

*Reilly  
Deputy*

*K  
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1 June 23 Affidavit, you state that a thorough -- the last  
2 sentence of it -- a thorough search has uncovered no other  
3 material concerning the spectrographic testing of the metal  
4 smear on the curbing. What was the nature of the search that  
5 you made?

6 A. I don't, offhand, know what search I made then.

7 Q. Do you recall that you called Agent Heilman?

8 A. Yes, I do. Yes, I do. I remember talking to  
9 him on the phone from Florida.

10 Q. Who was in Florida?

11 A. He was.

12 Q. He was. And what did you ask him?

13 A. I remember asking him if he had any idea where a  
14 spectrographic plate could be.

15 Q. And what did he say?

16 A. He told me that he didn't remember what he did  
17 with the plate. Basically, that is my recollection of it.  
18 That it might have been put in the plate drawer which caused  
19 it to be subsequently destroyed.

20 Q. Put in a plate drawer?

21 A. Yes.

22 Q. What's the plate drawer?

23 A. It's a drawer you put plates in.

24 Q. Is it also called a file or what is it, where  
25 is it -- describe it for me, please.

26 A. It's a drawer in which you put spectrographic  
27 plates in.

28 Q. Now, are these glass plates?

1 A. Yes, they are.  
2 Q. And they're different, therefore, than the photo-  
3 graphs or the photoplates that you were talking about earlier?  
4 Are there two (2) different types of spectrographic plates?  
5 A. Well, there are many, many, many types of spec-  
6 trographic plates.  
7 Q. Alright, the ones made in this case. Are they  
8 glass or some other...  
9 A. They are glass.  
10 Q. Alright. And they're kept in a drawer where?  
11 A. After they're used -- or, I mean, after they're  
12 exposed?  
13 Q. After the test is made, yes. After the test is  
14 made.  
15 MR. COLE: Are you talking about plates in this  
16 case or plates, generally?  
17 MR. LESAR: In this case.  
18 MR. COLE: Alright.  
19 A. Well, the plates in this case...  
20 Q. Let's talk about -- okay, do it, generally, first  
21 and then we'll take this case. Generally, where are the plates  
22 stored?  
23 A. In a plate drawer.  
24 Q. Okay. Where is the plate drawer located?  
25 A. It's in the room where they do the emission  
26 spectrography in the F.B.I. Laboratory.  
27 Q. Okay. In this case, what happened to them?  
28 A. Plates were put in one of the drawers that I

1 searched to find materials in this matter -- in the box.

2 Q. Okay. This is different than the two (2) file  
3 cabinets you were talking about earlier.

4 A. No; it's not.

5 Q. They were in that file cabinet?

6 A. Yes. Yes.

7 Q. All of the spectroplates in this case were in  
8 those file cabinets that you testified earlier that you  
9 searched?

10 A. All the plates that I found in this case were  
11 in that file cabinet:

12 Q. Alright. Now, did you consider it unusual that  
13 you did not find a plate for the curbstone, "Q609"?

14 A. I had no feeling whether unusual. I wanted to  
15 find one because it was, obviously, the sample was burned,  
16 so I know that there should have been a plate created.

17 Q. What did Agent Heilman suggest to you? Did he  
18 make any other suggestion as to where it might be?

19 A. Any other suggestion than what?

20 Q. Than -- I think you testified that he said it  
21 might be in the spectro drawer.

22 A. I don't remember him suggesting that. I thought  
23 he suggested that it was thrown away. That was the only  
24 suggestion he gave me. That if it wasn't with all the Kennedy  
25 Assassination plates, that it would have been destroyed.

26 Q. Did you believe that explanation?

27 A. Of course, I did.

28 Q. You didn't consider it unusual that just one

1 (1) plate would be thrown away?

2 A. Well, this was done completely at a different  
3 time and by a different examiner that did all the other work  
4 in this case and he may not have attached his plate to where  
5 the other plates were.

6 Q. Well, what would he have done with it.

7 A. Put it in the plate drawer with all the other  
8 cases.

9 Q. Aren't you -- aren't they -- aren't -- isn't the  
10 F.B.I. required to keep plates for a certain amount of time?

11 A. Yes.

12 Q. How long is that?

13 A. Whatever the memorandum of destruction says,  
14 which, I think...

15 Q. Would you say five (5) years?

16 A. No, I don't know what it says.

17 Q. And if the plate were removed from that file  
18 drawer, would there be a record of that?

19 A. What do you mean removed from the file drawer?

20 Q. Well, if somebody takes the plate, I assume  
21 that somebody just can't go in and take it home with him or  
22 something without making a record.

