible* Based on information developed recently, it ~~would~~ appear that one of the shots fired by Oswald did go wild; however, efforts to locate the portion of curb where a possible shot might have hit has been negative.

ACTION

Since this interview has been reported to the Commission and the UPI release contains substantially the same information developed by our investigation, no further action is recommended.

etc. "Freedom of press" by withholding my identification?

420

Date 12/16/63

Mr. JIM TAGUE, 2424 Inwood, Apartment 253, employed as a salesman, Chuck Eutton Company, 5431 Lemmon Avenue, Dallas, Texas, advised that he was driving a car on November 22, 1963, and was stopped in traffic at the Triple Underpass located below the Texas School Book Depository (TSBD) Building. While stopped, he saw that the Presidential Motorcade was going to pass nearby, and he got out of his car and stood near the Triple Underpass between Commerce and Main Streets. He stood near the curb of Main Street waiting for the motorcade to come to where he was standing. When the motorcade was approximately 100 feet from him he heard a loud noise, and at that time he looked around as he thought someone had shot a firecracker. He then heard two more loud noises in quick succession. Other persons in the area then started scrambling around, and he realized that the noises must have been gun shots, so he got behind one of the pillars of the underpass. During the time of the shooting, he felt something hit him on his right cheek. Whatever it was that hit him broke the skin and caused about two drops of blood to flow. He thought possibly that one of the bullets had hit the curb near his feet and possibly a piece of the curbing had hit him in the cheek. He did look around the curb and near where he was standing there was a chip missing, which he stated looked fresh. He stated he did not see anyone with a rifle and did not look at the TSBD Building. He did not see the shots take effect and stated he could not furnish any information as to where the shots actually came from. He stated he is not acquainted with OSWALD and had never heard of him prior to the shooting of President KENNEDY.

He has been in JACK RUBEY's club on a few occasions, but he actually knows nothing about RUBEY, his associations, or his background. He does know RUBEY, however, by sight, since he has seen him in his club on a few occasions. TAGUE stated he did not know of any connection or associations between OSWALD and RUBEY.

on 12/14/63 at Dallas, Texas File # DL 100-10461  
by Special Agent HENRY J. OLIVER AND LOUIS M. KELLEY: mm Date dictated 12/16/63

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.

421



FBI

Date: 6/16/64

CA 75-226  
EXHIBIT 49

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)

Via AIRTEL AIR MAIL  
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (105-82555)  
FROM: SAC, DALLAS (100-10461) (P)  
RE: LEE HARVEY OSWALD, aka.  
IS - R - CUBA

*J. Cook*  
*WCB*  
*ORR*  
*Suppl*

*1 cc retained on Tucker file*

Re Bureau telephone call from Inspector JAMES R. MALLEY, 6/5/64, regarding U.P.I. news release concerning Dallas auto salesman who had stated one of three bullets fired during the assassination went wild, crashed into a curb and apparently hit him; and, Dallas teletype 6/5/64, revealing that Dallas would obtain copy of photograph from KRLD-TV where a mark appeared on a curb and was in close proximity to the place where auto salesman claimed he was standing.

Enclosed for the Bureau are two 8 X 10 photographs taken from two frames of a 16 millimeter movie film with one photograph depicting a mark on the top edge of the curb and the other photograph depicting the Texas School Book Depository Building located at 411 Elm Street in the background.

On June 11, 1964, JAMES UNDERWOOD, newsman, KRLD-TV, made available the above two photographs taken by him on the morning of November 23, 1963. UNDERWOOD stated that immediately after the assassination of President JOHN FITZGERALD KENNEDY on November 22, 1963, he remained in the area of the Texas School Book Depository Building taking movie film for his employer. He advised that a deputy sheriff, whose name he does not recall, pointed out a spot on the south curb of Main Street near the triple underpass which could have possibly been made by a bullet striking the curb.

Enc. (2) *ENCLOSURE*  
*for review to...*  
*8-8-64*  
*RDR*  
*RECA JB*

*105-82555-4295*  
*16 JUN 1964*  
*7-2*  
*50716*

Approved: \_\_\_\_\_ Sent \_\_\_\_\_  
Special Agent in Charge

*CC - Wick*

*422*

DL 100-10461

UNDERWOOD stated that he returned to this area on November 23, 1963, and took 16 millimeter movie film of the mark and then took movie film, standing on the spot looking toward the sixth floor window located in the southeast corner of the Texas School Book Depository Building, for a reference point. UNDERWOOD stated that at that time he did not know if the mark on the curb would be pertinent so he filed the film for possible future use. UNDERWOOD stated that the object which struck the curb did not break the concrete nor leave a permanent mark. He advised that the exact location could possibly be located through using the reference photograph with a wide angle lens.

423

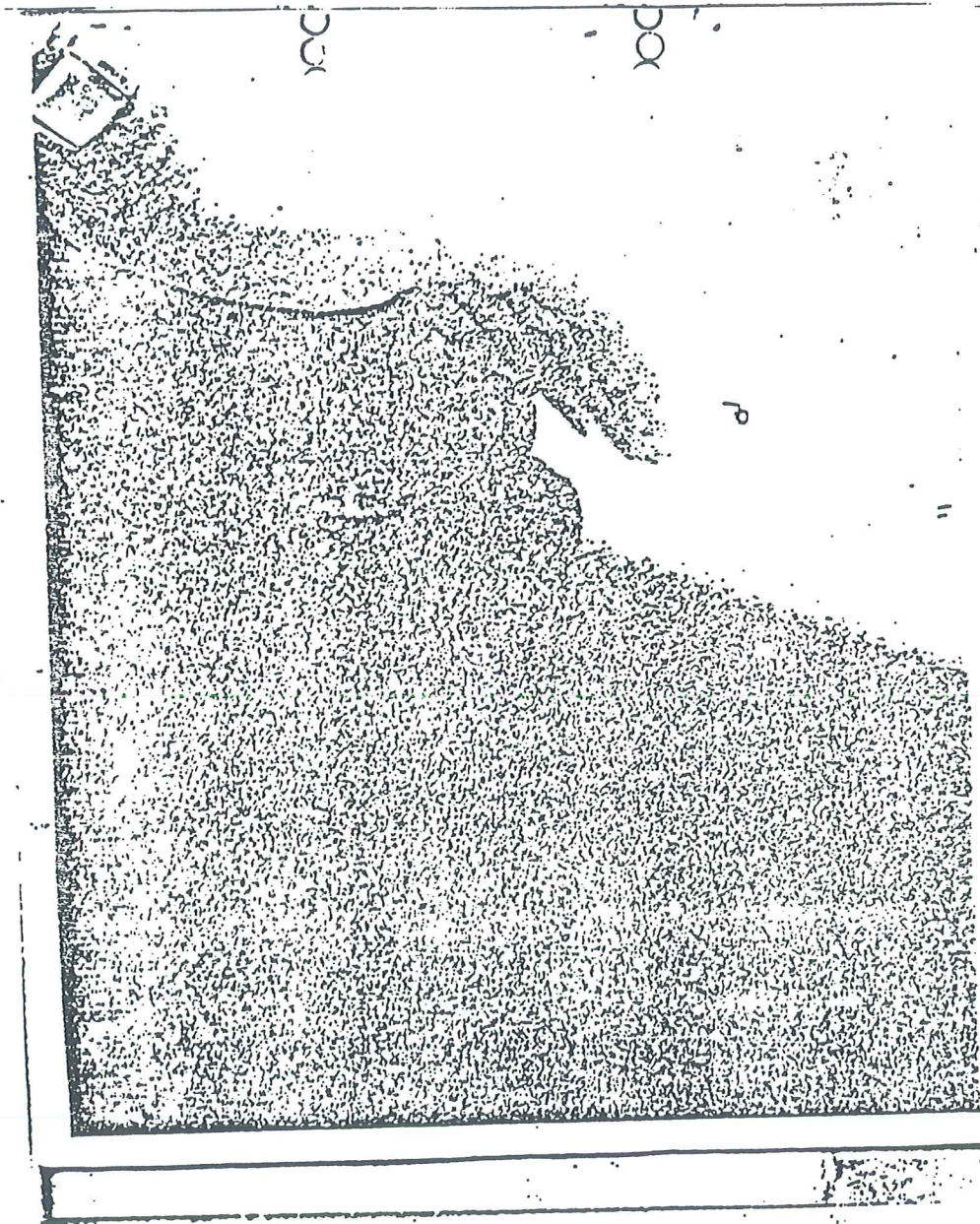


Tick on curb line up w/  
frame 403

313  
90 frames from head list.

183.7000     4.918 sec.  
   .732  
1680  
1647  
330  
183  
1470

424



425







Michael E. Shaheen, Jr., Esq.  
November 6, 1975  
Page 2

Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary as the "much-publicized report concerning an alleged teletype message from FBI headquarters that was allegedly received in our New Orleans Office on November 17, 1963... and purportedly warned that a militant revolutionary group might attempt to assassinate President Kennedy during his November 22nd visit in Dallas."

Sincerely,

Gary Hart

*Richard S. Schweiker*  
Richard S. Schweiker

427

FRANK CONROW, STAFF CHIEF  
 JOHN G. TERRY, VICE CHAIRMAN  
 SEN. A. A. PAT, MISS. EDWARD H. BARKER, JR., TENN.  
 LT. G. BIRNBAUM, MISS. BARBARA GOLDWATER P. ARIZ.  
 LT. J. H. HULL, N.Y. CHARLES W. MC. HALEY, JR., ILL.  
 SEN. J. B. CONNOR, ILL. RICHARD S. SCHWEIGER, PA.  
 SEN. J. T. COULS  
 WILLIAM G. HULL, STAFF DIRECTOR  
 FREDERICK A. O. SCHWAB, JR., CHIEF COUNSEL  
 CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO  
 STUDY GOVERNMENTAL OPERATIONS WITH  
 RESPECT TO INTELLIGENCE ACTIVITIES  
 (PURSUANT TO S. RES. 14, 94TH CONGRESS)  
 WASHINGTON, D.C. 20510

November 26, 1975

9710ms

Michael E. Shaheen, Jr., Esq.  
 Special Counsel for Intelligence Coordination  
 Office of the Deputy Attorney General  
 U.S. Department of Justice  
 Washington, D.C. 20530

*Handwritten:* 44632  
 44051  
 44037  
 4061

Dear Mike:

The Select Committee requests access to the following materials on or before Wednesday, December 3, 1975:

1. All materials pertaining to FBI contacts and/or interviews of Alonzo F. Hudkins, III, during the period November 23, 1963, through February 28, 1964, including but not limited to reports of interviews conducted on or about January 3, 1964, and February 8, 1964.
2. The identity of all Headquarters personnel (in addition to Messrs. Belmont and Sullivan) who supervised the FBI's investigation of the assassination of President John F. Kennedy.
3. The identity of all personnel who supervised the case captioned "Lee Harvey Oswald - Internal Security; Russia" prior to November 22, 1963.
4. All reports, memoranda or other materials pertaining to the pre-November 24, 1963 FBI contacts with Jack Ruby mentioned by Director Hoover in his June 9, 1964 letter to J. Lee Rankin.
5. All materials pertaining to FBI interviews and/or contacts with Seymour Weitzman at any time between November 22, 1963, and September 24, 1964.
6. All memoranda, reports, and briefing papers prepared in preparation for or in connection with Director Hoover's November 26, 1966, statements concerning the President's autopsy reports, including copies of each autopsy report and supporting documentation.

*Handwritten:* 44632  
 44051  
 44037  
 4061

*Handwritten:* 62-109060

*Handwritten:* 62-109060

*Handwritten:* received for  
 Bill Nettles  
 per 12/11/75

*Handwritten:* 1-ADH  
 11-26-75

428

November 26, 1975

3342  
K42

7. With respect to the investigation of the assassination of President Kennedy, all materials pertaining to any spectrographic analyses performed, including that performed by Special Agent John Gallagher.

8. All reports and memoranda or other materials pertaining to the removal of the front windshield from the Presidential limousine SS-100-X and subsequent examination and testing of said windshield.

9. The photograph of Lee Harvey Oswald furnished Special Agent Fain by Mrs. Marguerite Oswald on or about April 28, 1960, and the photograph of Lee Harvey Oswald furnished in September or October of 1963, to the Bureau by the New Orleans Police Department.

10. All materials in Headquarters, Dallas or Fort Worth field office files pertaining to a June 26, 1962, interview of Lee Harvey Oswald by Special Agents B. Tom Carter and John W. Fain.

11. A copy of William Brannigan's memorandum of 12/13/63, subject: Oswald documents.

12. All materials in FBI Headquarters, New Orleans or Dallas files pertaining to (1) the instruction in an August 21, 1963, letter from FBI Headquarters that the New Orleans and Dallas offices conduct additional investigation of Lee Harvey Oswald, (2) the information gathered pursuant to this additional investigation, and (3) the investigative reports and/or memoranda forwarded to headquarters pursuant to this instruction.

13. All materials pertaining to Special Agent Warren C. DeBruy's contact with "confidential informant T-1" on September 9, 1963, as noted in the New Orleans to Headquarters September 24, 1963, airtel and enclosures.

14. All materials pertaining to FBI contacts and/or interviews with Carlos Jose Brinquier during the period July 15, 1963, through December 31, 1963, including all such materials in the New Orleans field office files.

15. All materials pertaining to FBI contacts with Edward Gurvara or Jesse Core between July 15, 1963, and November 22, 1963, including all such materials in the New Orleans field office files.

16. Referencing the July 29, 1975, memorandum from Director Kelley to Attorney General Levi provided in response to items 4 and 5 of the SSC's October 31, 1975, document request:

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Michael E. Shaheen, Jr., Esq.  
Page Three

November 26, 1975

*Original*

a. all materials not previously supplied pertaining to the interviews of Nannie Lee Farmer, Kyle Clark, Urral Horton, Kenneth Howe, James Hosty, Gordon Shanklin, James White, Joe Pearce, and Helen May;

b. all materials not previously supplied pertaining to any aspect of the Bureau's investigation into (1) the circumstances surrounding the receipt and destruction of a note left by Lee Harvey Oswald at the Dallas office, and (2) the person or persons within the Bureau who had knowledge of the receipt and/or destruction of said note.

S 17. All materials in Headquarters or Dallas office files pertaining to November 1963 interviews of Jimmy Joe Robinson by S.A. James Hosty.

S 18. All materials in the Dallas field office files pertaining to the interviews of Lee Harvey Oswald by Special Agents Carter and Fain on June 26, 1962, and Special Agents Brown and Fain on August 16, 1962.

✓ b 19. All materials pertaining to (a) FBI interviews of Lee Harvey Oswald, (b) interviews of Oswald by third parties where FBI agents were present, or (c) ~~interviews of Oswald by third parties where the Bureau was not present but was furnished materials pertaining to the interviews~~ during the period November 22, 1963, to November 24, 1963.

✓ b 20. Abstracts of all communications between the Bureau and President Johnson or Marvin Watson for the period November 22, 1963, through December 31, 1963, which abstracts have been previously requested and produced for subsequent years pursuant to an SSC request dated September 16, 1975.

✓ b 21. All materials pertaining to a December 3, 1963, report of Special Agents James J. O'Connor re interview with ~~James J. Buchanan~~ Buchanan, including a copy of said report.

S 22. ~~Materials reflecting the nature of the SOBIR program~~

S 23. All materials pertaining to FBI contacts and/or interviews of Marina Oswald prior to November 26, 1975.

✓ b 24. The volumes of file No. 62-109060 captioned "Assassination of President John F. Kennedy" which contain the following serials: 4400 - 4500. [Rather than requesting access to these

430



62-116395

1 - Office, 3256  
1 - Mr. Cochran  
① - Mr. Kilty  
1 - Mr. Mintz  
(1 - Mr. Notis)  
December 23, 1975

1 - Mr. Wrennall  
1 - Mr. Cregar  
1 - Mr. Nettles

U. S. SENATE SELECT COMMITTEE  
TO STUDY GOVERNMENTAL OPERATIONS  
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to the November 25, 1975, request  
by the SSC for access to FBI materials.

Materials considered responsive to items seven and  
eight of the referenced request have been assembled and are  
available for review by SSC Staff Members in Room 4171,  
J. Edgar Hoover Building.

1 - The Attorney General

ORIGINAL AND ONE COPY TO AG

JWE/AJD:fdh/mjs  
(11)

NOTE:

Item seven of 11/26/75, SSC request is for all material  
pertaining to any spectrographic analysis performed with respect  
to the investigation of the Kennedy assassination. Item eight  
is for all reports, memoranda or other materials pertaining to  
the removal of and the examination of the windshield of the  
Presidential limousine. These items are being maintained by  
Sensody Project in Room 4063.

