

Section

168

June 8, 1968

J. Edgar Hoover, Esq., Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C. 20535

Dear Mr. Hoover:

Please allow me to thank you for your letter of March 22, 1968 in which you explain that the FBI re-enacted the assassination for the Warren Commission and that the medical aspects (autopsy) were done at the Bethesda Naval Hospital and that some other tests were conducted by the army at Edgewood Arsenal. You suggested that I contact these divisions of the federal government.

Must advise that early in the beginning of my study in 1966 my letters to the Commandant at Edgewood and to some of the officers who conducted the tests were all unanswered. Also my letters to the Commandant of the Bethesda Naval Installation and to Doctors Hume and Boswell who conducted the actual autopsy were also all unanswered. During April, last, I spent the first week at the Armed Forces Institute of Pathology where I made several attempts to talk with Colonel Finck, all of which were rejected. He would not even touch some of my pristine bullets and other bullets which have traversed ribs and wrist bones but instead would retreat backward and decline comment. It was during this same week that I was disappointed in not receiving a visit from someone of your staff while I stayed at the Silver Springs Motel.

Must mention that my findings are not entirely medical and/or ballistic in nature. Perhaps 1/4 are medical and another 1/4 are ballistic. The most important of my findings, perhaps 1/2, are based on your FBI re-enactment. These are reinterpretations of erroneous concepts accepted by the Warren Commission and some considerations.

UNREC.

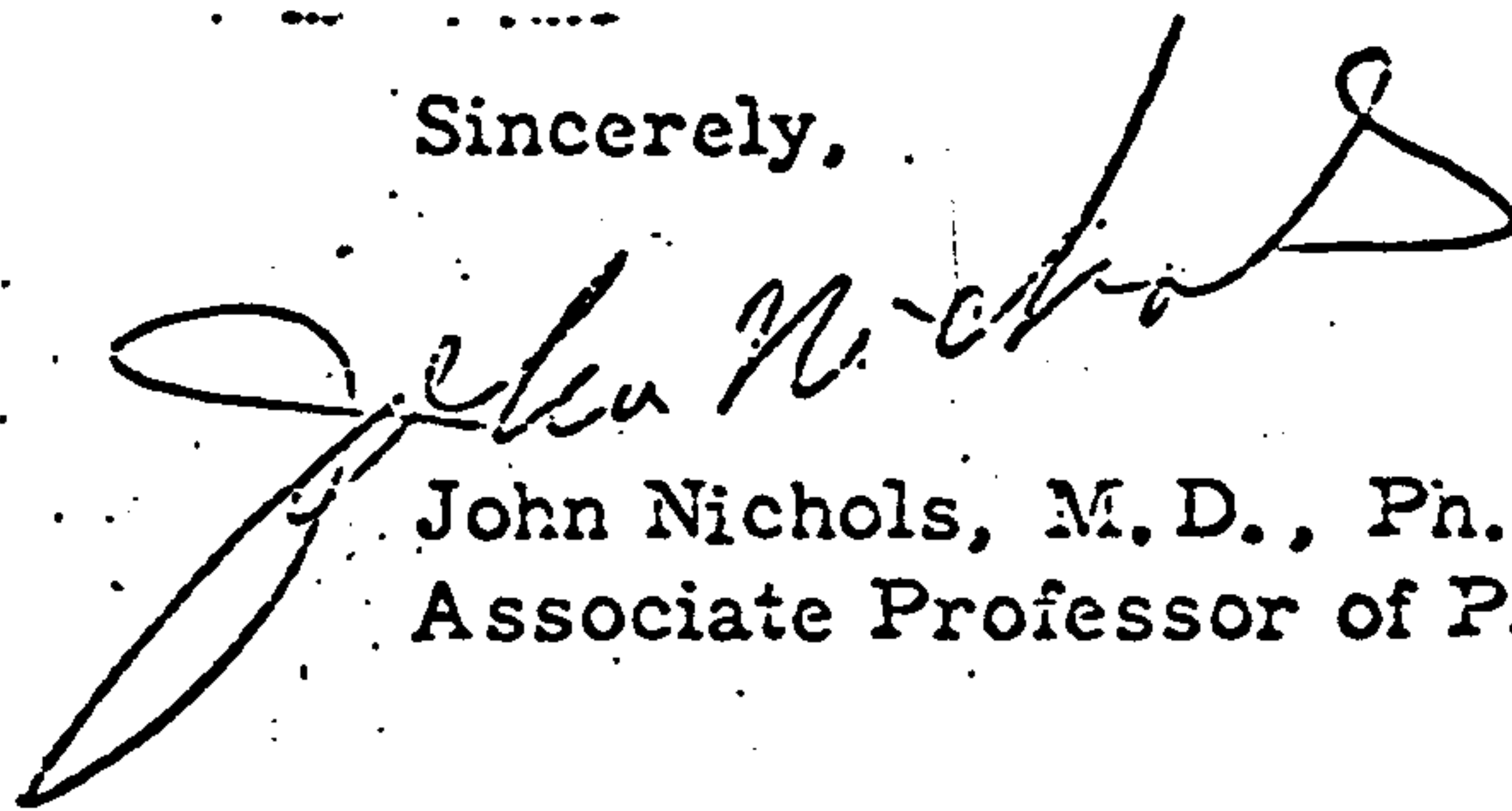
considerations of observations hitherto ignored. These are of national importance.

I am surprised that you do not want my oral description of these and that you have not had an officer from your Kansas City office come by to see me. I have previously been visited by your officers on other items considerably more trivial and even hilarious. Am writing a book on the subject and, of course, will send the manuscript to you prior to publishing.

My main purpose in writing you now is to ask for the analysis (chemical, spectrographic, or neutron bombardment) of some of the missile fragments removed from the late President's brain and Governor Connally's wrist, presumably CE 843 & 842. I will, of course, be quite happy to give to you my chemical and spectrographic analysis of the core and jackets of my Western Cartridge Company 6.5 mm bullets, both lots 6002 and 6003, together with analysis of some commercially available ammunition that I have examined.

It is probable that I will be in the vicinity of your office later this month and will advise you in the hopes that a meeting can be arranged.

Sincerely,



John Nichols, M. D., Ph. D.
Associate Professor of Pathology

P. S. : I should be quite happy to receive any of your officers here in my office at 219 Wahi Hall at any time and discuss my findings with them.

CERTIFICATION

This is to certify that the attached copy of correspondence from John Nichols, M. D., dated June 8, 1968, is a true and accurate copy of the original located in the files of the Federal Bureau of Investigation.

Roy H. Jewans

Washington
District of Columbia

Before me this 13th day of February, 1969,

Roy H. Jewans has appeared and signed
this affidavit first having sworn that the statements made therein
are true.

My commission expires 4/30/70

William C. Jackson
Notary Public in and for the District of
Columbia

SCHOOL OF MEDICINE
DEPARTMENT OF PATHOLOGY AND ONCOLOGY

July 8, 1968

J. Edgar Hoover, Esq., Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D.C., 20535

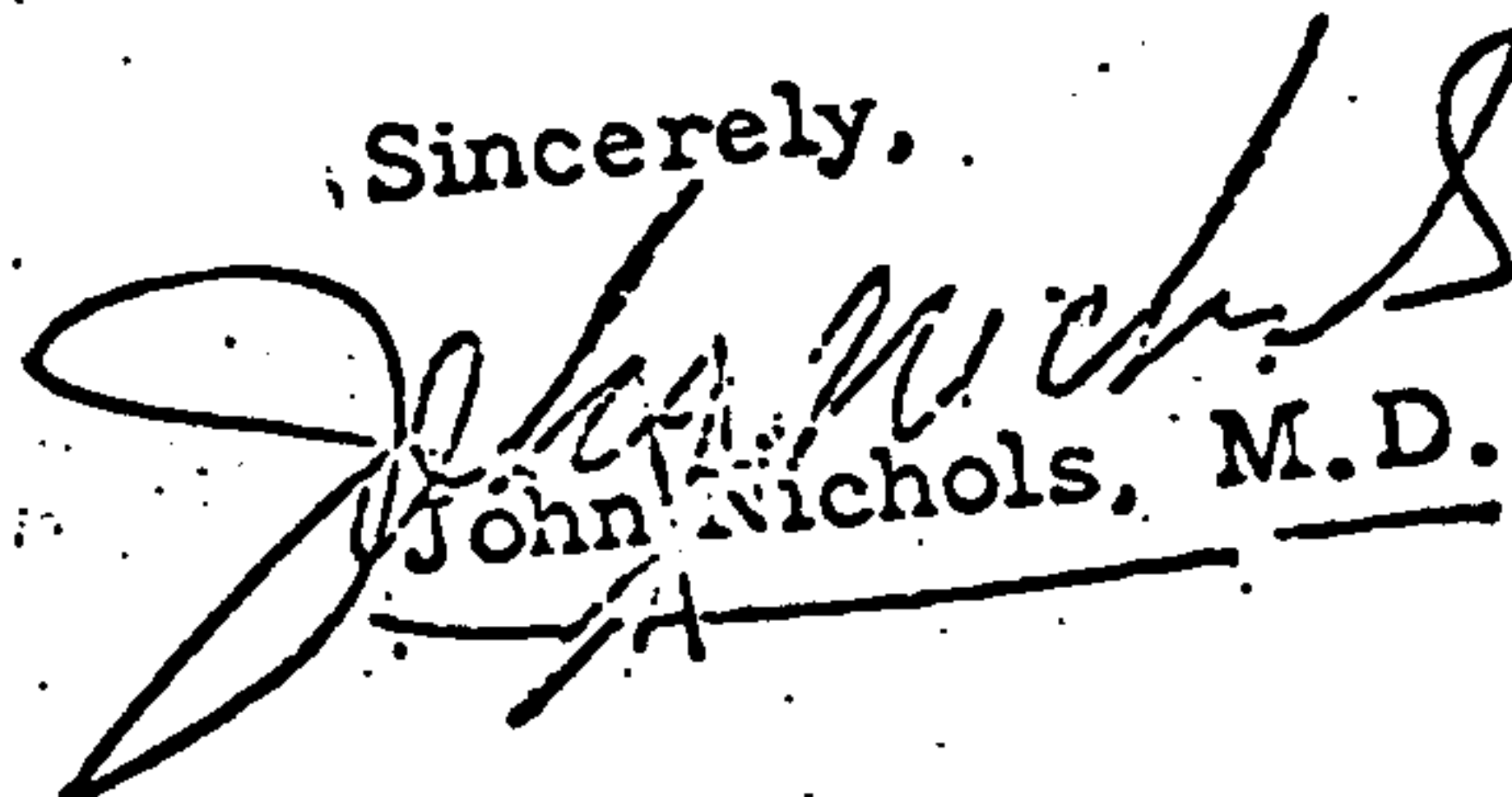
Re: Warren Report

Dear Mr. Hoover:

Re-reading my letter to you of June 8, 1968, from which an answer has not yet been received, reveals omission to ask for results of the chemical, and/or spectrographic, and/or neutron activation analysis of Commission Exhibit 399.

I should now like to formally ask for the results obtained by chemical, and/or spectrographic, and/or neutron activation (nuclear bombardment) analysis of Commission Exhibits 399, 842, and 843 together with similar studies on any other missiles or fragments removed from the late President Kennedy or Governor John Connally arising from the assassination in Dallas.

Sincerely,


John Nichols, M.D.

CERTIFICATION

This is to certify that the attached copy of correspondence from John Nichols, M.D., dated July 8, 1968, is a true and accurate copy of the original located in the files of the Federal Bureau of Investigation.

Ray H. Jervins

Washington
District of Columbia

Before me this 13th day of February, 1969,

Ray H. Jervins has appeared and signed
this affidavit first having sworn that the statements made therein

are true.

My commission expires 4/30/70

Wm. C. Jackson
Notary Public in and for the District of
Columbia

FEB 17 1969

TELETYPE

REC 13

1,3,6

Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI WASH DC

FBI NEW ORLS

7:33PM - URGENT 2/17/69 JDM

TO: DIRECTOR 62-109060 AND DALLAS 89-43

FROM NEW ORLEANS 89-69 9PAGES

Brain AB/ps

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,

DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.

