

STATE OF MARYLAND )  
COUNTY OF FREDERICK ) ss

Harold Weisberg, being duly sworn, deposes and says:

I am an American citizen, of legal age, sound mind, disposing memory, and have never been convicted of a felony. I am a writer, investigative-reporter and researcher spending full time on the murder and the investigation by the federal government of the murder of President John F. Kennedy, on which I have published seven books and am preparing others based upon this work.

In connection with this writing and investigation, on Friday, May 16, 1969, having made the arrangements earlier, I went to Washington from Frederick, Maryland, with Richard Bernabei and Thomas Molesworth, both known to me and both known to be amateur gun experts, to study the rifle, cartridge cases and bullet said to have been used in the murder of President Kennedy and to photograph this evidence and cartridge cases said by the FBI to have been fired by it in the course of its investigations.

I had also made arrangements in advance with the National Archives for us to do this and with Mr. Molesworth for him to take photographs for us. At about 2 p.m., the three of us were escorted to the basement photo lab of the National Archives by Mr. Marion Johnson and Mr. Michael Simmons, both known to me for more than three years to be the employees in direct charge and responsibility for the archive on this murder, including this evidence.

At first Mr. Johnson said he would not permit the use of our own camera, claiming regulations prohibited this. I knew they did not from previous experience when, by pre-arrangement with Mr. Johnson, I had taken my own Polaroid camera to the National Archives for the purpose of photographing Exhibit 399. When I pointed out that the Archives had permitted others, including the Columbia Broadcasting System, to use their own cameras, Mr. Johnson said he would permit the use of our camera but only by the Archives' photographer. By the time the actual photographing began, their photographer did nothing but push the cable release, which operated the shutter of tripod-mounted camera belonging to Mr. Molesworth. The Archives developed our negatives and gave them to us immediately.

During the taking of these pictures, I was permitted to manipulate the evidence cartridge cases and observed Mr. Bernabei and Mr. Molesworth do so also. I also noted that Mr. Bernabei was permitted to manipulate and examine the rifle. I was not in that room continuously because smoking is not permitted in it. When I was not there, I was in an adjoining room with Mr. Simmons, smoking. At one point, when I believed the cases were not equally distant from the lens, I was permitted to adjust them so they would be. I also observed Mr. Bernabei manipulating and examining the bolt and, I believe, return it to the rifle from which it had been removed for photographing. I also examined the bolt, out of the rifle. In my presence, there was no restraint on or opposition to our handling this evidence, in the presence of the Archives employees, including the photographer and the others named above. Nor was there any prohibition.

The evidence referred to is identified as Commission Exhibits 141, 543, 544, 545, 551 and 557, and the Rifle, FBI exhibit C14 and its bolt.

I did not expect to meet any opposition to handling and examining this physical evidence for I had always been permitted to handle, examine and manipulate all of the physical evidence I had asked for. The first two occasions, of both of which I have clear recollection, are the shirt Oswald was wearing when arrested, Exhibit 150, and the camera used by Abraham Zapruder, which I examined closely and operated on several occasions. So that I could handle and examine it closely, the shirt was taken to a number of places outside the place in which it is stored and outside the guarded rooms of the Archives in which the evidence is usually made available. This was done by Mr. Johnson, without a guard ever being present. He finally took me to a place where I could handle and examine this physical evidence by north light and into an area of the Archives Building where the fluorescent light is particularly good. I moved and manipulated this shirt as I desired, in Mr. Johnson's presence and with his permission, so that I could study its style, manufacture, the materials from which it is made, the various markings of initials and similar identifications, the ends of threads, damages and defects in it, the buttons and button-holes - whatever I desired. On one of the occasions I was permitted to operate the Zapruder camera, Mr. Michael Berling, a reporter for the New York Post, then preparing a series of articles, was with me. The exact date of this can be established, if necessary, by the papers executed at the National Archives for him to be given access to this particular archive and to serve as his identification. Both of these instances were shortly after the issuance of an Executive Order by then Acting Attorney General Ramsey Clark, on October 31, 1966.

On at least one occasion I was permitted to remove Exhibit 399 from its transparent plastic case, handle, manipulate, feel it, move it from one place to another to get better light, examine it through a lens, scrape the unjacketed end with my fingernail, do anything I wanted with it.

On at least one occasion I was permitted to make similar examination of a piece of curbstone removed from near the Triple Underpass in Dallas by the FBI and transferred to the National Archives, with the other physical evidence, by the Federal Bureau of Investigation pursuant to the Executive Order cited above. I recall two occasions on which I was permitted to carry this heavy physical evidence, on one of which I was permitted to feel and scrape it while handling it, to better examine the place said to have been marked by a bullet or fragment of a bullet. On one of these occasions, I was also permitted to carry another heavy object of physical evidence, the identification of which I do not recall at this time. It is not fixed in my mind because there never has been any problem in my close personal examination of any of the physical evidence I have wanted to examine, manipulate or inspect in any way. This would never have been possible without official sanction because all of this is kept in a locked area of the National Archives building, identified on the door as 6W3. This door is always locked, including when the personnel are inside the area, to my personal observation on numerous

occasions, including when I have been inside it with them.

I have been permitted to make similar close personal examination and inspection of other physical evidence, such as negative and motion-picture film and tape recordings. This includes the Zapruder film, every frame of which I was permitted to feel to see if there was a splice.

At the time I first examined Exhibit 399, I was also permitted to make identical examination of the similar-cased fragments of bullet.

It is probable that I have been permitted to handle, manipulate and closely examine and inspect other artifacts but, as stated above, because I always had the sanction of the archival employees, without which it would not have been possible, it is not fixed in my mind.

I have read the Memorandum in Support and the Motion filed by the federal government in the case of John Nichols, Plaintiff. The Marion Johnson mentioned therein is the same Marion Johnson referred to above. He is known to me to customarily prepare papers for the signature of the Archivist of the United States.

Attached to the affidavit of Dr. James Rhoads, Archivist of the United States, is a letter agreement dated October 29, 1966. This is one of the documents persistently denied me and then made available on what amounts to an exclusive basis to another known to the Archives personnel and the federal government not to have the background knowledge necessary to proper evaluation and understanding of it and its attachments. I cite this because, in making this document available to that person and not simultaneously to me, the Archives violated its own regulations. At the very least, it was required that I have simultaneous access. For more than a year, I have sought explanation and justification but without success. Among the questions I have asked is what made possible the exclusive disclosure to this uninformed writer that represented any change in the conditions that permitted its long-time denial to me. To date I have received no answer. I know the effect, for that writer, without making his own independent study, has persistently written in support of the Warren Report, as I have not.

Also attached and identified as "Exhibit E" is a document headed "Regulations for Reference Service on Warren Commission Items of Evidence". The second paragraph, "Still Photographs", and the third paragraph, headed "Motion picture film...", both read, "Copyrighted materials will be reproduced for researchers only after receipt of a release from the copyright holder." The National Archives has on various occasions made copies of such copyrighted photographs for me without ever getting any such release. Further, I have in my possession copies of such copyrighted photographs provided by the National Archives and so identified by them

on which the existence of the copyright is not even indicated.

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Harold Weisberg

Subscribed and sworn to before me in Frederick, County of Frederick,  
State of Maryland, this 29th day of May 1969

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Notary Public

My Commission expires \_\_\_\_\_