

Mr. Steve Bell
ABC News
1124 Connecticut Ave., NW
Washington, D.C. 20036

8/8/81

Dear Steve,

Your memo to Carl Bernstein about me and my work did some good but nothing came of it. I did hear from and saw (when I was hospitalized) a fine young reporter who comes from the town in which I went to college and worked on the morning paper I'd worked on, Carl's administrative assistant, who it turned out had been ~~the~~ the administrative assistant to the surgeon who operated on me, told me that Carl had it in his book to get around to something, but it never happened. There came a time when I had something I thought could be good for ABC News and I called that reporter, Chuck Lewis. He finally told me there was no interest. That may be the case today, too, but I hope not.

After the last time we spoke I had a really close call but I made it after the second emergency surgery. It has reduced what I can do even more. But I've just completed a lengthy (112 pp.) and detailed (82 exhibits) affidavit for my lawyer to use in the oldest of all FOIA cases, mine for the results of the scientific testing in the JFK assassination. It is the case over which Congress amended the investigatory files exemption in 1974.

It is a case in which the government lies to the district courts, prevails there and then gets turned around by the appeals court, after which the government tries to find a few cookies so it can continue to keep the cake. Official lying, unfortunately, is never, within my extensive experience, not accepted by the district court and it is never not ignored by the appeals court. This, I believe, presents a great hazard to the nation for it can mean the end of the kind of society we have known.

You may remember that we met because I flew all the way up from Dallas to defend the FBI against unfounded charges. However, this does not mean that it never does wrong. The wrong it did in the JFK assassination investigation also represents what can be and I think has been quite hazardous and costly to the country.

While I am not a conspiracy theorist, which is what the media finds attractive, and I pursue the facts, that does not mean that there wasn't any conspiracy, nor does it mean that any inadequate or corrupt investigation is acceptable or without dangers to us all.

It was necessary for my wife to retype that long affidavit while I was still drafting it, hardly the best way to do any kind of writing. It was not possible to edit or condense. Because I had to rush my judgement on which records to use as exhibits when I had so many than I could use may not have been the best. But despite these liabilities I believe that what I have and will present to the court represents a major development in what we know about the crime of the century¹⁹⁶³, as it was properly called at the time, and its (non)investigation. The proofs are from FBI records, and I drew on about a quarter of a million of them,

and from testimony we took from five Laboratory agents. Two exceptions are one Department of Justice record and some of the Dallas police information the FBI avoided.

There is too much for me to go into in a letter, and you have little time in any event. I'll give you a couple of examples.

Where there is photographic opportunity is the "missed" shot, meaning the one the Commission said did not hit JFK or Connally. I did hit a curbstone and the spray of concrete or fragments of the bullet cause a minor wound on a bystander, Jim Tague. The FBI decided to ignore this from the outset because Hoover ordained a lone ^{one} ~~hit~~ (reddish) assassin and that missed shot proved there could not have been only one shooter. There was a visible damage to the curbstone. It was contemporaneously referred to as a scar, a hole, etc. By the time it could no longer be avoided someone had patched that hole. For real! My new proofs include the FBI record, withheld from the Warren Commission, in which it says this almost in those words. Yet it dug that curbstone up, flew it to Washington and the Lab, and filed a straightfaced letter to the Commission in which they said that the "~~scar~~" ^{"smear"} they detected could have been made by the core of a bullet. This part gets even more Orwellian.

Saying it could have come from a bullet core is limited to the fact that the two elements detected on spectrographic analysis are used in bullets. The other elements used in bullet manufacture were not picked up on the spectrographic examination. And it is fine to parts per million. Although ~~REDACTED~~ withheld from me in this case I did by other means get records in which the FBI slipped up because those who went over them did not understand them. What the agents really wrote in his notes, which I use as an exhibit, is that the "smear" could have been from an automobile wheel weight. Of course he knew the scar had been patched because they had "before" and "after" pictures, as I do. And the real thing right in front of them. Meanwhile, of all the many plates made in the many spectrographic examinations, this one is the only one the FBI now conjectures it destroyed to save space. How much space does a piece of film save? And, of course, the destruction of all such evidence is, supposedly, strictly prohibited. There are many more provocative details about this, some pretty titillating.

This piece of film is not all that the FBI now says it destroyed. If it is to be believed it also destroyed all the specimens submitted to neutron activation analysis (NAA). It is an even finer means of ~~REDACTED~~ compositional analysis.

Why anyone, particularly in an agency like the FBI, would destroy any evidence in such an investigation, of the most subversive of crimes, is not apparent. Not for good reasons. And not for space saving because the most incredible collection of junk remains carefully preserved and inventoried regularly. I use one illustration in the affidavit.