MISC. - INFO - CONCERNING. OO: DALLAS.

ACCORDING TO AN ARTICLE APPEARING IN THE FEBRUARY SEVENTEEN INSTANT ISSUE OF THE RED FLASH EDITION OF THE NEW ORLEANS STATES-ITEM NEWSPAPER, THE MORNING SESSION OF THE CLAY L. SHAW TRIAL COMMENCED ON FEBRUARY SEVENTEEN INSTANT, WITH THE PROSECUTION CALLING AS ITS FIRST WITNESS WILLIAM E. NEWMAN, JR., A DALLAS, TEXAS, ELECTRICAL CONTRACTOR.

K

ACCORDING TO THIS ARTICLE, AS NEWMAN TOOK THE STAND, THE DEFENSE MADE ITS USUAL OBJECTION THAT THE TESTIMONY ABOUT EVENTS IN DEALEY PLAZA WERE IRRELEVANT TO THE SHAW TRIAL; HOWEVER, THE OBJECTIONS OF THE DEFENSE WERE OVERRULED.

REC 13 62-109060-6760

THE QUESTIONING OF NEWMAN WAS CONDUCTED BY DA JIM GARRISON. NEWMAN TESTIFIED THAT ON NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE, HE WAS IN DEALEY PLAZA WITH HIS FAMILY TO WATCH THE PRESIDENTIAL MOTORCADE. HE TESTIFIED HE WAS STANDING ABOUT HALF WAY BETWEEN HOUSON STREET AND THE TRIPLE

END PAG ONE.

[Signature]

*Memo to W.C. Sullivan
TNG:csz 2/18/69*

FEB 27 1969 *Pop*

NO 89-69

PAGE TWO

OVERPASS WITH HIS BACK TO THE GRASSY KNOLL AND TO THE RIGHT OF THE MOTORCADE. HE TESTIFIED HE HEARD THREE SHOTS WHICH SOUNDED AS IF THESE SHOTS CAME FROM DIRECTLY BEHIND HIM.

HE TESTIFIED THAT AFTER THE FIRST TWO SHOTS HE OBSERVED THE PRESIDENT THROW HIS HANDS UP IN FRONT OF HIM AND ALSO OBSERVED GOV. CONNALLY PLACE HIS HANDS IN THE AREA OF CONNALLY'S STOMACH. HE SAW BLOOD ON THE GOVERNORS SUIT.

HE TESTIFIED THAT AFTER THE PRESIDENT WAS HIT BY THE THIRD SHOT, HE SAW THE PRESIDENT'S RIGHT EAR FLY OFF HIS HEAD, AND THEREAFTER THE PRESIDENT STIFFENED AND FELL IN HIS WIFE'S LAP. HE TESTIFIED THAT HE HAD GIVEN STATEMENTS AS TO WHAT HE SAW TO THE FBI AND THE SHERIFF'S OFFICE BUT WAS NOT INTERVIEWED BY THE WARREN COMMISSION.

UNDER CROSS-EXAMINATION, NEWMAN TESTIFIED HE BELIEVED THE PRESIDENT HAD TURNED HIS HEAD HALF WAY TO THE RIGHT AS IF LOOKING AT THE CROWD WHEN THE FATAL SHOT HIT HIM. UPON QUESTIONING, NEWMAN CONCEDED IT WOULD BE UNLIKELY THAT A BULLET FIRED FROM SOME PARTS OF THE GRASSY KNOLL AREA COULD HAVE HIT

END PAGE TWO

NO 89-69

PAGE THREE

THE PRESIDENT NEAR HIS RIGHT EAR.

THE PROSECUTION THEN CALLED TO THE STAND REGIS L. KENNEDY WHO WAS ACCOMPANIED INTO THE COURTROOM BY ASSISTANT USA HARRY CONNICK. KENNEDY TESTIFIED THAT HE WAS A RETIRED FBI AGENT AND THAT IN NOVEMBER, NINETEEN SIXTYTHREE HE WAS EMPLOYED BY THE FBI IN NEW ORLEANS. L.O.

ACCORDING TO THIS ARTICLE, KENNEDY TESTIFIED THAT ON NOVEMBER TWENTYFIVE, NINETEEN SIXTYTHREE, HE HAD RECEIVED A TELEPHONE CALL FROM DEAN ANDREWS WHO WAS AT THAT TIME A PATIENT AT THE HOTEL DIEU HOSPITAL IN NEW ORLEANS. KENNEDY TESTIFIED THAT HE WENT TO THE HOSPITAL TO INTERVIEW ANDREWS AND AS A RESULT HE SUBSEQUENTLY ATTEMPTED TO LOCATE AN INDIVIDUAL NAMED CLAY BERTRAND. KENNEDY TESTIFIED THAT THE AREAS ENCOMPASSED IN ATTEMPTS TO LOCATE BERTRAND WERE A CHECK OF THE POLICE DEPARTMENT FILES, THE CITY DIRECTORY, TELEPHONE LISTINGS, TALKING TO VARIOUS PEOPLE WHO HAVE A WORKING KNOWLEDGE OF THE FRENCH QUARTER, AS WELL AS REVIEWING PRACTICALLY EVERY PIECE OF PAPER THAT ANDREWS HAD IN HIS OFFICE

END PAGE THREE

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PAGE FOUR

WITH ANDREWS' ASSISTANCE.

THE PROSECUTION THEN ASKED KENNEDY IF PRIOR TO HIS INTERVIEW HE WAS PERSONALLY ENGAGED IN INVESTIGATING THE ASSASSINATION OF PRESIDENT KENNEDY.

KENNEDY ANSWERED THAT TO ANSWER THIS QUESTION WOULD GO BEYOND HIS AUTHORITY TO SAY UNDER PRIVILEGE OF THE ATTORNEY GENERAL LETTING HIM APPEAR.

KENNEDY STATED THAT BEFORE HE COULD ANSWER THE QUESTION HE WOULD HAVE TO CONFER WITH THE ASSISTANT U. S. ATTORNEY. KENNEDY AND CONNICK THEN LEFT THE COURTROOM AND CONFERRED IN THE JUDGE'S CHAMBERS AND WHEN KENNEDY RETURNED TO THE COURTROOM, KENNEDY STATED HE HAD BEEN DIRECTED TO SAY THAT TO ANSWER THE QUESTION WOULD GO BEYOND THE PRIVILEGE UNDER WHICH HE WAS APPEARING. KENNEDY STATED THAT BEFORE HE COULD ANSWER, THE ATTORNEY GENERAL WOULD HAVE TO GIVE PERMISSION FOR HIM TO ANSWER THE QUESTION.

END PAGE FOUR

PAGE FIVE

THE PROSECUTION STATED THAT THEY WERE ATTEMPTING TO DETERMINE WHETHER OR NOT KENNEDY WAS ENGAGED IN THE INVESTIGATION OF THE ASSASSINATION BETWEEN NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE AND NOVEMBER TWENTYFIVE, NINETEEN SIXTYTHREE AND WHETHER OR NOT THE SEARCH FOR CLAY BERTRAND WAS PART OF THE GENERAL INVESTIGATION. PROSECUTION STATED THAT KENNEDY HAD TESTIFIED PREVIOUSLY IN ANOTHER CASE AND DID RESPOND AT THAT TIME TO THE SAME QUESTION OR ONE SIMILARLY PHRASED.

AUSA CONNICK TOLD THE COURT THAT KENNEDY HAD THE AUTHORITY TO TESTIFY AS TO HIS INTERVIEW WITH DEAN ANDREWS BUT HAD NO AUTHORITY TO ANSWER OTHER QUESTIONS. CONNICK TOLD THE COURT THAT HE WOULD BE GLAD TO CONTACT THE ATTORNEY GENERAL TO DETERMINE WHETHER KENNEDY COULD ANSWER OTHER SPECIFIC QUESTIONS.

THE COURT THEN ORDERED A RECESS DURING WHICH TIME CONNICK CONFERRED WITH KENNEDY.

END PAGE FIVE

PAGE SIX

WHEN COURT WAS RECONVENED, THE PROSECUTION INDICATED THAT THEY HAD TWO WRITTEN QUESTIONS TO ASK KENNEDY THAT HAD BEEN CLEARED BY THE ATTORNEY GENERAL.

KENNEDY THEN TESTIFIED THAT PRIOR TO HIS INTERVIEW WITH DEAN ANDREWS, HE WAS ENGAGED IN THE INVESTIGATION OF THE ASSASSINATION AND THAT SUBSEQUENT TO THE INTERVIEW WAS ATTEMPTING TO LOCATE CLAY BERTRAND.

UPON CROSS-EXAMINATION BY THE DEFENSE, KENNEDY TESTIFIED THAT HE WAS NOT ABLE TO LOCATE CLAY BERTRAND.

THE PROSECUTION THEN CALLED AS ITS NEXT WITNESS HERBERT ORTH, IDENTIFIED AS THE DEPUTY PHOTOGRAPHIC LABORATORY CHIEF FOR LIFE MAGAZINE. ORTH TESTIFIED THAT COLOR SLIDES AND BLACK AND WHITE PRINTS WERE MADE FROM THE ORIGINAL ZAPRUDER FILM. ORTH TESTIFIED THAT THE BLACK AND WHITE PRINTS WERE MADE MANY YEARS AGO FOR EDITORIAL PURPOSES; HOWEVER, THE COLOR SLIDES WERE MADE RECENTLY AND THAT HE HAD TWENTYONE OF THESE COLOR PICTURES WITH HIM. HE TESTIFIED THESE COLOR SLIDES WERE MADE FROM FRAMES TWO HUNDRED TO FRAMES THREE

La.

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END PAGE SIX

PAGE SEVEN

HUNDRED TWENTY.

THE COLOR SLIDES WERE THEN PRESENTED TO THE DEFENSE FOR EXAMINATION. UPON QUESTIONING BY THE DEFENSE, ORTH STATED SEVEN PEOPLE WERE INVOLVED IN PROCESSING THE SLIDES; HOWEVER, ALL OF THEM WERE MADE UNDER HIS SUPERVISION.

THE COURT THEN RECESSED FOR LUNCH.

AUSA HARRY CONNICK, EDLA, WHO ACCOMPANIED FORMER SA KENNEDY TO COURT TELEPHONICALLY ADVISED TODAY THAT KENNEDY HAD TESTIFIED IN COMPLIANCE WITH THE INSTRUCTIONS OF THE ATTORNEY GENERAL. DURING HIS TESTIMONY, KENNEDY WAS ASKED BY DISTRICT ATTORNEY JIM GARRISON THE QUESTION "PRIOR TO YOUR INTERVIEW WITH DEAN ANDREWS WERE YOU ENGAGED IN THE INVESTIGATION OF THE ASSASSINATION OF PRESIDENT KENNEDY?" FORMER SA REGIS KENNEDY DECLINE TO ANSWER THIS QUESTION FOR THE REASON THAT IT WAS NOT WITH IN THE SCOPE OF THE TESTIMONY AUTHORIZED BY THE ATTORNEY GENERAL OF THE U. S.