23 MR. COLE: Mr. Lesar, are you talking about within  
24 the period before the destruction mandated by the F.B.I.  
25 memorandum?

26 MR. LESAR: At any time.

27 A. There is no record maintained as to when a plate  
28 is removed from the plate drawer.

1 Q. Okay. Is there any record that must be main-  
2 tained as to the destruction of a plate?

3 A. No.

4 Q. You can destroy the plate without making any  
5 record of it?

6 A. Record is made of the plates that were created  
7 prior to a certain date are destroyed.

8 Q. Okay. Now, do you destroy plates in an open  
9 case?

10 A. I don't destroy plates.

11 Q. Does anyone at the F.B.I.?

12 A. We don't destroy any records any more.

13 Q. Okay. Would you have destroyed them at any  
14 time since the Assassination of President Kennedy?

15 A. Any plates -- the plates in the Kennedy case,  
16 you're talking about?

17 Q. Yes.

18 MR. COLE: When you say, would you have, are you  
19 speaking of Mr. Kilty or the F.B.I.?

20 MR. LESAR: Would the F.B.I.?

21 A. Well, again, are you assuming the Kennedy case  
22 is an open case?

23 Q. Well, to the best of my recollection, the  
24 Director of the F.B.I. declared that it would always remain  
25 an open case and I know of no one who has declared that it was  
26 a closed case.

27 A. Well...

28 Q. As a matter of fact, the F.B.I. just recently

1 incited exemption...

2 MR. COLE: Rather than having testimony on this  
3 subject, why don't we have a question to the witness.

4 Q. Mr. Weisberg's -- alright, did you ask Agent  
5 Heilman if he destroyed it?

6 A. No, I didn't.

7 Q. Did you ask him who might have destroyed it if  
8 he didn't?

9 A. No.

10 Q. Did you make any investigation to determine who  
11 might have destroyed it?

12 A. Yes.

13 Q. What did you find?

14 A. I just -- my investigation involved determining  
15 what the time limit was on destruction of spectrographic  
16 plates, thinking that could have been one of the possibilities  
17 as to what happened to the plate.

18 Q. Well, now, what would have happened -- at the  
19 time the plate was created, it would have been filed some-  
20 where, is that correct?

21 A. Yes.

22 Q. Alright. It would have been filed with the  
23 other spectrographic plates, would it not?

24 A. I wish it had been. Obviously, it wasn't.

25 Q. Well, how do you know that?

26 A. Well, it's true, I don't know that of my own  
27 mind whether that was done at the same time as the other  
28 plates.

1 Q. Okay. Now, if it were filed with the other  
2 plates, it would be most unusual if that plate, alone, were  
3 destroyed, would it not?

4 MR. COLE: You're assuming the hypothetical, Mr.  
5 Lesar?

6 MR. LESAR: Yes.

7 A. I agree that it would be unusual to have one (1)  
8 plate destroyed.

9 Q. Almost sinister.

10 MR. COLE: Objection, Mr. Lesar.

11 Q. Mr. Weisberg made a request for spectrographic  
12 reports back in 1966. Would that have prevented destruction  
13 of such a plate?

14 A. I have no idea what was going on with Mr. Weis-  
15 berg's request in 1966 -- what that caused or anything about  
16 it.

17 Q. Wasn't it -- isn't it true that the F.B.I. had  
18 a regulation that materials that had been requested under the  
19 Freedom of Information Act could not be destroyed?

20 A. I don't know.

21 Q. You've never been made aware of any such regu-  
22 lation?

23 A. No.

24 Q. Did you call it -- did you ask Agent Heilman --  
25 he was former Agent at this time -- did you ask him about  
26 spectrographic notes for "Q15" -- or, excuse me, for "Q609",  
27 the curbstone?

28 A. I don't know. You have a copy of the memorandum.

1 Why don't you look at that and I think you can get...

2 Q. You don't recall whether or not you did?

3 A. My recollections are put down on that memorandum

4 which was made contemporaneously with the phone call.

5 Q. Alright, could you give this an Exhibit number?

6 MR. COLE: This is Exhibit 15?

7 Q. Okay. I direct your attention to a sentence

8 which says that an exhaustive search of pertinent files and

9 storage locations has not turned up the spectrographic plates

10 nor the notes made therefrom -- refers to the plates and notes

11 of the examination of the curbstone, spectrographically. Did

12 you ask Mr. Heilman about his notes?

