

JFK assassination appeals- good faith search; due diligence - role of the Laboratory

I have already called to your attention what appears to be the memory-holing of relevant records in a special 80 "Laboratory Research" file and have appealed the denial of all such records, not one of which has been provided in response to any request or in the course of any of my numerous information suits.

When the FBI knows that relevant records are in the 80 and similar files it is obvious that there has not been a good-faith search.

The attached record from 62-109060 according to the notation I made when I first saw this record the end of 4/79 (and it may have been 109090, from the subject matter, although I think not) has no Serial Number and is not marked as Not Recorded. It relates to the mandatory 1975 review of withheld Warren Commission records.

The Laboratory is not known to have used any secret processes in any of its work, what it did for the Commission, what it did not provide to the Commission or what it did in response to specific requests from the Commission. There therefore would appear to be no need for any record originating from the Laboratory to have been withheld in the Commission's records at the Archives.

However, when this OLC memo reached the FBI Director Kelley noted "Lab is handling?"

Unlike those who immediately preceded him after the death of Director Hoover Mr. Kelley was an old FBI pro who had retired as an SAC. He knew the FBI business. His asking this question cannot be dismissed as the fumbling of an outsider.

Combined with the implications of the 80 file and my prior knowledge of the Lab and its affidavits and testimony that the Director would indicate this added Lab role leads to the belief that compliance is impossible without a diligent search of all the nooks and crannies of the Lab and any special records and/or indices not in Central Files. No such search has been indicated, none has been attested to in any proceeding, and I again remind you that all my requests are by subject, not by file number.

Memorandum

TO : Clarence M. Kelley
Director, Federal Bureau of Investigation

DATE: JUL 18 1975

FROM : Leon Ulman
Deputy Assistant Attorney General
Office of Legal Counsel

SUBJECT: Records of President's Commission on the Assassination of President Kennedy

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| Asst. Dir.: | |
| Admin. | |
| Comp. Syst. | |
| Ext. Affairs | |
| Files & Com. | |
| Gen. Inv. | |
| Ident. | |
| Inspection | |
| Intell. | |
| Laboratory | |
| Legal Coun. | |
| Plan. & Eval. | |
| Spec. Inv. | |
| Training | |
| Telephone Rm. | |
| Director Sec'y | |

Enclosed is a letter from the Archivist of the United States, with attachments, asking the Department of Justice to review certain documents of the President's Commission on the Assassination of President Kennedy that are presently withheld from research, to determine whether such documents now may be, or must be, disclosed. We would appreciate your designating someone to review the FBI documents mentioned in the Archivist's letter, in view of the 1974 amendments to the Freedom of Information Act, and reporting the FBI's conclusions concerning those documents which may be disclosed, so that we can prepare the Department's report to the Archivist.

This Office is currently reviewing the "Guidelines for Review of Materials Submitted to the President's Commission on the Assassination of President Kennedy," in light of the 1974 amendments to the Freedom of Information Act.

Attachment

Who is handling?

*Mr. [unclear] 7/31/75
THB: PAK*

PROC

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Original with attachments sent to Messrs. Jenkins + Macdonald

101-1473-04

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