END PAGE SEVEN

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PAGE EIGHT

AUSA CONNICK ADVISED THAT THE HEARING WAS HALTED AND THAT ATTORNEYS FOR THE DEFENSE, THE STATE AND AUSA CONNICK RETIRED TO THE CHAMBERS OF JUDGE HAGGERTY WHERE THREE QUESTIONS WERE PROPOUNDED, TWO BY THE STATE AND ONE BY THE DEFENSE WHICH IT WAS DESIRED THAT FORMER SA KENNEDY ANSWER. CONNICK ADVISED THAT THE QUESTIONS FURNISHED BY ASSISTANT DA JIM ALCOCK WERE ONE. "PRIOR TO YOUR INTERVIEW WITH DEAN ANDREWS WERE YOU ENGAGED IN THE INVESTIGATION OF THE ASSASSINATION OF PRESIDENT KENNEDY?" TWO. "WERE YOU SEEKING CLAY BERTRAND IN CONNECTION WITH YOUR OVERALL INVESTIGATION INTO THE ASSASSINATION OF PRESIDENT KENNEDY?" AND THE DEFENSE QUESTION "HAVE YOU IDENTIFIED CLAY BERTRAND AS A RESULT OF YOUR INVESTIGATION INTO THE ASSASSINATION OF PRESIDENT KENNEDY?" CONNICK ADVISED HE TELEPHONICALLY CONTACTED THE DEPARTMENT IN WASHINGTON AND OBTAINED CLEARANCE FOR FORMER SA KENNEDY TO ANSWER ABOVE THREE QUESTIONS. CONNICK ADVISED THAT KENNEDY AGAIN PLACED ON THE STAND AND ANSWERED THE TWO STATE QUESTIONS "YES" AND THE DEFENSE QUESTION "NO". CONNICK ADVISED THAT THIS

END PAGE EIGHT

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PAGE NINE

TERMINATED KENNEDY'S TESTIMONY .

NO SESSIONS OF THE TRIAL ARE SCHEDULED FOR FEBRUARY
EIGHTEEN NEXT AS IT IS MARDI GRAS DAY IN NEW ORLEANS,
AND THE TRIAL WILL RECONVENE ON FEBRUARY NINETEEN NEXT.

NO LHM BEING SUBMITTED.

END

MKA

FBI WASH DC

TUCLR@

9

United States District Court

FOR THE

DISTRICT OF KANSAS

CIVIL ACTION FILE NO. T-4536

JOHN NICHOLS

Plaintiff

v.

THE UNITED STATES OF AMERICA and JAMES B.
RHOADES, ARCHIVIST OF THE UNITED STATES,
GENERAL SERVICES ADMINISTRATION

Defendant

SUMMONS

To the above named Defendant : The United States of America

You are hereby summoned and required to ~~appear~~ file in the office of the Clerk of the U. S. District Court, Topeka, Kansas and serve upon

Sam A. Crow

John E. Wilkinson

M. C. Slough

plaintiff's attorney's, whose addresses are

612 New England Building
Topeka, Kansas 66603

First National Bank Building
Topeka, Kansas 66603

St. Mary's, Kansas
66536.

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CHARLES W. CAHILL

Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JOHN NICHOLS,

Plaintiff

VS.

THE UNITED STATES OF AMERICA
and JAMES B. RHOADES, ARCHIVIST
OF THE UNITED STATES, GENERAL
SERVICES ADMINISTRATION,

Defendants

No. 1-11-66

COMPLAINT

The plaintiff, for his cause of action against the United States of America, alleges and states as follows:

1. The jurisdiction is vested in this court under the provision of 5 U.S.C. Sections 1001-1011, and more particularly under the provisions of the Federal Public Records Law, Public Law 89-487, 80 Statutes 250 (1966); and venue is granted to this court under the provisions of 28 U.S.C. Section 1391 (e) (4).

2. The plaintiff is a physician duly licensed by the Kansas State Board of Healing Arts certified by the American Board of Pathology with previous experience in gunshot wounds and x-ray interpretation thereof.

3. Because of his interest in science, and more particularly pathology and to clear up confusion surrounding the death of our President John F. Kennedy and to try insofar as humanly possible, to write a book which would be accurate, the plaintiff has made numerous attempts to procure certain information held by the archivist of the United States. The

and color transparencies, of John Fitzgerald Kennedy at Bethesda Naval Hospital, Bethesda, Maryland, the brother of John Fitzgerald Kennedy, Robert F. Kennedy, assumed control of the x-rays, and photographs despite the fact that these x-rays and photographs belonged to the United States Government. Of course, at that time Robert F. Kennedy was attorney general of the United States and had at least some color of authority to keep and retain the x-rays. Later, however, the family of the late President John Fitzgerald Kennedy entered into an agreement with the United States Government, allegedly pursuant to the provisions of 44 U.S.C. Section 397 (e) (1), and transferred to the administrator of general services, acting for and on behalf of the United States of America, for deposit in the National Archives of the United States the x-rays and photograph connected with the autopsy of the late President. A copy of this agreement, dated October 29, 1966, is attached to this complaint and made a part hereof as though fully set out herein.

5. On August 21, 1966, the plaintiff herein, John Nichols, Ph.D., M.D., sent a certified letter to Joe M. Blumberg, Brigadier General, M.C., USA, Director, Armed Forces Institute of Pathology, Washington, D.C., 20305, requesting that he be allowed to study, among other things, the x-ray films, and the photographs from the autopsy of the late President John F. Kennedy. That letter, on August 25, 1966, was forwarded to Vice Admiral George G. Burkley, M.C., USN, The White House, Washington, D.C. Vice Admiral Burkley claims that the pertinent facts concerning the late President Kennedy were

the same conditions as the President's private papers. Later, on July 19, 1967, the plaintiff herein sent a letter to the former archivist of the United States, Robert H. Bahmer, requesting the opportunity to view the x-ray films. Mr. Bahmer answered this letter July 21, 1967, claiming that he was unable to grant access to the x-rays because of the conditions set out in the agreement entered into between the Kennedy Family and the United States and referred to in paragraph 4 above. On September 5, 1967, the plaintiff herein sent a letter to Senator Robert Kennedy requesting permission to view the x-ray films and photographs taken of the late President at the time of the autopsy. This letter was referred to the archivist of the United States and was answered by him on October 5, 1967. This answer denied the plaintiff's request.

6. Because the x-ray films and photographs were taken on United States Government film and at a government hospital, the ownership of the x-rays and photographs is vested in the United States Government; and the only way that the Kennedy Family could have rightfully possessed these films was to have entered into a contract with the government for their purchase. Insofar as the plaintiff knows, the Kennedy Family came into possession of these films by virtue of Robert F. Kennedy's position as attorney general of the United States, and what in effect has happened is that the Kennedy Family has given the government its own film to preserve for self-keep. Consequently the conditions and restrictions imposed for examination of these x-rays and photographs are not valid

of America, James B. Rhoades, and of the attorney general of the United States of America as late as January 17, 1969, that he be furnished for study the x-ray films and other photographs made at the autopsy of the late President Kennedy and the Warren Commission exhibits numbered 399, 573, 842, 843 and 856 together with the President's coat, shirt and necktie for submission to neutron activation analysis. The plaintiff requested these things because of the reasons as set forth in paragraph numbered 3 and plaintiff is entitled to have disclosed to him these things under the Federal Public Records Law of 1966. The plaintiff's request has been denied.

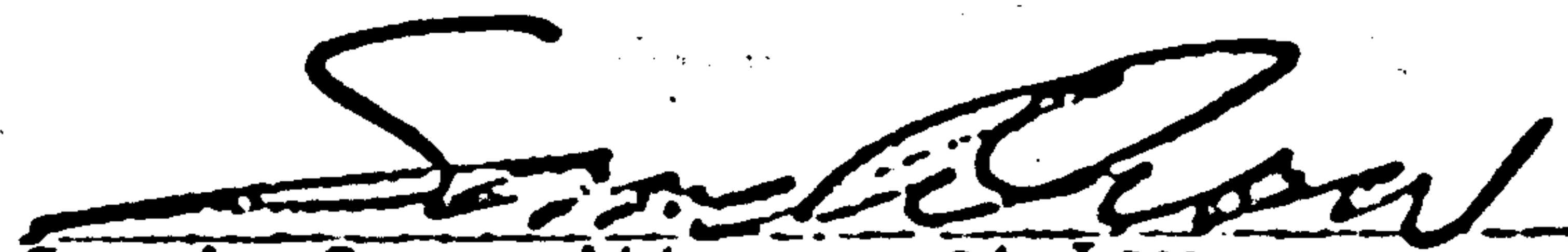
8. For the same reasons set out in paragraph numbered 3, plaintiff has made numerous requests to ascertain the distance that the seats in the vehicle in which our President was riding were from the floor of the vehicle. This information is basic in order to more accurately align the path of the alleged bullet (CE 399) with respect to the President and Governor Connally. The United States of America, through its Secret Service Agents, has refused to provide this data.

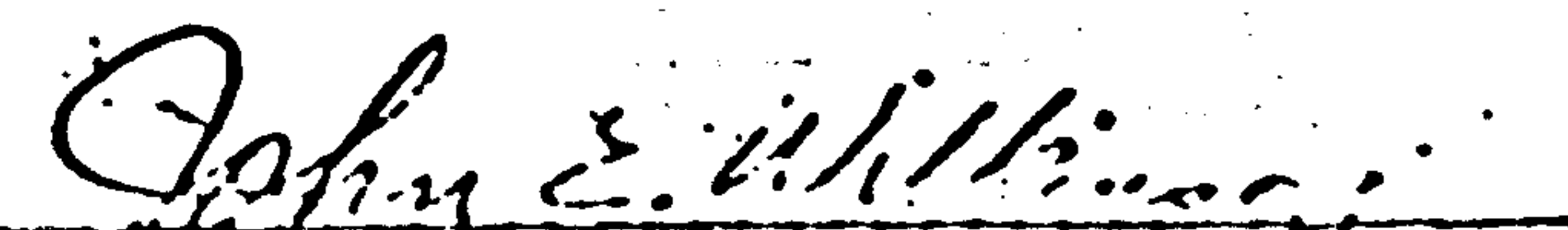
9. For the same reasons set out in paragraph numbered 3, plaintiff has made a request to examine the results of certain spectrographic studies on the bullet (CE 399) that allegedly struck our President as well as certain articles of our President's clothing. The Warren Commission makes reference to these tests but the results of these tests have not been divulged and have been denied by the United States of

1. Permitting the plaintiff to study the photographs and x-ray plates as was afforded the recent panel of experts consisting of Dr. William H. Carns, Dr. Russell S. Fisher, Dr. Russell H. Morgan and Dr. Alan R. Morit.
2. Allowing plaintiff temporary custody of and permission to submit Warren Commission exhibits numbered 399, 573, 842, 843 and 856 to neutron activation analysis together with the President's coat, shirt and necktie also in order to submit the margin of the bullet holes to neutron activation analysis.

Plaintiff further prays this honorable court to issue an order requiring the United States Government to divulge the height of the President's and the height of Governor Connally's seat from the floor in the assassination car.

Plaintiff further prays that this honorable court issue an order requiring the Director of the Federal Bureau of Investigation to divulge to the plaintiff the results of the spectrographic test on Warren Commission exhibit number CE 399, and the results of all other spectrographic analyses conducted by the Federal Bureau of Investigation.


Sam A. Crow, Attorney at Law
612 New England Building, Topeka, Kansas
CE 5-3415


John E. Wilkinson, Attorney at Law
First National Bank Building, Topeka,
Kansas 66603 CE 2-0564

October 29, 1963

Honorable Lawson B. Knott, Jr.
Administrator of General Services
Washington, D. C.

Dear Mr. Knott:

The family of the late President John F. Kennedy shares the concern of the Government of the United States that the personal effects of the late President which were gathered as evidence by the President's Commission on the assassination of President Kennedy, as well as certain other materials relating to the assassination, should be deposited, safeguarded and preserved in the archives of the United States as materials of historical importance. The family desires to prevent the undignified or sensational use of these materials (such as public display) or any other use which would tend in any way to dishonor the memory of the late President or cause unnecessary grief or suffering to the members of his family and those closely associated with him. We know the Government respects these desires.

Accordingly, pursuant to the provisions of 44 U.S.C. 297(a)(1), the executors of the estate of the late President John F. Kennedy hereby transfer to the Administrator of General Services, acting for and on behalf of the United States of America, for deposit in the National Archives of the United States, all of their right, title, and interest in all of the personal clothing of the late President now in the possession of the United States Government and identified in Appendix A, and in certain x-rays and photographs connected with the autopsy of the

late President referred to in Appendix B, and the Administrator accepts the same, for and in the name of the United States, for deposit in the National Archives of the United States; subject to the following restrictions, which shall continue in effect during the lives of the late President's widow, daughter, son, parents, brothers and sisters, or any of them:

(1) None of the materials identified in Appendix A ("the Appendix A materials"), shall be placed on public display.