432



CA 95-276  
EXHIBIT 51

0	1	9	0	1	2	8
0	1	8	0	1	7	3
0	1	7	0	1	6	8
0	1	6	0	1	7	1
0	1	5	0	1	4	6
0	1	4	0	1	5	1
0	1	3	0	1	4	1
0	1	2	0	1	5	4
0	1	1	0	1	5	1
0	1	0	0	1	9	8
0	0	9	0	3	2	3
0	0	8	0	5	4	6
0	0	7	0	5	1	4
0	0	6	0	3	5	4
0	0	5	0	2	8	4
0	0	4	0	2	7	3
0	0	3	0	3	2	4
0	0	2	0	0	1	7
0	0	1	0	0	0	6
0	0	0	0	0	0	1
0	0	0	0	0	0	0

Just before discharge

Maybe No Good  
Rear axle went down

XP. 6006 X T

DATE 5/14/64

CUSTOMER

VEH. NO.

RRAD. POS.

IN OUT

DETECT. 4.2V VOLTS

GEOM. 9 ABS. 1/2

CHAN. SECT. 1 2 3 4

AMP ZERO

GAIN 5-2

TIME BG

DEL 40" 19"

19" alt: 4.2

433

CA 75-226  
EXHIBIT 52

FBI

Date: 2/20/69

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Evans	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO: DIRECTOR, FBI (62-109060) Attention: FBI Laboratory

FROM: SAC, DALLAS (89-43)

7-1329  
"Quart Tel"  
2/25/69  
CC: MM

ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
11/22/63, DALLAS, TEXAS  
MISCELLANEOUS -  
INFORMATION CONCERNING

OO - DALLAS "LAB Report"  
2-27-69 PC-B 4470  
CC: Jm

White  
5A-JH  
Wick  
M...

Copy & specimens retained in Lab  
for Lab action & report  
2-14-69

Enclosed for the Bureau is one spent bullet found at  
Commerce Street and Stemmons Freeway, Dallas, Texas, by REX M.  
OLIVER, 5810 Phoenix Drive, Dallas, telephone EMerson 8-2130,  
during the period October or November, 1968.

On 2/15/69, REX M. OLIVER, supra, telephonically  
contacted the Dallas FBI Office and advised he is currently  
employed by the Texas Highway Department and was so employed  
during October and November, 1968. He advised that during this  
period while he was working in the vicinity of Commerce and  
Stemmons Freeway, "at the Commerce Street entrance to North  
Stemmons Freeway" he found a bullet "which appeared to have  
ricocheted off of something."

OLIVER advised SA ALFRED C. ELLINGTON that he picked up  
this bullet and put it in his pocket and had retained same in  
his possession since that time. He stated the bullet was some-  
what corroded as it had the appearance of having been in the  
weather for a long time. He stated he mentioned finding this  
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 the bullet was found in "just about the  
right spot."

OLIVER stated he had been trying to contact District  
Attorney JAMES GARRISON in New Orleans for the past two or  
three weeks without success and desired to furnish this bullet  
to the FBI "if you want it."

REC-7  
FEB 22 1969  
6786

4 - Bureau (encl-1) (RM)

5 - Dallas 89-439 Enclosure  
RPG: JCG Special Agent in Charge  
(6)

COPIES DESTROYED

Sent \_\_\_\_\_ M Per \_\_\_\_\_

21 JAN 17 1973

439

DL 89-43

Mr. OLIVER did not know the caliber of the Bullet and stated he was currently working on Highway 114 near Highway 183, and could be reached through the Texas Highway Department field office, telephone BL4-3556.

On 2/18/69, the enclosed bullet was obtained from L. D. WYLIE, 10505 Coleridge, Dallas, who stated OLIVER had left same with him to turn over to the FBI. This bullet was obtained from Mr. WYLIE by SA WILL HAYDEN GRIFFIN.

The FBI Laboratory is requested to examine the enclosed bullet to determine the caliber and any other pertinent information with respect to captioned matter and after the examination is completed to advise the Dallas Office and furnish Dallas results of such examination.

In the event the Bureau has no need for such bullet, same will be returned to Mr. OLIVER in the event it has no value to captioned investigation.

435



7-1b

REPORT  
of the



1 - Office, 7133

FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

To: FBI, Dallas (89-43)  
Re: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
11/22/63, DALLAS, TEXAS  
MISCELLANEOUS -  
INFORMATION CONCERNING

Date: February 27, 1969  
FBI File No. 62-109060  
Lab. No. PC-B4970 JH

Specimens received 2/24/69

Q629-C329 Bullet found at Commerce Street and Stemmons Freeway,  
Dallas, Texas

Results of examination:

Specimen Q629-C329 is a .45 caliber steel-jacketed soft point bullet which has been fired from a barrel having six lands and grooves, left twist. The rifling impressions in this bullet are the same as those produced by Colt, Norwegian and Star automatic pistols and Colt revolvers. There are not sufficient microscopic marks remaining on this bullet for identification purposes. It was not possible to determine the length of time that this bullet has been exposed to the weather.

It is to be noted that this bullet is different from any ammunition examined in the assassination case and could not have been fired from the assassination rifle.

CC:ljw (4)

- Tolson \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Mohr \_\_\_\_\_
- Bishop \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- Felt \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

MAIL ROOM  TELETYPE UNIT

436

Laboratory Transmittal Form  
7-72



1 - Office, 7133

FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

To: FBI, Dallas (89-43)

Date: February 27, 1969

Re: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
11/22/63, DALLAS, TEXAS  
MISCELLANEOUS -  
INFORMATION CONCERNING

*J. Edgar Hoover*  
John Edgar Hoover, Director

FBI File No. 62-109060  
Lab. No. PC-B4970 JH

Examination requested by: Dallas  
Reference: Airtel 2/20/69  
Examination requested: Firearms  
Remarks:

This report confirms the teletype report furnished  
your office on February 25, 1969.

Specimen Q629-C329 is being returned to your office  
herewith.

MAILED 20  
FEB 27 1969  
COMM-FBI

REC-12 62-109060-6787

19 FEB 28 1969

Enclosures (3) (2 Lab report, Q629-C329)

CC:ljw (4)

- Tolson \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Mohr \_\_\_\_\_
- Malone \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- Felt \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

61 MAR 5 1969

ADMINISTRATIVE PAGE

MAIL ROOM  TELETYPE UNIT

437

Recorded  
2/24/69  
Pat

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

WIRE ANSWER

Laboratory Work Sheet

Re: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
11/22/63, DALLAS, TEXAS  
MISCELLANEOUS -  
INFORMATION CONCERNING

File #  
Lab. #

62-10766-6787  
PC-B4970 JH

Examination requested by: FBI, Dallas (89-43) Atl. 2/20

Examination requested: Firearms (G&A)

Date received: 2/24 hw

Result of Examination:

Examination by: CUNNINGHAM

Specimens submitted for examination

-Q629-C329

Bullet found at Commerce Street and Stemmons Freeway,  
Dallas, Texas

*See attached*

*fa!  
2-24  
01/91*

438



Q629 - 5329 Bullet (sub trace)



226<sup>4</sup> gr

.45 cal. steel jacketed soft pt.

Links - .07  
gump - .16    64

Not known as to  
accident.

Not known as to  
set up for but  
could be Norma.

Rifling ~ Colt Remington  
Sterling  
Norman gun Co.

Diff. from any examined in  
as to the bullet case

439

FBI

REC 14

CA 75-226  
EXHIBIT 53

Date: 10/16/64

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (105-82555)  
ATTENTION: CRIMINAL SECTION  
FROM: SAC, DALLAS (100-10461)  
RE: LEE HARVEY OSWALD, aka  
IS - R - CUBA

*Handwritten:* R. J. ...  
S. H. ...  
R. D. K.

Re Bureau airtel to Dallas 10/12/64 concerning information furnished by EUGENE P. ALDREDGE.

The sidewalk on the east side of Elm Street between the triple underpass and Houston Street was visually checked by SA MANNING C. CLEMENTS and SA RICHARD J. BURNETT on September 30, 1964, for any scars which might appear to have been made by a bullet.

The area covered in this inspection was in the general sidewalk area from the first to the second lamppost on the east side of Elm Street and just west of the intersection of Elm and Houston Streets. It is noted that the first lamppost is almost directly in line with the west end of the main multistoried building of the Texas School Book Depository building, while the second lamppost is almost directly in line with the western end of the one story building which is connected to the main Texas School Book Depository building.

It was noted that the sidewalk is made of concrete and the general texture of the sidewalk is rough.

No mark was located on the sidewalk in the general area of the first lamppost which would appear to have been made by a projectile.

3 - Bureau  
2 - Dallas

*Handwritten:* a. l. / DL  
Ref. 209  
10-20-64

RPG/jtf  
(5)

REC 14

11 OCT 27 1964

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_

Per \_\_\_\_\_

*Handwritten:* SOI/NTI ...

440

DL 100-10461

In the area of the second lamppost, approximately thirty-three feet east of the post, in the sixth large cement square, four feet from the street curb and six feet from the parkside curbing, is an approximately four inches long by one-half inch wide dug-out scar, which could possibly have been made by some blunt-end type instrument or projectile. It is noted that this scar lies in such a direction that if it had been made by a bullet, it could not have come from the direction of the window the President's Commission on the Assassination of President KENNEDY has publicly stated was used by LEE HARVEY OSWALD when firing his assassination bullets at the late President.

This particular scar is in line with the western end of the multifloor section of the Texas School Book Depository building, that is, the opposite end of the building from where OSWALD was shooting at the President.

No other mark was found in the area of the second lamppost which might appear to have been made by a bullet.

With respect to the advisability of interviewing CARL FREUND of "The Dallas Morning News", it is pointed out that he was interviewed in connection with the investigation into the leak of information from the OSWALD diary. It is felt, however, that he should be interviewed concerning this mark, which, according to ALDRIDGE, was believed to be a bullet mark by FREUND, as well as ALDRIDGE.

It is believed an interview with FREUND concerning this alleged bullet mark could be handled in such a manner as to obtain his full cooperation and at the same time endeavor to ascertain from him why, if he thought it was a bullet mark, he failed to bring it to the attention of proper authorities.

No interview will be conducted with FREUND until advised to do so by the Bureau.





*YUB*

CA 95-226  
EXHIBIT 54

FBI

Date: 11/6/64

REC-49

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)

Via AIRTEL REGISTERED  
(Priority) ST-108

TO: DIRECTOR, FBI (105-82555)  
ATTENTION: FBI LABORATORY  
FROM: SAC, DALLAS (100-10461)  
RE: LEE HARVEY OSWALD, aka  
IS - R - CUBA

8321

Re Bureau airtel dated 10/20/64 in the matter regarding ~~EUGENE F. ALDREDGE~~ and an alleged "bullet" scar in the sidewalk on Elm Street, Dallas, Texas, at the site of the assassination of President KENNEDY.

Mr. ALDREDGE, who does not agree with the findings of the Warren Commission, advised on November 5, 1964, that several days after he had originally reported his information to the FBI, Dallas, regarding the "bullet" mark on the sidewalk, he had revisited the scene and noted that the alleged "bullet" mark had been patched up with what appeared to be some sort of plastic material. Mr. ALDREDGE stated he believes the hole was covered in order to protect "the Soviet" and noted that he had only mentioned this matter to an Agent of the FBI and ~~CARL FREUND~~, a local newspaper reporter. ALDREDGE inferred that the FBI had a Soviet spy in its midst who knew of his discovery and who had the hole patched up.

Mr. ALDREDGE was politely set straight in this regard.

Enclosed herewith to the FBI Laboratory are pieces of the unknown material, which was gathered on

- 3 - Bureau (Enc. 1) (RM)
- 2 - Dallas

RJR/jef  
(5)

COPIES DESTROYED

EX-1084

5256

NOV 10 1964

Approved: 127 1964

Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

443

Copy 2 sheets furnished to \_\_\_\_\_  
for Lab action & report  
11-12-64

WCB

MAR 1965

DL 100-10461

November 5, 1964, from the "bullet" scar located on the sidewalk of Elm Street at the scene of President Kennedy's assassination.

The Laboratory is requested to attempt to determine what this foreign matter might be.

NOV 15 04 17 PM '64

FBI - LABORATORY

444



CA 95-226  
EXHIBIT 55

FD-340 (REV. 8-17-65)

File No. 100-10461-1A470  
Date Received 11/5/64  
From \_\_\_\_\_  
(NAME OF CONTRIBUTOR)

\_\_\_\_\_  
(ADDRESS OF CONTRIBUTOR)  
Sec. 8483  
(CITY AND STATE)

By R. J. Burnett  
(NAME OF SPECIAL AGENT)

To Be Returned Yes   
No

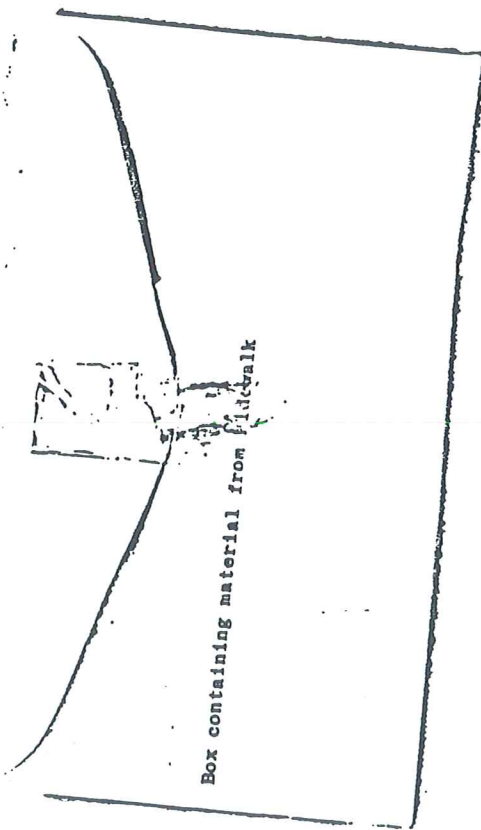
Description: Scrapings from alleged  
bullet "near" on Elm St., Dallas, Texas,  
from site scene of assassination

Sent to FBI Lab. 10/28/64 - JF  
Ret'd 11-15-66

Sent back  
11/4/64  
Ret'd 11-18-64

445

Figure 4



446

CA 95-22-6  
EXHIBIT 56

5-12-60

FBI

Date: 10/23/66

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

AIRTEL \_\_\_\_\_  
(Priority)

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Wick	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Mr. Tele. Room	
Miss Holmes	
Miss Gandy	

TO: DIRECTOR, FBI (105-82555)  
Attention: ASSISTANT DIRECTOR IVAN W. CONRAD  
FBI LABORATORY

FROM: SAC, DALLAS (100-10461) (P)

SUBJECT: LEE HARVEY OSWALD, aka (deceased)  
IS - R - CUBA  
OO - DALLAS

Re Dallas airtel to Bureau, 10/27/66, and Bureau telephone call to Dallas, 10/27/66.

Enclosed for the Bureau is Item Q618, material from sidewalk which is furnished the Bureau in accordance with its request. Investigation relating to this item is set forth on pages 65 through 68 of the report of SA ROBERT P. GEMBERLING, dated 10/3/64, and on pages eight through 11 of the report of SA GEMBERLING dated 11/27/64.

Also enclosed for the Bureau are Items D128 through D136, mentioned in referenced-airtel.

Although items D123 through D136 relate to an extortion case captioned "UNKNOWN SUBJECT; Mrs. MARGUERITE CLEAVERIE OSWALD - VICTIM, EXTORTION", Bufile 9-41624, Dallas file 9-1897, information concerning these exhibits was reported in accordance with Bureau instructions in the report of SA ROBERT P. GEMBERLING dated 5/15/64 at Dallas, captioned "ASSASSINATION OF JOHN FITZGERALD KENNEDY, 11/22/63, DALLAS, TEXAS, MISCELLANEOUS - INFORMATION CONCERNING" Bufile 62-109636, Dallas file 89-43, on pages 1061 through 1069. Also in this report, these exhibits are fully described on Table of Contents pages xx through xxii.

2 - Bureau (encls-10) (RM)  
1 - Dallas

APPROVED: \_\_\_\_\_  
Special Agent in Charge

11/15/66  
62-109060  
NOT RECORDED  
OCT 20 1966  
SOVIET

October 1966

447



DL 100-10461

In connection with Bureau inquiry concerning Item 043, a motel registration card belonging to Mr. and Mrs. CECIL SITZ, owners of the "Half Circle J" Motel, Fort Worth, Texas, the Dallas files reflect that this item was returned to the owners on 10/28/64. For the Bureau's information, this item was returned to Dallas by Bureau airtel to Dallas dated 10/16/64, with instructions to promptly return it to Mr. and Mrs. SITZ. This item was identified in Dallas files as 89-43-1A-14.

