

Dear Chuck,

2/11/81

Enclosed is a copy of regulations controlling the non-destruction of government records. Maybe it can be of help to you sometime.

It is one of many records I obtained under discovery in the granddaddy of all FOIA cases, the one that when filed originally resulted in the 1974 amending of the investigatory files exemption. This is to say, the one that opened up FVI and CIA files.

I do not know how rapidly the case will move in district court after the latest of a number of remands. The DJ hasn't yet done what it was directed to do by the appeals court and I am not in a position to push them now.

In the litigation I seek the results of all the scientific tests pertaining to the shooting in the JFK assassination. They have stonewalled from the first, ever 1970, if dated from the time of the filing of the first suit. If dated from the time of my first request, 1966.

No secret processes or techniques of confidential sources are involved. A total defense is a competent affidavit attesting that a full search has been made and all pertinent records have been provided. Instead, they've waffled. The remand includes their failure to make and attest to a good-faith search. They haven't done this under oath because in the past I've proven their waffling affidavits to be false. For you and me it would be perjury. (For FBI SAs it is advancement.)

They can't do it because there are tests they made that they've been trying to keep secret. I've obtained the proof in FBI records I obtained by other means. They also can't do it because there is an important test missing, the test on the curbstone that was struck during the assassination. About this there is a long story, including, really beginning, by the FBI's elimination of it in its definitive report ordered by LBJ. That shot is entirely unaccounted for. That report doesn't even mention the name of the man who was wounded by that shot or spray of concrete from it.

I've established, photographically, that the scar on that curbstone was patched before the FBI dug it up and performed the test. Incredible but absolutely true.

Now that the case is back in district court this will be one of the issues. It is because the FBI alleged, being careful not to do it under oath, that the plate made in this spectrographic test was routinely destroyed, allegedly to save space, that I engaged in discovery having to do with destruction and non-destructions of records and evidence. The law and regulations preclude what the FBI claims it did. I don't for a minute believe that it destroyed that plate. The saving in space would be about a millimeter, the thickness of a photographic negative.

One alternative, a novel one, would be to seek a court order for the redoing of the test. I have no such facilities so I'll ask that the FBI be required to do that, in my presence.

Properly performed, the test will show that there is no evidence of a bullet impact where, without doubt, a bullet did hit. I think this would make a major story. As a matter of fact, I think that what I now have in the court record, and is entirely uncontested, already makes the story. More so now with the HSCA's proof of another shot -of which more below and more new proof of it.

Carl's assistant told me that he is going to get in touch. I don't want to appear to be rushing him because he is into very much, so I'm informing you and if you want you can inform him.

If ABC would like to perform that test, or have a qualified scientist do it, I can't guarantee ~~that~~ that the judge will order it but I can ask it. I now have no particular literary interest in this and can't do any more writing about it. My published work is extensive and definitive on this.

If you want more details, I can provide more than you'll want.

Going along with this is the bullet said to have inflicted all seven injuries on both victims, the non-fatal injuries. I could never get the government to give me its present weight. I did get an admission, on deposition, that two hunks were cut out of it for the testing after it was weighed. The HSCA weighed it. The difference is only 0.9 grains, little more than postage-stamp weight. There is a reasonable certainty that this means it could no have shed all the known fragments in both bodies. And there is

much more on this. I'll be going into it in the litigation, with the proofs. There is an extensive and again uncontested amount of evidence on this in the case record now.

For your and Carl's information only, I knew of the reporting of another shot that had been ignored by the FBI. I go into this in I think my second back.

In its JFK records disclosures of late 1977 and early 1978 the FBI disclosed no records on this at all. What I don't want talked about until I use it is the fact that I now have the proofs of this from the Dallas FBI files. Even the proof that an effort was made to obscure the damage to the sidewalk where that bullet was reported to have hit.

Materials were scrapped from it and sent to the FBI Lab, with directions not to return anything to Dallas. Instead FBIHQ returned it to Dallas. If my recollection is correct, Dallas sent it back to FBIHQ, which promptly returned it to Dallas.

None of this has been produced by the FBI in this litigation, where it is pertinent.

I have disclosed, and it received no attention in the press at all (I also sought none then), the offering to the FBI of what could have been the bullet that missed and hit the curbstone. The foreman of a state road crew found it near that point. The records indicate that the FBI didn't want it.

Understand that if any one of the things I'm saying is true, and some without any possibility of doubt are, then the official solution to the most subversive of all crimes, the assassination of a President, is more than merely untruthful - it was known to be untruthful by the FBI, which was a knowing part of the covering-up. Not the same as assassins. And none of this addresses who did that shooting. I'm not a theorist. <sup>Not</sup> a conspiracy theorist, that is.

Hastily,