(2) Access to the Appendix A materials shall be permitted only to:

(a) Any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having authority to investigate matters relating to the death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency.

(b) Any serious scholar or investigator of matters relating to the death of the late President, for purposes relevant to his study thereof. The Administrator shall have full authority to deny requests for access, or to impose conditions he deems appropriate on access, in order to prevent undignified or sensational reproduction of the Appendix A materials. The Administrator may seek the advice of the Attorney General or any person designated by the Attorney General with respect to the Administrator's responsibilities under this paragraph 7(2)(b).

II

(1) None of the materials referred to in Appendix B ("the Appendix B materials") shall be placed on public display.

(2) Access to the Appendix B materials shall be permitted only to:

(a) Any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having authority to investigate matters relating to the death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency.

(b) Any recognized expert in the field of pathology or related areas of science or technology, for serious purposes relevant to the investigation of matters relating to the death of the late President; provided, however, that no access to the Appendix B materials pursuant to this paragraph II(2)(b) shall be authorized until five years after the date of this agreement except with the consent of the Kennedy family representative designated pursuant to paragraph IV(2). For the purposes of this paragraph, the determination of whether such an expert has suitable qualifications and serious purposes shall be made by the Kennedy family representative. No access shall be authorized pursuant to this paragraph II(2)(b) during the lives of the individuals referred to in the second paragraph of this agreement for any purpose involving reproduction or publication of the Appendix B materials without the consent of the Kennedy family representative, who shall have full authority to deny requests for

access, or to impose conditions he deems appropriate on access, in order to prevent such use of the Appendix B materials.

III

(1) In order to preserve the Appendix A materials and the Appendix B materials against possible damage, the Administrator is authorized to photograph or otherwise reproduce any of such materials for purposes of examination in lieu of the originals by persons authorized to have access pursuant to paragraph I(2) or paragraph II(2).

(2) The Administrator may condition access under paragraph I(2)(b) or paragraph II(2)(b) to any of the materials transferred hereunder, or any reproduction thereof, upon agreement to comply with applicable restrictions specified in this agreement.

IV

(1) The Administrator shall be entitled to consult with the Kennedy family representative designated pursuant to paragraph IV(2), and to rely upon such representative's statements in writing as representing the views of the Kennedy family, in connection with the construction or application of this agreement in a particular case.

(2) The Kennedy family representative for the purposes of this agreement shall be BURKE MARSHALL. A successor representative of the Kennedy family may be designated in writing to the Administrator from time to time by Mrs. John F. Kennedy. In the event of the death or disability of Mrs. John F. Kennedy, any successor shall be designated by Robert F. Kennedy. In the event of the death or disability of both Mrs. John F. Kennedy and

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Robert F. Kennedy, any such designation shall be made by Edward H. Kennedy. In the event of the death or disability of all three of them, any such designation shall be made by any adult child of the late President John F. Kennedy or by any of the late President's sisters, with the advice of other members of the family. Any representative designated hereunder will serve until a successor is designated.

V

- This agreement may be amended, modified, or terminated only by written consent of the Administrator and the Kennedy family representative designated pursuant to paragraph IV(2).

VI

The Administrator shall impose such other restrictions on access to and inspection of the materials transferred hereunder, and take such further actions as he deems necessary and appropriate (including referral to the Department of Justice for appropriate legal action), to fulfill the objectives of this agreement and his statutory responsibility under the Federal Property and Administrative Services Act of 1949, as amended, to provide for the preservation, arrangement and use of materials transferred to his custody for archival administration.

VII

All duties, obligations and discretions herein conferred upon the Administrator shall inure to each holder of the office of Administrator of General Services from time to time, and to any official of the United States Government who may become successor to the functions of archival administration vested in the Administrator under

the Federal Property and Administrative Services Act of 1949, as amended. All such duties, obligations and discretions may be delegated to the Archivist of the United States, or to any successor to his functions of archival administration.

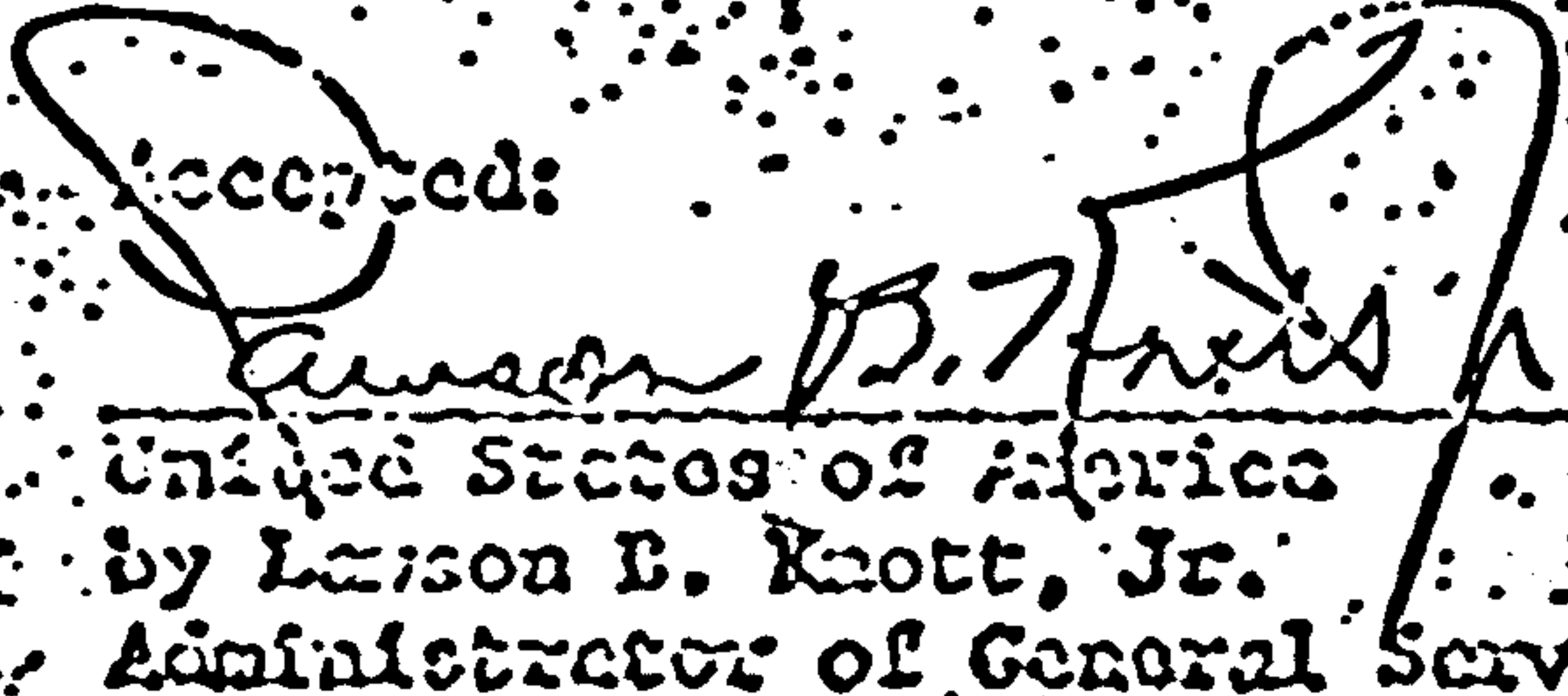
Please indicate your acceptance on behalf of the United States of America by executing the acceptance clause below.

Sincerely,



Eurus Marshall, on behalf
of the Executors of the
Estate of John F. Kennedy

Accepted:



Larson E. Knott, Jr.
United States of America
by Larson E. Knott, Jr.
Administrator of General Services

HLW

APPENDIX A

Clothing and personal effects of the late President, identified by the following exhibit numbers relating to the President's Commission on the Assassination of President Kennedy:

Commission Exhibit Nos. 393, 394, 395.

FBI Exhibit Nos. C26, C27, C28, C30, C33, C34, C35, C36.

APPENDIX B

1. Envelopes numbered 1 to 18 containing black and white negatives of photographs taken at time of autopsy.
2. 7 envelopes containing 4 x 5 negatives of autopsy material.
3. 5 envelopes containing 4 x 5 exposed film containing no image.
4. 1 roll of exposed film from a color camera entirely black with no image apparent.
5. Envelope containing 8 X-ray negatives 14" x 17"; 6 X-ray negatives 10" x 12"; 12 black and white prints 11" x 14"; 17 black and white prints 14" x 17"; all negatives and prints pertaining to X-rays that were taken at the autopsy.
6. 35 8" x 10" black and white prints - autopsy photos
37 3 1/2" x 4 1/2" black and white prints - autopsy photos
27 color positive transparencies 4" x 5"
1 unexposed piece of color film.
7. 27 4" x 5" color negatives of autopsy photographs
55 8" x 10" color prints of autopsy photographs.

1-Mr. Conrad
1-Mr. Jevons
1-Mr. Heilman

Mr. William D. Ruckelshaus
Assistant Attorney General

February 17, 1969

Director, FBI

REC 13 62-107060-6160

JOHN NICHOLS VERSUS UNITED STATES
OF AMERICA, ET AL., U.S.D.C. D. KAN.,
CIVIL NO. T-4536

Reference is made to your memorandum dated February 3, 1969
(CE:JF Axelrad:wlr 78-29-34), requesting information relative to the above-
described matter.

We have corresponded with the plaintiff in a number of instances
regarding his requests for information concerning the assassination of
President John F. Kennedy. Based upon such prior correspondence, his
most recent communications (letters dated June 8 and July 8, 1968 - copies
attached) including a request for data regarding the spectrographic tests were
not acknowledged in view of flippant statements concerning previous contacts
of our Agents and Nichols' continued refusal to present his theories or other
information in documented form when he requested our evaluation of them.
We were further influenced in not answering these communications by the
fact he advised other Government agencies likewise were declining to continue
to answer his letters.

The following comments are in the order they were requested in your

Memorandum
MAILED 9
FEB 17 1969
COMM-FBI

Plaintiff's Request: The requests for the spectrographic
tests were made by letters sent to our Washington, D. C.,
address dated June 8, 1968, and July 8, 1968. Four copies,
one certified, of each of the two letters are attached.

(2) Response: No correspondence to the plaintiff was prepared
in response to these two communications for the reasons
stated above.

(3) Summary of Test: In regard to the lead metals analyzed
in the FBI Laboratory in this case, the spectrographic
test involved the use of an optical instrument known as a
spectrograph. The spectrograph is an instrument which

NOTE: Based on memo R. H. Jevons to Mr. Conrad
dated 2/14/69, re: "JOHN NICHOLS VERSUS UNITED
STATES OF AMERICA"

Loach
Mohr
Tele. Room
Holmes
Gandy

ENCLOSURE ATTACHED
ENCLOSURE

56 MAR 3 1969

Mr. William D. Ruckelshaus

analyzes the light resulting from the burning or electrical excitation of materials. Every element known to man when burned will give off light which is characteristic of itself. The practical application, however, is normally restricted to the so-called metallic elements. The advantage of a spectrographic examination over a chemical type of analysis is that very small samples can be surveyed and that small trace amounts can be detected in the small sample.

Relative to the instant lead metal exhibits, small samples were removed from each one under a binocular microscope and placed in pure graphite electrodes. Each sample was then burned with a direct current arc. The characteristic light from each sample was analyzed on a Jarrell-Ash grating spectrograph, the results of which were recorded on photographic plates. Subsequent detailed studies of the photographic plates revealed the metallic elements present and the approximate order of their abundance.

As a result of these examinations, the bullet metals involved were found to be of similar composition and testimony to that effect was given before the Warren Commission. Work notes and related material on which the results are based are maintained as part of the investigative files of the FBI. The small samples removed from each exhibit were necessarily consumed during the course of these analyses.

