

press release

*From NAA File*

*FBI Investigative Failure*

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NEW PROOF THAT FBI PHONIED, MISREPRESENTED, WITHHELD AND DESTROYED JFK ASSASSINATION EVIDENCE ALLEGED IN COURT; PROSECUTION OF FBI AGENT SOUGHT

New proof that the FBI destroyed, phoned, avoided, misrepresented and lied under oath about JFK assassination evidence has been filed in federal district court by a former Senate investigator and intelligence analyst in the oldest of all Freedom of Information (FOIA) lawsuits, the one over which the Congress amended the Act in 1974 to open FBI and CIA files.

Harold Weisberg, of Frederick, Maryland, makes these charges in a 113-page affidavit to which he attaches 82 documents, almost all from once-secret files he obtained through other FOIA litigation.

Weisberg has taken the unprecedented step of asking federal district court Judge John Pratt to order the FBI to repeat the testing if it cannot produce all records of the earlier tests and for a determination of whether the testimony of FBI agent John Kilty warrants prosecution.

During the course of this litigation Weisberg took testimony from five FBI Laboratory agents. Under questioning by Weisberg's lawyer, James H. Lesar, these agents admitted that scientific tests never reported to the Warren Commission were made and that the FBI failed to make necessary and definitive tests. The FBI then misrepresented and deceived the Commission and the country.

"Today, the FBI cannot establish the authenticity of JFK assassination specimens," Weisberg states, "and it never had a chain-of-possession on the so-called magic bullet said to have inflicted seven nonfatal injuries on President Kennedy and then Texas Governor John B. Connally."

The FBI has admitted to him, in writing, that it destroyed the specimens it subjected to neutron activation analysis and a photographic plate made as the means of spectrographic analysis of a bullet impact on a curbstone.

Weisberg says he has "a record withheld from the Warren Commission in which the FBI's Dallas JFK assassination case agent admitted knowing that this curbstone was patched before the FBI made that test. One shot fired during the assassination left a small but visible chipped hole on this curbstone. It also caused a minor injury to James Tague, a bystander. The FBI pretended and still pretends that no shot missed and that Tague was never wounded. It next pretended that the scar was washed off the solid concrete by rains. When it could no longer make these false pretenses, it dug up the curbstone, took it to the FBI Lab in Washington, ignored the very obvious fact that the hole in the concrete was patched, and made a knowingly phony and deceptive test of it. It is this one of many spectrographic plates of the curbstone that the FBI now claims it destroyed - allegedly to save filing space, about an eighth of an inch."

Weisberg has and will display before-and-after pictures at a press conference at the National Press Club on Thursday, September 17.

Weisberg has internal FBI records showing that the FBI and its Lab and the agent who dug up the curbstone and took it to Washington plotted to file a spurious libel suit against him to "stop" him and his writing. "They chickened out," says Weisberg.

The 68-year-old investigative journalist also charges that the FBI knowingly and deliberately swore falsely in the litigation. One of the areas of false swearing, he says, is curbstone test records. He has several pages sworn not to exist by an FBI agent. This report, in the handwriting of a Lab agent, says that the "smear" into which the FBI converted the nick in the curbstone could have been caused by something other than a bullet. The Commission was led to believe that only a bullet caused that mark.

On deposition. Robert Frazier the

*Quinn*

*curbstone*

*JFK collar*

Frazier did not convey any questions or doubts to the Warren Commission and the FBI has not provided Weisberg with a copy of the Stombaugh report. Weisberg alleges that this is because it will prove that the slits and the nick in the tie were caused in the hospital emergency room by a scalpel, not a bullet, and that the FBI knew it had phoned a "solution" to the most subversive of crimes, the assassination of a President.

Weisberg has an FBI Lab photo showing that these slits do not overlap.

Evidence ignored by the FBI, Weisberg alleges, includes reports of other shooting, in which the FBI found scars in a sidewalk and was provided with spent bullets; another effort to patch concrete, this sidewalk at the scene of the crime; and the ignored evidence of the 18 Dallas motorcycle policemen who were the President's guard.

By accident, 12 years later, FBIHQ learned of the un interviewed policemen. When Director Clarence Kelley asked how many there were who had not been interviewed, the FBI bureaucracy conned him, according to Weisberg. It interviewed only the two who were close to the President on his right side, James Chaney and D. L. Jackson, and then filed incomplete and misleading reports. The Dallas FBI agents never told Washington that Chaney said he had seen the President shot from the front and Jackson, who prepared his own detailed report the night of the crime because he had not been interviewed, had actually seen Connally hit by a separate bullet. The also ignored statements by the Dallas doctors were that the President had been hit from the front. Both Connallys have always insisted that the governor was hit by the second bullet, not the first bullet, which hit JFK. A shot from the front or Connally being hit by a separate bullet invalidate the official "solution" to the crime.

Although the FBI did interview Jackson in 1975, it did not get a copy of his report, which he had handed to the FBI agents. Weisberg includes a copy in his 82 exhibits. A Chaney interview was recorded by a Dallas radio station immediately after the crime. The FBI also ignored that recording.

The House Select Committee on Assassinations concluded that more than the three shots admitted by the Commission and the FBI were fired and that there had been a conspiracy to kill the President. The FBI's report on its reinvestigations after this committee's report was filed is several years overdue.

Weisberg claims unique credentials. He wrote that first and a total of six books disputing the official solution to this assassinatiog, and in this litigation the Department of Justice told the judge that Weisberg knows more about the crime and its investigation than anyone working for the FBI.

Weisberg, who has filed many FOIA suits against the Government, says that the desire of the FBI and CIA to have the Act amended comes not from harm to their necessary functions but from their fear of exposure of more dirtyworks. In its earliest days, this litigation persuaded the Congress to amend the Act to open these files. Unless the agencies can get the Act amended, he says, they face the exposure of still unknown malfeasances, misfeasances and nonfeasances.

Copies of the photographs, affidavits, exhibits and other records will be at the press conference and available for copying.