

- 1 - Mr. Mohr
- 1 - Mr. Sullivan
- 1 - Mr. Rosen
- 1 - Mr. Casper (Attn: Mr. Dalbey)
- 1 - Mr. Bishop
- 1 - Mr. Conrad
- 1 - Mr. Williams

Assistant Attorney General
Civil Division

August 20, 1970

Director, FBI

100-351958

Harold Weisberg v. Department of Justice
USDC D. C., Civil Action No. 2301-70

Reference is made to your memorandum dated August 13, 1970, (WDR:JFAXelrad:bd, 145-12-1449) requesting information relative to the above-described matter.

With respect to paragraphs 4, 5, and 6 of the Plaintiff's complaint, the following background information relating to the spectrographic examinations conducted in this matter is set forth. In regard to the metal fragments analyzed in the FBI Laboratory, the analytical procedures involved the use of an optical instrument known as the spectrograph. The spectrograph is an instrument which analyzes the light resulting from the burning or electrical excitation of samples taken from materials under examination. Every known element, 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 analyzed and metallic elements in trace amounts can be detected.

Relative to the spectrographic analyses of the exhibits in question, 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 relative order of their abundance.

Enclosures (NOTE: 2)

Departmental memo based on memo
M. E. Williams to Mr. Conrad same P
8/19/70 MEW:mjk

62-109060

MEW:mjk (10)

- Tolson _____
- Sullivan _____
- Mohr _____
- Bishop _____
- Brennan, C.D. _____
- Callahan _____
- Casper _____
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Assistant Attorney General
Civil Division

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.

Contrary to the plaintiff's statement in paragraph 5 of the complaint, it is not true in general that "When bullets and fragments thereof are studied spectrographically, it is possible to make a definite determination that all of the bullets and fragments came from one particular batch made by one particular manufacturer or they did not."

Special Agent [REDACTED]

[REDACTED] has personal knowledge concerning the spectrographic examinations conducted in this matter and the work notes and raw analytical data upon which the conclusions were based.

With respect to paragraphs 8, 9 and 10 of the complaint, the Commission Report would appear to speak for itself in these matters.

Concerning paragraph 11 of the complaint, the results of the Laboratory examinations were included in reports furnished the Commission. The Commission did not request nor was it furnished the work notes and related raw analytical data upon which the conclusions of the examiners were based.

In response to paragraphs 13 and 14 of the complaint, Weisberg's letter of May 23, 1966, was received by this Bureau. It was not answered by this Bureau since in our considered judgment to do so would have lent dignity and credibility to gross inaccuracies, falsehoods, and deliberate slanting of facts associated with the author's writings and public appearances related to the assassination. / /

**Assistant Attorney General
Civil Division**

In this regard, considerable background information from the files of this Bureau concerning Weisberg was furnished in my letter to the Attorney General dated November 20, 1967, entitled "Assassination of President John Fitzgerald Kennedy, November 22, 1963, Dallas, Texas."

Correspondence with the Department relating to paragraphs 15, 16, 17, 18, and 19 is a matter of record in the Department.

It is our considered opinion that the results of the spectrographic tests are adequately set forth in the report of the Warren Commission where (Volume 5, pages 67, 69, 73, and 74) testimony shows that the metal fragments were analyzed spectrographically and were found to be similar in composition. The work notes and raw analytical data upon which such results are based are not normally made public since they can only be interpreted properly by scientifically trained personnel with full knowledge and background of the techniques employed in the total analytical procedure.

The work notes and raw analytical data accumulated during the examination 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.

An affidavit (original and six copies) executed by Special Agent Marion E. Williams is enclosed.

Based on the above observations, it is the firm opinion of this Bureau that the provisions of 5 U.S.C. 552, subsection (b) (7) apply in this instance and should be invoked. It is requested that denial of the Plaintiff's petition be sought.

I, Marion E. Williams, a Special Agent of the Federal Bureau of Investigation, being duly sworn depose as follows:

1. I am an official of the FBI Laboratory and as such I have official access to FBI records.
2. I have reviewed the FBI Laboratory examinations referred to in the suit entitled "Harold Weisberg v. Department of Justice USDC D. C., Civil Action No. 2301-70," and more specifically, the spectrographic examinations of bullet fragments recovered during the investigation of the assassination of President John F. Kennedy and referred to in paragraphs 6 and 17 of the complaint in said case.
3. These spectrographic examinations were conducted for law enforcement purposes as a part of the FBI investigation into the assassination. The details of these examinations constitute a part of the investigative file, which was compiled for law enforcement purposes and is maintained by the Federal Bureau of Investigation concerning the investigation of the assassination of President John F. Kennedy.
4. The investigative file referred to in paragraph "3" above was compiled solely for the official use of U. S. Government personnel. This file is not disclosed by the Federal Bureau of Investigation to persons other than U. S. Government employees on a "need-to-know" basis.
5. The release of raw data from such investigative files to any and all persons who request them would seriously interfere with the efficient operation of the FBI and with the proper discharge of its important law enforcement responsibilities, since it would open the door to unwarranted invasions of privacy and other possible abuses by persons seeking information from such files. It could lead, for example, to exposure of confidential informants; the disclosure out of context of the names of innocent parties, such as witnesses;

the disclosure of the names of suspected persons on whom criminal justice action is not yet complete; possible blackmail; and, in general, do irreparable damage. Acquiescence to the Plaintiff's request in instant litigation would create a highly dangerous precedent in this regard.

SIGNED _____

Washington
District of Columbia

Before me this _____ day of _____, 19 _____,

Deponent _____ has appeared and signed this affidavit first having sworn that the statements made therein are true.

My commission expires _____

Notary Public in and for the District of Columbia