- (4) Administrative Processing: In accordance with a conversation with Mr. J. F. Axelrad of your office on February 12, 1969, the administrative processing of the plaintiff's request is summarized as follows:

The Bureau received a letter dated June 8, 1968, from Dr. John Nichols requesting additional information concerning the assassination of President Kennedy and again suggesting that he present some of his findings in oral rather than in written form. This was the sixth letter which

Mr. William D. Ruckelshaus

the Bureau had received from Nichols concerning certain ideas and theories which he had in regard to the President's assassination. It is to be noted that he is understood to be in the process of writing a book on the assassination of President Kennedy.

By letter dated July 6, 1967, he had requested an appointment in order to explain some of his studies and by letter July 12, 1967, the Bureau advised him that we would take any information he desired to furnish the FBI but we requested that it be furnished in documentary form suitable for referral to proper agencies. It was not believed desirable for the FBI to accept oral information concerning his medical findings since this would be subject to interpretation and the FBI obviously would have to reduce his findings to written form for dissemination. For this reason, Nichols was requested to furnish any information in documentary form. Apparently Nichols did not wish to furnish documentary information and his letter of June 8, 1968, again stated that he would be willing to discuss his findings with Agents from the Kansas City Office of this Bureau.

It appeared that Nichols had nothing of value which he wanted to make available to the FBI but instead hoped to obtain information and to use any statements we might give him which would be useful to him in the preparation of his book. In his letter of June 8, 1968, Nichols made frivolous, if not derogatory, statements concerning Agents from our Kansas City Office and stated that previously he had been visited by our Agents concerning other items "considerably more trivial and even hilarious." Nichols himself stated that letters which he sent to military commandants and personnel at Edgewood Arsenal and the Bethesda Naval Installation had not been answered.

In view of Nichols' flippant statements concerning previous contacts by our Agents; the fact that other Government

Mr. William D. Ruckelshaus

agencies with which he had been in contact apparently would not answer his letters; and the fact that we had made previous efforts to be of assistance to him and had given him the opportunity to present his theories in documented form, which he consistently refused to do, it was believed that his communications dated June 8, 1968, and July 8, 1968, should not receive further attention.

- (5) Basis for Denial: It is our considered opinion that the results of the spectrographic tests are adequately shown in the report of the Warren Commission where (Volume 5, pages 67, 69, 73 and 74) it is specifically set forth that the metal fragments were analyzed spectrographically and were found to be similar in composition. The work notes and raw analytical data on which such results are based are not normally made public particularly since they can only be interpreted properly by scientifically trained personnel.

The work notes and raw analytical data are part of the investigative files of this Bureau and rightfully fall within exemption number 7 of subsection (b) of 5 U. S. C. 552 which specifically exempts investigatory files compiled for law enforcement purposes.

- (6) Prejudicial Effect of Request: Release to any and all who request them of the raw analytical data in the thousands of spectrographic tests conducted in the numerous cases received by this Bureau would place an unnecessary and heavy burden on this Bureau and thus greatly hamper its efficient operation; and compliance with the current request would set a potentially highly undesirable precedent in this regard.

Based on the above observations, it is our firm opinion that the provisions of 5 U. S. C. 552, subsection (b), exemption 7, should be invoked and the request of the plaintiff be denied.

Mr. William D. Ruckelshaus

The spectrographic analyses were conducted by:

**Special Agent John F. Gallagher
11512 Nevis Drive
Beltsville, Maryland 20705**

**Special Agent Henry B. Heiberger, Jr.
10007 Portland Road
Silver Spring, Maryland 20901**

Enclosures (8)

Memorandum

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

DATE: FEB 3 1969

CE:JFAxelrad:wfr
78-29-34

FROM: *CE* Carl Eardley, Acting
Assistant Attorney General,
Civil Division

SUBJECT: John Nichols v. United States of America,
et al., U.S.D.C. D. Kan., Civil No. T-4536.

no
We attach a copy of the Complaint in this suit.

In order that we may defend this action, please send us not later than February 19, 1969, a report, in duplicate, setting forth the facts regarding the matters alleged in the Complaint concerning the spectrographic test on Warren Commission Exhibit No. CE 399. Please include the following items in your report:

- (1) A statement as to the manner, place and time of plaintiff's request to make the spectrographic test involved available to him, including four copies -- one certified -- of any documents or other memoranda incorporating plaintiff's request.
- (2) Four copies -- one certified -- of any correspondence or memoranda of any communication, written or oral, between you and the plaintiff concerning plaintiff's request for the spectrographic test involved.
- (3) If the spectrographic test has been identified and located, a detailed description or summary of what the test involved and a statement as to its current location. If it has not been possible to identify the spectrographic test, please include a statement to this effect.
- (4) Two copies of any correspondence or memoranda showing the administrative processing of the plaintiff's request. REC 136 2 - 11 701-1-6761
- (5) A statement of the reason or reasons why in the opinion of your agency the spectrographic test involved should not be made available. Such reasons

Assess validity of Pres. John F. Kennedy

EX-100-25000
FEB 4 1969

memo to Dept. 2/17/69
ENCLOSURE

COPIES DESTROYED

24
22 FEB 4 1969

56 MAR 3 1969 21 JAN 17 1973

RO SIX

should be related as directly as possible to the statute involved, 5 U.S.C. 552, as, for example, that the test is exempted from disclosure by some other statute, or that it is within one or more of the other exemptions of Subsection (b) of 5 U.S.C. 552, or that plaintiff did not comply with applicable regulations in requesting the test. Where the test falls within one or more of the exemptions of Subsection (b) of 5 U.S.C. 552, such exemption should be specifically identified and discussed.

- (6) If appropriate, a statement of facts demonstrating the manner in which production of the test requested would prejudice the operations of the FBI.

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.

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 materials before February 19, 1969, please let us know promptly so that we can inform the court of the reason for the delay.

Attachment

cc: United States Attorney
Topeka, Kansas

Laboratory Division

2/6/69

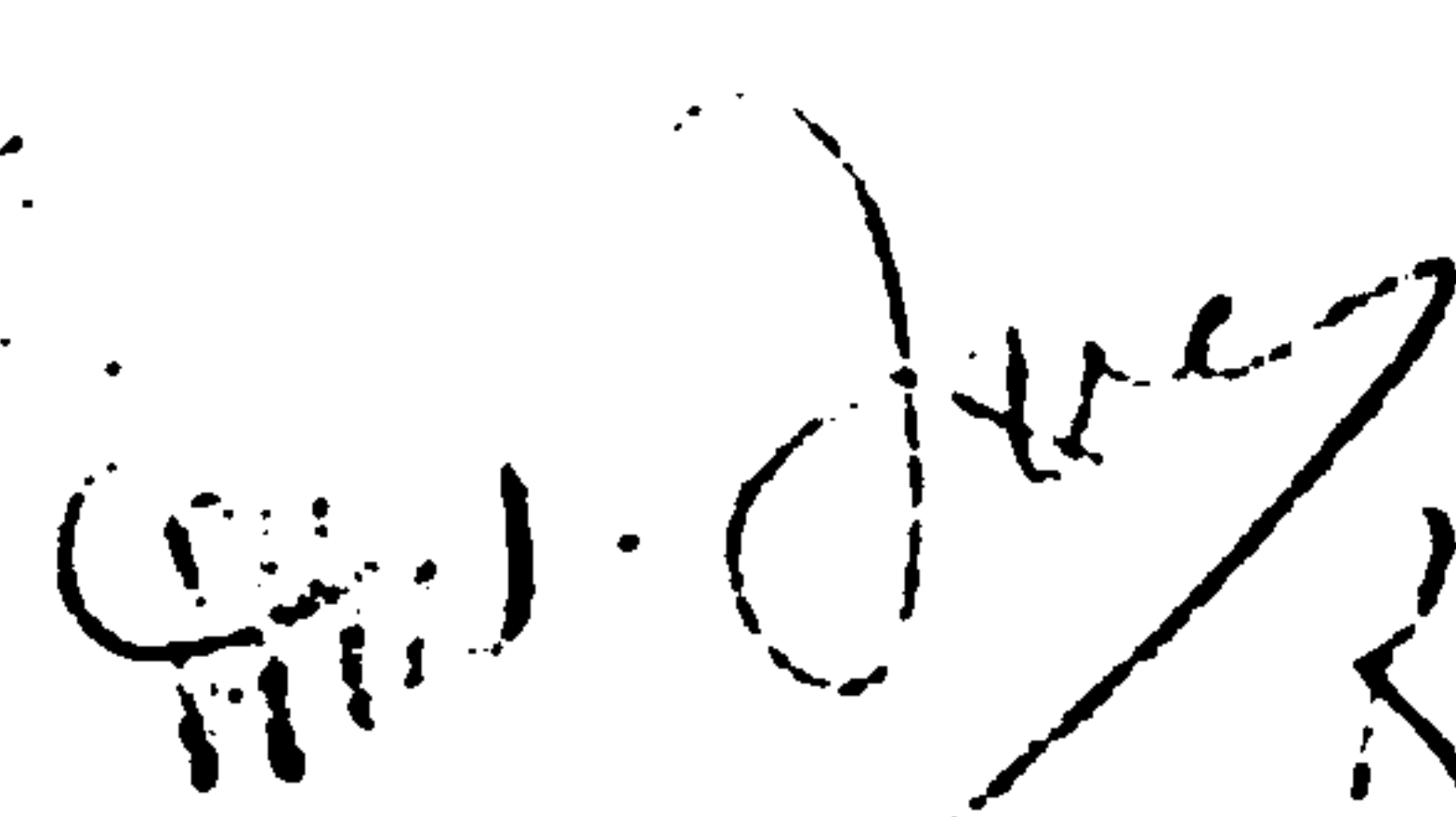
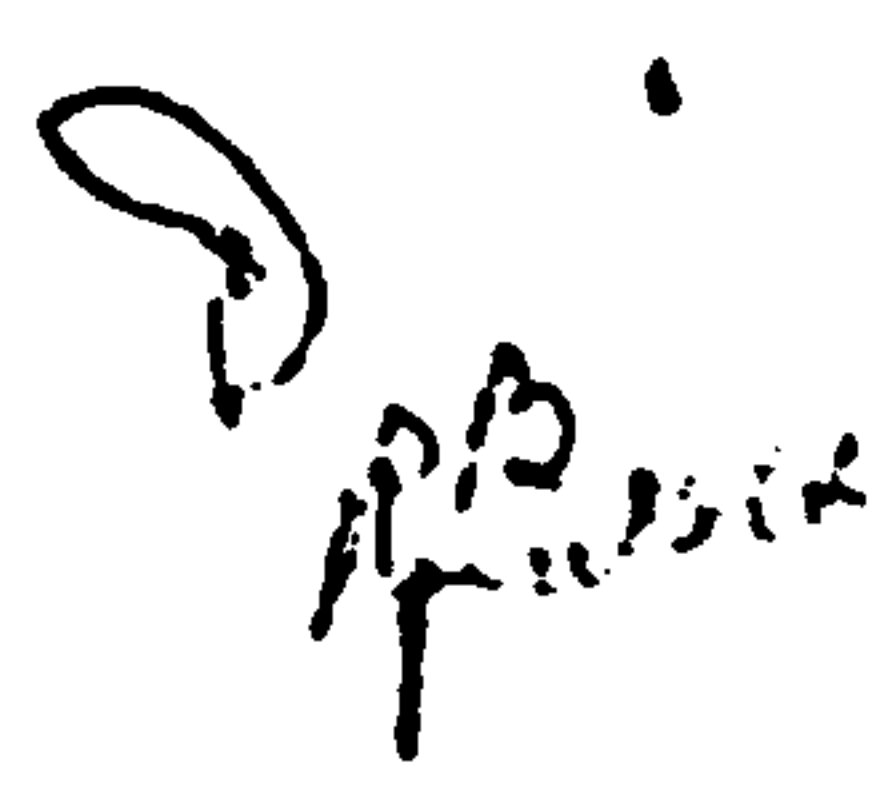
RHJ:dmg

