



PUBLIC AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

29 JUL 1980

Ref: 80-DFOI-736

Mr. Harold Weisberg
Route 12
Frederick, MD 21701

Dear Mr. Weisberg:

This is in response to your May 21, 1977, letter to the Naval Intelligence Service requesting documents on the Kennedy assassination. The Navy forwarded your letter to the Department of Justice (DoJ) for search and response directly to you. The DoJ found four documents that originated in the Department of Defense and we have been requested to review and respond on their releasability. The referral was received in our office on July 15, 1980.

The Office of the General Counsel and the Office of the Deputy Under Secretary of Defense (Policy Review) have advised that three of the documents may be released and are enclosed. The fourth document has been sent to the Department of the Army for a review and we will provide you additional information as to its status by August 26, 1980.

We regret this delay and will provide you an answer as soon as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "John C. Hinkle", written over the typed name "Charles W. Hinkle".

Charles W. Hinkle
Director, Freedom of Information
and Security Review

Enclosures



ADMINISTRATION

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

October 25, 1966

Frank M. Wozencraft, Esq.
Assistant Attorney General
Office of Legal Counsel
Department of Justice
Washington, D. C. 20530

Dear Mr. Wozencraft:

I understand that your office is responding to inquiries concerning allegations that some of the documentary material made available by government agencies to the Warren Commission still is not being released to the general public. In order to assist your office in making these responses, I should like to furnish the following information.

Some months ago members of my staff examined all of the documentary material of the Warren Commission stored in Archives which was identified by Archives personnel as being of Department of Defense origin. I am told that as a result of ensuing actions taken, all of this Department of Defense material was made available for release to the general public with the exception of two documents which still are classified CONFIDENTIAL. One of these documents is an Edgewood Arsenal Report about 55 pages in length. It is classified to protect certain techniques and methods for evaluating lethality of ammunition. The information involved is of continuing value in developmental research. The other is a one page document which the Navy Department has determined should remain classified and retained in Group-3 because of information contained therein concerning U.S. intelligence and reconnaissance operations.

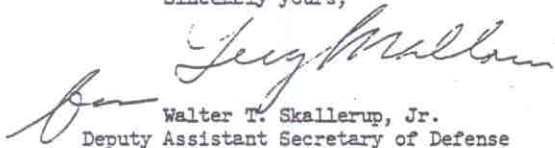
I understand that the term "classified defense information" is used in responding to some of these inquiries. It seems to me that the unexplained use of that term might mislead a reader to conclude that all of the classified information involved was classified by the Department of Defense when as a matter of fact it could have been, and much of it was, originated and classified by other agencies such

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as the Department of State and Federal Bureau of Investigation. If the term continues to be used, I trust that sufficient explanation will be made to avoid unwarranted attribution of responsibility to the Department of Defense.

Please let us know if we can be of further help in this matter.

Sincerely yours,


Walter T. Skallerup, Jr.
Deputy Assistant Secretary of Defense
Security Policy



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
WASHINGTON 25, D.C.

December 16, 1963

Dear Nick:

You asked for suggestions regarding the FBI report on the assassination.

My principal suggestion relates to what is not in the report. It does not include evidence relating either to the number of shots which were fired or to the injuries sustained (with the exception of the one found in the President's back). To shut off damaging speculation, I think it is important that the report buttress the fact that only three shots were heard, that the first one hit the President in the back (and did not exit), that the second shot hit Governor Connally and lodged in his leg, and that the third shot hit the President in the head. I have no reason to know that what I have just stated are indeed the facts; but if they are, I think that it is important to have it laid on the record fairly promptly. For example most people are assuming that the President had an injury in the front of the neck and, furthermore, that that injury was from the entrance (not exit) of a bullet. Evidence of this kind, especially when the pictures indicate that the President was facing forward leads one to infer that two assassins were at work.

I have some criticism regarding the style used in various places. I think it is important that the evidence be stated as such and that conclusions be avoided in the statement of the evidence. For example, as I recall my quick reading, there is a statement on page 9 referring to "Oswald's murder of Tippit." There are references throughout the report to the "window" as the one "from which the shots were fired." etc. As I say, this is a matter of style. But I think that the persuasive value of the document would be increased (should it ever be made public) if the document does not give the implication that the authors had made up their minds as to the implications of the evidence before the evidence was stated.

With respect to the exhibits, I suggest that the fingerprint and bullet exhibits show -- so everyone can see -- the comparisons. That is, Exhibits 5 and 6 might show not only the prints found at the scene but also Oswald's own prints; Exhibit 23 likewise could show not only the bullet found on the stretcher but also a comparison of its striations with those of a bullet fired from the Italian gun.

Some miscellaneous remarks: Exhibit 18 is a poor photograph. One bullet is not accounted for at all in the report. There is no reference to a paraffin test on Oswald's face. The selection of Exhibits 15 and 16 as handwriting standards is humorous (one unnecessarily suggests that Oswald may have been out to get the Governor rather than the President and the other unnecessarily raises the question why the State Department acted so quickly in granting Oswald a passport!) The report does not explain where the clip for the rifle is (no separate clip appears in the photographs). Page 43 inadvertently gives the impression that psychiatrists were intent primarily on teaching Oswald to salute the flag!

I am impressed by the effectiveness of the FBI in pulling together all this information so rapidly. Please do not construe the above suggestions as reflecting on their work in any way -- which has been remarkable.

Sincerely,

John T. McNaughton

Honorable Nicholas deB. Katzenbach
Deputy Attorney General
Department of Justice, Room 4111
Washington, D. C. 20530



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
WASHINGTON, D. C. 20301

7 September 1967

MEMORANDUM FOR HONORABLE FRANK M. WOZENCRAFT
Assistant Attorney General
Office of Legal Counsel
Department of Justice

SUBJECT: FBI Report

Attached is a copy of a comment, dated 16 December 1963, offered by John McNaughton, then General Counsel of Defense, to Mr. Katzenbach, as Deputy Attorney General, with respect to a draft FBI report. Johnson has requested a copy of this for the open records of the Warren Commission.

My reactions to this request are several:

1. The Warren Commission work is sui generis, and I think that the pressures are strong to make as much information available as possible.
2. However, this type of comment seems to me to be clearly within the purview of exemption 5 of the statute and should be protected.
3. It seems that no purpose can be served by making public preliminary drafts of public documents, and a fortiori comments on drafts being the very essence of thought process should not be made public.
4. We would not, under any circumstances, release a document which refers to the FBI without clearing with the FBI.

The above adds up to "No".

I would appreciate your informal comments.

The copy is an extra and the original is probably already in Justice's files so there is no need to return it.

L. Niederlehner
Acting General Counsel

Attachment - 1