448

CA 75-226  
EXHIBIT 57

November 16, 1968

Mr. Harold Weisberg,  
Route 8,  
Frederick, Maryland,

Dear Mr. Weisberg:

As per our telephone conversation over Radio Station KRLD's Comment Program this past Thursday, less than a week after my telephone report to the FBI concerning an apparent bullet-mark on the sidewalk at the scene of the John Kennedy assassination, I mentioned about the mark to a friend of mine, Mr. George Booth. Mr. Booth expressed a desire to see the mark, whereupon we went to the site and found that the mark, formerly about  $\frac{1}{4}$  inch deep, had been filled in with what appeared to be a mixture of concrete and asbestos (scraping with a key produced a fibrous content). A crude attempt had been made to make the altered mark appear weatherworn to match the surrounding concrete.

I make no accusations. I had previously attempted to find out what had become of the newsreel made by KRLD-TV, showing a newsman (whom I didn't think to identify at the time of showing, the evening of the assassination) pointing to the mark. That station professed surprise and lack of knowledge of the newsreel. Besides the FBI, the only other person to whom I had told about the mark was Carl Freund, now residing in Ft. Worth, but still connected with the Dallas Morning News.

I talked with Mr. Freund the day following my original report to him, and he expressed the following opinions:

- (a) That it was definitely a bullet-mark.
- (b) That it had apparently come from the direction of the southwest CORNER of the school book depository building - that it could not have come from the window where Oswald was reported to have been firing from (southeast).

It is my own opinion that if indeed the mark had been made by an assassin, that this particular marksman was NOT inside the depository building. He would have had to lean far out of the west window, firing across his left shoulder (if right-handed) with an even greater handicap if left-handed. The only logical firing position was from behind a concrete ballustrade some 25 feet from the mark. The bullet in my opinion, ricocheted upward into the front car door, entering Governor Connally's leg.

Yours very truly,

*Eugene P. Aldredge*  
Eugene P. Aldredge  
9304 Leng Place,  
Dallas, Texas 75220.

449

FBI

REC 8

CA 75-226  
EXHIBIT 58

Date: 11/6/64

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (105-82555)  
ATTENTION: CRIMINAL SECTION  
FROM: SAC, DALLAS (100-10461)  
RE: LEE HARVEY OSWALD, aka  
IS - R - CUBA

Re Bureau airtel to Dallas dated 10/20/64 in regard to EUGENE P. ALDREDGE and CARL FREDERICK pertaining to an alleged "bullet" scar in the sidewalk on Elm Street, Dallas, Texas, at the scene of the assassination of President KENNEDY.

On 11/5/64, EUGENE P. ALDREDGE, 9304 Lenel, Dallas, Texas, was interviewed at his home where he is confined due to illness. ALDREDGE minutely described the location of the "bullet" mark on Elm Street, which he has previously telephonically described to the Dallas Office on 9/29/64. It is noted that this is the same mark referred to in Dallas airtel to the Bureau-dated 10/16/64.

ALDREDGE stated that he does not agree with the findings of the Warren Commission and stated that the whole investigation was a "cover up" for the Soviets. He stated that he had originally noticed the "bullet" mark in the sidewalk earlier in 1964, when he was showing a visiting relative the scene of the assassination. He stated that upon reading the findings of the Warren Commission, he called the local FBI Office in Dallas to bring this matter to the attention of the FBI. This telephone call was on 9/29/64.

3 - Bureau  
2 - Dallas

RJB/jtf  
(5)

112

REC 8

5246

NOV 9 1964

Approved: \_\_\_\_\_ Sent \_\_\_\_\_  
Special Agent in Charge

79 NOV 13 1964

CRIMINAL SECTION

450



DL 100-10461

ALDREDGE stated that several days after he had called the Dallas Office of the FBI, he had revisited the scene of the assassination and noted that the "bullet" hole had been patched with some sort of a plastic-type material. He described the patch work as a "sloppy" job as only the hole was covered up and not the whole area.

ALDREDGE stated that it is his opinion that the hole was covered in order "to protect the Soviet". He stated that he had only mentioned the "bullet" scar to CARL FREUND, a local newspaper reporter, and to the FBI Agent he spoke to over the telephone. ALDREDGE inferred that he suspects that the Soviets have infiltrated the FBI and that he hole was patched up by the FBI in order "to protect the Soviets" and hide the scar.

ALDREDGE was politely, but firmly, advised that his supposition in the latter regard is wrong and absurd.

The scene of the assassination was rechecked on 11/5/64 and the alleged "bullet" hole was again checked and it was noted that there is now some sort of foreign material partially covering this nick in the sidewalk. Scrapings were taken and are being sent to the FBI Laboratory by separate communication for examination purposes and possible identification.

It is noted that an inspection of this same mark on 9/30/64 did not disclose such a filling as of that date. (Dallas airtel to Bureau dated 10/16/64.)

ALDREDGE was not taken to the scene to point out the "bullet" mark due to his health condition and the fact that he has apparently already made up his mind in this matter.

451

DL 100-10461

CARL FREUND, reporter, "The Dallas Morning News", Dallas, TEXAS, was interviewed on 11/5/64 at which time he advised that he recalls a telephone call from ALDREDGE in regard to a "bullet" mark on the sidewalk of Elm Street near the scene of the assassination. FREUND stated that ALDREDGE sounded to him like a "mental case" and he just listened to him and agreed with him in order to get him off the phone.

FREUND stated that while some reporters will hang up on such type a caller as ALDREDGE, he normally just listens to such a person, agrees with him, and thus finds it much easier to get them off the line.

FREUND stated that he recalls that a Deputy Sheriff on the day of the assassination pointed out to him a suspected bullet hole on the sidewalk of Elm Street as some bystander at the assassination mentioned that he thought he had been hit near the eye by a piece of something, possibly cement.

FREUND stated that he believes that the Warren Commission report was most thorough and correct in its findings. He noted that there will always be some people who will have their own personal opinions regarding the assassination and no one will be able to change their minds.

Detailed results of instant investigation will be incorporated in an appropriate insert and reported.

452

CA 75-226  
EXHIBIT 59

FBI  
Date: 10/10/75

*WJW/OK*

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

TO: *TP* DIRECTOR, FBI (62-109060)  
FROM: SAC, DALLAS (89-43) (P\*)  
SUBJECT: ASSASSINATION OF PRESIDENT,  
JOHN F. KENNEDY, DALLAS, TEXAS  
11/22/63  
INFORMATION CONCERNING

*WJW-9/11*  
*B...*  
*REC 41*  
*WJW-9/11*

Re Dallas telephone call to Bureau, 10/9/75.

On 10/9/75, EARLY GOLZ, Reporter, Dallas Morning News, Dallas, Texas, contacted SA DAVID H. ISRAELSON, Dallas, and advised he desired any information in the Dallas FBI files regarding an investigation conducted in 1964 in the captioned matter on an allegation by EUGENE ALDREDGE. GOLZ stated he had learned the FBI had conducted an examination of a mark on the sidewalk by the Texas Schoolbook Depository, which he believed to be a bullet mark. GOLZ advised he desired specifically any FBI Laboratory reports containing the results of examinations of this mark.

GOLZ was advised his request should be directed in writing to the Director, FBI.

*EX 03*  
*REC 11*  
*62-109060-7136*

For the information of the Bureau, the information requested by GOLZ is contained in Bufile 105-82555, "LEE HARVEY OSWALD, aka, IS - R. OO: DALLAS", Dallas report of SA ROBERT P. GEMBERLING dated 10/8/64, pages 65-68 and Dallas report of SA ROBERT P. GEMBERLING dated 11/27/64, pages 8-14.

2 - Bureau  
2 - Dallas  
DHI/pc  
(4)

*cc retained by  
FOIA Section  
J.F. 10/11*

*EX 13 1975*  
*WJW*  
*WJW*

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

453



CA 95-226  
EXHIBIT 60

62-109060-5898  
BULKY ENCLOSURE  
REF #  
KEROX COPY OF COVER LETTER ENCLOSED

THIS FILE OR ENCLOSURE IS  
MAINTAINED PERMANENTLY IN  
ROOM 8958  
PLEASE RETURN IN  
MESSENGER ENVELOPE

hsh

4214 C-30

FBI

Date: 12/11/67

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

*[Handwritten initials/signature]*

TO: DIRECTOR, FBI (62-109060)  
 ATTN: FBI LABORATORY

FROM: SAC, DALLAS (89-43)(P)

SUBJECT: ASSASSINATION OF PRESIDENT  
 JOHN FITZGERALD KENNEDY  
 11/22/63, DALLAS, TEXAS  
 MISCELLANEOUS - INFORMATION CONCERNING

OO: DALLAS

*JA-BX*  
*36-GX*

PC-A-3161

*bullet*  
*PC 327*  
*161*

On 12/8/67, MR. WILLIAM A. BARBEE, 4545 Iva Drive, Mesquite, Texas, turned over to SA JAMES T. MONAHAN a spent cartridge, which is enclosed to the Bureau herewith. MR. BARBEE stated that he found this cartridge embedded in the roof of a building located at 1615 Stemmons Freeway, Dallas, in July or August, 1966. MR. BARBEE added that the recent magazine article in Life Magazine concerning the above-captioned case prompted him to call the FBI and offer this cartridge, in the event it might be pertinent.

The building in which this cartridge was found is located approximately 1/2 mile from the Texas School Book Depository and is in the general line of fire from where OSWALD allegedly shot.

MR. BARBEE requested this cartridge be returned to him if it is not pertinent to this case.

REQUEST FOR EXAMINATION

It is requested the FBI Laboratory examine this bullet cartridge to determine its caliber and thereafter compare with previous bullet specimens submitted in this

4-Bureau (Enc. 1) (RM)  
 2-Dallas  
 JTM/llr  
 (6)

REC-762-109060-5898

15 DEC 13 1967

COPIES DESTROYED

21 JAN 17 1973

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

455

TO: DIRECTOR, FBI (62-109068)  
ATTN: FBI LABORATORY  
FROM: SAC, DALLAS (89-43) (P)

Enclosed for FBI Lab's examination is one spent  
bullet cartridge furnished by MR. WILLIAM A. BARRE in the  
event it is pertinent to this case.

Enc. 1 (RM)

FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C.  
EVIDENCE

62-109068-5898  
ENCLOSURE

456



TOP  
EVIDENCE  
PC-A 3101  
GLASS SLIDE  
CONTAINING  
FRODA 0619-032  
DO NOT DESTROY  
GLAY COMPANY INC. N. Y.  
MADE IN U.S.A.

87-443  
4/11/72  
R

457

Mr. Conrad

W. E. Jevons

1 - Mr. Conrad  
1 - Office, Room 7153  
12/14/67

1 - Mr. Frazier  
1 - Lab Files

105-82555

ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
11/22/63, DALLAS, TEXAS  
MISCELLANEOUS - INFORMATION CONCERNING

The Dallas Office submitted by airtel dated 12/11/67, a bullet which was furnished by Mr. William A. Barbee, 4545 Iva Drive, Mesquite, Texas, which he stated he had found embedded in a roof of a building located at 1815 Bienville Freeway, Dallas, Texas, in July or August, 1966. This building is located approximately one-fourth of a mile from the Texas School Book Depository. Mr. Barbee advised that a recent Life Magazine article had prompted him to furnish the bullet to the FBI.

The submitted bullet, a .30 Carbine-type bullet, is entirely different from any ammunition specimens examined in connection with the assassination evidence.

The results of this examination are being furnished Dallas by teletype.

**ACTION:**

For information.

87-10390

1 - Mr. Mohr  
1 - Mr. DeLoach  
1 - Mr. Bishop  
1 - Mr. Rosen (Attn: Mr. R. M. Paupach, Room 5732)  
1 - Mr. Sullivan (Attn: Mr. R. E. Lombas, Room 813 9213)

MEW:DMH  
(10)

458

RECORDED  
12/14/67  
JJK

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

Re: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY,  
11/22/63, DALLAS, TEXAS;  
MISCELLANEOUS - INFORMATION  
CONCERNING

File # 62-109060  
Lab. # PC-A3161 BX GZ BV

EXPEDITE

Examination requested by: FBI, Dallas (39-43) Atl. 12/11/67

Examination requested: Firearms (G&A) - Micro.  
(Porc)

Date received: 12/13/67 hw

Result of Examination: *Photo*

Examination by: FRAZIER  
SIDES  
*Flake*

Specimens submitted for examination

Q619 C327 Bullet found embedded in roof of building  
at 1615 Staxsons Freeway, Dallas

*Return to Group  
Temporarily*

62-109060-589E

*Do not destroy*

459



Laboratory Transmittal Form  
7-72



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

1-Mr. Raupach,  
Room 8732  
1-Office, 7133

To: FBI, Dallas (89-43)

Date: December 18, 1967

ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY,  
11/22/63, DALLAS, TEXAS;  
MISCELLANEOUS - INFORMATION  
CONCERNING

*J. Edgar Hoover*  
John Edgar Hoover, Director

FBI File # **REC-9** 62-109060 - 5899  
Lab. No. **PC-A3181 BX EG BV**

Examination requested by: **Dallas**  
Reference: **Airtel 12-11-67**  
Examination requested: **Firearms - Microscopic**  
Remarks:

EX 101

This report will confirm the teletype to your office  
on 12-14-67.

The bullet, C327, is being temporarily retained in  
the FBI Laboratory.

*F. P. ... Lab*  
*5732 ←*

*141*

~~12-20-67 497~~

Enclosures (2) (2 Lab report)

MAILED 1

1967

LABORATORY

RAF:d1b (8)

53 JAN 2 1968

ADMINISTRATIVE PAGE

MAIL ROOM  TELETYPE UNIT

- Tolson \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Mohr \_\_\_\_\_
- Bishop \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- Felt \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

460

REPORT  
of the



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

1-Mr. Raupach,  
Room 5732  
1-Office, 7133

FBI, Dallas

Date: December 18, 1967

FBI File No. 62-109060

Lab. No. PC-A3161 BX 14 2V

ASSASSINATION OF PRESIDENT JOHN  
FITZGERALD KENNEDY, 11-22-63, DALLAS,  
TEXAS; MISCELLANEOUS - INFORMATION CONCERNING

Specimens received 12-13-67

<sup>47</sup>  
Q619 C327 Bullet found embedded in roof of building  
at 313 Stemmons Freeway, Dallas

Results of examination:

The bullet, <sup>Q627</sup> is a .30 Carbine-type full metal-jacketed  
Military-type bullet. The manufacturer of this bullet cannot  
be determined due to the similarity in the products of several  
manufacturers.

The bullet bears general rifling characteristics  
consisting of four lands and grooves, right twist. The  
physical characteristics of the rifling impressions on  
this bullet are of the type produced by United States Military  
Carbines. Numerous weapons of this type have been sold  
as surplus by the United States government. The bullet  
bears sufficient individual microscopic marks for comparison  
purposes.

No blood, paint or other material was found on this  
bullet except a small quantity of tarlike material and one  
particle of glasslike material, present in a groove on the  
nose of the bullet, which is possibly a silica slag and may  
have come from material such as roofing stone.

The nose of the bullet bears grooves and scratches  
indicating that the bullet struck some hard object or an  
object containing hard particles. The nature of the object  
struck cannot be determined nor could it be determined  
whether the grooves and scratches were made when the bullet  
struck the roof where it was recovered. The possibility  
that the bullet penetrated or ricocheted from some other  
object cannot be eliminated.

- Chief \_\_\_\_\_
- Asst. Dir. \_\_\_\_\_
- Adm. Serv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Insp. \_\_\_\_\_
- Intell. \_\_\_\_\_
- Lab. \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Insp. \_\_\_\_\_
- Rec. Mgmt. \_\_\_\_\_
- Tech. Serv. \_\_\_\_\_
- Training \_\_\_\_\_
- Off. Liaison \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

RAF:nab (5)

Page 1 of 1  TELETYPE UNIT

(continued on next page)

461

The bullet could not have been fired in Lee Harvey  
Oswald's 8.3 mm Mannlicher-Carcano rifle which is  
approximately .256 caliber.

