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Dear Mr. Cochran,

The 3 a.m. TV news on ABC-TV this morning quotes the FBI as saying it reviewed its records and found no cases of its Lab fudging. This in itself is a big FBI ^{lie} from the record I made in court in lawsuits against it and published in several books.

In accusing the FBI of perjury in my C.A.75-226 in federal district court for the District of Columbia I made myself subject to the penalties of perjury if I lied. The FBI's response, through its counsel, the Department of Justice, was that I could make such allegations ad infinitum because I knew more about the JFK assassination and its investigations than anyone then working for the FBI! I enclose the first three pages of that FBI filing. You will find this on the third page. That not only admitted that there was Lab perjury, it was also a non sequetur.

In other FOIA litigation, with myself under oath, I alleged perjury against the FBI, including its Lab, repeatedly and was never refuted. *On charged myself*

Among the countless illustrations of FBI Lab lies and distortions and misrepresentations in the JFK case, I cite its known testing of the patch on the curbstone hit by a bullet during the assassination and pretending that it was testing the impact. Oswald could not have done the patching and it had not been done by the time he was killed. I first published this in 1975. In my current NEVER AGAIN! I include pictures ^{me} the FBI had before and after the patching. In my last year's Case Open, which is still in some stores, I reprint a scientific examination I had made at the actual suggestion of a Lab agent we deposed- and who was an undenied perjurer, John W. Kilty which confirms my naked eye.

Perhaps the most outrageous illustration of FBI dishonesty in its "science" is in its supposedly definitive report ordered by President Johnson the night of the assassination, given the Warren Commission December 9th, 1963, and suppressed by the FBI. It was disclosed in the Commission's files. In five volumes it fails to account for all the shooting or even the cause of death or all the wounds! I published this in the 1966 addition to my 1965 first book on the Warren Commission, Whitewash: The Report on the Warren Report.

The FBI has been silent about all these things and ever so much more that I wrote and published about it.

When I complained to the Department of Justice's so-called Office of Professional Responsibility about FBI perjury it did not bother even to respond. And earlier when I complained to the FBI about its perjury, it forward^{ed} that complaint to what it knew is the Department's whitewashing component, that same OPR.

In his definitive and FBI- assisted book on th FBI Sanford Ungar, who I believe is now dean of the American Univesity School of Journalism, reports learning from the FBI that it trains its Lab agents to be able to confound cross-examiners like you. I enclose those pages and his Preface in which he reports the FBI's assistance to him and that it was his sourced.

When the FBI lies about the assassination of a President is there anything it can not be expected to lie about? When it resorts to perjury to keep secret what the law says may not keep secret, is there anything about which it will not commit perjury?

It is well know that one of the shots fired during the JFK assassination missed and wounded a bystander slightly. The FBI knew this immediately and it knew it all over again when it transcribed the recorded police broadcasts for that period. It was broadcast immediately. Yet to this day the FBI does not admit that a shot missed! ^{attr} ^{to} ^{be} ^{used} [^] This is because although the best experts in the world could not duplicate the shooting to Oswald in the time permitted with three shots, there was no possibility at all of the FBI palming Oswald off as the lone assassin in four shots. And admitting this known fourth shot was ⁱⁿ ~~the~~ effect for it to admit that a shot missed.

I do this in haste to get this to you as fast as possible. Please excuse my typing. I'm 82, in impaired health and my typing cannot be any better.

I wrote you a while back about what may have escaped attention in your office, the impossibility of anyone going over that foliage at the back of the Simpson property and left the foliage intact as contemporaneous pictures of it I saw on TV depict.

The reason I enclose only the first three pages of that FBI admission of perjury is because the full record is in my basement and neither my wife nor I can use stairs. But if you want that, my FOIA lawyer, Jim Lesar, has it. He is in Washington, where I understand you have an office, at 918 F St., #509, 202/ 393-1921. He has some of the pictures I printed and I, of course, have them all but they also are in our basement, I think. You are welcome to borrow them if you'd like.

Lesar will confirm that I alleged perjury to the FBI over and over again, without refutation, especially in CAS 78-0322/0430 combined. The courts ignored it all. ^{we} ^{copy} ^{of} ^{what} ^{we} ^{fill} [^] We b. 4

If this can be of interest to you please let me know and I'll try to think of more like it, which there is, in abundance, and in the Martin Luther King case, too.

Good luck!

Harold Weisberg

more

It may interest you to know that Senator Richard Russell, the most conservative member of the Warren Commission, also refused to agree with the single-bullet theory that is the basis of the official assassination "solution" and he encouraged my work until his dying day. I also enclose the first memo to him about my first four books from his staff assistant, C.E. Campbell. Senator John Sherman Cooper, also a Commission member, refused to agree with that single-bullet theory until his dying day. I have written about this at some length, using the proofs from the archives they left.

Never Again! has been out for five months. I've not had any complaint from anyone I refer to in it.

