

394- Wlight

Discovery records, 70-226

Specimens

Destruction of after NAAs

Weights

Given to ESCA

Not from Central Records

*on-destruction; preservation required

Griffin Bell's 6/6/77 to FBI Director, approving files destructions, while it does not say so, appears to pertain to field office files, either along with HQ files or only to field office files.

Neither my request nor the draft of the response is provided with Legal Counsel (Bresson) to Adams, 12/17/74, 190-709-X 16, formerly 62-109060-7149. Either could have annotations, etc.

Underinforming (with what is provided being accurate) begins with this first memo. It is only a partial ~~sketch~~ history of the first request and that litigation. It fails to remind the top brass that their approach in the early litigation led to the amending of the investigatory files exemption.

While Marion Williams' name appears on X17, formerly 62-109060-7156, the unclear initials appear to be those of John W. Kilty.

In Paragraph 2 it states that "the report itself" and "the complete report" are available at the Archives, which is not true, what being there not being ~~with~~ a legit. report of a complete one; and that ~~Extensive~~ my "request must extend beyond those documents." It is obvious that I did not ask for what is available at Archives.

Three categories of info are available: "All of the background information and data accumulated during the initial examinations of the evidence specimens; The Compositional analyses arrived at from the calculations of the raw data. 3. The Final reports." Given the FBI's way with words I can't be sure but given their normal meanings, these words indicate that I have not received all the FBI has.

Paragraph 4 omits some of the spectrographic examinations, for example, of the curbstone and the concrete of the sidewalk near the TBED (Alrededge hit). "Bullets" is used, plural, although only 399 was tested.

Where it says that the NAA results are included in the letter to Franklin, that is not true. That letter is general and conclusory.

It also says that "in the absence of detailed procedural data, the raw information is not subject to interpretation by non-technical individuals." Questions: did I get this detailed procedural information and if I have all, is it subject to interpretation by an expert?

Rather than all case records being in Central Records, this states that "Some of these notes are physically in the Laboratory . . ."

From the very unclear copy provided it appears that the Clark to Herndon memo is dated 6/11/79. It ~~was~~ was written by Kilty and it reports his contact with Gallagher to determine what happened to the "lead fragments which were examined by NAA in this case." He also refers to them as "fatal ballistics evidence."

Kilty quotes Gallagher as recalling "that the lead fragments which were made radioactive were disposed of as 'radioactive trash' . . ."

Kilty says that "A review of pertinent documents in the file reveals the following concerning the description and weight of the fatal ballistics evidence when it was received in the FBI Laboratory:" This is followed by weights per specimen in grains and in milligrams for the sample removed, not really identified in the tabulation.

Question - Did I get the documents her refers to, providing all the weight info?

10,277 mg were removed from the 158.6 weight of OE 399. No weight listed for Q15, windshield specimen.

Documents do not give weight of samples subjected to spectro. Kilty says it is likely they weighed less than 10 mg per.
 is weight of Q1, from which there were
 ~~EACH~~ ~~of~~ ~~the~~ ~~17.73~~ ~~residual~~ ~~specimen~~ ~~;~~ five replicated tests. "These are the samples that were disposed of at ORNL and to which Professor Guinn refers."

"Information concerning the weight of the specimens when they were turned over to NARS is not retrievable from Bureau files."

Thus we don't know what was taken from 399 in addition to the 17.73 mg.

(Grains multiplied by 64.6 to get weight in mg.)

Dear Emory,

2/3/81

Under discovery in C.A. 75-226 I received the enclosed poor copy of an FBI internal record whose author was SA Rilty. This is complete as I got it, obviously incomplete and without the attachments referred to.

My recollection is unclear and searching right now is not easy for me, so can you tell me if what you got under your NAA request includes the weights of the specimens subjected to NAA?

My recollection is not as specific as I'd like it to be but I recall that when we deposed Callaghan in this litigation he gave the impression ~~xxx~~ that the specimens were not destroyed. He was trickily evasive, so he may have given this impression while not saying exactly that.

I recall no previous report of the destruction of any evidence and with regard to these it was not necessary because of the rapidity of decay of radioactivity. Am I wrong in this?

Could not the radioactive specimens have been preserved anyway, where and how eliminating any possibility of any concern - if any was legitimate - over radioactivity?

It seems strange that the FBI is so anxious to make it appear that specimens do not exist and to make checking the weights difficult- impossible with accuracy.

Any thoughts?

Best wishes,