The official story has it that the bullet that inflicted all the non-fatal wounds on both JFK and Connally, entered in the back and exited through JFK's collar, nicking

his tie as it exited, then to inflict five more wounds on Connally. Well, it also was known from the first that the bullet did not cause the damage to the front of the shirt and the tie, but acknowledging that also meant no single assassin and an admission that a politically acceptable story was being presented as the solution to a crime it did not solve. We got an FBI agent to testify that he wondered about whether the two holes overlap, necessary if caused by a bullet - and the pictures show they don't - and he had a hair and fibers expert in the Lab make that examination. He filed a written report, which means a record called for in this litigation. At first they deceived the judge into believing that he had made the test himself and had testified to it before the Warren Commission. The appeals court didn't buy that so they now ~~admit~~ ^{admit} that the test was made only they claim they can't find any records except one, the report they gave me. This is a transparent fraud. It does not include any such information and rather is the report of the agent who omitted this because he had asked for that exam to be made by the other expert.

There were 18 motorcycle cops escorting JFK that day. The FBI did not interview any one about the assassination. By accident this became known within the FBI in 1975. The bureaucracy they conned Clarence Kelley, who did ask questions. These cops were the only witnesses who could be called professional observers. In the end the FBI could not avoid interviewing two but it could and did avoid reporting what they knew and said. Both cops made contemporaneous records of their observations. They were the two closest to JFK on the right, the closer one only 4-6 feet away when JFK was killed. He is on tape saying he saw JFK shot from the front. The other one wrote out his own detailed account of the entire day when there was no official interest. He did this that night, when he got home. The FBI knew he'd done this. I have their records. It interviewed him. But it didn't want and didn't get a copy of his notes. I include them as an exhibit for a number of reasons. One is that he was looking at Connally and saw the second shot hit him. This corroborates Connally and his wife but it destroys the official solution and any non-conspiratorial solution. So does any shot from the front. The FBI read his notes and still did not get them, incredible as it seems. And in 1975, not 1963. In 1963 it merely ignored all of the protective escort.

We also got a Lab agent to admit that the spectrographing testing done in the JFK case lacked the capability of making positive determinations about whether different specimens had or could have had common origin. They did qualitative testing, which merely identifies the substances, not necessary when they knew they were testing bullet metal. But they omitted the quantitative testing, which is required to give the percentages of those elements identified by the test. This is totally unknown today. The Warren Commission never was told and I've not found a single record in which the FBI Lab told anyone in the FBI. Or anyone, anywhere.

It will be difficult for me now but I'll probably try to hold a press conference after this affidavit is filed, along with a motion. There is nothing to prevent earlier use, of all or any parts.

Although there is no provision of FOIA which requires anything other than the production of existing records, because of the destruction of what is within the request and whose destruction is prohibited, we will be asking for an order to have two tests duplicated, on the curbstone and on the shirt collar. I think both can be done by those with the means outside a court order, although Lab work on the curbstone can't be. A concrete expert can look at the curbstone in the Archives and see what is obvious - one spot is smoother and darker. By the way, this also is stated in those withheld handwritten notes of the Lab agent referred to above. It is obvious, as the suppressed Dallas page I use as an exhibit states, that the scar that was once there isn't any more.

The difficulties for me involve money and transportation. I have no means of getting to Washington and if I hire a cab for a day it will take most if not all of my only regular income, my Social Security check. I'd also have to pay the press club or someone for space and I'd have to find a way of paying for xeroxes of some records. I may be able to arrange downtown space, my lawyer's office. But I have no friend who can drive me to Washington. The older ones are not up to the traffic and the younger ones work.

Nobody ever talks about anything except nutty and often hurtful theories. I am concerned about the harm to the country. And with FOIA under attack, nobody ever talks about what I regard as one of its greater benefits: it permits the correction of error, which bureaucrats usually do not want ^{to know} or even ~~to~~ know about.

I do not expect any trouble in arranging for a sensation, but I don't want a sensation. I have no books in bookstores and nobody is going to tell people how to write to me to get them. I seek no personal benefit ~~and~~ and none is possible for me. But I would like serious, impartial examination of this new information, and that is not possible at a press conference. What happened after the President was assassinated is very dangerous for any country and any government and ought not happen ever again.

I don't know if you can get anyone interested, but if you can try, many thanks. Sorry you've never been able to get here to see the archive I'm leaving. If you can some (or anytime, really) weekend, we inherited a 40-foot pool when we got this place.

Best wishes,

Harold Weisberg