

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Conrad *[Signature]*

- 1 - Mr. Conrad
- 1 - Mr. Jevons
- 1 - Mr. Gallagher
- DATE: 5/20/70
- 1 - Mr. Heiberger

FROM : R. H. Jevons *[Signature]*

SUBJECT: HAROLD WEISBERG
DEPARTMENTAL REQUEST

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

Mr. Carl Eardley, Deputy Assistant Attorney General in the Civil Division, has advised that the Department is in receipt of a request from Harold Weisberg for the spectrographic analyses of certain of the bullets and fragments recovered in the investigation of the assassination of President John F. Kennedy. Harold Weisberg is the author of Whitewash, a "leftist" book highly critical of the Bureau and its investigation of the assassination.

Spectrographic analysis of material, such as bullet metal, permits a comparison of the composition of different samples and thus some indication as to whether such samples may have originated from the same or different bullets. Laboratory examiners furnished testimony before the Commission that certain fragments were examined spectrographically and were similar in composition. The detailed notes, work sheets, and photographic plates comprising the raw data upon which this conclusion was based were, of course, prepared by the Examiners at the time the analyses were made and constitute "raw data" which are a part of the Bureau's investigative files pertaining to this matter. To assist him in preparing his denial for this information, Mr. Eardley has requested to see these notes, work sheets and spectrographic plates.

In a somewhat similar earlier situation in which a "would-be" author desired to obtain this raw data, the request was denied by the Department based upon the fact that this material is part of the Bureau's investigative files compiled for law enforcement purposes. This earlier request came through Mr. Eardley's Office and the Department sustained the Bureau's recommended position of denial.

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen

RHJ:mjk (8)

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54 JUN 15 1970

Section 173

**Memorandum to Mr. Conrad
Re: HAROLD WEISBERG
DEPARTMENTAL REQUEST**

Eardley was reminded of the earlier similar situation and advised that he recalled the previous request and the action taken thereon. He was also reminded that the testimony as to the conclusions was set forth in the Commission report. Eardley indicated that he also planned to deny the request from Weisberg but pointed out that it would be extremely helpful to him (Eardley) in preparing his denial if he could be permitted to see the notes, work sheets, and spectrographic plates which constitute the "raw material" in the Bureau file, from which the conclusions were drawn. It was pointed out to Eardley that, except insofar as the examiner's notes reflect the examiner's conclusion, much of the material, including the photographic plates themselves, is of a highly technical nature and requires scientific training for their proper interpretation.

Eardley has been friendly and helpful to the Bureau in the past and, as indicated above, has stated that he plans to deny the current request from Weisberg. Accordingly, although certain of the raw material will be meaningless to him, except where the notes are self-explanatory, it is suggested that the Bureau will wish to comply with Eardley's request to see this material. If approved, the specific material involved, namely examiner's notes, work sheets, and spectrographic plates will be shown to Eardley. He will not, of course, have access to any remaining part of the file.

RECOMMENDATION:

Accordingly, it is recommended that Mr. Eardley be authorized to view the spectrographic plates and notes pertaining to this matter. If approved, Mr. Eardley will be telephonically advised.

*Tom Conrad
Deputy Chief
5/22*

V

MS

PM

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MB

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Memorandum

TO : Mr. J. Edgar Hoover
Director, F.B.I.

DATE: May

FROM : Richard G. Kleinienst
Deputy Attorney General

RK

SUBJECT: Harold Weisberg; Requests for Information under
Freedom of Information Act

Attached hereto are two letters dated May 16, 1970 from Mr. Harold Weisberg in which he explains his requests for certain information relating to the assassination of former President Kennedy. Also attached are five Forms 3-110 which specifically identify the materials he is seeking in each case.

Would you please have these requests reviewed and advise me with respect to their disposition.