Page 2  
PC-A3161 BX

462



PLAINTEXT

TELETYPE

1-Mr. Mohr  
1-Mr. DeLoach  
12-14-67  
1-Mr. Rosen  
(Attn: Mr. Raupach)  
1-Mr. Sullivan  
DEFERRED (Attn: Mr. Lenihan)

1-Mr. Conrad  
1-Mr. Frazier  
1-Office, 7133

TO SAC, DALLAS (89-43) **REC-3**  
FROM DIRECTOR, FBI (62-109060) - **5898**

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,  
NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE, DALLAS, TEXAS;  
MISCELLANEOUS - INFORMATION CONCERNING. REURAIRTEL DECEMBER ELEVEN.

BULLET SUBMITTED IS POINT THREE ZERO CARBINE TYPE  
FULL METAL-JACKETED MILITARY-TYPE BULLET. MANUFACTURER CANNOT  
BE DETERMINED. BULLET BEARS GENERAL RIFLING CHARACTERISTICS OF  
TYPE PRODUCED BY POINT THREE ZERO CALIBER UNITED STATES MILITARY  
CARBINE. NUMEROUS SUCH WEAPONS HAVE BEEN SOLD AS SURPLUS. BULLET  
BEARS SUFFICIENT MICROSCOPIC MARKS FOR COMPARISON PURPOSES. NO  
BLOOD, PAINT OR OTHER MATERIAL FOUND ON BULLET EXCEPT SMALL  
QUANTITY TARLIKE MATERIAL AND ONE PARTICLE OF GLASSLIKE MATERIAL  
FOUND ON NOSE OF BULLET WHICH IS POSSIBLY SILICA SLAG AND MAY HAVE  
COME FROM MATERIAL SUCH AS ROOFING STONE.

NOSE OF BULLET BEARS GROOVES AND SCRATCHES, ~~INDICATING~~  
BULLET STRUCK HARD OBJECT OR OBJECT CONTAINING HARD PARTICLES.  
NATURE OF OBJECT STRUCK CANNOT BE DETERMINED NOR COULD IT BE

DETERMINED WHETHER GROOVES AND SCRATCHES MADE WHEN BULLET STRUCK  
ROOF WHERE RECOVERED. POSSIBILITY BULLET PENETRATED OR RICOCHETED

18  
MAIL ROOM  
TELETYPE UNIT

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATION SECTION  
DEC 14 1967

463

TELETYPE TO DALLAS  
ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,  
NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE, DALLAS, TEXAS;  
MISCELLANEOUS - INFORMATION CONCERNING  
62-109060

FROM SOME OTHER OBJECT CANNOT BE ELIMINATED.

BULLET COULD NOT HAVE BEEN FIRED IN LEE HARVEY OSWALD'S  
SIX POINT FIVE MM MANNLICHER-CARCANO RIFLE WHICH IS APPROXIMATELY  
POINT TWO FIVE SIX CALIBER.

464

1619-327

FBI

Date: 12/11/67

Transmit the following in \_\_\_\_\_ (Type in plaintext or code)

via AIRTEL \_\_\_\_\_ (Priority)

TO: DIRECTOR, FBI (62-109060)  
 ATTN: FBI LABORATORY

FROM: SAC, DALLAS (89-43)(P)

SUBJECT: ASSASSINATION OF PRESIDENT  
 JOHN FITZGERALD KENNEDY  
 11/22/63, DALLAS, TEXAS  
 MISCELLANEOUS - INFORMATION CONCERNING

OO: DALLAS

Ja-ox  
36-GX

PC-A-3161

On 12/8/67, MR. WILLIAM A. BARBEE, 4545 Iva Drive, Mesquite, Texas, turned over to SA JAMES T. MONAHAN a spent cartridge which is enclosed to the Bureau herewith. MR. BARBEE stated that he found this cartridge embedded in the roof of a building located at 1615 Stemmons Freeway, Dallas, in July or August, 1966. MR. BARBEE added that the recent magazine article in Life Magazine concerning the above-captioned case prompted him to call the FBI and offer this cartridge, in the event it might be pertinent.

bullet  
PC-264  
327  
161

The building in which this cartridge was found is located approximately 1/4 mile from the Texas School Book Depository and is in the general line of fire from where OSWALD allegedly shot.

MR. BARBEE requested this cartridge be returned to him if it is not pertinent to this case.

REQUEST FOR EXAMINATION

It is requested the FBI Laboratory examine this bullet cartridge to determine its caliber and thereafter compare with previous bullet specimens submitted in this case.

- 4-Bureau (Enc. 1) (RM)
- 2-Dallas
- JTM/llr
- (6)

FX 112

REC-47 62-109060-5898

ENCLOSURE OR BULKY RAMP 12 DEC 13 1967

COPIES DESTROYED

21 JAN 17 1973

Approved: JAN 7 1968  
 Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

465



DL 89-43

case. In the event the results of the above examination warrant such, an LHM will be submitted, including the results of this examination.

466

UNITED STATES GOVERNMENT

Memorandum

CA 75-276  
EXH 13  
Bishop  
Casper  
Callahan  
Conrad  
Felt  
Gale  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Holmes  
Gandy

- 1 - Mr. Conrad
- 1 - Office, Room 7133
- DATE: 12/14/67
- 1 - Mr. Frazier
- 1 - Lab Files

TO : Mr. Conrad

FROM : R. H. Jevons

SUBJECT: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
11/22/63, DALLAS, TEXAS  
MISCELLANEOUS - INFORMATION CONCERNING

The Dallas Office submitted by airtel dated 12/11/67, a bullet which was furnished by Mr. William A. Barbee, 4545 Iva Drive, Mesquite, Texas, which he stated he had found embedded in a roof of a building located at 1615 Stemmons Freeway, Dallas, Texas, in July or August, 1966. This building is located approximately one-fourth of a mile from the Texas School Book Depository. Mr. Barbee advised that a recent Life magazine article had prompted him to furnish the bullet to the FBI.

The submitted bullet, a .30 Carbine-type bullet, is entirely different from any ammunition specimens examined in connection with the assassination evidence. It could not have been fired in the assassination rifle owned by Oswald.

The results of this examination are being furnished Dallas by teletype.

ACTION:

For information.

REC 29

62-109060-5908

62-109060

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Bishop
- 1 - Mr. Rosen (Attn: Mr. K. M. Raupach, Room 5732)
- 1 - Mr. Sullivan (Attn: Mr. R. E. Lenthan, Room 818 9&D)

22 DEC 19 1967

MEW:esm  
(10)

70 DEC 22 1967

467

EXHIBIT 62

December 10, 1970

Airtel

- 1 - Mr. Shroder
- 1 - Mr. Schutz
- 1 - Mr. Griffith

To: SAC, Baltimore

From: Director, FBI (62-109060) -6974

REC-32  
 ASSASSINATION OF  
 PRESIDENT JOHN FITZGERALD KENNEDY  
 DALLAS, TEXAS, 11-22-63  
 MISCELLANEOUS - INFORMATION  
 CONCERNING  
 (OO: Dallas)

Enclosed are two Xerox copies of a letter dated December 2, 1970, from Harold Weisberg of Frederick, Maryland. One copy of this letter is enclosed for the information of the Dallas Office.

Mr. Weisberg should be contacted promptly, his letter to the Bureau acknowledged, and full details concerning the circumstances surrounding the location of the bullet should be obtained. The identity of the individual finding the bullet should also be ascertained. In addition, Mr. Weisberg should be queried as to specifically what examination the bullet has been subjected to.

It is observed that if the bullet was located in a planter which was constructed subsequent to the assassination, it would appear to have no evidentiary value and would be of no interest to the Bureau.

Also determine the circumstances surrounding the duplication of Warren Commission Exhibit 399, and this bullet along with the suspect bullet should be submitted to the Bureau, attention FBI Laboratory, in the event that either appears to have any relevance to our investigation of the assassination.

MAILED 21  
 DEC 10 1970  
 COMM-FBI

100-351772-  
 UNRECORDED COPY FILED

Tolson  
 DeLoach  
 Mohr  
 Bishop  
 Casper  
 Callahan  
 Conrad  
 Felt  
 Gale  
 Rosen  
 Sullivan  
 Tavel  
 Trotter  
 Tele. Room  
 Holmes  
 Gandy

Enclosures (2)  
 1 - Dallas (Info) (100-10461) (Enc.)

RIS:jny  
 (7)

61 DEC 21 1970

XEROX  
 DEC 16 1970

MAIL ROOM  TELETYPE UNIT

*Handwritten signatures and initials:*  
 JWS  
 WCB  
 JH  
 H

Section 174

468



GENERAL INVESTIGATIVE DIVISION

Letter is from Harold J. [redacted]. He is former State Department employee who was fired in 1947 because he was suspected of being a Communist or having Communist sympathies. He currently operates a poultry business in Maryland. He is author of "Whitewash" which was highly critical of the Warren Commission Report concerning the assassination of President Kennedy. He has also been critical of the Bureau. He has a suit pending against the Government for disallowing his claim under the Freedom of Information Act for information concerning the assassination.

Weisberg alleges a bullet was recently found in the area where President Kennedy was killed. He believes bullet is a "plant" but offers it to the Bureau for any examination we care to make. Weisberg's letter is not clear but it is possible that this bullet has been examined by an amateur expert.

Irrespective of Weisberg's background, it is felt that we should obtain the bullet and have the bullet examined by our Laboratory to see if it is of any significance to the assassination in order to preclude him from making any allegation that the Bureau is not interested in matters concerning the assassination. This has been coordinated with the Laboratory Division. The Dallas Office has advised it has no information concerning this bullet.

RE:mfd

*Handwritten:* JWC ✓ k  
WCB ✓ PLS  
62-109060-6974

469



L... & Harold Weisberg

Coq d'Or Press ROUTE 8, FREDERICK, MD. 21701

Code 301/473-8186

12/2/70

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

Mr. J. Edgar Hoover  
Director, F.B.I.  
Washington, D.C.

Dear Mr. Hoover,

A friend who was in Dallas recently found a spent and almost-perfect bullet in a planter near the Kennedy Memorial, along Houston Street. He and I both think it is a ghouliah "plant". However, I feel the loan of it should be offered to you for any test or examination you might care to make. We feel that because it is so obvious a "plant" and because we have no way of knowing when it was deposited in Dealey Plaza we should not automatically assume that it can have no significance.

My friend, who has some amateur expertise in these matters, believes it is a type designated as .30 N2.

The rifling marks seem clear. Comparing it with a seemingly identical bullet indicates rather extensive tarnishing, possibly the consequence of weathering.

IX In the course of his testing, my friend has almost perfectly duplicated the condition of Warren Commission Exhibit 399 with a spent round he also sent me.

If you have any interest in any of these bullets, I can mail or deliver them to Washington or give them to your local representative.

Sincerely,

Harold Weisberg

REC-32 62-109060-6974

DEC 15 1970

auto 100A  
12-10-70  
RS/UM

DEC 16 1970

CORRESPONDENCE

470



C.A. 75-276  
LAWRENCE

1-Office, 7133  
1-Mr. Rosen  
January 20, 1971  
1-Mr. Schutz  
1-Mr. Frazier

SAC, Baltimore (69-30)  
Director, FBI (62-100660)

ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
DALLAS, TEXAS  
NOVEMBER 22, 1963  
OO: DALLAS

Reference Baltimore letter to Bureau dated  
January 12, 1971, and Bureau airtel to Baltimore dated  
December 10, 1970.

Reference Baltimore letter submitted three bullets  
to the FBI Laboratory which were received by the Baltimore  
office from Harold Weisberg, Route 3, Frederick, Maryland 21701,  
along with a portion of a plat of Dealey Plaza, Dallas, Texas.  
Enclosed are these three bullets marked A, B and C and the  
plat. These items should be returned personally to Mr. Weisberg.  
He should be advised that nothing was found to associate  
the Caliber .30 M2 (Item A) bullet from the planter in Dealey Plaza  
with any evidence received in connection with the  
assassination of President Kennedy.

MAILED 9  
JAN 20 1971  
COMM-FBI

The following is for the information of Baltimore  
and Dallas and is not to be furnished to Weisberg.

The bullets submitted are described as:

- CE329 Bullet allegedly found in planter in Dealey Plaza, Dallas, Texas, on October 4, 1970 (As JAN 22 1971)
- CE330 Caliber .30 M2 (.30-06 Springfield) U. S. Military bullet received 9/23/70
- CE331 Caliber 6.5mm Italian Military (6.5mm Mannlicher-Carcano) bullet received with CE329

Enclosures (4)

2 - Dallas - (info) - (100-10461)

Tolson  
DeLoach  
Mohr  
Bishop  
Casper  
Callahan  
Conrad  
Felt  
Gale  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Holmes  
Gandy

58 JAN 20 1971

RAF:bp (9)  
MAIL ROOM  TELETYPE UNIT

471

Letter to SAC, Baltimore  
Re: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
DALLAS, TEXAS  
NOVEMBER 22, 1963  
63-10066

C329 is a Caliber .30 M2 U. S. Military type copper-jacketed lead-cored bullet, weighing 149.8 grains, which was fired from a barrel rifled with four lands and grooves, right twist. The physical characteristics of the rifling impressions in C329 are like those produced by .30 caliber (.30-06 Springfield) U. S. Military rifles and some models of Winchester, Remington, High Standard and Sears, Roebuck and Company rifles and possibly other weapons. A .30-06 Springfield Russian Military rifle was manufactured but this rifle produces different rifling impressions from those in C329. A few dents and nicks are present in the nose of this bullet, apparently made when it was fired into dirt or sand. Extensive corrosion on the surface of the bullet has obliterated all individual microscopic characteristics of the type needed for identification with a particular rifle.

Specimen C330 is a Caliber .30 M2 copper-jacketed lead-cored U. S. Military type bullet which weighs 151.3 grains. This bullet is identical in shape and construction to C329, but is unfired.

No bullets like C329 or C330 were recovered in connection with the assassination of President Kennedy. The only bullets (or cartridge cases) recovered in the assassination were caliber 6.5mm (approximately .28") Italian Military bullets commonly referred to as 6.5mm Mannlicher-Carcano. Specimen C331 is this caliber bullet but is different from the copper-jacketed assassination bullets in that C331 is a copper-plated steel-jacketed bullet. Specimen C331 has been fired and is slightly distorted but the cause of the distortion is not known. It is possible an attempt was made to duplicate Warren Commission Exhibit CE398, found on a stretcher in Parkland Hospital after the assassination. Such duplication attempts would be meaningless since CE398 is copper-jacketed whereas C331 is steel-jacketed.

NOTE: The bullets, C329, C330 and C331 were received from Harold Yelnsberg, a man who has written several books critical of the Warren Commission, the FBI, Secret Service, Police Agencies and other branches of the government relating to the assassination investigation.

472



8 8

Weisberg alleges the bullet C329, was recently found in the area where President Kennedy was killed. He believes the bullet is a "Plant" but offers it for any examination we care to make. By letter dated December 10, 1970, the Baltimore Office was requested to obtain these bullets. The complete results of the Laboratory examination are not being furnished to Weisberg because of his background and because we do not want him to be in a position to state that the FBI was cooperating with him in this matter. Weisberg has sued the government for disallowing his claim under the Freedom of Information Act for information concerning the assassination. Therefore the results of the Laboratory examination are being furnished to Baltimore and Dallas by letter rather than by Laboratory report and the examiners notes are being retained in the Laboratory files with other similar material.

Copies of flat and photos of  
bullet C329, C330, C331 retained in  
Lab. Files. JF

473

C

O CA 75-226  
EXHIBIT 64

Mr. Neenan

W. S. Clark

HOUSE SELECT COMMITTEE  
ON ASSASSINATIONS  
U. S. HOUSE OF REPRESENTATIVES (2002)

- 1 Mr. J. J. McDermott  
C/11/79
- 1 - Mr. J. A. Mintz  
(Attn: L. Paschella)
- 1 Mr. D. W. Moore, Jr.  
(Attn: J. Carey)
- 1 Mr. W. L. Bailey
- 1 - Mr. D. Pyar
- 1 Mr. D. J. Clark
- 1 - Mr. B. P. Herndon
- 1 - Mr. M. S. Clark
- 1 - Mr. J. W. Kilty

PURPOSE: To advise of the results of an interview with former SA John F. Callagher and the results of a review of pertinent documents in the Kennedy Assassination file to determine the disposition of certain fatal ballistic evidence. Reference D. Ryan to Mr. Bailey memo dated 6/1/79 (attached).

