

On appeal from the District Court's dismissal of Weisberg's action as moot, the Court of Appeals held that his inquiry was "of interest to the nation," and that he must take the testimony of the agents who had conducted the actual testing of Kennedy assassination evidence to determine the existence or nonexistence of the data sought. Weisberg v. Dept. of Justice, 177 U.S.App. D.C. 161, 543 F.2d 308 (1976)

On remand, Weisberg deposed four FBI agents and established that the FBI had conducted tests that it had earlier denied making. However, the District Court, accepting the FBI's assertions that "all available materials" had been produced, and that other materials not produced had been destroyed or discarded, refused to allow Weisberg to depose Agent Kilty on the nature and scope of the search, and again dismissed the case. Weisberg v. United States Dept. of Justice, 438 F.Supp. 492 (D.D.C. 1977). But the Court of Appeals again reversed, instructing that on remand Weisberg be allowed to depose Kilty and perhaps others knowledgeable about the search. Weisberg v. United States Dept. of Justice, 200 U.S.App.D.C. 312, 627 F.2d 265 (1980).

More than a year after the second remand, the FBI produced additional materials, including computer printouts of the NAA test made on the scraping from the Presidential limousine windshield, a test which Kilty swore had not been done. However, it failed to produce other materials, notably the Dealey Plaza curbstone spectrographic plate and examiner's notes, and a report on whether the slits in the President's shirt collar that were allegedly made by bullet coincide when the shirt collar is buttoned.

Curbstone

The FBI originally claimed that it had made an "exhaustive search" for the curbstone spectrographic plate and notes, and that the plate had been destroyed as a result of routine housecleaning. (Attachments R-S) These claims are baseless. The Kilty Deposition made it clear that the FBI has conducted only a minimal search for missing materials (see summary of Kilty's testimony regarding the search at Attachment T). FBI policies and procedures did not permit the destruction of such materials; there is no evidence of any such destruction, and Kilty conceded at his

Kagere - Curbstone Shot
See attachments 1+2