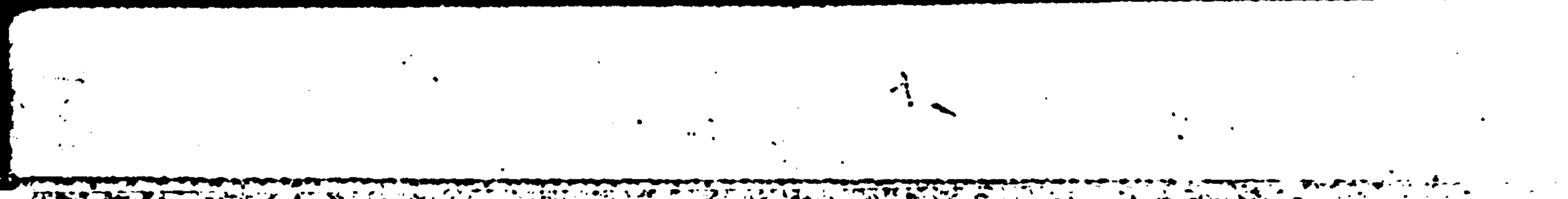
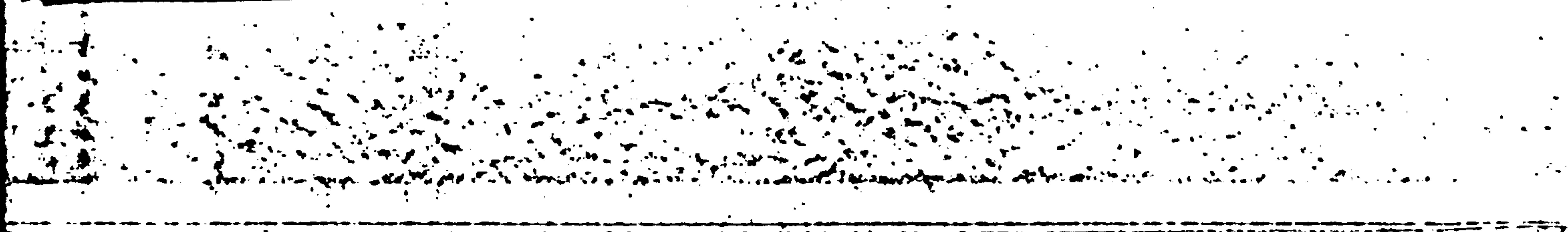
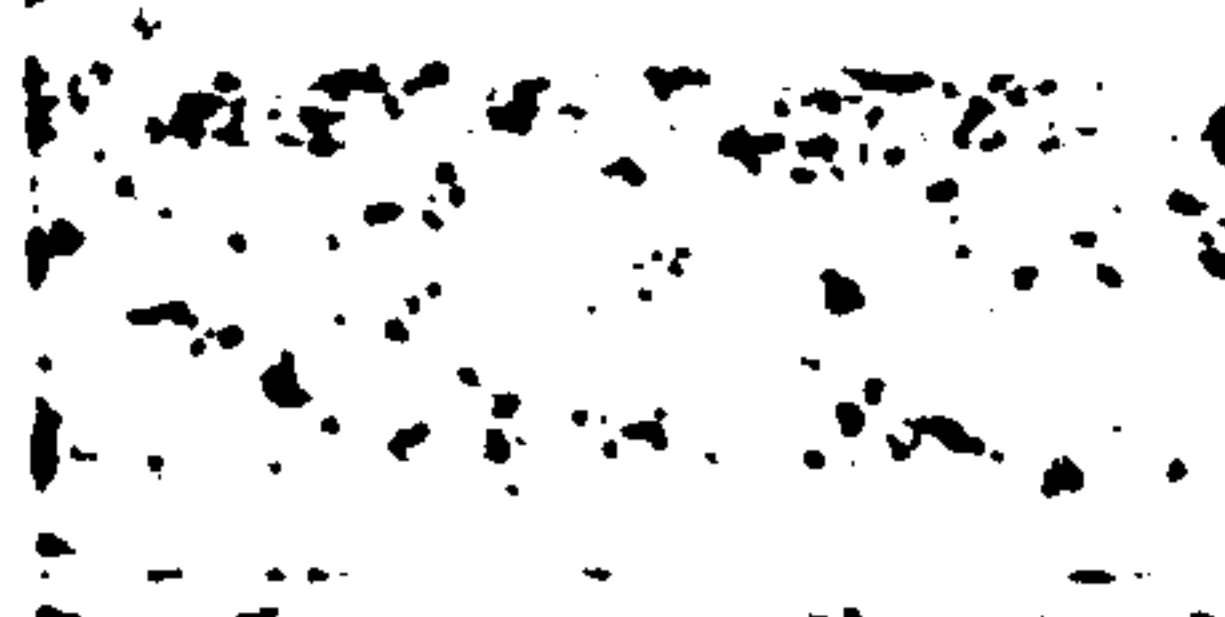
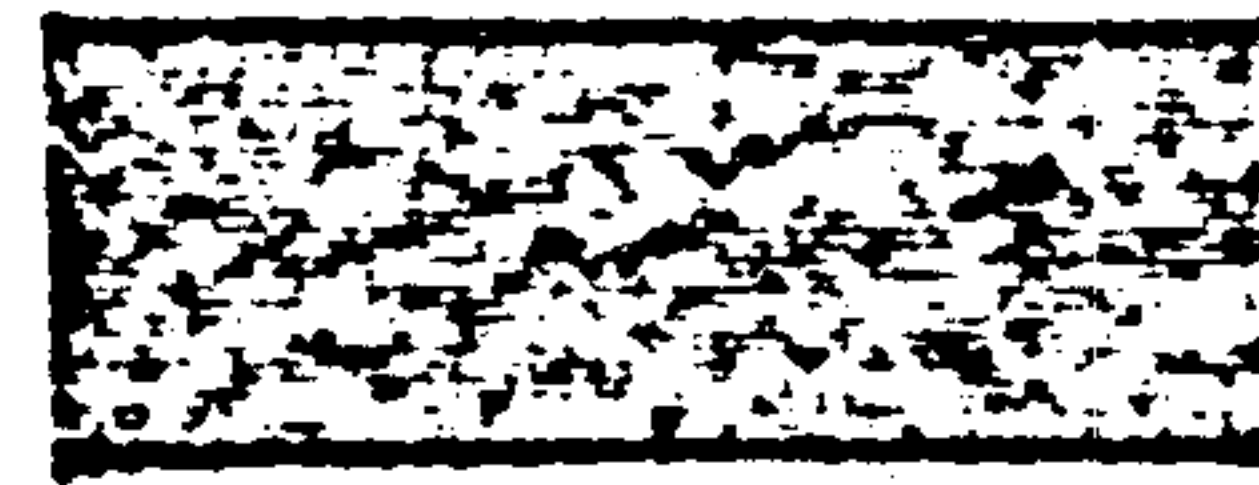
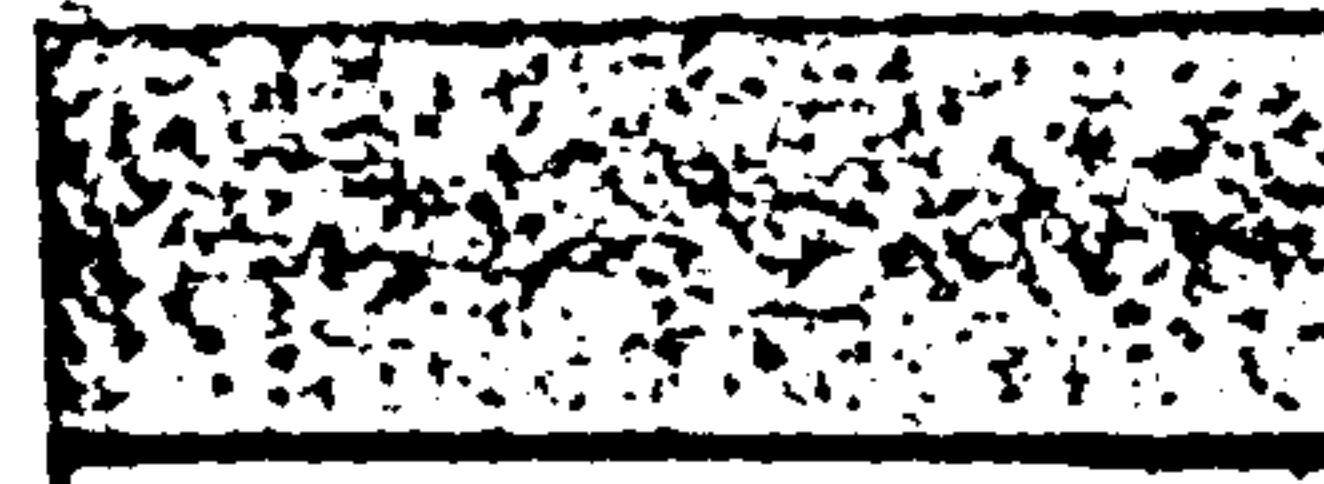
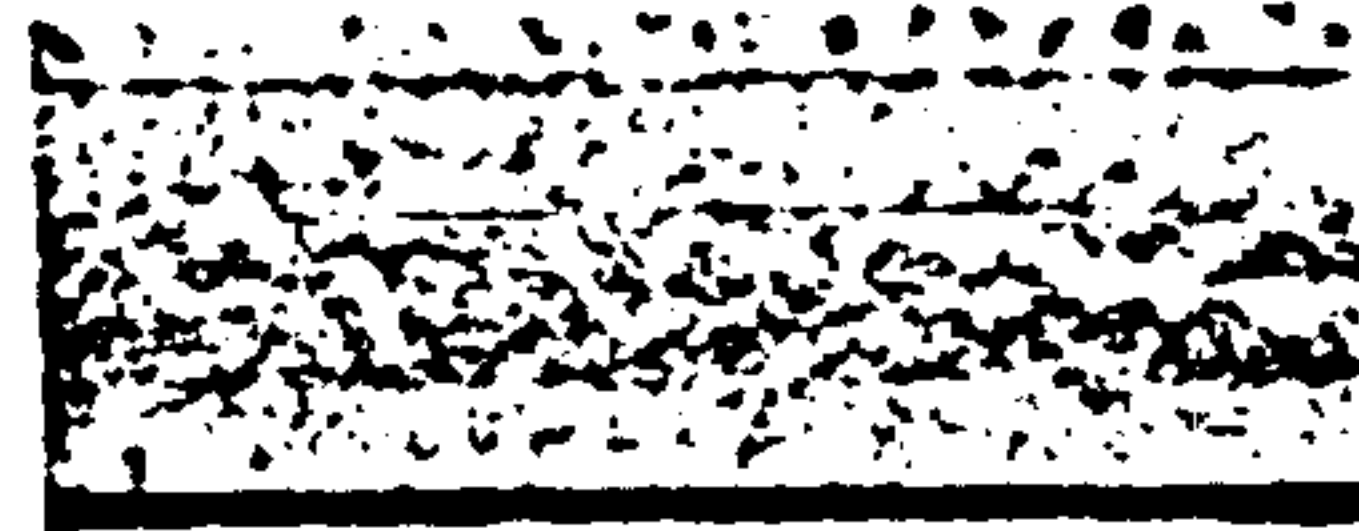
Mr. Tolson
 Mr. DeLoach
 Mr. Mohr
 Mr. Bishop
 Mr. Casper
 Mr. Callahan
 Mr. Conrad
 Mr. Felt
 Mr. Gale
 Mr. Rosen
 Mr. Sullivan
 Mr. Tavel
 Mr. Trotter
 Tele. Room
 Mr. Holmes
 Miss Gandy

Attached memorandum from the Department requests certain information from the Bureau relative to a suit being brought against the Government by Dr. John Nichols (Kansas City) to release data pertaining to the assassination of former President John F. Kennedy. It is noted most of the material sought by Nichols pertains to the autopsy and does not affect FBI. However, Nichols does include a request for information concerning certain Laboratory examinations made by the FBI Laboratory.

Nichols is a loudmouth who has communicated with the FBI on several previous occasions, giving every indication he wants to "use" the FBI in connection with a personal project involving a book which he is preparing. By airtel dated 9/25/68 (attached), the Kansas City Office previously advised that Nichols in an address before a local Bar Association and Medical Society was critical of the FBI investigation and made derogatory comments concerning the FBI. This airtel advised that Nichols indicated he planned to file a suit against the FBI.