SYNOPSIS: Former Laboratory SA advised that radioactive fatal samples were disposed of at Oak Ridge National Laboratory (ORNL). A review of Bureau file indicates that certain fatal ballistic evidence, namely specimens Q1 through Q5, Q9, Q14 and Q15 were examined by neutron activation analysis (NAA) and/or emission spectroscopy. Portions (exact weight not determined) of these specimens were consumed by emission spectroscopy. Weighed replicate samples of specimens Q1, Q2, Q4, Q5, Q9 and Q14 were analyzed by NAA. All of these samples were disposed of at ORNL. What remained of specimens Q1 through Q5, Q9, Q14 and Q15 after cleaning and analysis was transferred to National Archives and Records Service (NARS) in 1966.

RECOMMENDATION:

That the attached LHM with cover letter be approved for transmission to Deputy Assistant Attorney General Robert L. Nease.

DETAILS: On 6/2/79, SA John W. Kilty of the Laboratory contacted former SA John F. Callagher, now retired, to determine if Callagher knew the whereabouts of the lead fragments which were examined by NAA in this case. Callagher took lead fragments to the ORNL where

Enclosures (3)

JWK:hic (10)

(CONTINUED OVER)

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Clark to Mr. Harnden Memo  
Re: House Select Committee on Assassinations  
U. S. House of Representatives (HSCA)

he and ORNL personnel performed examinations on them. He advised that it was his recollection that the lead fragments which were made radioactive were disposed of as 'radioactive trash' at the ORNL. This, according to Gallagher, was the appropriate method of dealing with these radioactive samples at the time.

The HSCA's consultant in NAA, Dr. Vincent P. Guinn, Professor of Chemistry, University of California, Irvine, made an informal inquiry about these specimens to SA John Kilty in May 1978. Kilty stated that if the fragments were not maintained by NARS they were most likely disposed of at ORNL.

A review of pertinent documents in the file reveals the following concerning the description and weight of the "fatal ballistic evidence" when it was received in the FBI Laboratory:

Specimen	Description	Weight (grams)	Weight (milligrams)
CZ 399 (01)	Bullet from Stretcher	153.6	13,277
CZ 567 (01)	Bullet fragment	44.6	2,899
CZ 509 (03)	Bullet fragment from beside front seat	21.0	1,361
CE 843 (04)	Metal fragment from the President's head	1.62	107
CE 843 (05)	Metal fragment from the President's head	0.15	9.7
CE 842 (09)	Metal fragment from arm of Governor John Connally	0.5	65
CE 849 (014)	Three metal fragments removed from rear floorboard carpet	0.9 0.7 0.7	58 45 45
CZ 841 (015)	Scraping from inside surface of windshield	No weight listed	

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Clark to Mr. Bernard Maco  
Re. House Select Committee on Assassinations  
U. S. House of Representatives (HSCA)

The milligram weight was determined by multiplying the grain weight by 64.6. The documents do not show matrix weights when the specimens were first received.

Other documents in the file show that all the above-listed specimens were examined by emission spectroscopy. This method of analysis consumes, by burning, the metal analyzed. The documents do not indicate the weight of material analyzed; however, it was likely less than 10 milligrams per specimen.

The documents pertaining to the NAA of the specimens show that metal samples weighing the following were subjected to this type of analysis:

Sample	Weight (milligrams)
Q1	17.73
Q2	68.37
Q4, Q3	32.045
Q9	5.33
Q13	32.75

It is pointed out that the documents indicate that replicate samples were analyzed. For example, five replicates of Q1 were analyzed which have a total weight of 17.73 milligrams. These are the samples which were disposed of at OENL and to which Professor Gulak refers.

It is also pointed out that some mass of material may have been 'lost' because of the necessity for cleaning the specimens prior to emission spectroscopy and NAA.

Information concerning the weights of the specimens when they were turned over to NARS is not retrievable from Bureau files. However, Bureau records disclose that the 'fatal ballistic evidence' listed above minus the portion removed for analysis and/or cleaning was transferred to NARS in 1966.

House Select Committee on Assassinations  
U. S. House of Representatives (HSCA)

<u>Specimen</u>	<u>Description</u>	<u>Weight (grains)</u>	<u>Weight (milligrams)</u>
CE 399 (Q1)	Bullet from stretcher	158.6	10,277
CE 567 (Q2)	Bullet fragment from from seat cushion	44.6	2,890
CE 569 (Q3)	Bullet fragment from from beside front seat	21.0	1,361
CE 843 (Q4)	Metal fragment from the President's head	1.65	107
CE 843 (Q5)	Metal fragment from the President's head	0.15	9.7
CE 842 (Q9)	Metal fragment from arm of Governor John Connally	0.5	65
CE 840 (Q14)	Three metal fragments removed from rear floorboard carpet	0.9 0.7 0.7	58 45 45
CE 841 (Q15)	Scraping from inside surface of windshield	No weight listed	

The milligram weight was determined by multiplying the grain weight by 64.8. The documents do not show metric weights when the specimens were first received.

Other documents in the file show that all the above-listed specimens were examined by emission spectroscopy. This method of analysis consumes, by burning, the metal analyzed. The documents do not indicate the weight of material analyzed.

The documents pertaining to the NAA of the specimens show that metal samples weighing the following were subjected to this type of analysis:

<u>Sample</u>	<u>Weight (milligrams)</u>
Q1	17.73
Q2	68.87
Q4, Q5	32.045
Q9	5.33
Q14	32.75

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House Select Committee on Assassinations  
U. S. House of Representatives (HSCA)

It is pointed out that the documents indicate that replicate samples were analyzed. For example, five replicates of Q1 were analyzed which have a total weight of 17.73 milligrams.

It is also pointed out that some mass of material may have been "lost" because of the necessity for cleaning the specimens prior to emission spectroscopy and NAA.

Information concerning the weights of the specimens when they were turned over to NARS is not retrievable from Bureau files. However, Bureau records disclose that Commission Exhibits 399, 567, 569, 840, 841, 842 and 843 minus the portion removed for analysis and/or cleaning were transferred to NARS in 1966.

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DEPARTMENT OF CHEMISTRY

IRVINE, CALIFORNIA 92717

August 19, 1977

Mr. Stephen J. Fallis  
Select Committee on Assassinations  
U.S. House of Representatives  
3342 House Office Building, Annex 2  
Washington, D.C. 20515

Dear Mr. Fallis:

As per my August 12 telephone conversation with your Mr. William Triplett, and my telephone conversation with you earlier today, I have summarized below the information requested by the Archives.

1. Method of sampling whole bullets or excessively large bullet fragments.  
The method of analysis to be used, instrumental neutron activation analysis (INAA), is nondestructive. For bullet lead, the usable sample size can range anywhere from a few milligrams up to a maximum of about 100 milligrams. Thus, any specimens weighing less than 100 milligrams can be analyzed as is, but larger samples - such as whole bullets or very large fragments - need to have a small portion removed for analysis. I usually perform this operation with a tiny clean carbon-steel drill, known as a pin vise, removing only about 15 milligrams of material for analysis. This makes only a tiny hole in the larger sample and does not damage it so far as microscopic comparisons are concerned. If any of the small samples taken originally for INAA by the FBI (in early 1964, at Oak Ridge) are still available, they would be quite suitable for re-analysis, thereby even avoiding the necessity of removing any further samples from the overly-large samples.
2. Method of analysis to be employed. As mentioned above, the method to be used is INAA. Each sample to be analyzed will first be cleaned of any external contamination by rinsing alternately with high-purity acetone and high-purity water. When dry, the sample will be accurately weighed in a small, cleaned, labeled polyethylene vial. Standard samples, containing accurately known amounts of antimony, silver, and copper, will be prepared in similar vials. The first measurements - primarily to measure the silver content of each sample - will also provide fairly

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W. J. Fallis  
19, 1977

precise results for the antimony and copper contents of each sample. Each sample, and each standard, will be processed identically, one at a time, via my regular procedure: (1) a 40-second irradiation in the pneumatic-tube location of our TRIGA nuclear reactor, at a thermal-neutron flux of  $2.5 \times 10^{12}$  neutrons/cm<sup>2</sup>-second, (2) a 40-second decay period, during which the activated sample is transferred to a labeled unirradiated polyethylene vial, (3) a 40-second (clocktime) count on top of our 32 cm<sup>3</sup> lithium-drifted germanium (Ge(Li)) semiconductor detector (with a 1 cm plastic beta absorber between sample vial and detector), coupled to a 4096-channel pulse-height analyzer, (4) storage of the pulse-height spectrum on a fresh magnetic tape, each sample spectrum being identified by its tagword, (5) subsequent printout of the appropriate radioisotope peaks, using our coupled PDP-8/L computer, already programmed for such, and (6) calculation, by standardized methods (including corrections for any analyzer deadtime), of the amount and concentration of each detected element in each sample, and the standard deviation of each quantity (calculated from the counting statistics). The gamma-ray peaks measured for these three elements are, respectively, the 658 keV peak of 24.4-second silver-110, the 498 keV peak of 93-second antimony-124 m<sub>1</sub>, and the 1039 keV peak of 5.10-minute copper-66. All peaks present in each spectrum will be identified and measured, in case any other elements are observed. The magnetic tape and each printout will be retained for any possible future reference.

After the pneumatic-tube measurements, probably on the following day, all of the samples and standards will be activated again - this time all at the same time and for a longer period of time (one hour), in the 40-tube rotating specimen rack of the TRIGA reactor, at a thermal-neutron flux of  $1.0 \times 10^{12}$  neutrons/cm<sup>2</sup>-second. Each sample and standard, in its labeled cleaned polyethylene vial, will be placed in a different tube end of the irradiation, each activated sample and standard will be counted for 10 minutes livetime on the same Ge(Li) spectrometer mentioned earlier and the spectrum transferred to the magnetic tape. Later, as before, each spectrum will be scanned for peaks, and the peaks of interest will be printed out as before. The antimony content of each sample can now be determined more precisely than before - now via the 564 keV peak of 2.80-day antimony-122. Similarly, the copper content of each sample can now be determined more precisely than before - now via the 511 keV peak of 12.8-hour copper-64. Any small corrections, due to any other contributions to the 511 keV peak besides copper-64, will be made. Any peaks due to elements other than antimony and copper that may show up will be identified and measured. Again, the taped spectra and printouts will be preserved for any possible future reference.

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Stephen J. Fallis  
August 19, 1977

The induced radioactivity level of each activated sample is quite low, and soon declines to a negligible level, so the activated samples can be returned to the Archives quite safely.

- Documentation and security. All procedures used, all data obtained, all calculations, and all results will be given in full in a special bound notebook, with each page signed and dated by me. This book, as well as the magnetic tape containing all of the recorded pulse-height spectra, and all of the computer printout sheets, will be retained for any possible future reference. I will also prepare a full written report of the procedures and results for the Select Committee, and for the Archives. The entire operations will be conducted in a confidential manner. During the irradiations and countings, access to the reactor/counting area will be restricted to only the few people who absolutely must be in the area. This includes the Reactor Supervisor, one Senior Reactor Operator, myself, a representative of the Select Committee, and a representative of the Archives. No persons, except the last three, will know the nature of the samples being analyzed. As I have already agreed to, I will not divulge either the nature of the work or the results thereof until the Select Committee has advised me that such has been authorized. Whenever the samples are not in the process of being irradiated or counted, they will be in the custody of the local office of the Archives.

Very truly yours,

*Vincent P. Guinn*

Vincent P. Guinn  
Professor of Chemistry  
Telephone: 714-833-6091

PG/mek

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UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION

C A 75-276  
EXHIBIT 66



DATE: October 25, 1977  
National Archives and Records Service  
Washington, DC 20408

TO: NAP

SUBJECT: Warren Commission Exhibits - Neutron Activation Analysis

ND

Attached is my report covering NARS involvement in the Neutron Activation Analysis of specified Warren Commission Exhibit items as requested by the House of Representatives Select Committee on Assassinations.

*James L. Gear*  
JAMES L. GEAR  
Director

Preservation Services Division

Keep Freedom in Your Future With U.S. Savings Bonds

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Neutron Activation Analysis of Warren Commission Exhibit Items

At the request of the House of Representatives Select Committee on Assassinations, ten items from the Warren Commission Exhibit (CE 141, 399, 567, 569, 573, 840, 841, 842, 843, and the piece of curbstone) were transported to the University of California, Irvine, California for neutron activation analysis.

Dr. Vincent P. Guinn, Professor of Chemistry, University of California, was the forensic scientist selected by the Select Committee to perform the analysis.

The samples were removed from NARS on September 9, 1977 and taken to California. While in California the samples were kept at night in a locked vault at the Federal Records Center, Laguna Niguel, California.

Security of the samples was maintained for NARS by the Federal Protective Service who provided personnel for security escort and transportation to and from the airports (Dulles International and Los Angeles), Los Angeles to Laguna, Niguel and the University of California at Irvine. The Security personnel remained with me at the University during the day.

The Warren Commission exhibit items were placed in two locked containers for transportation and both containers were carried onto and off the airplane by FPS personnel.

The first meeting with Dr. Guinn was at Irvine on September 12, 1977 at 1:30 pm. At that time, Dr. Guinn examined each sample and outlined a schedule for testing to begin at 10:00 am on September 13, 1977. At that time, Dr. Guinn did decide that there was not sufficient residue on the curbstone to remove for testing without contamination from the stone itself. Thus no tests were performed on the curbstone. In addition, this eliminated having to transport this heavy item between the Records Center and Irvine.

On September 13, 1977, at the University, the samples were removed from their containers and placed in marked vials. The following samples were tested:

CE 842 - 2 samples  
CE 843 - 2 samples  
CE 840 - 2 samples  
CE 399 - 1 sample  
CE 567 - 1 sample  
CE 573 - 1 sample

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Each sample was weighed, washed with water and acetone, and then subjected to a 40 second neutron activation. The samples were then measured for neutron activation. During the procedure, the samples had to be transferred to clean vials. Each time both Dr. Guinn and myself verified the transfer. Since the samples were to be subjected to a one hour nuclear bombardment later the next day, they were left in the vials. There were no small samples of CE 399, 567, and 573. Thus Dr. Guinn, using a drill, took a sample from CE 399, and using a scalpel cut a sample from 567 and 573.

On September 14, 1977, CE 141 which had never been tested was opened and enough material was drilled from the butt end of the bullet to provide two samples. After sampling the cartridge was reloaded. These samples were added to the other samples and exposed for one hour. The data from the one hour neutron activation concluded the tests.

Each sample was then transferred from the vials to its original container. In the case of CE 141, 399, 567, and 573, the samples were left in the vials and placed in the original container. Again each transfer of a sample was verified by Dr. Guinn and myself.

On September 15, 1977, all materials were returned to the National Archives building and their respective storage area 6-W-3.

The following week Dr. Guinn requested that weights of CE 399 (the bullet) and the samples removed from CE 141 be rechecked. The samples were obtained, and reweighed in NARS Preservation Research Laboratory.

