

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. Conrad
- 1 - Mr. Williams, 7133

- Tolson
- Sullivan
- Mohr
- Bishop
- DeLoach, C.D.
- Callahan
- Casper
- Conrad
- Felt
- Gale
- Rosen
- Tavel
- Walters
- Woychik
- Tele. Room
- Holmes
- Gandy

TO : Mr. Conrad

DATE: 8/19/70

FROM : M. E. Williams

SUBJECT: HAROLD WEISBERG V. DEPARTMENT OF JUSTICE
USDC D. C., CIVIL ACTION NO. 2301-70

By memorandum of 8/13/70, copy attached, the Department has requested the Bureau to provide certain information relative to a civil suit brought by Harold Weisberg to force the Government to "produce and make available for copying the spectrographic analyses of the various bullets and fragments" involved in the assassination of President Kennedy.

Weisberg is the author of several books pertaining to the assassination including "Whitewash - The Report of the Warren Commission." His writings for the most part are vitriolic and diabolical criticisms of the Warren Commission, the FBI, the Secret Service, several other U. S. Government agencies, and the Dallas Police Department. His writings contain inaccuracies, falsehoods, and deliberate slanting of facts to suit his purpose.

There has been considerable past correspondence between Weisberg and the Department and the Department and the Bureau concerning the results of these spectrographic examinations. In each instance, Weisberg has been denied access to the detailed notes, work sheets, and photographic plates comprising the "raw data" upon which the conclusions of the Laboratory examiners were based. This civil suit is the latest in Weisberg's moves to obtain this material.

Enclosures (2) *sent 8-21-70*

62-109060

- 1 - Mr. Mohr
- 1 - Mr. Sullivan
- 1 - Mr. Rosen
- 1 - Mr. Casper (Attention: Mr. Dalbey)
- 1 - Mr. Bishop

MEW:mjk (8)

CONTINUED - OVER

REC-29

AUG 31 1970

EX-103

AUG 27 1970

44 SEP 1 1970

Memorandum to Mr. Conrad
RE: HAROLD WEISBERG
62-109060

As a matter of background information, spectrographic analyses of material such as bullet material permit a compositional comparison of the different samples and thus an indication as to whether such samples may have originated from the same or different bullets. Laboratory examiners furnished testimony before the Warren Commission that certain fragments were examined spectrographically and were similar in composition. The "raw data" (work sheets, notes, and photographic plates) upon which these conclusions were based are part of the Bureau's investigative files pertaining to this matter. These "raw data" are not normally made public since they can only be interpreted properly by scientifically trained personnel. Moreover opening the Bureau's investigative files would set a highly dangerous precedent and could cause irreparable damage. Paragraph 5 in the attached affidavit covering this aspect is included at the request of the Department.

In a somewhat similar suit "John Nichols v. United States of America, et al., USDC D. Kansas, Civil No. T-4536" filed 1/20/69 we answered the Department memorandum of 2/3/69 in a manner similar to the instant response. In that reply as in the attached memorandum we recommended to the Department that the release of the requested information be denied based on the exemption in the Public Information Law, 5 USC 552, subsection (b), paragraph 7, which specifically exempts investigative files compiled for law enforcement purposes. This case was subsequently withdrawn by the Plaintiff.

RECOMMENDATION:

1. That we recommend to the Department that the release of the information requested by Weisberg be opposed.

2. There is attached for approval a proposed memorandum enclosing the affidavit requested.

[Handwritten signatures and initials]
✓
WWS
T
2

UNITED STATES GOVERNMENT

Memorandum

DATE: AUG 13 1970

TO : Mr. J. Edgar Hoover
Director, Federal Bureau of Investigation

WDR:JFAxelrad:DC
145-12-1449

FROM : William D. Ruckelshaus
Assistant Attorney General
Civil Division

SUBJECT: Harold Weisberg v. Department of Justice
USDC D.C., Civil Action No. 2301-70

- Mr. Tolson
- Mr. Sullivan
- Mr. Mohr
- Mr. Bishop
- Mr. Brennan CD
- Mr. Callahan
- Mr. Casper
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Tavel
- Mr. Walters
- Mr. Soyars
- Tele. Room
- Miss Holmes
- Miss Gandy

A copy of the complaint recently filed in this action is enclosed.

In order that we may defend this action, please send us not later than September 1, 1970, a report, in duplicate, setting forth the facts involved. Because many courts are reluctant to grant extensions of time to answer, we request that this report be given your preferred attention. If you cannot send us the necessary material within that time, please let us know promptly so we can inform the court of the reason for the delay.

It will be helpful if you will state specifically which allegations of the complaint should, in your opinion, be admitted and which should be denied, and make suggestions for any affirmative allegations to be made in the answer.

Please include a list of the names, official positions, and addresses of persons who have personal knowledge of the facts involved and a brief summary of the matters about which they can testify on behalf of the Government.

Your report should also include information (and copies of relevant documents, if any) as to any defense set-off or counterclaim which you believe may be available.

In addition, please transmit with your response to this memorandum originals and six copies of an affidavit establishing the basis for defense of this litigation. The affidavit could be prepared along the lines of the affidavit executed by Special Agent Roy H. Jevins for use in litigation entitled John Nichols v. United States, USDC D Kan., Civil No. T-4536. In addition to the statements made in that affidavit, we suggest you include in the affidavit in the present litigation, a statement of how your law enforcement purposes would be hindered were the materials sought subject to public disclosure.

B.

EXP. PROC

AUG 14 1970

AUG 31 1970

ENCLOSURE
ENCLOSURE ATTACHED: United States Attorney
District of Columbia

EX-109

22 AUG 14 1970