

Mr. Chuck Lewis  
ABC News  
1124 Connecticut Ave, NW  
Washington, D.C.

2/3/81

Dear Chuck,

The enclosed FBI records may make Carl a bit nostalgic because of his Watergate reporting. I send them because they refer to records that might make stories.

These are some of about 6,000 pages I obtained under discovery in C.A. 75-226, after the second remand from the appeals court this round. On the earlier round in this, the oldest of all FOIA case, the case was responsible for the 1974 amending of the investigatory files exemption. This is to say that it is responsible for the opening of FBI and CIA files.

While I believe there is a major and untold story in the legal question to which this part of the discovery relates, I do not believe that ABC will easily see it that way. Nonetheless, for your information, and I'd like it also to be for Carl's, I tell it.

In the JFK assassination, one shot missed. It struck a curbstone at the opposite end of Dealey Plaza. Spray inflicted a slight wound on a bystander who has since become my friend. There is much that is Byzantine about this that I omit now.

Because this missed shot pretty much establishes the impossibility of a single shooter, meaning establishes a conspiracy, the FBI and the Secret Service both immediately ignored it. Both had the first shot hitting JFK, the second hitting Connally and the third killing JFK. The massive (five-volume) report LBJ ordered of the FBI before there was a Warren Commission not only ignored this shot and Tagge, it also omitted one of JFK's wounds to make the single-assassin "solution" appear to be credible. (When John McNaughton found this report had to swallow his letter was suppressed until I got it recently.)

As the leaks proliferated and the official solution appeared in all the papers, the Dallas Morning News photographer who had made a picture of the scar on the curbstone raised the question with the then U. S. Attorney in Dallas, Barefoot Sanders. In turn he took it up with the Warren Commission. When the Dallas FBI pretended not to be able to find that impact an FBI agent was sent from headquarters and he returned to D.C. with the

curbstone. It was subjected to spectrographic analysis. This analysis failed to prove even that a bullet or any bullet metal cause the impact.

The curbstone he brought back to Washington, the correct chunk of it, clearly had been patched! I have the before and after pictures. It does not depend on eyewitness statements of opinions. ~~There~~ There is nothing in what this agent wrote or was sent to the Commission that reflects the fact that the curbstone was patched by someone at some unknown time.

In this ~~lit~~ litigation I seek the results of all the FBI's spectrographic and neutron activation analyses. Only the spectrographic plate made in examining the curbstone suffered a mysterious disappearance. It alone of all the plates, which are like ordinary photographic film. The FBI's unsworn explanation is the conjecture that it was destroyed in routine housekeeping, to save that minute amount of space.

This kind of destruction is strictly prohibited by law and regulation. Obviously, if it were not, no real space is saved anyway and why dispose of it alone? There are entire file cabinets of useless and outdated negatives and only a little loss of pictures of Hoover that he did not like and would not let be used. But all preserved.

Moreover, the JFK assassination is and will be an "open" case, so no destruction is permissible on that additional score.

To the degree I can I will be zeroing in on this as the remanded case proceeds. I will be limited in what I can do. I doubt that I can again afford to depose any agents.

I now have more information, from the tests of the curbstone made for the House assassins committee. No trace of anything remains to be scraped off this patch when only the slightest quantity is required for neutron activation analysis and about 1 mm is sufficient for spectrographic analysis.

An effort to have new ~~tests~~ <sup>tests</sup> made to substitute for the "missing" plate might be dramatic. This is not a right under FOIA but a judge can order it.

The entire story is more Byzantine, more incredible than this. I think it could make a sensational 20-20 bit.

With regard to those former White House records, they are not Presidential papers and are not immune under FOIA if one asks for the FBI copies. The Ehrlichman records are stated not to be Presidential by the Archives. The 65 file referred to is an espionage file, which is what 65 symbolizes.

There are two sets of records referring to Wilderotter. I omitted the list from the one of later date because the same list, annotated, appears with the earlier one. Where it is indicated "burn" does not mean that the FBI's copy was burned, and it wasn't. (This letter will be delayed for making a copy of the second one, which my wife overlooked yesterday in making these copies for you.)

The obliterations accompanied by the letter "C" symbolizes "Confidential" or lowest national security claim, downgraded from the highest.

In general these records hold information pertaining to the Kissinger taps, an effort to avoid the prosecution of Nixon and the contents of Hoover's person files, not all of which has been published. I have copies of some of them. Notice that some of the Hoover staff is in a blind memo. There is stuff on political figures prepared for Hoover, with other blind memos. I don't recall what the "C" reason for withholding page 5 represents, but if it is anything but "national security" it can be sought under FOIA. National security can be contested under FOIA. Damages as a result of the ~~EEZ~~ FBI's Cointelpro operations was the cause of concern.

There is a series of items on electronic surveillances. Of these I particularly draw your attention to 45C, which indicates that approval of them was by one who did not have the authority to approve them instead of the AG, then John Mitchell. Any and all such surveillances were illegal and I suspect those picked up on them, not only the targets or subjects, can sue for damages.

I wonder if 59 refers to Shirley McLane?

If I can be of help, let me know.

Sincerely,