Documentary photographs taken by myself of the tests and procedures are attached (including camera negatives). They are identified as follows:

- 1 - Set-up for transferring samples to vials
- 2-5 - CE 842 - Transfer to vial
- 6 - CE 843 - Transfer to vial
- 7 - CE 840 - Transfer to vial
- 8-11 - CE 399 - Drilling and removing sample and placement in vial

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- 12-15 - CE 567 - Cutting to obtain samples (2) and cement in vial
- 16-19 - CE 573 - Cutting to obtain sample and placement in vial
- 20 - weighing samples
- 21 - washing samples with acetone and water to remove oils and dirt
- 22 - Reactor control panel
- 23 - Top row of vials contain samples CE 842 - 2, CE 843 -2, 840 - 2, 399 - 1, CE 567 - 1, CE 573 - 1, (9 vials with samples)
  - Middle row - 2 vials (standards)
  - Lower row - 10 vials (9 for samples plus 1 additional standard)
- 24 - Vacuum holder used to transport samples to reaction chamber
- 25 - Counter into which samples were inserted after exposure
- 26 - Data bank equipment used to read and store sample data
- 27 - Samples (in vials) were placed in tube, and tube inserted into vacuum holder for transport to reactor chamber
- 28 - Sample being returned from reactor after exposure
- 29 - Tube used to transport vials and samples to reactor chamber
- 30-37 - CE 141 - Removal of bullet from casing
- 38-41 - Removal of sample from butt end of bullet
- 42-50 - Replacement of powder and bullet in casing.
  - 51 - Preparing tubes to hold vials and samples for one hour reactor exposure
  - 52 - Placement of sample in reactor tube

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- 53 - Reactor core
- 54-55 - General view of reactor area
- 56 - Data bank and computer hook up for storage and treatment of input data

*James L. Gear*

JAMES L. GEAR  
Director  
Preservation Services Division

October 25, 1977

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CA 75-226  
EXHIBIT 67



General Services Administration  
National Archives and Records Service  
Washington, DC 20408

December 28, 1978

MEMO FOR THE RECORD

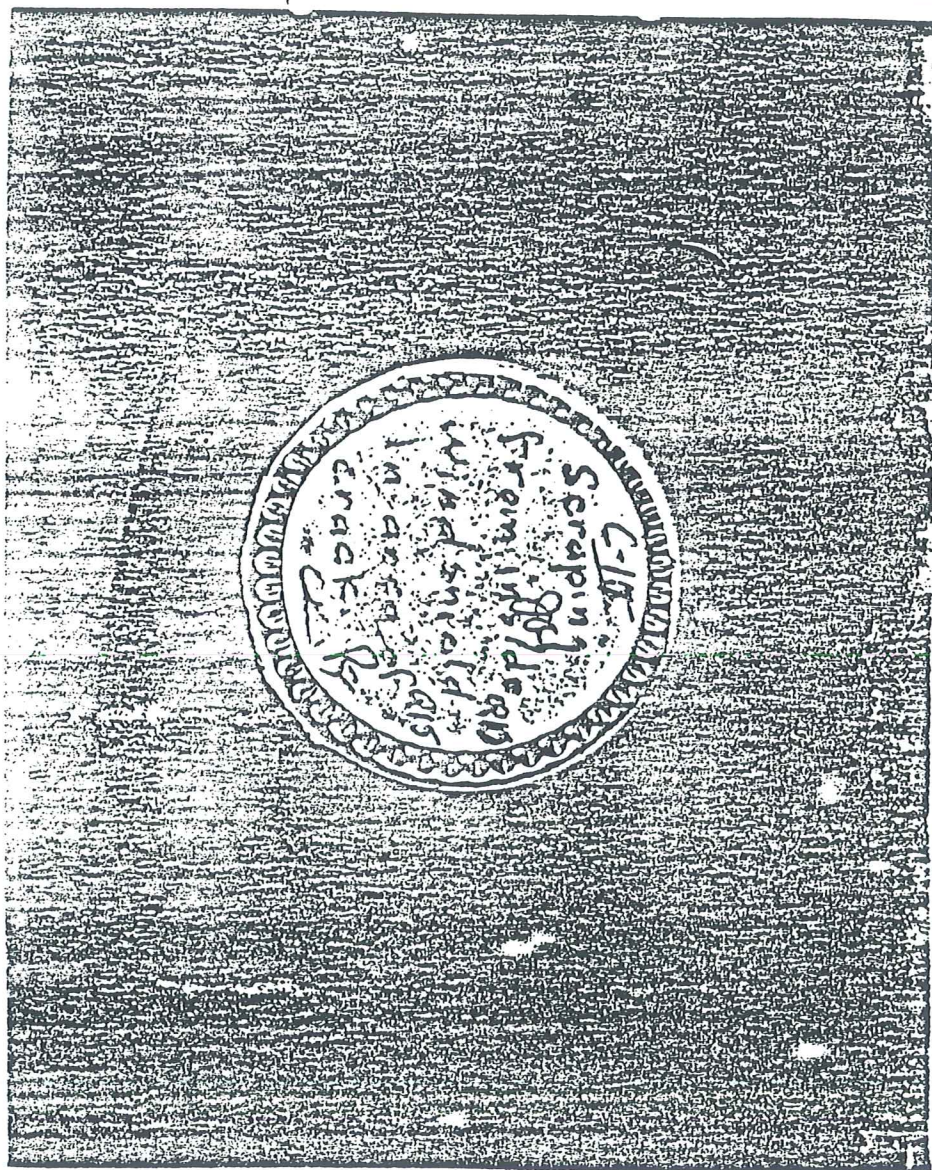
On December 13, 1978, Jim Conzelman of the Select Committee on Assassinations called and asked what was the weight of the bullet known as 399. I called Jim Gear, and he said that the bullet had been weighed twice in the NARS labs. with the results 10.2231 and 10.2213, a difference which he said could be caused by variations in air pressure, humidity, or error. I called Conzelman and gave him those figures.

*Trudy H. Peterson*  
TRUDY H. PETERSON

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C.A. 75-276  
EXHIBIT 68



488

TOP SECRET

CA 75-226 4423  
EXHIBIT 69

Mr. Eisenberg. Have you made identifications in the past with as few or less markings as are present on this bullet fragment?

Mr. Frazier. Oh, yes, and on less, much less of an area. The character of the marks is more important than the number of the marks.

Mr. Eisenberg. Mr. Frazier, here you were of course unable to see all of the lines which were present on the bullet before mutilation. Have you ever had an occasion where you examined a bullet and saw one portion of it which was an apparent match and then found out that the balance of the bullet was not an apparent match?

Mr. Frazier. No, sir. And if I understand your words "apparent match", there is no such thing as an apparent match. It either is an identification or it isn't, and until you have made up your mind, you don't have an apparent match.

We don't actually use that term in the FBI, but we do use a term occasionally to say that some of the marks were similar in nature. They were not sufficient to substantiate an identification.

~~That type of terminology is not entirely accurate either.~~  
Unless you have sufficient marks for an identification, you cannot say one way or the other as to whether or not two bullets were fired from a particular barrel.

In other words, you cannot non-identify on the absence of similarities any more than you can identify when you have no

TOP SECRET

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UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Conrad *SW*

DATE: 3/27/64

FROM : R. H. Jevons *RHJ*

SUBJECT: ASSASSINATION OF ...  
PRESIDENT JOHN F. KENNEDY,  
11/22/63, DALLAS, TEXAS

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

EXHIBIT 70  
CA 75-126

In accordance with the verbal request of Mr. Melvin Eisenberg of The President's Commission and with prior approval, SAs Henry B. Heiberger and John F. Gallagher met with Mr. Eisenberg on 3/26/64, to discuss spectrographic examinations conducted on materials relating to the assassination of President Kennedy.

SA Heiberger discussed the spectrographic comparison examinations which he conducted in the Laboratory. SA Heiberger advised that the lead alloy of the bullet recovered from the attempted shooting of General Walker was different from the lead alloy of a large bullet fragment recovered from the car in which President Kennedy was shot. SA Gallagher advised Mr. Eisenberg the spectrographic examinations of the bullet fragments recovered from the wound in President Kennedy's head and from the vehicle in which President Kennedy was riding at the time of his assassination were composed of the same chemical elements.

As reported in my memorandum of March 17, 1964 (Jevons to Conrad, LEE HARVEY OSWALD, IS - R), SA Gallagher discussed with Mr. Eisenberg the neutron activation analyses of the paraffin casts from Oswald. This technique you will recall revealed deposits on the casts characteristic of powder residues. However, it was not possible to distinguish the powder residues of the rifle cartridges from the powder residues of the revolver cartridges. It was in connection with this examination that Mr. Eisenberg then discussed with SA Gallagher a letter of Dr. Paul C. Aebersold, Director, Division of Isotopes Development, Atomic Energy Commission, to Assistant Attorney General Herbert J. Miller, which was dated December 11, 1963, and subsequently forwarded to The Commission. He read from this letter the following:

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Malley

REC 7 62-109060-2845

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EX-103

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Memorandum to Mr. Conrad  
Re: ASSASSINATION OF  
PRESIDENT JOHN F. KENNEDY,  
11/22/63, DALLAS, TEXAS  
62-109060

"We would hope soon to have more details on whether the method (neutron activation analyses) will give useful information to distinguish between smoke deposits from revolvers and those from rifles—by means of their distribution on the body of the person firing them and by the levels of antimony and barium (and perhaps other elements) deposited."

Mr. Eisenberg then asked if more detailed background was available at this date. It was pointed out by SA Gallagher that Dr. Aebersold's letter was written prior to the actual activation analyses examinations of Oswald's casts. No elements were found during these tests to distinguish between rifle and revolver deposits. Mr. Gallagher further pointed out that the data in the present instance were further complicated by Oswald's firing of the revolver subsequent to the firing of the rifle and by the fact that the casts have been chemically treated and washed prior to receipt for neutron activation analyses. Nothing has come to our attention and to our knowledge nothing has been done subsequent to these examinations which would assist further in the interpretation of the data obtained from the activation analyses of the paraffin casts from Oswald.

ACTION: None, for information.

*[Handwritten signatures and initials]*

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27  
5010-108  
UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Conrad

DATE: 3/27/64

FROM : R. H. Jevons

SUBJECT: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY; 11/22/63  
DALLAS, TEXAS

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

Mr. Melvin Eisenberg, a member of the staff of The President's Commission, telephoned on the afternoon of 3/26/64, and inquired as to whether or not we had finished the Laboratory examinations of the bullets and cartridge cases involved in the murder of Officer J. D. Tippit (Officer Tippit was reportedly shot by Oswald.). My memorandum of 3/26/64, covered the results of these examinations.

Mr. Eisenberg was advised that the firearms examinations and the qualitative analysis (analysis for presence of chemical elements) of the bullet alloys had been completed; however, a quantitative analysis (determination of percentages of the chemical elements) had not been finished. Eisenberg replied that he did not desire the quantitative analysis of the alloys at this time; however, if this aspect proved to be of probative value, he would later request that this be done. The Commission was advised of results of the examinations by letter of 3/27/64.

ACTION:

For information.

105-82555

- 1-Mr. Belmont
- 1-Mr. Rosen
- 1-Mr. Sullivan
- 1-Mr. Malle y

RHJ:ich (10)

*JWC*  
*Q*  
*162-107090-*  
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SIX

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CA 75-226  
EXHIBIT 72

- 1-Mr. Belmont - Enclosures
- 1-Mr. Rosen - Enclosures (2)
- 1-Mr. Sullivan - Enclosures
- 1-Mr. Malley - Enclosures (2)
- 1-Mr. Lenthart - Enclosures

March 27, 1964

By Courier Service

Honorable J. Lee Rankin  
 General Counsel  
 The President's Commission  
 200 Maryland Avenue, Northeast  
 Washington, D. C.

Dear Mr. Rankin:

The remaining three bullets from Officer J. D. Tippit's body were recently received from the Dallas Police Department and have been designated as C251, C252 and C253 in the Laboratory for identification purposes. These three bullets have been examined in the Laboratory and the results of the examinations are set forth below.

The C251 bullet is a caliber .38 Special copper-coated lead bullet of Winchester-Western manufacture. This bullet weighs 154.1 grains and was fired from a barrel rifled with five lands and grooves, right twist.

The C252 bullet is a caliber .38 Special lead bullet of Remington-Peters manufacture. This bullet weighs 154.8 grains. It was fired from a barrel rifled with five lands and grooves, right twist.

The C253 bullet is a copper-coated lead bullet of Winchester-Western manufacture. This bullet weighs 155.7 grains and was fired from a barrel rifled with five lands and grooves, right twist.

A portion of the surface of each bullet, C251, C252 and C253, is mutilated; however, microscopic marks remain on these bullets for comparison purposes. The C251, C252 and C253 bullets were compared with each other and with test bullets obtained from Oswald's revolver, C15, the .38 Special Smith and Wesson revolver, Serial No. V510210, Assembly No. C5248.

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ENCLOSURE  
 105-202555  
 MAR 7 1964  
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NOTE: See Memo 3/26/64, R. H. Jevons to Mr. Conrad re: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, DALLAS, TEXAS, 11/22

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493



Honorable J. Lee Rankin

No conclusion could be reached as to whether or not C251 through C253 were fired from the same weapon or whether or not they were fired from C15. In addition, it was found that even consecutive .38 Special bullets test fired from the C15 revolver could not be identified with each other. In this connection, it should be noted that the barrel of C15 was designed for .38 S & W bullets and, therefore, it is slightly larger in diameter than barrels designed for .38 Special bullets. Firing of undersized bullets could cause erratic passage of the bullets down the barrel, resulting in individual microscopic characteristics which are not consistent. The barrel of the weapon could also be changing due to the accumulation of lead in the barrel or to wear. That one or both of the above conditions existed is apparent from the fact that consecutive .38 Special test bullets obtained from the C15 revolver could not be identified with each other.

Smith and Wesson revolvers such as C15 are among the weapons producing general rifling characteristics of the type found on C251, C252 and C253.

The lead alloy of the C251, C252 and C13 (the first bullet submitted by the Dallas Police Department in the Tippit case) Winchester-Western copper-coated bullet was spectrographically examined. This lead alloy was found to be qualitatively similar in composition to the lead alloy of the Western copper-coated bullets in the C51, C52, C53, C56, C57, C58, C59 and C137 cartridges. It is noted that these cartridges were among those obtained from the C15 revolver, Lee Harvey Oswald's pocket and the U. S. Secret Service.

The lead alloy comprising the C252 Remington-Peters bullet was spectrographically examined and found to be qualitatively similar in composition to the lead alloy comprising the Remington-Peters bullets in the C53, C54 and C139 cartridges, the remaining cartridges from the above sources.

There are attached photographs of the three bullets.

Sincerely yours,

R. Edgar Hoover

Enclosures (3)

2

PLH ITEM #52

494

CA 75-226  
EXHIBIT 73

FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C.

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Malley

Mr. James E. Curry  
Chief of Police  
Dallas, Texas

March 31, 1964

Airmail

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only. Shared Laboratory report in connection with a civil proceeding.

RE: ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY,  
NOVEMBER 22, 1963, DALLAS,  
TEXAS; MISCELLANEOUS INFORMATION  
CONCERNING

YOUR NO. \_\_\_\_\_  
FBI FILE NO. 62-109000  
LAB. NO. PC-79846 BX HB

*J. Edgar Hoover*  
John Edgar Hoover, Director

Examination requested by: FBI, Dallas

Reference: Letter from FBI, Dallas dated 3/14/64

Examination requested: Firearms - Spectrographic

Specimens: \_\_\_\_\_  
PEC 41

Evidence listed on attached page received APR 3 1964  
on 3/16/64

APR 3 1964  
COMM-FBI

1 - FBI, Dallas (100-10461) Enclosures (6)

Note to FBI, Dallas on Page 4.

- Tolson \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Mohr \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- Felt \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

NOTE: One copy of each of the three photographs and an itemized list are being attached to yellow file copy of this report.

(continued on next page)

PLH ITEM #679

495

- C261 Bullet from Officer Tippit (No. 1)
- C262 Bullet from Officer Tippit (No. 2)
- C263 Bullet from Officer Tippit (No. 3)

Page 3  
FD-70640 FX

(continued on next page)

PLII ITEM #679

496



Results of examination:

The C251 bullet is a caliber .38 Special copper-coated lead bullet of Winchester-Western manufacture. This bullet weighs 154.1 grains and was fired from a barrel rifled with five lands and grooves, right twist.

The C252 bullet is a caliber .38 Special lead bullet of Remington-Union manufacture. This bullet weighs 154.6 grains. It was fired from a barrel rifled with five lands and grooves, right twist.

The C253 bullet is a copper-coated lead bullet of Winchester-Western manufacture. This bullet weighs 155.7 grains and was fired from a barrel rifled with five lands and grooves, right twist.

A portion of the surface of each bullet, C251, C252 and C253, is mutilated; however, microscopic marks remain on these bullets for comparison purposes. The C251, C252 and C253 bullets were compared with each other and with test bullets obtained from Oswald's revolver, C15, the .38 Special Smith and Wesson revolver, Serial No. V610210, Assembly No. 65243. No conclusion could be reached as to whether or not C251 through C253 were fired from the same weapon or whether or not they were fired from C15. In addition, it was found that even consecutive .38 Special bullets test fired from the C15 revolver could not be identified with each other. In this connection, it should be noted that the barrel of C15 was designed for .38 S & W bullets and, therefore, it is slightly larger in diameter than barrels designed for .38 Special bullets. Firing of undersized bullets could cause erratic passage of the bullets down the barrel, resulting in individual microscopic characteristics which are not consistent. The barrel of the weapon could also be changing due to the accumulation of lead in the barrel or to scar. That one or both of the above conditions existed is apparent from the fact that consecutive .38 Special test bullets obtained from the C15 revolver could not be identified with each other.

Smith and Wesson revolvers such as C15 are among the weapons producing general rifling characteristics of the type found on C251, C252 and C253.

The lead alloy of the C251, C253 and C13 (the first bullet submitted by the Dallas Police Department in the Tippit case) Winchester-Western copper-coated bullets was spectrographically

Page 3  
VC-79940 1X

(continued on next page)

PLH ITEM #679

497

examined. This lead alloy was found to be qualitatively similar in composition to the lead alloy of the Western copper-coated bullets in the C31, C32, C35, C36, C37, C38, C39 and C137 cartridges. It is noted that these cartridges were among those obtained from the C15 revolver, Lee Harvey Oswald's pocket and the U. S. Secret Service.

