

The Deputy Attorney General

Reference is made to the matter entitled "John Nichols Versus United States of America, et al., U. S. D. C. D. Kan., Civil No. T-4536" and to my memorandum to Mr. William D. Ruckelshaus dated February 17, 1969. This material related to the release of spectrographic data concerning certain bullet evidence involved in the assassination of former President Kennedy. It is understood that litigation is still pending as to whether or not information regarding spectrographic analyses will be released.

As mentioned in my memorandum of February 17, 1969, 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.

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.

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Based on these 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 Mr. Weisberg for the spectrographic analyses be denied.

- (2) Documentation Relating to David William Ferrie:
Mr. Weisberg described the records he requests as documents relating to the late David William Ferrie of New Orleans:

- (a) withheld from the Warren Commission and/or

Comment: No documents relating to David William Ferrie were withheld by the FBI from the Warren Commission.

- (b) withheld from the National Archives

Comment: So far as is known, all records of the Warren Commission pertaining to David William Ferrie were turned over to the National Archives by the Warren Commission, together with all other records of the Warren Commission.

- (c) withheld by the National Archives by order of the Department of Justice

Comment: Your attention is directed to my letter to the Attorney General dated May 15, 1968, entitled "Assassination of President John Fitzgerald Kennedy, November 22, 1963, Dallas, Texas," and to my letter to the Acting Attorney General dated February 24, 1967, entitled "Public Disclosure of

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Warren Commission Records." Both of these letters concerned 55 pages of Warren Commission Document No. 75 which dealt with allegations and investigation regarding Ferrie. Copies of the 55 pages in question were enclosed with the letter of February 24, 1967. These are pages 212-221, 225-228, 281-304, 307-311, 313-316, 319-323, and 341-343, all inclusive. In the letter dated May 15, 1968, I stated that the final decision as to the public disclosure of the material concerning Ferrie rests with the Department of Justice. I also advised that this Bureau has no objection to public disclosure of the data concerning Ferrie.

These pages were originally excluded from public disclosure under guidelines approved by Mr. McGeorge Bundy, Special Assistant to the President. The specific guideline applicable is identified as 3(C), which provided that public disclosure should be made unless disclosure "would be a source of embarrassment to innocent persons, who are the subject, source, or apparent source of the material in question, because it contains gossip and rumor or details of a personal nature having no significant connection with the assassination of the President." Our position as to this information concerning Ferrie has not changed since the May 15, 1968, letter.

- (3) Exhibit 60 (Pictures of President Kennedy's Shirt and Tie): Weisberg requested a photographic copy of a portion of Exhibit 60 showing the tabs of the President's shirt. Apparently Archives has furnished a copy of this Exhibit,

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however, he has advised the quality of this copy is not satisfactory for his purpose and has requested a print from the original negative which is a part of this Bureau's files.

Compliance with the request would set an undesirable precedent and could lead to numerous such requests for copies of photographic matter furnished the Commission. The Bureau can ill afford to divert away from our important investigative responsibilities the time needed to search our voluminous files and prepare such material. However, since the photograph referred to as Exhibit 60 is available to the public through Archives it is felt the matter of furnishing additional copies is for the Department to decide and an additional photographic print of the portion showing the "shirt tabs" is attached in the event the Department wishes to set this precedent.

- (4) Concerning Receipt of Material Obtained at Autopsy:
Weisberg requested a photograph and all records relating to the material removed by Commander James Humes, M. C., U. S. N., at the time of the autopsy and receipted for by Special Agents Francis X. O'Neill and James W. Sibert November 22, 1963. This request appears to be based on his inability to specifically identify the Exhibit in the Commission report.

The material referred to in the receipt is identified as Commission Exhibit 843. A photograph of this Exhibit was furnished the Commission and was published in "Hearings Before the President's Commission on the Assassination of President Kennedy," Volume 17, Page 841. Other

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information regarding this Exhibit appears elsewhere in the Commission's Hearings.

- (5) Autopsy Photographs: The FBI has never had possession or custody of the autopsy photographs requested by Mr. Weisberg.

Enclosure

NOTE:

As is stated in the letter to the Deputy Attorney General and as we have pointed out in previous communications to officials of the Department of Justice, Weisberg is a prolific and notorious critic of the Warren Commission, the FBI, etc. His criticisms have included slanting of the truth and outright lies.

So far as the Ferrie material is concerned, Ferrie died in February, 1967. The 55 pages of information about him which were withheld from public disclosure contained allegations, hearsay, and rumor [REDACTED] This information was withheld in 1965, two years before Ferrie's death. The previous communications to Department officials which were written following Ferrie's death took the position that we had no objection to the release of this information to the public; however, the final decision in this regard was a decision to be made by the Department of Justice.

Regarding the photograph mentioned in Item 3 above, informal discussions with Mr. Carl Eardley, Deputy Assistant Attorney General, show the Department feels that it would be difficult, if not impossible, to sustain in court a refusal to furnish copies of material the subject matter of which is already available to the public.

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The receipt referred to in Item 4 above was made out for a missile. The "missile" consisted of two small fragments of lead recovered from the head of President Kennedy.

Relative to the autopsy photographs mentioned in Item 5, the Laboratory has never had in its possession or custody any of these photographs. This material has also been co-ordinated with the Domestic Intelligence and General Investigative Divisions. Both Divisions advise that they have never had custody of the autopsy photographs.

Material set out above concerning Ferrie and background on Weisberg compiled and furnished by Domestic Intelligence Division.