Necessary data requested by the Department is being expeditiously assembled and an appropriate recommendation and proposed reply will be submitted for approval.



UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

FROM : W. A. Branigan

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
NOVEMBER 22, 1963,
DALLAS, TEXAS

1 - Mr. C. D. DeLoach
1 - Mr. A. Rosen
1 - Mr. T. E. Bishop
DATE: 2/18/69

1 - Mr. I. W. Conrad
1 - Mr. W. C. Sullivan
1 - Mr. W. A. Branigan
1 - Mr. T. N. Goble

Mohr	
Walters	
DeLoach	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

W.C. Sullivan

W.A. Branigan

For information, press media report Regis Kennedy, retired Special Agent, FBI, testified 2/17/69 in Clay Shaw trial in New Orleans. Kennedy testified concerning information obtained from Dean Andrews, New Orleans Attorney, that on 11/23/63 Andrews received telephone call in hospital from Clay Bertrand, who asked Andrews to represent Lee Harvey Oswald. After clearance from Department, Kennedy testified he was working on assassination investigation before he received Andrews' information, he made extensive effort to locate Bertrand and Bertrand was never located. Press media point out that Andrews has since repudiated his "tip," also that Andrews was convicted of perjury by Garrison in 1967 for changing his story. (Warren Commission interviewed Andrews and noted his testimony, noting also Andrews was under heavy sedation at time person supposedly called him on 11/23/63.)

Testimony also received 2/17/69 of Kansas pathologist's observations of Zapruder film. He said movie indicated President Kennedy's fatal wound could have come from front, but his testimony not completed due to illness of juror. (Apparently this man has seen no evidence other than the film.) Defense has consistently objected to repeated show^{ing} of Zapruder film by Garrison (9 times through 2/17/69) as inflammatory.

In Washington, D. C., Judge Halleck ordered U. S. Archivist to provide autopsy photographs and other physical evidence for use in trial and Department will appeal order, according to press.

ACTION:

For information. Shaw trial being closely followed.

62-109060

TNG:rsz (8)

OFC 13

6762

FEB 24 1969

54 FEB 28 1969

W.C. Sullivan
W.A. Branigan

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION

FEB 20 1969

TELETYPE

FBI WASH DC

FBI NEW ORLS

4:26PM 2-20-69 URGENT 5 PGS. LAB

TO DIRECTOR 62-109060 AND DALLAS 89-43

FROM NEW ORLEANS 89-69

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.
MISC.-INFO CONCERNING. 00: DALLAS.

THERE APPEARED IN THE FEBRUARY TWENTY INSTANT ISSUE
OF THE RED FLASH EDITION OF THE NEW ORLEANS STATES-ITEM
NEWSPAPER AN ARTICLE REPORTING THE MORNING SESSION OF THE CLAY
L. SHAW TRIAL WHICH WAS HELD ON FEBRUARY TWENTY, SIXTYNINE.

ACCORDING TO THIS ARTICLE, THE COURT CONVENED AND JUDGE
HAGGERTY ANNOUNCED THAT THE STATE'S APPEAL TO THE LOUISIANA
STATE SUPREME COURT TO HAVE JUDGE HAGGERTY'S RULING WHICH
WOULD PERMIT THE TESTIMONY OF POLICE OFFICER HABIGHORST TO
BE PRESENTED BEFORE THE JURY HAD BEEN DENIED.

ACCORDING TO THIS ARTICLE, THE APPEAL OF THE PROSECUTION
FILED BEFORE THE LOUISIANA STATE SUPREME COURT ON THE EVENING
OF FEBRUARY NINETEEN LAST MADE NO MENTION OF A MISTRIAL.

THIS APPEAL SOUGHT ONLY TO HAVE THE HIGH COURT REVERSE
HAGGERTY'S RULING.

END PAGE ONE

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

WFW

2/25

Yagle

Taylor

RANKIN

K

REC 13 62-109060-6763

5-775

FEB 27 1969 PGP

AFTER HAGGERTY'S ANNOUNCEMENT, THE PROSECUTION REQUESTED JUDGE HAGGERTY TO RECONSIDER HIS RULING ON THE GROUNDS THAT THERE WAS A CONFLICT IN TESTIMONY ON WHETHER SHAW WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHTS WHEN HE WAS ARRESTED ON MARCH ONE, NINETEEN SIXTYSEVEN. THE PROSECUTION ARGUED THAT IT SHOULD BE UP TO THE JURY TO DECIDE WHO IS TELLING THE TRUTH ABOUT SHAW'S FINGERPRINT CARD.

ACCORDING TO JUDGE HAGGERTY, HE DISAGREED WITH THE PROSECUTION AND STATED THAT "IT IS A QUESTION FOR THIS COURT TO DECIDE. IT'S NOT UP TO MR. SHAW OR THE DEFENSE TO STATE THAT THE DEFENDANT'S CONSTITUTIONAL RIGHTS ARE VIOLATED, IT'S UP TO ME TO DECIDE." JUDGE HAGGERTY SAID THE POLICE DEPARTMENT HAD NO RIGHT TO KEEP SHAW'S ATTORNEY OUT OF THE ROOM WHILE SHAW WAS BEING FINGER-PRINTED.

ACCORDING TO THE ARTICLE, THE PROSECUTION THEN RESTED ITS CASE AFTER JUDGE HAGGERTY HAD TURNED DOWN A PROSECUTION

END PAGE TWO

NO 89-69

PAGE THREE

^S
REQUEST TO RECONSIDER HIS RULING.

THE DEFENSE THEN ANNOUNCED IT WAS MAKING A MOTION FOR A DIRECTED VERDICT OF ACQUITTAL AND THE JURY WAS SENT OUT OF THE COURTROOM WHILE THE MOTION WAS ARGUED.

THE DEFENSE STATED THAT THE STATE CONSPIRACY STATUTE^S INDICATES THAT A CONSPIRACY MUST INCLUDE AN AGREEMENT OR A COMBINATION OF TWO OR MORE PERSONS FOR THE SPECIFIC PURPOSE OF COMMITTING A CRIME AND AN OVERT ACT IN FURTHERANCE OF THAT AGREEMENT.

THE DEFENSE THEN CITED ^TTHE TESTIMONY OF PROSECUTION WITNESS PERRY RAYMOND RUSSO AND SAID THAT RUSSO'S TESTIMONY CONTAINED NO SUCH AGREEMENT. THE DEFENSE THEN QUOTED FROM RUSSO'S TESTIMONY AS SAYING "I NEVER SAID ANYTHING ABOUT A CONSPIRACY. I DIDN'T^T SIT IN ON ANY CONSPIRACY." THE DEFENSE THEN POINTED OUT THAT ACCORDING TO RUSSO'S TESTIMONY, RUSSO HAD STATED THAT HE HEARD NEITHER SHAW OR OSWALD AGREE TO KILL THE PRESIDENT. THE DEFENSE STATED "WE SUBMIT IN THAT MATTER
END PAGE THREE

PAGE FOUR

THAT, WITHOUT AN AGREEMENT TO DO ANYTHING, YOU CANNOT HAVE A CONSPIRACY."

THE DEFENSE TERMED THE STATE'S SHOWING OF A CONSPIRACY AS "AN ABSOLUTE VOID," AND THAT ALLEGED OVERT ACTS WHICH THE PROSECUTION ATTEMPTED TO SHOW THAT IS SHAW'S TRIP TO THE WEST COAST AND DAVIE FERRIE'S TRIP TO HOUSTON THE DAY OF THE ASSASSINATION HAD NO CONNECTION WITH ANY CONSPIRACY. THE DEFENSE STATED THAT THE PROSECUTION HAD FAILED TO SHOW THAT OSWALD HAD EVER TAKEN A GUN INTO THE TEXAS SCHOOL BOOK DEPOSITORY THE DAY THE PRESIDENT WAS SLAIN.

THE PROSECUTION ANSWERED THAT THE STATE CONSPIRACY STATUTE IS "VERY BROAD" AND THAT WHAT MAKES THE ALLEGED CONSPIRACY MEETING IMPORTANT IS THAT OSWALD "WOULD UP IN THE TEXAS ^KBOOD^N DEPOSITORY."

AFTER THE ARGUMENTS, JUDGE HAGGERTY ANNOUNCED THAT HE WANTED TO READ TRANSCRIPTS OF THE TESTIMONY OF RUSSO PRIOR TO RENDERING ANY DECISION FOR A DIRECT ^{ED} VERDICT ^T OF ^F ACQUITTAL

END PAGE FOUR

AND THAT HE WOULD ANNOUNCE HIS RULING WHEN COURT CONVENED
AT NINE A.M. ON FEBRUARY TWENTYONE, NEXT.

THIS ARTICLE REVEALS THAT THE DEFENSE ISSUED TWO
SUBPOENAS ON THE MORNING OF FEBRUARY TWENTY INSTANT, ONE
FOR FORMER GOV. JOHN D. CONNALLY OF TEXAS AND THE OTHER FOR
LT. T.L. BAKER OF THE DALLAS PD.

NO LHM BEING SUBMITTED.

END

SLB

FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 27 1969

TELETYPE

Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI WASH DC

FBI NEW ORLS

10-45 AM 2-20-69 URGENT DAO

TO DIRECTOR 62-109060 AND DALLAS 89-43

FROM NEW ORLEANS 89:69 5P

REC 13

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE.
MISC. - INFO CONCERNING. OO:DALLAS.

THERE APPEARED IN THE NEW ORLEANS TIMES-PICAYUNE
NEWSPAPER ON FEBRUARY TWENTY INSTANT, AN ARTICLE REPORTING
THE AFTERNOON SESSION AT THE CLAY L. SHAW TRIAL WHICH WAS
HELD ON FEBRUARY NINETEEN, NINETEEN SIXTYNINE.

THIS ARTICLE RELATES THAT DURING THE AFTERNOON SESSION
THE ACTIVITIES CENTERED AROUND THE FINGERPRINTING OF SHAW
BY THE NEW ORLEANS PD AFTER HE WAS ARRESTED ON MARCH ONE,
NINETEEN SIXTYSEVEN.

ALOYSIUS J. WABIGHORST TESTIFIED THAT HE FINGERPRINTED
SHAW ON MARCH ONE, NINETEEN SIXTYSEVEN. HE TESTIFIED THAT
AT THAT TIME, HE WAS ASSIGNED TO FINGERPRINTING INDIVIDUALS
ARRESTED IN CONNECTION WITH HIS EMPLOYMENT BY THE NEW ORLEANS
PD. HE TESTIFIED HE ASKED SHAW FOR BACKGROUND DATA, INCLUDING
OTHER NAMES SHAW MAY BE KNOWN BY.

END PAGE ONE

REC 13 62-109060-6764

25 FEB 25 1969

FEB 27 1969

REP

~~Bo...~~
Taylor
R...

K

5- [Signature]

HE TESTIFIED THAT OTHER THAN THE INFORMATION ON SHAW'S FINGERPRINT CARD, HE ASKED SHAW NO OTHER QUESTIONS. HE TESTIFIED THAT SHAW SIGNED THE FINGERPRINT CARD AND THAT SHAW DID NOT MAKE ANY CORRECTIONS OR DELETIONS. HE TESTIFIED THAT SHAW REQUESTED TO READ THE CARD.

UPON CROSS-EXAMINATION BY THE DEFENSE, HE TESTIFIED THAT SHAW'S ATTORNEY WAS PRESENT DURING THE FINGERPRINTING, ABOUT THIRTY FEET AWAY AT THE TIME HE WAS FINGERPRINTING SHAW. HE TESTIFIED HE DID NOT ADVISE SHAW OF HIS CONSTITUTIONAL RIGHTS BUT MERELY EXPLAINED THE BOOKING PROCEDURE. HE TESTIFIED HE TOLD SHAW THAT HE WOULD HAVE TO BE FINGERPRINTED BEFORE SHAW COULD BE RELEASED.