The lead alloy comprising the C232 Remington-Peters bullet was spectrographically examined and found to be qualitatively similar in composition to the lead alloy comprising the Remington-Peters bullets in the C33, C34 and C138 cartridges, the remaining cartridges from the above sources.

Spectra C251 through C253 are being retained in the FBI Laboratory.

Note to FBI, Dallas:

This report confirms and supplements the teletype report sent to your office on March 26, 1964.

The President's Commission has been advised by letter dated March 27, 1964, of the results of the examinations set forth in this report. Therefore, your office does not have to prepare this information for dissemination to the Commission.

The President's Commission was also furnished with photographs of the three bullets and it therefore will not have to be furnished photographs by your office. Attached for your use are two copies each of the three photographs.

Page 4  
PC-19846 BX

PLH ITEM # 679

498

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Conrad *JWS*

DATE: 7/6/64

FROM : R. H. Jevons *RHJ*

- 1 - Mr. Gallagher, 7417
- 1 - Office, 7133
- 1 - Mr. Jevons, 7133

SUBJECT: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY, 11/22/63,  
DALLAS, TEXAS

- 1 - Mr. Conrad - Encl.

As previously reported to the Commission, certain small lead metal fragments uncovered in connection with this matter were analyzed spectrographically to determine whether they could be associated with one or more of the larger bullet fragments and no significant differences were found within the sensitivity of the spectrographic method. Because of the higher sensitivity of neutron activation analysis certain of the small lead fragments were subjected to neutron activation analyses and comparisons with the larger bullet fragments. While minor variations in composition were found by this method, these were not considered sufficient to permit positively differentiating among the larger bullet fragments and thus positively determining from which of the larger bullet fragments any given small lead fragment may have come.

Generally speaking, the small lead metal particles fell into two categories. In one category fell the small lead fragment from the arm of Governor Connally and the lead from the almost intact bullet recovered from the stretcher. In the other category fell the lead particles from the head of President Kennedy, the lead fragments from the rear floor of the car and the lead from the mutilated bullet fragment from the front seat cushion. While there is a probability that the fragment from the Governor's arm came from the whole bullet rather than from the mutilated bullet and that the fragments from the President's head and from the floor of the car could have come from the mutilated bullet fragment from the front seat cushion, it remains a probability and does not permit a positive finding or statement that any given small fragment did in fact come from one of the bullets to the exclusion of the others.

- Enclosures (2) *7-8-64*
- 1 - Mr. Belmont - Encl.
  - 1 - Mr. Rosen - Encl.
  - 1 - Mr. Sullivan - Encl.
  - 1 - Mr. Malley - Encl.

162-109090  
NOT RECORDED  
199 JUL 14 1964

92-109060  
CSG:KO (9)

64 JUL 17 1964

12 JUL 14 1964

100m/c

499

64-76-226  
EXHIBIT 7-4

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

3452



Memorandum to Mr. Conrad  
Re: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY, 11/22/63  
DALLAS, TEXAS  
62-109060

Accordingly, the proposed letter to the Commission reports that the findings do not permit a positive determination as to the particular origin of any of the small lead metal fragments. A tabulation of the results of the analyses is attached hereto. A letter is attached for forwarding to the President's Commission.

RECOMMENDATION:

That the attached letter be forwarded to the President's Commission.

*Handwritten initials and signatures:*  
MJP  
OK  
JWC  
Paw  
V.

500

CA 75-226  
EXHIBIT 75

- 1 - Mr. Gallagher, 7417
- 1 - Mr. Jevons, 7133
- 1 - Office, 7133
- 1 - Mr. Conrad

July 8, 1964

By Courier Service

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Malley

Honorable J. Lee Rankin  
 General Counsel  
 The President's Commission  
 200 Maryland Avenue, Northeast  
 Washington, D. C.

Dear Mr. Rankin:

As previously reported to the Commission, certain small lead metal fragments uncovered in connection with this matter were analyzed spectrographically to determine whether they could be associated with one or more of the lead bullet fragments and no significant differences were found within the sensitivity of the spectrographic method.

Because of the higher sensitivity of the neutron activation analysis, certain of the small lead fragments were then subjected to neutron activation analyses and comparisons with the larger bullet fragments. The items analyzed included the following: C1 - bullet from stretcher; C2 - fragment from front seat cushion; C4 and C5 - metal fragments from President Kennedy's head; C6 - metal fragment from the arm of Governor Connally; C13 - metal fragments from rear floor board carpet of the car.

While minor variations in composition were noted by this method, these were not considered sufficient to positively distinguish among the larger bullet fragments and thus were not determinative of which of the larger bullet fragments given small lead fragment may have come.

NOT RECORDED

Sincerely yours,

J. Edgar Hoover

BY COURIER SVCS.  
 JUL 8 5  
 M-EP1

- Tolson
- DeLoach
- Mohr
- Bishop
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

62-109063

JFG:KO (10)

NOTE: Based on memorandum Mr. Jevons to Mr. Conrad dated 7/6/64 captioned "ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, 11/22/63, DALLAS, TEXAS."

MAIL ROOM  TELETYPE UNIT

CH43-100-2000  
 REC'D-READING ROOM  
 JUL 9 1 30 PM '64  
 FBI

501

CA 75-226  
EXHIBIT 76

November 25, 1963

MEMORANDUM FOR MR. HOYERS

It is important that all of the facts surrounding President Kennedy's Assassination be made public in a way which will satisfy people in the United States and abroad that all the facts have been told and that a statement to this effect be made now.

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial.

2. Speculation about Oswald's motivations ought to be cut off, and we should have some basis for rebutting thought that this was a Communist conspiracy or (as the Iron Curtain press is saying) a right-wing conspiracy to blame it on the Communists. Unfortunately the facts on Oswald seem about too pat-- too obvious (Marxist, Cuba, Russian wife, etc.). The Dallas police have put out statements on the Communist conspiracy theory, and it was they who were in charge when he was shot and thus silenced.

3. The matter has been handled thus far with neither dignity nor conviction. Facts have been mixed with rumour and speculation. We can scarcely let the world see us totally in the image of the Dallas police when our President is murdered.

I think this objective may be satisfied by making public as soon as possible a complete and thorough FBI report on Oswald and the assassination. This may run into the difficulty of pointing to inconsistencies between this report and statements by Dallas police officials. But the reputation of the Bureau is such that it may do the whole job.

129-11

DEPARTMENT OF JUSTICE
21 MAY 1965
RECORDS BRANCH

File  
HPW

502



The only other step would be the appointment of a Presidential Commission of unimpeachable personnel to review and examine the evidence and announce its conclusions. This has both advantages and disadvantages. It think it can await publication of the FBI report and public reaction to it here and abroad.

I think, however, that a statement that all the facts will be made public properly in an orderly and responsible way should be made now. We need something to head off public speculation or Congressional hearings of the wrong sort.

Nicholas deB. Katzenbach  
Deputy Attorney General

503

CA 75-226  
EXHIBIT 77

UNITED STATES GOVERNMENT  
M E M O R A N D U M

TO: *1/10* ALL AGENTS (105-406)  
FROM: *1/10* SAC, LITTLE ROCK  
SUBJECT: LEE HARVEY OSWALD  
IS - R

JACK L. RUBY, aka;  
LEE HARVEY OSWALD, aka -  
VICTIM  
CR

ReButel 12/12/63.

The following teletype was received from the Bureau:

Following is to clarify reporting procedures.

OSWALD conclusively established as assassin of President KENNEDY. Investigation continuing to develop complete data regarding him, his activities and determine if assassination was inspired or directed by any other person or group and determine if such persons or groups assisted him any way. Investigation must be expedited. Communications in his case should, therefore, be restricted to information pertaining to him and to allegations that a person or group had a specific connection with him in the assassination. Results of investigation should be submitted by teletype summary under IS - R caption, followed by reports. No airtels, letterhead memoranda or letters should be submitted.

The Civil Rights aspects of this matter concern following questions and should be reported under Civil Rights caption.

1. Was there any connection between OSWALD and RUBY?
2. Why did RUBY kill OSWALD?

1 - Each Agent  
① - 105-406  
1 - 49-21  
1 - 44-791  
1 - 66-6  
EFM/ook  
12/13/63

*[Handwritten signature]*

105-406-39  
Searched \_\_\_\_\_  
Serialized \_\_\_\_\_  
by *[initials]*  
1100 \_\_\_\_\_

LITTLE ROCK F.O.

504

LR 105-406

3. Did RUBY conspire with any person?
4. Did any police officer willfully permit OSWALD to be killed?
5. How did RUBY gain entrance to the basement of the police building November 24, 1963?
6. What were RUBY's movements November 22 to November 24, 1963?

All necessary investigation must be handled expeditiously. Numerous complaints are being received alleging that some person or group other than OSWALD (and not connected with OSWALD) planned or executed the assassination. These matters should be reported under the caption ASSASSINATION OF PRESIDENT KENNEDY. Unless urgency dictates otherwise, submit by airtel accompanied by letter-head memorandum suitable for dissemination.

Threats against President JOHNSON or other public figures should be handled in accordance with existing instructions and not under the above captions.

505



Optional-Form No. 10

UNITED STATES GOVERNMENT

MEMORANDUM

TO : ALL AGENTS

DATE: March 11, 1964

FROM : SAC ROY K. MOORE

SUBJECT: LEE HARVEY OSWALD  
IS - R - CUBA

The Bureau by Airtel dated 3/10/64 instructed that the following be brought to the immediate attention of all personnel who are concerned:

"It is necessary at this time with this communication to call to the attention of all offices the need for meticulous reporting in this investigation. You should know that reports and letterhead memoranda submitted by the offices covering investigation in their respective jurisdictions are furnished to the President's Commission on the Assassination of President Kennedy. This Commission is engaged in the task of creating a historical record and, consequently, could be most critical of loose investigation and loose reporting. Our investigative efforts are judged by our reports. Therefore, each SAC should insure that due care and consideration are given to this matter.

"Bureau recognizes that some SAs excel over others in reporting results of investigations. In this instance, we want to insure that we utilize our best investigators and our best report writers. This will include careful proofreading before submission of a report or letterhead memorandum. Bureau is dealing with this case as a "Special" and we do not want to lose valuable time by having to return reports and letterhead memoranda because of incorrect spelling, sentence structure and other obvious inadequacies. At the same time, you should insure in this investigation and others being disseminated to the Commission that we do not have fuzzy carbon copies, illegible mimeographs, missing pages, etc."

1: Each Agent  
1: Each Clerical Employee  
1: 100-406  
1: 62-6  
RKM/rp

100-406-57

Little Rock F.O.

506

Memorandum

CA 75-226  
EXHIBIT 78

TO : Mr. Belmont DATE: 11/26/63

FROM : A. Rosen

SUBJECT: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY  
NOVEMBER 22, 1963  
DALLAS, TEXAS

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

The body of the President was immediately taken to the National Naval Medical Center, Bethesda, Maryland, for autopsy immediately upon arrival in Washington, D. C., on the evening of 11/22/63. An autopsy was performed which was witnessed by three Secret Service Agents, two Bureau Agents, and attending physicians.

The Secret Service has advised our Baltimore Office that the photographs of the autopsy and X-rays of the President's body would be available to us through Secret Service Headquarters, Washington D. C.

ACTION RECOMMENDED:

It is not recommended that we request these photographs and X-rays through the Secret Service Headquarters at this time as it does not appear we shall have need for this material. In the event such a need develops in the future, this material will be readily available at Secret Service Headquarters.

- 1 - Mr. Conrad
- 1 - Mr. Sullivan

JOK:cb  
(7)

REC-34

SH

FIVE

SH

124

507

CA 75-226  
EXHIBIT 79

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Belmont

DATE: November 27, 1963

FROM : C. A. Evans

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY

Tolson	
Belmont	
Mohr	
Casper	
Callahan	
Conrad	
DeLoach	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

Deputy Attorney General Katzenbach telephoned last evening. He said that he recognized the tremendous task which faced the Bureau in getting out the reports in this matter. He asked, however, if we could give him some idea as to when they might be coming over to him. He particularly noted that he did not want his call regarded as any kind of a pressure for speed, because he knew it was more important to have them done right and this would take time. Nevertheless, he is trying to make plans to handle this in the Department. To this end he has assigned attorneys to review the published material, particularly the rumors and speculations that have been printed in the press. These are being compared with those contained in telegrams and letters received in the Department.

In this regard, Katzenbach has noted that there are many extremes. For example, he said one telegram had been sent to the Department by a private citizen stating that Oswald must have had accomplices in killing the President because Oswald was not a sufficiently talented marksman to have committed the crime alone. Katzenbach recognized that obviously no report can resolve minutia of this kind but he cited it as the extremes to which the speculation has gone.

One of the dangers which Katzenbach sees is the possibility that the state hearing to be held in Texas may develop some pertinent information not now known. In an effort to minimize this, he is having Assistant Attorney General Miller confer with the state officials in Texas in an effort to have them restrict their hearing to the proposition of showing merely that Oswald killed the President, together with any inquiry the state feels necessary as to the activities of local authorities. He hopes to avoid the state hearing going into the question of motive or trying to resolve the communist angle. He, of course, at this time does not know how successful these efforts will be.

As a sidelight, Katzenbach said he had learned on an extremely confidential basis that Abe Fortas, the Washington lawyer, had been in

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan

XEROX  
DEC 11 1963  
DEC 11 1963

CAE:vap  
(8) 115 1353

508



Memorandum to Mr. Belmont

touch with President Johnson and had argued against the idea of having a Presidential Commission look into the Kennedy assassination. Fortas' argument to Johnson was that for the President to announce the formation of such a commission would merely suggest that there was evidence of something other than Oswald alone killing Kennedy and thus build up public speculation. Fortas' second argument to President Johnson was that the formation of such a commission would cause a reflection on the FBI. Fortas, of course, is no friend of the Bureau and there would appear to be some obvious underhanded motive in his using us in his argument, although we don't know what this is.

ACTION TO BE TAKEN:

It is suggested Katzenbach be informed that everything humanly possible is being done to resolve the issues here and to get together a comprehensive report which we expect to have in the Department's hands for review over the coming weekend.

*Certainly something sinister here*

*E*  
*J*  
*A*

*We can give no time table for one or the Bureau has not advised me what report may be expected. I personally want to see it. It is to some things may be necessary. Katzenbach should understand that competence of thoroughness must come first. Really by the Bureau would had much*

*Some indication in news article. H*

CA 75-226  
EXHIBIT 80

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

# Memorandum

- Belmont
- Mohr
- Casper
- Callahan
- Conrad
- DeLoach
- Evans
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

MR. TOLSON

DATE 5/19/64

FROM A. H. Belmont

cc Mr. Belmont  
Mr. Mohr  
Mr. Malley  
Mr. Sullivan

SUBJECT DIRECTOR'S TESTIMONY BEFORE  
THE PRESIDENT'S COMMISSION ON  
ASSASSINATION OF PRESIDENT KENNEDY

Attached is a copy of the transcript of the Director's testimony before the President's Commission on the Assassination of President Kennedy. This transcript has been examined for accuracy, including misspellings and typographical errors on the part of the court reporter. It is noted that apparently the court reporter did not record the Director's testimony accurately in some instances. We have made as few changes as possible, in order to preserve the intent and accuracy of the Director's testimony.

This testimony was gone over by Messrs. Mohr, Malley, Branigan, M. A. Jones, Gheesling, Rogge, and me, on a word-by-word basis. In addition, Assistant Directors Sullivan, Rosen, DeLoach and Conrad have read the testimony and furnished their suggestions.

It is planned that I will personally go over these changes with Mr. Rankin of the Commission.

Enclosure

AHB:CSH (5)

*[Handwritten initials and signature]*

510

Memorandum

C.A. 75-226  
EXHIBIT 81

- Dep. Dir. \_\_\_\_\_
- Asst. Dir. \_\_\_\_\_
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Aff. \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Insp. \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

DATE: 9/12/75

TO: Mr. Gallagher

FROM: B. H. Cooke

- 1 - Mr. Callahan
- 1 - Mr. Adams
- 1 - Mr. Gallagher
- 1 - Mr. O'Connell
- 1 - Mr. Cooke
- 1 - Mr. Nettles
- 1 - Mr. Bassett

*Nettles*

SUBJECT: ASSASSINATION OF --  
PRESIDENT JOHN F. KENNEDY  
11/22/63  
DALLAS, TEXAS

Reference is made to B. H. Cooke to Mr. Gallagher memorandum of 9/5/75 (attached), which relates to Dallas, Texas, Police Department motorcycle officers who escorted the Presidential car in Dallas on 11/22/63, not being interviewed by the FBI regarding the assassination.