5-110

ENCLOSURE

31 MAY 22 1970

62-109060 -

NOT RECORDED
133 JUN 12 1970

ORIGINAL FILED IN 100-351938-

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan (Actn: May 23, 1970)
- T. N. Goble
- 1 - Mr. Conrad
- 1 - Mr. Jevons
- 1 - Mr. Frazier
- 1 - Mr. Gallagher

62-109060-

RE: ERIC WEISBERG: REQUESTS FOR INFORMATION UNDER FREEDOM OF INFORMATION ACT

Reference is made to your memorandum dated May 10, 1970, regarding Mr. Weisberg's request for certain information relating to the assassination of former President Kennedy.

Your attention is directed to my letter to the Attorney General dated November 20, 1967, entitled "Attribution of President John F. Kennedy's assassination, November 23, 1963, Dallas, Texas," which set out information concerning Harold Weisberg from the files of the Bureau. This letter included the fact that Weisberg was one of ten employees fired by the State Department in 1957 because of suspicion of being a communist or having communist sympathies. Later Weisberg was allowed to re-employ without prejudice.

Weisberg has written several books concerning the assassination of President Kennedy which attack the Warren Commission Report. His book "Whitewash-The Report of the Warren Report" is a vitriolic and diabolical criticism of the Warren Commission, the FBI, the Secret Service, several other U. S. Government agencies, and the Dallas Police Department. It contains inaccuracies, falsehoods, and deliberate twisting of facts to fit Weisberg's purpose.

The following comments are in the order they were requested in Weisberg's letters, copies of which were furnished with your memorandum:

- (1) Scientific Analysis: Weisberg has requested details of the specific forensic analysis conducted on certain bullet evidence involved in the assassination.

RHJ:mjk (1)

(see note page 6)

59 JUN 19 1970

ORIGINAL FILED IN 100-351938-17

Attorney General

Reference is made to the matter entitled "John F. Kennedy Versus United States of America, et al., U. S. D. Ct. D. Mass., Civil No. T-68-38" and to my memorandum to Mr. William D. Ruckelshaus dated February 17, 1969, and material related to the release of scientific 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 instances 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 statute would set a potentially highly undesirable precedent in this regard.

The Deputy Attorney General

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 photostatic analyses be denied.

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

(a) withheld from the Warren Commission and/or

Comment: No documents relating to David William Ferris 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 Ferris 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 July 15, 1963, 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

The Deputy Attorney General

Warren Commission Records." Both of these letters concerned 53 pages of Warren Commission Document No. 75 which dealt with allegations and investigation regarding Ferris. Copies of the 53 pages in question were enclosed with the letter of February 24, 1967. These are pages 212-221, 225-227, 231-234, 237-241, 243-246, 248-249, and 251-253, all inclusive. In the letter dated May 15, 1968, I stated that the final decision as to the public disclosure of the material concerning Ferris rests with the Department of Justice. I also advised that this Bureau has no objection to public disclosure of the material concerning Ferris.

These pages were originally excluded from public disclosure under guidelines approved by Mr. McClellan 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 administration of the President." Our position as to this information concerning Ferris has not changed since the May 15, 1968, letter.

- (c) Exhibit 60 (Pictures of President Kennedy's shirt and dark pants) removed. A public copy of a portion of Exhibit 60 showing the fibers of the President's shirt. The Gerald R. Ford Library has a copy of this exhibit.

The Deputy Attorney General

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 CC is available to the public through Access it is felt the matter of furnishing additional copies is for the Department to decide and an editorial photographic print of the portion showing the "hit & ribs" is attached in the event the Department wishes to set this precedent.

- (4) Concerning Exhibit of Material Obtained at Albany
Weisberg requested a photograph and all records relating to the material removed by Commander James Humes, U.S.N., at the time of the raids, and received for by Special Agents Francis X. O'Neill and James W. Sibert November 22, 1968. This request appears to be based on his inability to specifically identify the exhibit in the Commission report.

The material referred to in the report is identified as Commission Exhibit 643. A photograph of this exhibit furnished the Commission and was published in "Report Before the President's Commission on the Assassination of President Kennedy," Volume I, Page 60. Other

information regarding this subject appears elsewhere
in the Commission's Reports.

(2) Further Information: The FBI has records in possession
of copies 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 indicating he may have been a homosexual. 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 Erdley, 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.

Attorney General

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.