I think that if you tackle the FBI head on on this it can result in much less FBI corruption in the courts and in prosecutions in general.

Not only by the FBI, either.

I've now read the Washington Post's stories this morning on "Hitehurst and from the trial. There are readily available illustrations from the record of what "Hitehurst, obviously in the interest of the FBI, complained about. I do not take time now for all of them but will give you some illustrations from the sworn and public records.

Herb MacDonnell can testify, as he already has, to the FBI's misleading Lab attestation to get James Earl Ray extradited, the attestation that was also used for other purposes. Ray's extradition was illegal.

Lab agent Robert Frazier executed an affidavit in which he attested that there were insufficient marks of distinction for comparison on the remnant of bullet removed from Dr. King's body. After examining that remnant with the naked eye and considering also the way Frazier's affidavit was worded along with my by then fairly extensive experience with the FBI and its Lab and testimony, I asked Herb to be an expert witness--without ever have met him. I took him to the clerk's office and he examined that specimen with his microscope and then took pictures I am confident he still has. He testified that given that specimen and the rifle allegedly used in the crime he could state positively that it had been or had not been used in the crime. I am, by the way, certain it was not used in the crime and I was before I asked Herb to be an expert. That was in the evidentiary hearing to determine whether Ray would get the trial he's never had.

I asked Herb to examine the windowsill the FBI says the rifle was rested on when fired. Herb testified it was not possible to determine even the class of implement that caused the visible dent but that it was most likely a ball-pein hammer.

He also testified that for the shot to have been fired as officially alleged the rifleman and part of his rifle would have had to have been inside the wall of that

room. There was no rebuttal offered by the state or by the FBI.

Whitehurst states that in a cited case the FBI Lab used agents who were not qualified to attest as they did. That was SOP in the JFK assassination.

Francis Gallagher was the Lab spectrographer and he arranged for the neutron activation analysis in that case. The latter was kept entirely secret until I got from the AEC's successor its copies. I joined it and the FBI in CA 75-226. But Gallagher did not testify to either before the Warren Commission. Frazier, who specified he was not the one who did the work, testified instead of Gallagher. He testified to what he had to know was impossible about that above-mentioned curbstone impact, that it could have been caused by the core of a bullet. His notes that I have actually say what he did not testify to, that it could have been caused by an automobile wheelweight!

But the suspicious results of Gallagher's spectrographic examination of the scrapings of the ~~smear~~ smear where they all knew there had been a hole had to tell Frazier he was testifying falsely. Gallagher detected only three of the 11 or 12 known components of the alleged bullet.

Gallagher was the afterthought Commission last witness. He testified that paraffin tests are no good and thus are not used. He knew the police paraffin tests of Oswald's cheek were exculparory. The tests are definitive in exculpating, not in incriminating because other substances can contain what bullets contain. In 1975 I published the results of the Gallagher-supervised neutron activation analysis and the tests at Oak Ridge. They exculpate Oswald. The FBI had made no comment on this in 20 years.

Whitehurst says wrong reports were provided. Kilty of the Lab did that when we deposed him and we have the stenographic transcripts, Lesar and I. We showed Frazier an FBI picture it had not given the Warren Commission. It is of the President's shirt collar that the FBI testified had been transitted by the magic bullet. The picture proves that did not happen. ^{no bullet hole} When we pressed Frazier he testified that he had asked for an examination by a Lab hair and fibers expert. They kept that from me. Kilty allegedly provided it on deposition. The Frazier report he provided was not the one to which Frazier testified and from its content could not have been.

FBI Lab agent testified by affidavit in my CA 75-226 that if it gave me the results of its nonsecret scientific testing its system of informers would crumble into ruins! It was over this mendacity that the Act was amended in 1975 only to be followed by endless more FBI mendacity in ensuing litigation a little of which is indicated above.

If Ito refuses to let any of this in, a press conference would create a scandal. The Lab did not weigh the bullet specimens it removed from that magic bullet,

even^{so} much more than was needed for the spectrographic examination for which removed. On deposition Frazier testified to this. He also testified he did not know what the Lab did with what was not tested. ^{B.W.} ~~By~~ when Mr. Vincent Guinn testified to the House assassins committee of the 1970s he testified that none of the specimens he was give to test was ^{any} of the original specimen and he did not know what happened to the original specimens.

FBI Lab agent Lyndal Shaneyfelt is the one who knowing that the curbstone had been patched had it dug up and flown to the Lab for the phony testing. He then testified that the alleged "smear" where the hole had been was the original impact and that it could have ^{be} caused, as I now remember, by the core of a bullet. ~~He~~ had to know the patch was a concrete ^apaste of visibly different color and texture.

It may interest you to know that early on I offered to the AP to show a duplication from th JFK and King cases of all that was alleged to be wrong in the Simpson case. ~~It~~ ^{my} referred ~~by~~ offer to finda Deutsch. She ignored it.