By teletype of 9/8/75 (attached), the Dallas Office advises that one of the officers, James M. Chaney, was interviewed on 9/8/75. He advised that he and officer D. L. Jackson were assigned to ride at the right rear of the President's car and officers B. J. Martin and Bobby Hargis were assigned to the left rear. Eight motorcycle officers were assigned to lead the motorcade in front of the car of the Chief of Police. Six motorcycle officers were following the President's car.

Chaney stated that as the President's car passed the Texas School Book Depository (TSBD), he was four to six feet from the President's right shoulder. He heard three evenly spaced noises coming seconds apart, which at first he thought to be a motorcycle backfire. Upon hearing the second noise, he was sure it was not a motorcycle backfire. When he heard the third noise he saw the President's head "explode" and realized the noises were gunshots. He said that the shots did not come from his immediate vicinity and he is positive all the shots came from behind him.

Prior to the shooting, as the motorcade was approaching the TSBD, he noticed nothing suspicious in relation to the building. Chaney said when the first noise was heard, he wondered about the location of the noise, but is sure it did not come from the front of the motorcade.

Enclosures  
WEN:cjl (8)

CONTINUED - OVER

70 OCT 8 1975

EX-118 REG-3  
FBI SEP 13 1975  
6:17 PM 169060

7258

Section 182

511



Memorandum to Mr. Gallagher  
Re: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY

Chaney stated this was the first time he had ever been interviewed officially by anyone regarding the assassination. He advised that officer Jackson has never been interviewed, but has retained notes he made following the assassination regarding his observations.

A review of Dallas and FBIHQ indices and files reveals that of the 18 motorcycle officers mentioned by Chaney as being in the motorcade, only officer Baker has been previously interviewed by the FBI. Baker was interviewed by Bureau Agents at Dallas following the assassination, mainly because he saw Oswald in the TSBD immediately following the shooting.

A review of the Warren Commission volumes reveals that of the 18 motorcycle officers only B. J. Martin, Bobby W. Hargis, E. D. Brewer, Clyde A. Haygood, and M. L. Baker were interviewed by the Commission.

It is noted from the Warren Commission testimony of the five motorcycle officers above that they were pretty much preoccupied at the time of the shooting with maintaining balance on their motorcycles at the slow speed of the motorcade and looking ahead to avoid hitting anything. The Dallas Office interviewed numerous people who were in the immediate vicinity on foot and had a better view of the area.

When the assassination occurred, Director Hoover immediately ordered the Dallas Office to assist the U.S. Secret Service and local authorities in their investigation. It should be remembered that at the time there were no Federal laws relating to assaults against the President. President Johnson ordered that the FBI put all available means into the investigation and submit a full report to the Attorney General. Thereafter, specific instructions were issued from FBIHQ regarding certain aspects of the investigation, but none have been located relating directly to interviews of assassination witnesses.

Assistant Director Gallagher on 9/12/75, telephonically contacted retired FBI Inspector James R. Malley, who was sent to Dallas on this case on 11/24/63. Malley advised that he came into the office on that day and was told to go to Dallas. C. A. Evans had been in touch with Director Hoover and the Director wanted to know when Malley would arrive in Dallas. Malley went home, packed, departed Washington about 5:30 p.m., and arrived in Dallas about 8:00 p.m.

512

Memorandum to Mr. Gallagher  
Re: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY

Shortly thereafter he received a telephone call from Mr. Belmont, who issued instructions to him to conduct a thorough investigation. He was told to be on the alert for any possible Federal violations and to interview anyone who had knowledge of any aspect of the assassination.

Malley said that, generally, only those persons the FBI knew had information, or who were brought to our attention as having information, were interviewed. Regarding the motorcycle officers, he speculated that they never came to our attention as being persons who could furnish pertinent information. He feels that if they had pertinent information, they should have come forward.

Malley later served as liaison between the Warren Commission and the FBI. He said the Commission did request certain interviews of witnesses who had not previously been interviewed, but did indicate to him that this point had been covered thoroughly in the initial phases of the investigation.

Assistant Director Gallagher has been advised by Dallas SAC Theodore Gunderson that Gunderson has asked former Dallas SAC Gordon Shanklin about this matter. Shanklin told him that he talked to Director Hoover several times immediately following the assassination. Director Hoover inquired about FBI jurisdiction and Shanklin told him there was none. Shanklin said he felt the Director already knew this. Later, President Johnson issued a directive for the FBI to investigate. There were no restrictions placed on the investigation. Shanklin pointed out that the U.S. Secret Service and the Dallas Police were investigating this case at the same time.

There is attached an 11/25/63 memorandum from C. A. Evans to Mr. Belmont regarding an 11/25/63 memorandum from Deputy Attorney General Katzenback to Bill Moyers, Principal Assistant to President Johnson which is also attached. This material relates to the scope of the report to be prepared regarding the FBI investigation of the assassination.

Dallas recommends that officer Jackson be interviewed in view of his pertinent location in the motorcade, in view of the fact he has never been interviewed, and in view of the fact that he has retained his notes regarding his observations during the assassination.

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Memorandum to Mr. Gallagher  
Re: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY

General Investigative Division concurs with the Dallas recommendation. This should not be considered as a reopening of the investigation, but can be done in the interest of thoroughness in view of the information regarding him retaining his notes just coming to our attention. Interviews of other officers are not recommended at this time since of the officers nearest the President's car, Martin and Hargis were interviewed by the Warren Commission and Chaney by the FBI. Several of the other officers were interviewed by the Warren Commission. None of these interviews have cast any doubts on the conclusions of the Warren Commission. Officer Jackson is still with the Dallas Police Department.

ACTION: If approved, it is recommended the attached teletype be sent to the Dallas Office.

*MM*

*gpc 11/1/64*

*7/1/64 J. per*

*JMA*

*gpc JMA*

*Ed  
JMA*

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I saw The President Assassinated

The morning of November 22, 1963 started out to be cold and raining a dark day. I made detail at 6:45 along with many other officers. I had escorted President Kennedy in 1961 when he came to Dallas to visit with Mr. Sam Rayburn who was in Baylor Hospital in Serious condition. That day when we got back to Love field Mr. Kennedy shook my hand and thanked me for the escort. This time I was hoping that I could escort the President again But I thought I would probably have to work a corner instead. In Detail I was assigned to ride on the right hand side and slightly to the rear of the Presidential Limosine. The original plan was to have two officers ride on the left of the car and two on the right of the car. These officers were to ride one behind the other to keep any one from getting to near the President but he did not want this so we were changed so as to ride side by side at the rear bumper of the car which was only slightly behind the President.

We rode our Motorcycles out of the Garage that morning in the rain. We were required to be on our assignments at Ten that morning. The Planes were due to land at about Eleven Thirty. I got to Love Field at a little after Nine and it had about quit raining. By Ten it was beginning to clear off.

The planes Landed at about Eleven Thirty Five. There were three of them the first two carried the Staff, white House press and other dignitaries. The third plane was air Force one which carried the President.

We lined up our motorcycle escort preparing for the departure. The motorcade was to be led by Chief Lurkin who was to be about six blocks ahead followed by Sgt. Collins with Two Motor Jockey who were to be about three blocks ahead then Sgt. Ellis with four Jockeys one block ahead, then Chief Curry only a few feet ahead of the President's car I was riding beside Jim Chaney on the right side of the President's Limosine. B. J. Martin and Bobby Hargis were riding on the left side of the car. Sgt. Smart and Four other Jockey's were bringing up the rear behind the Secret Service car.

There was Hundreds of people standing on the curbs as we came out of Love Field it was to be this way all the way to the Market Hall. These people would walk out into the street as the first motorcycles went by so Chief Curry told them over the radio to fall back to about 50 feet ahead of his car. On Lemon Ave. 4900 block near Loma Alto some people on the rights hand curb were holding a long sign said "JFK and LBJ stop and shake our hands". Mr. Kennedy had his driver stop and he told these people to come on and they walked up to his car and did shake his hand. I saw people start to run toward the stopped car from as far as a block ahead of us. Jim Chaney called by radio to Chief Curry and he started backing up toward the Presidential car Sgt. Ellis and the four Jockeys turned around and started toward us the secret Service men dismounted and ran to the car and started moving the people away then we started moving again. Chief Lumpkin called Chief Curry and told him the crowd was extra heavy at Turtle Cre and Lemon and he replied "Thats all right we'll take care of it we have a good motorcycle escort." Sgt. Ellis and his Four got the crowd pushed back and we proceeded with out to much interference. The closer we got to downtown the heaveir the crowd got and the more they would walk out toward the President. If one of them got pretty close a secret service man would leave his car and get on Back of the Presidential car so he could be close enough to Mr. Kennedy to protect him.

We traveled West on Cedar Springs to Harwood then South on harwood to Main Street without to much trouble with the crowd but as we traveled West on Main the crowd was heaviest of all and they wouldn't back up. Several times my right handle bar and right hand hit people in the stomach because they weren't watching me they were only looking at the president. Along about Akard Street the crowd was so heavy and they would not back up so rather than bump them I slacked back and was riding directly behind Jim Chaney. A young man ran out of the crowd from behind me and ran past me on my left which put him between me and the Presidential Limosine As he ran by me I saw that he was carrying a small camera already placed to his eye but he didn't get to take the close up picture of the President because one of the Secret service men caught him just in front of my motor and bodily threw him between me and Jim Chaney into the crowd. The last glance I got of the crowd there were people still falling. About this time I saw ahead of me standing in the street a lady holding an umbrella, the type that had a long metal piece on the

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tip I rode up beside Jim Chaney forcing people to back up but this lady didn't right then. An Agent left his car and got on the rear of the Presidential car. I rode closer and closer to her forcing her back into the crowd. After we passed her the Agent went back to his car.

We traveled West on Main the turned North on Houston Street without too much trouble with the crowd then we turned West onto Elm St. Drove only a short way traveling very slowly. About that time I heard what I thought was a car back fire and I looked around and then to the President's car in time for the next explosion and saw Mr. Connally Jerk back to his right and it seemed that he look right at me I could see a shocked expression on his face and I thought "Someone is shooting at them" I began stopping my motor and looking I looked straight ahead first at the Railroad overpass saw only one Policeman standing on the track directly over the Street I looked then back to my right and behind me then looked back toward Mr. Kennedy and saw him hit in the head he appeared to have been hit just above the right ear. The top of his head flew off away from me. Mrs. Kennedy pulled him toward him; Mrs. Connally pulled Mr. Connally down and she slid down in the seat. I knew that the shooting was coming from my right rear and I looked back that way but I never did look up. Looking back to the front again I saw the Secret Service Agent lying down across the car over Mr. and Mrs. Kennedy the Presidential limosine was beginning to pick up speed and Secret service men were running past the presidential car drawing there guns as they ran. I said to Jim Chaney "Let's go with them" and we sped away he pulled past the Presidents car and up toward Chief Curry's car. Chief Curry came on the radio and notified the Dispatcher that a shooting had accured that we were in route to Parkland Code three and to notify them to stand by. As we were traveling North on Stemmons Freeway Agent Hill raised up looked over toward me and shook his head from side to side and hel up his hand thumb down. He knew at that time as I did that the President of the United States was dead or dying.

We were driving at a high rate of speed the people along to shoulder of the freeway not knowing what had taken place were trying to get a closer look at the President and would run into the street in front of us. A very dangerous thing to do. After we passed Market hall we had no trouble with pedestrian traffic but the automobile traffic was heavy. It

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seemed like an eternity but we finally got to Parkland Hospital.

I got off my motor stepped over to the Presidential Limosine. An Agent opened the car door and started to get Mr. Kennedy out but Mrs. Kennedy said no. Its no need she said and raised up. from over Mr. Kennedy. I could see the top of his head was gone, his left eye was bulged out of socket. The agent said "Oh no" and started crying pulled his coat off and placed it over Mr. Kennedy's he head. I someone rolling a stretcher up and I said "Lets get Mr. Johnson out then"; thinking that Mr. Connaly was Mr. Johnson; reached in the car and got ahold of him under his arms some other officers got a hold of Mr. Connaly and we laid him on the stretcher and he was taken inside. I looked back to Mr. Kennedy as Mrs. Kennedy said "All right but I'm going with him." I reached in and got ahold of him at his shoulders and helped lay him on a stretcher. I stepped back and some agents started pushing Mr. Kennedy into the Hospital Mrs. Kennedy walked beside the stretcher. As we got to the Door to the emergency room an agent told me to take up a post here and not to let anybody but Doctors and nurses in.

Some woman and a small boy walked up and asked "Is it true that the President was shot" and I said yes. "How bad is he hurt" she said and I said "I don't know Mam and If I did I could not tell you."

Mr. Pokey Wright a retired Deputy Chief of Police walked up and told me to clear the Hallway and I along with some Secret Service agents asked everybody to leave the hallway and did get it cleared out.

This was the first chance I had to relax a little bit and as I lit a cigerate I noticed I had blood on my hands looked and I had blood on my left sleeve, down the left side of my riding breeches and on the outside of my left boot. I supposed I got this on me as I helped get Mr. Kennedy out of the car.

A man walked up and wanted to go into the Emergency room. I asked him who he was and he said he was Justice of the Peace \_\_\_\_\_ . I told him he could not go in

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because there was probably nothing he could do. He said ok then he went on. Later the Hospital Administrator came out looking for this J.P., I told him I turned him back and he said "Turned him back man he own's the body" and I replied "What Body" and he said "I guess you are right," If you see him again we need him to authorize the removal of the Body". This was the first official word I had that the President was dead. Officer L. C. Gray walked up and asked me if I had heard about Officer Tippett I said no and he told me that Officer Tippett had stopped a suspect and was killed and that they were looking for this suspect in Oak Cliff.

Mrs. Cabell walked up and asked if Mr. Cabell was in the Emergency Room and asked me to ask him if he wanted her to come in. I went inside to ask him and before I could say anything he said "Does your radio work" I said yes and he said come on any we went to my motorcycle as we passed his wife in the hallway he told her that he would be right back. We got to my motor he told me to call the dispatcher and have them to get a Justice of the Peace to the hospital in a hurry. I did and we went back inside he went back into the Emergency Room and an Agent got me by the arm and told me he had information that the airplane had been moved wanted me to find out where it was and arrange for an escort back to Love Field. I liked to never found a phone in that hospital that wasn't busy. One line had already been hooked up direct to Washington. I finally got a line and called the dispatcher's office. I told him who I was and that I understood the air planes had been moved Instructed him to contact the love field officer and Instruct him to pick up the escort at the entrance to love field and lead it to the president's plane. He asked if I was going to escort the presidents body back to love field and I told him that I did not know. I then looked for the agent to tell him that everything was set and was unable to locate him so I went back to the door to the Emergency Room.

Shortly some officer walked up and told me they are taking the president out the other door come on he said. I walked outside Just as they were putting the casket into the Hearse. Someone said "Jackson a secret service agent is looking for you" Sgt. Steve Ellis asked me if I was going to escort the Body to love field I said I don't know about that time the agent walked up and asked if I had arranged for the escort and

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I said "yes Im ready to go when you are." Officer James Taylor asked me if I wanted him to go with me and I said yes and turned to Sgt. Ellis and told him that Taylor and I were going to make Escort to love field with that we left. As chief's car pulled out in front of us until we got onto Hines Blvd. then he motioned for us to take the lead. We did and made a usual funeral escort, using only red lights and whistle to clear traffic to love field.

Where the president was placed back on air force one.

D. L. Jackson 1410  
Dallas Police Dept.

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

vs.

UNITED STATES DEPARTMENT  
OF JUSTICE, et al.,

Defendants.

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Civil Action No. 75-226

**FILED**

**NOV 18 1981**

ORDER

**JAMES F. DAVEY, Clerk**

Upon consideration of defendants' motion of September 8, 1981 for summary judgment and plaintiff's motion of September 8, 1981 to compel, the memoranda of points and authorities in support and opposition thereto, and the entire record herein, and being satisfied that the matters specified as the basis for the previous remand, Weisberg v. U.S. Department of Justice, 627 F.2d 365, 367-370 (D.C.Cir. 1980) have been the subject of further extensive inquiry (see Kilty deposition, pp. 1-139) and that defendant has adequately responded after a further search made in good faith, it is by the court this 18<sup>th</sup> day of November, 1981

ORDERED that defendants' motion for summary judgment be and the same hereby is granted and the case dismissed, and it is

FURTHER ORDERED that plaintiff's motion to compel is denied.



John H. Pratt  
United States District Judge

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