PREVIOUS TO THE TESTIMONY OF HABIGHORST, CAPT. V. CUROLE OF THE NEW ORLEANS PD TESTIFIED THAT HE WAS IN COMMAND OF THE CENTRAL LOCKUP WHEN SHAW WAS BOOKED ON MARCH ONE, NINETEEN SIXTYSEVEN. HE TESTIFIED THAT SHAW'S ATTORNEY WAS NOT ADMITTED TO THE BUREAU OF IDENTIFICATION ROOM WHERE SHAW WAS FINGERPRINTED UPON HIS INSTRUCTIONS, AND THAT HE TOLD

END PAGE 2

2

L.C.

PAGE 3

SHAW'S ATTORNEY HE COULD SEE SHAW AS SOON AS THE FINGERPRINTING WAS COMPLETED.

THE DEFENSE THEN IN AN ATTEMPT TO ATTACK THE CREDIBILITY OF THE TESTIMONY OF HABIGHORST PLACED CLAY L. SHAW ON THE STAND.

SHAW TESTIFIED THAT ON MARCH ONE, NINETEEN SIXTYSEVEN HE WAS ARRESTED AND THAT HE WENT TO THE CENTRAL LOCKUP AFTER HIS ARREST WITH HIS ATTORNEY EDWARD WEGMANN. HE TESTIFIED THAT WHILE AT THE CENTRAL LOCKUP HE WANTED HIS ATTORNEY WITH HIM AT ALL TIMES BUT WAS TOLD THAT HE HAD TO GO INTO THE BUREAU OF IDENTIFICATION ALONE.

SHAW WAS SHOWN A COPY OF A FINGERPRINT CARD BEARING HIS SIGNATURE AND HE SAID HE RECOGNIZED THE SIGNATURE AS HIS OWN. HE TESTIFIED THAT THERE WAS NO INFORMATION ON THIS FINGERPRINT CARD WHEN HE SIGNED IT, AND THE REASON HE DID SIGN A BLANK FINGERPRINT CARD WAS THAT HE WAS TOLD THAT THIS WAS NECESSARY TO GET BAIL.

END PAGE 3

PAGE 4

ACCORDING TO THIS ARTICLE THE STATE ATTEMPTED TO ENTER THE FINGERPRINT CARD WHICH SHAW ALLEGEDLY SIGNED EVEN THOUGH THIS CARD ALLEGEDLY CONTAINED THE NAME OF CLAY BERTRAND.

THE DEFENSE OBJECTED AND JUDGE HAGGERTY RULED THAT THE TESTIMONY OF OFFICER HABIGHORST ALONG WITH THE FINGERPRINT CARD SIGNED BY SHAW WAS INADMISSIBLE BECAUSE IN JUDGE HAGGERTY'S OPINION, SHAW'S CONSTITUTIONAL RIGHTS ON MARCH ONE, SIXTYSEVEN WHEN HE WAS ARRESTED HAD BEEN VIOLATED.

JUDGE HAGGERTY STATED THAT HE "DOUBTED SERIOUSLY" THE TESTIMONY OF HABIGHORST. AT THIS POINT, THE PROSECUTION ASKED JUDGE HAGGERTY IF HE WAS PASSING ON THE CREDIBILITY OF A STATE WITNESS. JUDGE HAGGERTY REPLIED "I DO NOT CARE. I DO NOT BELIEVE OFFICER HABIGHORST." THE PROSECUTION THEN MOVED FOR A MISTRIAL AND JUDGE HAGGERTY DENIED IT.

ACCORDING TO THE ARTICLE, PROSECUTION INDICATED IT WOULD APPEAL TO THE LOUISIANA SUPREME COURT TO REVERSE JUDGE HAGGERTY'S RULING.

~~CORR LINE 8 LAST WRD SHOULD BE VIOLATED.~~

END PAGE 4

4

PAGE 5

JUDGE HAGGERTY STATED IF NO WORD IS RECEIVED FROM THE STATE SUPREME COURT BY EIGHT FORTYFIVE A.M., FEBRUARY TWENTY INSTANT, HE WOULD THEN TELEPHONE THE STATE SUPREME COURT HIMSELF AND THE TRIAL WOULD RESUME IF HIS RULING IS NOT REVERSED.

ACCORDING TO THIS ARTICLE, JUDGE HAGGERTY IN HIS REMARKS LEADING UP TO HIS RULING SAID THAT SHAW'S CONSTITUTIONAL RIGHTS WERE VIOLATED IN HIS NOT BEING ALLOWED TO HAVE HIS ATTORNEY WITH HIM DURING THE FINGERPRINTING AND ALLEGED QUESTIONING BY HABIGHORST.

HAGGERTY STATED THAT IN HIS OPINION CAPT. CUROLE VIOLATED THE SUPREME COURT DECISION IN THE ESCOBEDO CASE "BECAUSE NO POLICE OFFICER HAS THE RIGHT TO TELL AN ATTORNEY HE CANNOT BE WITH HIS CLIENT." JUDGE HAGGERTY STATED THAT IN HIS OPINION, HE ~~FELT~~ HABIGHORST VIOLATED IN SPIRIT "THE EFFECT OF THE MIRANDA DECISION" IN THAT HE DID NOT FOREWARN SHAW OF HIS RIGHT TO REMAIN SILENT.

NO LHM BEING SUBMITTED.

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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION

FEB 23 1969

TELETYPE

REC 13

FBI WASH DC

FBI NEW ORLS

806PM URGENT 2/23/69 OLP

TO DIRECTOR (62-109060) AND DALLAS (89-43)

FROM NEW ORLEANS (89-69)

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	_____

WSC/PT

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,

DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE,
MISC - INFORMATION CONCERNING. OO: DALLAS.

Diary
TAYLOR
FLURBACH
K

RE NEW ORLEANS TEL FEBRUARY TWENTYTWO LAST.

ACCORDING TO AN ARTICLE APPEARING IN THE FEBRUARY TWENTYTHREE
INSTANT ISSUE OF THE NEW ORLEANS TIMES-PICAYUNE NEWSPAPER THE
TRIAL OF CLAY L. SHAW CONTINUED ON THE AFTERNOON OF FEB. TWENTYTWO
LAST WITH THE DEFENSE CALLING MRS. RUTH PAINE OF IRVING, TEXAS,
AS A WITNESS. MRS. PAINE TESTIFIED AS FOLLOWS:

SHE FIRST MET LEE HARVEY OSWALD AND MARINA OSWALD THROUGH
MUTUAL FRIENDS IN FEBRUARY NINETEEN SIXTYTHREE AND THAT IN MAY
NINETEEN SIXTYTHREE LEE OSWALD CAME TO NEW ORLEANS TO LOOK FOR
WORK. APPROXIMATELY A WEEK AFTER OSWALD HAD LEFT IRVING, TEXAS
MRS. PAINE DROVE MARINA TO NEW ORLEANS WHERE SHE JOINED OSWALD.

SHE TESTIFIED SHE STAYED WITH THE OSWALD'S A FEW DAYS THEN
RETURNED TO IRVING, TEXAS AND DID NOT SEE THEM UNTIL LATE
SEPTEMBER, NINETEEN SIXTYTHREE, HOWEVER, DURING THIS PERIOD HAD
WRITTEN LETTERS TO MRS. OSWALD.

END PAGE ONE

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EB 27 1969 *AGP*

PAGE TWO

MRS. PAINE TESTIFIED SHE CAME TO NEW ORLEANS ON SEPTEMBER TWENTY NINETEEN SIXTYTHREE AND REMAINED WITH THE OSWALDS AND LEFT NEW ORLEANS ON SEPTEMBER TWENTYTHREE WITH MARINA AND HER SMALL CHILD AND ARRIVED BACK IN IRVING, TEXAS ON SEPTEMBER TWENTYFOUR NINETEEN SIXTYTHREE.

SHE TESTIFIED THAT LEE HARVEY OSWALD WAS LIVING AT THE APARTMENT ON MAGAZINE STREET WHEN SHE ARRIVED. SHE TESTIFIED THAT DURING THE TIMES SHE OBSERVED OSWALD HE DRESSED INFORMALLY, BUT WAS NEAT AND CLEAN IN HIS APPEARANCE AND THAT SHE NEVER SAW OSWALD WEAR A BEARD OR NEED A SHAVE.

SHE WAS SHOWN A PHOTOGRAPH OF DAVID FERRIE AND TESTIFIED SHE DID NOT RECOGNIZE FERRIE AS ANYONE FAMILIAR TO HER AND THAT PRIOR TO THE PUBLICITY REGARDING FERRIE SHE HAD NEVER HEARD HIS NAME.

SHE ALSO STATED THAT PRIOR TO THE PUBLICITY THE NAMES OF PERRY RAYMOND RUSSO, CLEM OR CLAY BERTRAND WERE UNKNOWN TO HER AND THAT LEE HARVEY OSWALD HAD NEVER MADE REFERENCE IN HER PRESENCE TO ANYONE HE KNEW.

SHE TESTIFIED THAT OSWALD DID NOT KNOW HOW TO DRIVE A CAR AND HAD ATTEMPTED TO TEACH HIM TO DRIVE IN OCTOBER NINETEEN SIXTYTHREE WITH LITTLE SUCCESS. SHE TESTIFIED THAT SHE AND MARINA OSWALD FIRST LEARNED OF THE ASSASSINATION WHEN THEY HEARD IT ON TELEVISION AND THAT SHE OWNED A CHEVROLET STATION WAGON WHICH WAS PARKED IN HER DRIVE WAY AT THE TIME OF THE ASSASSINATION. SHE TESTIFIED SHE DID NOT LOAN HER VEHICLE TO ANYONE ON THE DAY OF THE ASSASSINATION.

END PAGE TWO

PAGE THREE

SHE TESTIFIED THAT SHE DID NOT EVER SEE OSWALD WITH A GUN AND DID NOT KNOW IF HE HAD STORED A GUN IN HER GARAGE AT LEAST NOT UNTIL AFTER THE ASSASSINATION.

SHE TESTIFIED SHE HAD NEVER SEEN CLAY SHAW BEFORE THIS DATE AND HAD NEVER HEARD THE NAME CLAY SHAW BEFORE THIS PUBLICITY.

UPON CROSS-EXAMINATION BY THE PROSECUTION MRS. PAINE TESTIFIED THAT AFTER SHE HAD RETURNED WITH MARINA TO IRVING, TEXAS ON SEPTEMBER TWENTYFOUR NINETEEN SIXTYTHREE THE NEXT TIME SHE OBSERVED OSWALD WAS ON OCTOBER FOUR NINETEEN SIXTYTHREE. SHE TESTIFIED THAT SHE AND MARINA UNLOADED THE OSWALD'S BELONGINGS FROM HER STATIONWAGON WHEN THEY ARRIVED IN IRVING AND THAT LEE OSWALD HAD PACKED AND LOADED THEIR BELONGINGS IN THE STATIONWAGON IN NEW ORLEANS. SHE TESTIFIED THAT IN SEPTEMBER NINETEEN SIXTYTHREE AS OSWALD WAS PREPARING TO LEAVE NEW ORLEANS HE MENTIONED TO HER THAT HE WAS GOING TO HOUSTON OR PHILADELPHIA TO SEEK WORK BUT DID NOT MENTION GOING TO MEXICO. SHE TESTIFIED SHE DID NOT SEE OSWALD IN THE SUMMER OF NINETEEN SIXTYTHREE AND OSWALD NEVER IDENTIFIED ANY OF HIS FRIENDS TO HER.

SHE TESTIFIED THAT OSWALD DID NOT COME TO HER RESIDENCE IN IRVING, TEXAS, THE WEEKEND BEFORE THE ASSASSINATION, BECAUSE MARINA HAD ASKED HIM NOT TO. SHE TESTIFIED THAT OSWALD CAME TO HER RESIDENCE ON THE DAY BEFORE THE ASSASSINATION ARRIVING SOMETIME BEFORE FIVE THIRTY P.M. AND AFTER DINNER OSWALD WENT TO HIS ROOM BETWEEN EIGHT THIRTY AND NINE P.M.

END PAGE THREE