13 A. I don't recollect if I did or not.

14 Q. Would this memorandum indicate that you did?

15 MR. COLE: Objection. I think the memorandum

16 speaks for itself.

17 Q. Well, you prepared this memorandum, didn't you?

18 A. Yes, I did.

19 Q. Yes. And you indicate that -- in here -- that

20 there had been a search for the notes as well as for the plate.

21 A. Yes.

22 Q. And that you had not turned them up.

23 A. That's right.

24 Q. Okay. What is usually done with the Agent's

25 notes? Where are they stored and kept?

26 A. In this case or in any case?

27 Q. Well, let's take this case. Where were they?

28 A. Some were sent to central records files in the



1 main file and others were in part of the two (2) drawers --  
2 or two (2) file cabinets in the F.B.I. Laboratory.

3 Q. Allright. Now, were the ones that were in the  
4 two (2) drawers in the F.B.I. Laboratory duplicative of the  
5 ones sent to central records or were they different?

6 A. Both.

7 Q. Both. So that central records did not contain  
8 all of the notes on the spectrographic examinations.

9 A. That plus a lot of other things it didn't con-  
10 tain.

11 Q. Okay. This refers to an exhaustive search of  
12 pertinent files. What pertinent files did you search?

13 A. I don't remember.

14 Q. What files could you have searched?

15 A. Ones that I thought were pertinent.

16 Q. Well, what files could be pertinent? You're  
17 looking for spectroplates and for notes. Let's just take  
18 spectroplates. What files could be pertinent?

19 A. I think you're probably using the term, file,  
20 there in -- no, I used storage locations, too, so, the Kennedy  
21 file, the Oswald file, parts thereof. They would be the two  
22 (2) logical files to search.

23 Q. Allright. Did you look in all Sections of the  
24 F.B.I. Laboratory and all the Units of the F.B.I. Laboratory?

25 A. No.

26 Q. Did you consult all of the examiners who have  
27 performed spectrographic plates about where they might be?

28 A. Heiberger, Heilman and Gallagher were consulted

1 A. Yes.

2 Q. What was their reaction?

3 A. I don't remember.

4 Q. Were they disturbed by it?

5 MR. COLE: The question has already been asked. He  
6 answered that he did not remember.

7 MR. LESAR: I'm trying to refresh his recollection.

8 A. Well, I have no recollection at all of the re-  
9 sponse I got when I asked the question, where's the curbstone  
10 plate.

11 Q. Did they suggest -- the other examiners other  
12 than Heilman -- suggest any place you might look?

13 A. I'm not -- I don't recollect whether if they  
14 did or not. I mean they were helpful. I certainly didn't  
15 get any go find it yourself attitude from them or anything  
16 like that.

17 Q. Did you search any divisions of the F.B.I. other  
18 than the Laboratory division?

19 A. Well, I searched material furnished by other  
20 divisions -- another division, the files division. I don't  
21 consider myself searching a division when I search files that  
22 are stored by someone else.

23 Q. How about the General Investigative Division?

24 A. Spectrographic plates in the General Investiga-  
25 tive Division?

26 Q. You are certain they would not be there.

27 A. I am certain spectrographic plates would not be  
28 in the General Investigative Division.

1 Q. How about notes and other information pertaining  
2 to the spectrographic plates?

3 A. What about it?

4 Q. Would they be in the General Investigative  
5 Division -- could they be?

6 A. Only if the serials or the file sections that  
7 any of that material was in happened, at that time, to be in  
8 the General Investigative Section for some other matters or  
9 whatever.

10 Q. You mean materials would not ever be sent to  
11 the General Investigative Division?

12 A. If they call a section of a file and it happens  
13 to have some laboratory material in it, they've got it. So,  
14 you know, I don't know.

15 Q. General Investigative Division does have its  
16 own files, doesn't it?

17 A. I don't know what they have.

18 Q. Never been there?

19 A. I've been in General Investigative Division.  
20 They've got file drawers. I don't know what's in those  
21 drawers. I never looked in them.

22 Q. Did you provide every pertinent record relating  
23 to the curbstone testing?

24 A. I've provided all the records pertinent or  
25 impertinent regarding the curbstone testing.

26 Q. Let me ask this. The -- are you aware that Mr.  
27 Weisberg has charged that the curbstone was patched before it  
28 was tested by the F.B.I.?