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

Mr. William D. Ruckelshaus
Assistant Attorney General

February 17, 1969

Director, FBI

REC 13 62-109060-6160

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:JFAxelrad:wfr 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:

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(1) Plaintiff's Request: The requests for the spectrographic tests were made by letters sent to our Washington, D. C., address dated June 6, 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

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

ENCLOSURE ATTACHED

RHJ:fch (6)

4 ENCLOSURE

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

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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

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

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)